



For More Information, Contact:

Kathy Rathel
Customer Service Technician
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
407.656.4111 ext. 5149
krathel@cwqdn.com

PLANNING & ZONING BOARD AGENDA

To: Eric Weiss – Chairman
Will Hawthorne – Vice Chairman
Mark DeFuso
Heather Gantt
Gerald Jowers
David Kassander
Mark Maciel

Copy to: Mike Bollhoefer
Dan Langley
Kurt Ardaman
Ed Williams
Stephen Pash
Kelly Carson
Jessica Frye

RE: Agenda – **September 14, 2015 at 6:30 PM**
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

-
1. **CALL TO ORDER**
 2. **ROLL CALL AND DETERMINATION OF QUORUM**
 3. **APPROVAL OF MINUTES FROM THE AUGUST 17, 2015 MEETING**

ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)

4. N. West Crown Point Road (Latchman property) **AZFA**
Parcel ID #12-22-27-1840-24-011
5. 1211 E Maple Street (Eco Storage) **Z-FA**
Parcel ID #12-22-27-6496-09-019

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

6. 3107 Daniels Road, Suite 102 (Verizon Wireless)
Parcel ID #35-22-27-9398-03-010

VARIANCE (PUBLIC HEARING)

7. 12824 Keddlestone Lane (Danh Tran)
Parcel ID #35-22-27-2828-00-940

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, **October 5, 2015** at **6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.



**PLANNING AND ZONING BOARD
SPECIAL MEETING MINUTES
AUGUST 17, 2015**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Chairman Eric Weiss called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. A moment of silence was followed by the Pledge of Allegiance.

2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present.

MEMBERS PRESENT:

Chairman Eric Weiss, Vice-Chairman Will Hawthorne, and Board Members: Mark DeFuso, and David Kassander

MEMBERS ABSENT:

Heather Gantt, Gerald Jowers, and Mark Maciel (all excused)

STAFF PRESENT:

City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Community Development Director Ed Williams, Community Development Manager Steve Pash, Planner II Kelly Carson, Planner I Jessica Frye, and recording secretary Kathleen Rathel

3. APPROVAL OF MINUTES

Motion by Eric Weiss to approve the regular meeting minutes of July 6, 2015 and seconded by Will Hawthorne. Motion carried unanimously 4 - 0.

ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)

4. 640 Tildenville School Road – Pertab Singh & Doowatee Singh (AZFA)

Community Development Manager Pash presented a voluntary request for Annexation, Future Land Use designation, and Zoning for a 0.99 +/- acre property located at 640 Tildenville School Road. The property is situated on the west side of Tildenville School Road south of West Plant Street. The applicant is requesting Annexation, initial Zoning of R-1 and a Future Land Use Designation of Low Density Residential. Staff has reviewed the application and recommends approval of Ordinances 15-57, 15-58, and 15-59 subject to the conditions listed in the Ordinances and Staff Report.

Motion by Mark DeFuso to recommend approval for Ordinances 15-57, 15-58 and 15-59 (with Staff Recommendations as provided in the agenda packet) and seconded by David Kassander. Motion carried unanimously 4 - 0.

5. 420 Roper Road –Sonata West Orange Campus (Rezoning PUD)

Community Development Manager Pash presented a request for rezoning of a 7.15 +/- acre property located at 420 Roper Road from R-1 to PUD (Planned Unit Development) to allow construction of a 115 unit Assisted/Independent Living Facility. The property is situated on the north side of Roper Road between Daniels Road and Winter Garden Vineland Road. At the July 6, 2015 P&Z meeting, the Board recommended tabling the item until a traffic study was done. The traffic study was completed and a copy was included in the agenda packet. Staff has reviewed the application and recommends approval of Ordinance 15-55 subject to the conditions listed in the Ordinance and Staff Report.

Community Development Director Williams addressed the Board to go over the recommendation to approve the rezoning and the Assisted Living Facility. Mr. Williams explained that not all projects require a traffic study and they are not typically required at rezoning. The Expressway Authority, the City of Winter Garden, Orange County and the State of Florida monitor all the major roads on an annual basis for traffic counts and turning movement counts. He stated the City of Winter Garden will take over a road if the problems are not sufficiently addressed by other jurisdictions and will work with developers on necessary road improvements. Mr. Williams discussed the consideration of road improvements by using signalization, speed control, road design features, and traffic calming devices. He also stated the City closely monitors Daniels Road and Winter Garden Vineland Road due to the developments and listed some current actual traffic counts for the area stating counts were down since 2007 and the Sonata campus would have minimum impact on Daniels and Winter Garden Vineland Road and their capacity would be able to handle the impact.

Board Member Kassander asked if the traffic impact study included all future planned developments. Mr. Williams stated they take all the existing traffic and development, the proposed project, all the approved and known projects, and add 2% per year growth rate. The City of Winter Garden prefers to design roads with a slow speed and more residential in character to slow down the pass-through traffic.

City Manager Bollhoefer discussed future road plans and improvements.

General discussion on dates of traffic studies and the effect on development and residents.

Motion by David Kassander to recommend approval for the rezoning of 420 Roper Road [Ordinance 15-55] with Staff Recommendations (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 4 - 0.

PRELIMINARY PLAT

6. 601 W. Bay Street – Hennig Property

Planner II Carson presented a Preliminary Plat request for 45 single-family residential lots within the 20.21 +/- acre Hennig Property located at 601 W. Bay Street. The development includes a small recreation area on site with a tot lot and the applicant has also agreed to pay into the City's recreation fund for the remaining recreation areas that are not provided on site. The proposed Preliminary Plat is consistent with the City's Comprehensive Plan and the R-1 Zoning and Staff recommends approval subject to the conditions listed in the Staff Report.

Planner II Carson states the City has been working with the applicant and one of the conditions is that the developer saves as many trees as possible in order to move forward.

Motion by Will Hawthorne to recommend approval of the Preliminary Plat for the Hennig Property [601 W. Bay Street] (with Staff Recommendations as provided in the agenda packet) and seconded by Eric Weiss. Motion carried unanimously 4 - 0.

7. Lake Brim Drive – Oakland Park Phase 4

Planner II Carson presented a Preliminary Plat request for 158 single-family residential lots within the 66 +/- acre Oakland Park Phase 4 located on Lake Brim Drive. The Preliminary Plat was previously approved by the Planning & Zoning Board in January of 2015. Since January, the applicant proposed a substantial change involving an on-site wetland with no change to the number of proposed lots. The wetland was originally shown as being preserved with plans to restore the wetlands, which currently contains invasive plants and is of poor quality. The applicant proposes to use the wetland area as a Stormwater Retention site for this phase as well as develop it as part of a large amenity center for the neighborhood. The existing invasive plants will be removed, the large trees will be preserved, and the wetland will become a lake feature with a dock and walking trails. Staff has reviewed the revision to the application and recommends approval subject to the conditions listed in the Staff Report.

Board Member Kassander asked if there were any EPA guidelines to using the wetlands. Ms. Carson stated the quality of the wetlands was deemed poor and only seasonally wet. Mr. Kassander then asked if the City works with anyone when a wetland is being developed. Ms. Carson replied that the City works with the St. Johns River Water Management District that provides the conditions for mitigating wetlands and St. Johns suggested the change.

General discussion of the stormwater retention, amenity center, and gutter requirements.

Motion by Mark DeFuso to recommend approval of the Preliminary Plat for Oakland Park Phase 4 with Staff Recommendations (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 4 - 0.

8. 1205 & 1225 N. West Crown Point Road – Cisneros Plat

Planner II Carson presented a Preliminary Plat request for 2 single-family residential lots within the 1.428 +/- acre Cisneros Property subdivision located at 1205 & 1225 N. West Crown Point Road. The proposed re-plat was required by the City to clean up underlying platting and easement lines. The Preliminary Plat is consistent with the property's R-1 zoning and Staff recommends approval subject to the conditions listed in the Staff Report.

Motion by Eric Weiss to recommend approval of the Preliminary Plat for 1205 & 1225 N. West Crown Point Road with Staff Recommendations (as provided in the agenda packet) and seconded by David Kassander. Motion carried unanimously 4-0.

VARIANCE (PUBLIC HEARING)

9. 758 Citrus Cove Drive – Kummary Persaud

Planner I Frye presented a request for a Variance to the minimum rear yard setback for the property located at 758 Citrus Cove Drive. The applicant is requesting the variance to allow the construction of a screen room with a solid roof at a 12.9' rear yard setback in lieu of the minimum required 22' rear yard setback in the R-2 Zone. Staff has reviewed the application and recommends approval subject to the conditions listed in the Staff Report.

Board Member Weiss inquired if there was HOA approval. Ms. Frye replied that the HOA approval letter has been received. City Attorney Ardaman stated it is the City's practice to ask for the HOA approval first so there is no conflict between the City and the HOA. Community Development Manager Pash further clarified that the City requires an HOA approval letter for all building permits from any neighborhood that has an HOA Board

Motion by David Kassander to recommend approval of the Variance for 758 Citrus Cove Drive with Staff Recommendations (as provided in the agenda packet) and seconded by Mark DeFuso. Motion carried unanimously 4 - 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:19 pm.

ATTEST:

APPROVED:

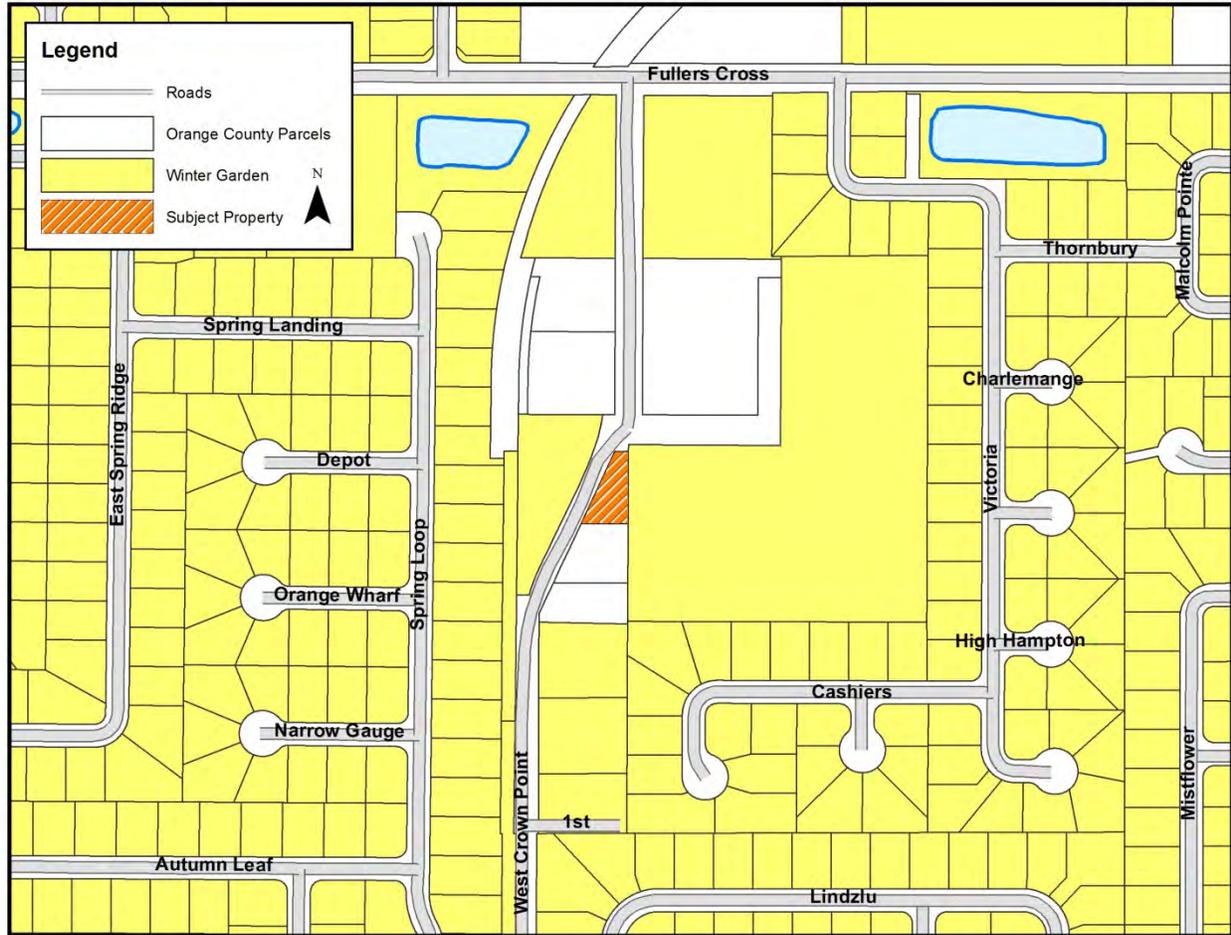
Customer Service Rep. Kathleen Rathel

Chairman Eric Weiss

LOCATION MAP

N West Crown Point Road

Annexation, Future Land Use, Zoning



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

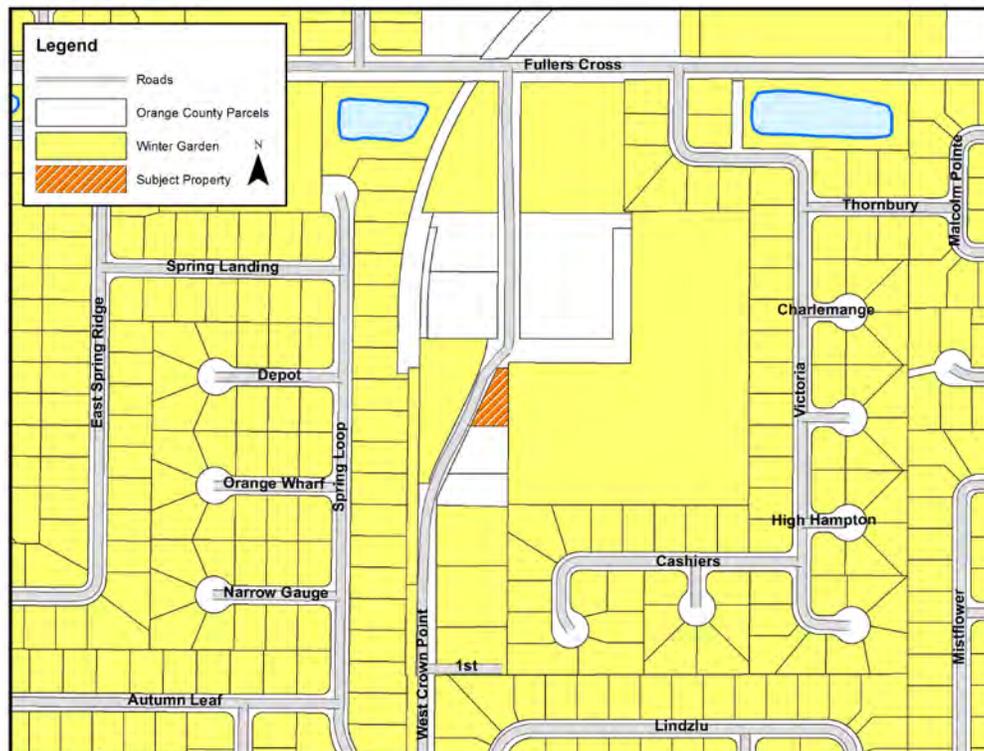
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: SEPTEMBER 9, 2015
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
N WEST CROWN POINT ROAD (0.23 +/- ACRES)
PARCEL ID #: 12-22-27-1840-24-011
APPLICANT: SURUJH LLOYD LATCHMAN

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property consists of a parcel located at North West Crown Point Road, on the east side of North West Crown Point Road north of Macy Du Lane and south of East Fullers Cross Road and is approximately 0.23 ± acres in size. The map below depicts the subject property within the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-1 Single-Family Residential District.

In accordance with the City's Comprehensive Plan, properties designated with the Low Density Residential land use category are required to be developed at a gross residential density between 2 to 6 dwelling units per gross acre and up to 9 units per gross acre for workforce/low income housing with a maximum of 10 acres and will be identified on the Future Land Use Map only in areas that have the urban services and public facilities that can accommodate a higher density of residential housing. Factors in determining the location of this land use category included proximity to natural resources and urban services, availability of public facilities and the characteristics of nearby existing and future neighborhoods. Churches and schools are allowable uses in the Low Density areas that are zoned R-2 and in specified areas of PUDs and via a Special Exception Permit in all other allowable zoning classifications. The zoning classifications that are consistent with the Low Density Residential classification are PUD, R-1A, R-1, R-2, R-1B, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently vacant, containing mostly grassy patches, scattered shrubs, and several medium/large trees. The applicant intends to construct a single-family residence on the property after annexation into the City.

ADJACENT LAND USE AND ZONING

The property located to the west of the subject property contains five single-family residential buildings, is zoned R-1 and is located within the City of Winter Garden Municipal Limits. Also located in the City and zoned R-1 is the 8.72 +/- acre property located to the east of the subject property, which is developed with a single-family residence. The property located to the north of the subject property is currently vacant. This property is zoned A-1 and is located in Unincorporated Orange County. The property located to the south is also a vacant residential property that is zoned A-1 and located in Unincorporated Orange County.

PROPOSED USE

The applicant intends to annex the subject property in order to take advantage of City services when the property is developed in the future. No such development plans have yet been submitted to the City. At time of development, the applicant will be required to adhere to all City land development regulations. Conditions will be placed on the development addressing all site-related issues, including, but not limited to, protection of sensitive environmental areas (wetlands, streams, etc.), soils and geotechnical reports, tree removal and mitigation, required right-of-way dedication to the City, platting and required easements, etc.

PUBLIC FACILITY ANALYSIS

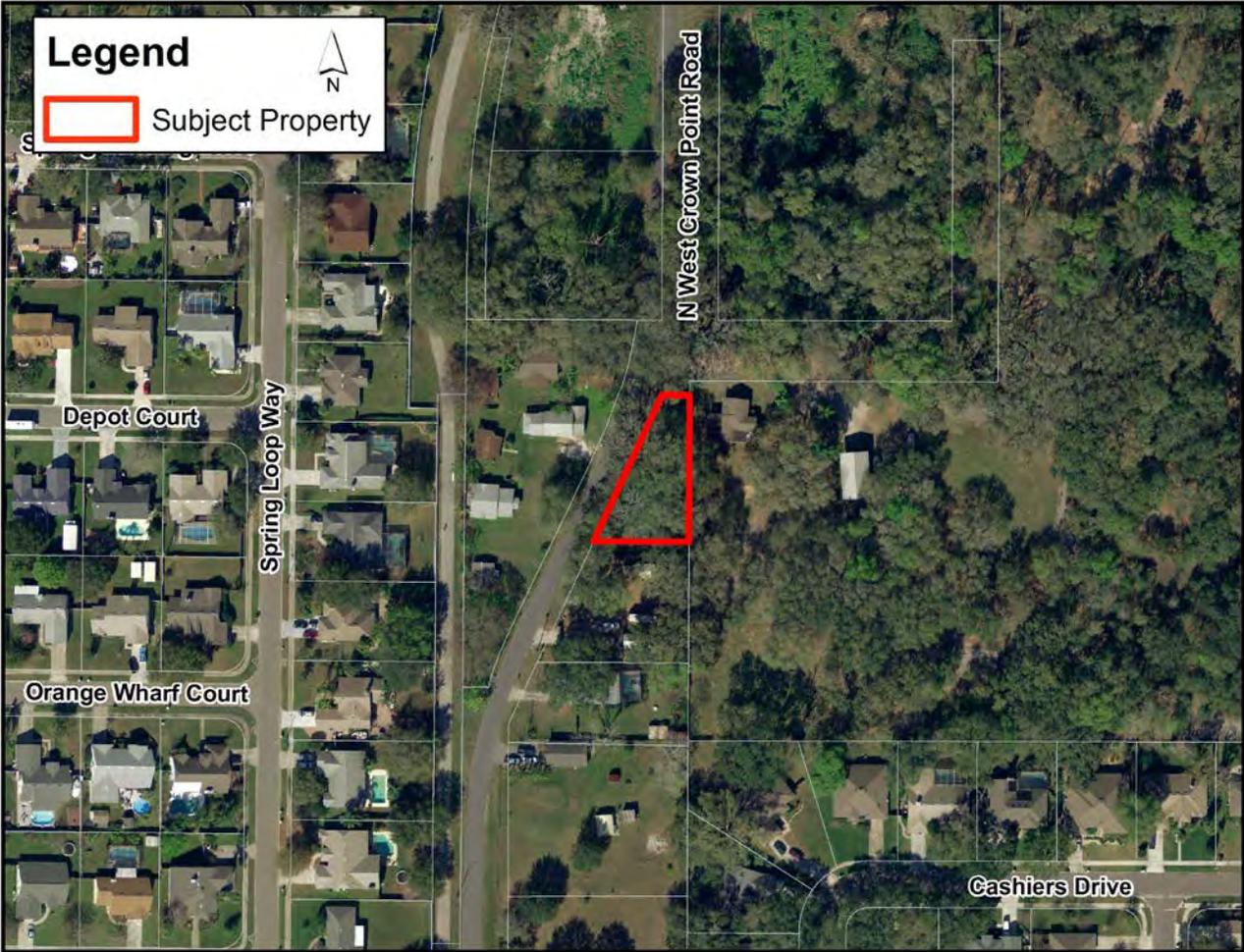
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

SUMMARY

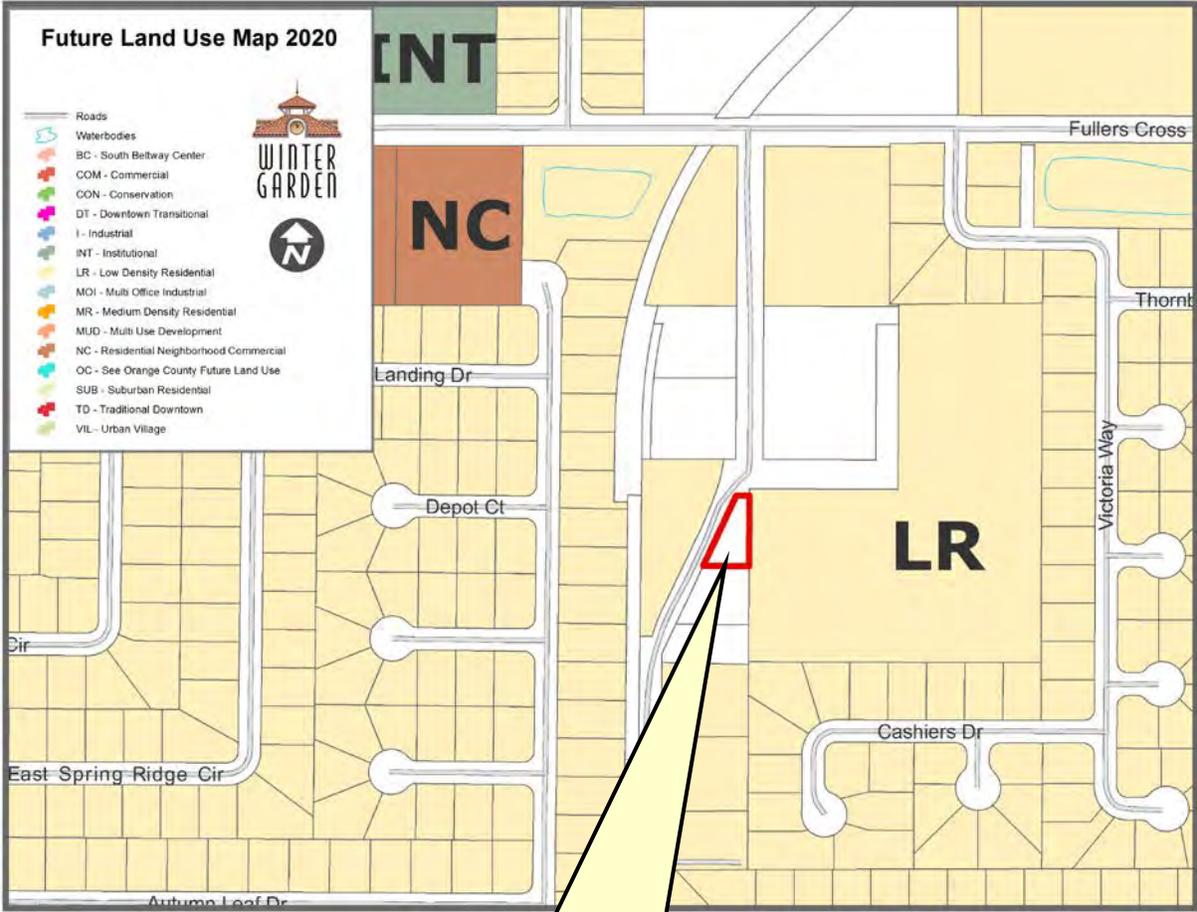
Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden’s Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

AERIAL PHOTO

N West Crown Point Road



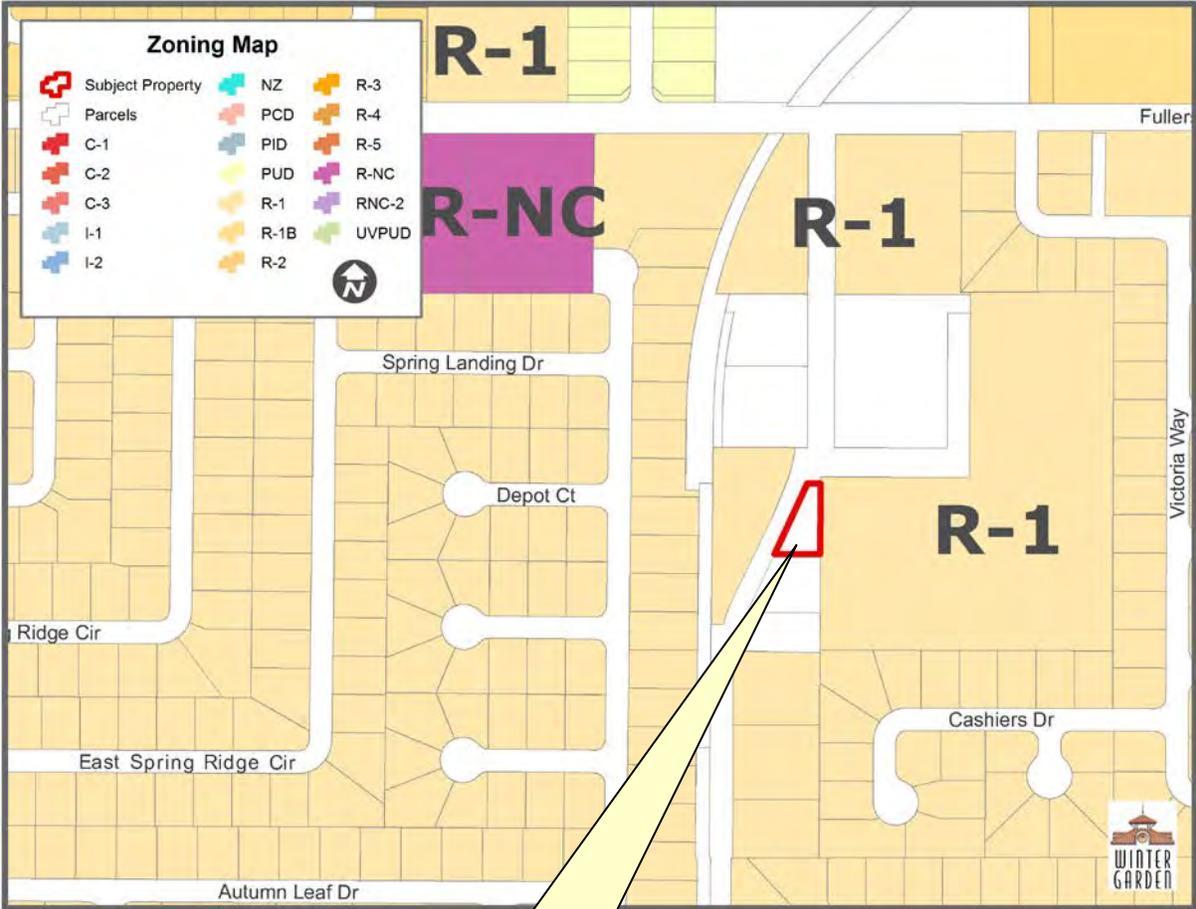
FUTURE LAND USE MAP
N West Crown Point Road



Subject property changed from Orange County Low Density Residential to City Low Density Residential

ZONING MAP

N West Crown Point Road



Subject property changed from
Orange County A-1 to City R-1

END OF STAFF REPORT

ORDINANCE 15-61

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT NORTH WEST CROWN POINT ROAD ON THE EAST SIDE OF NORTH WEST CROWN POINT ROAD NORTH OF MACY DU LANE AND SOUTH OF EAST FULLERS CROSS ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.23 ± acres with Parcel ID Number 12-22-27-1840-24-011 located on the east side of North West Crown Point Road north of Macy Du Lane and south of East Fullers Cross Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT “A” and graphically shown in ATTACHMENT “B” shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have

over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 12-22-27-1840-24-011

DESCRIPTION:

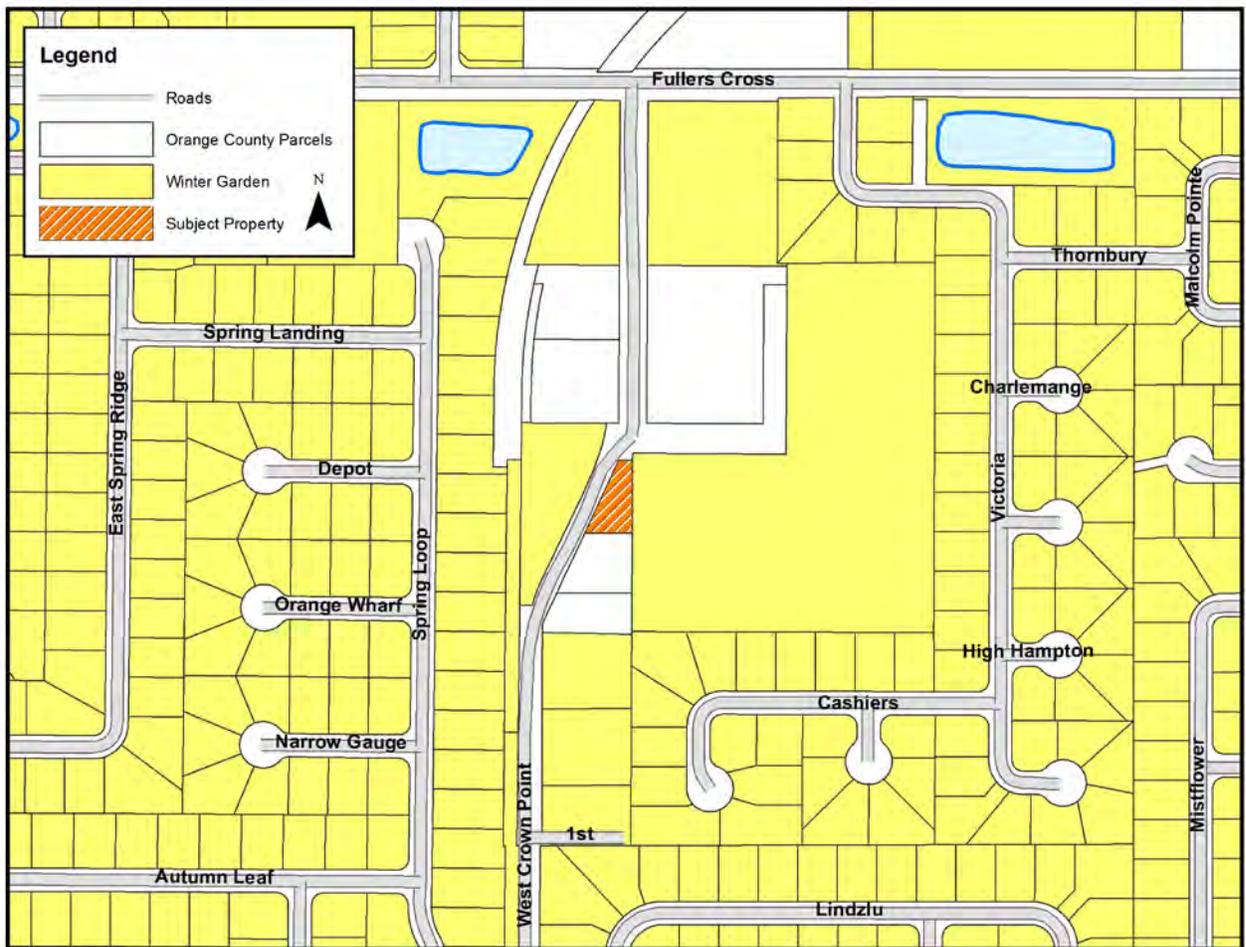
Commence at the most Southeasterly corner of Lot 212, CROWN POINT SPRINGS UNIT TWO, as recorded in plat book 23, Pages 99 and 100 Public Records of Orange County, Florida; thence run N00°36'56"E, along the East line of said Lot 212, a distance of 15.23 feet; thence N89°46'19"E a distance of 240.32 feet for a Point of Beginning; thence N89°46'19"E a distance of 28.56 feet to a point on the centerline of 6th Street (vacated per official Records Book 3151, Page 1419); thence S00°13'44"W, along said centerline, a distance of 155.70 feet; thence S89°49'58"W a distance of 101.10 feet; thence N25°08'30"E a distance of 172.19 feet to the point of Beginning.

Containing 0.232 acres, more or less.

ATTACHMENT "B"

LOCATION MAP

PARCEL ID#: 12-22-27-1840-24-011



ORDINANCE 15-62

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.23 ± ACRES LOCATED AT NORTH WEST CROWN POINT ROAD ON THE EAST SIDE OF NORTH WEST CROWN POINT ROAD NORTH OF MACY DU LANE AND SOUTH OF EAST FULLERS CROSS ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as approximately 0.23 ± acres with Parcel ID Number 12-22-27-1840-24-011 located on the east side of North West Crown Point Road north of Macy Du Lane and south of East Fullers Cross Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Low Density Residential as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 15-61, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state

land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

SECTION III. Severability. Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 12-22-27-1840-24-011

DESCRIPTION:

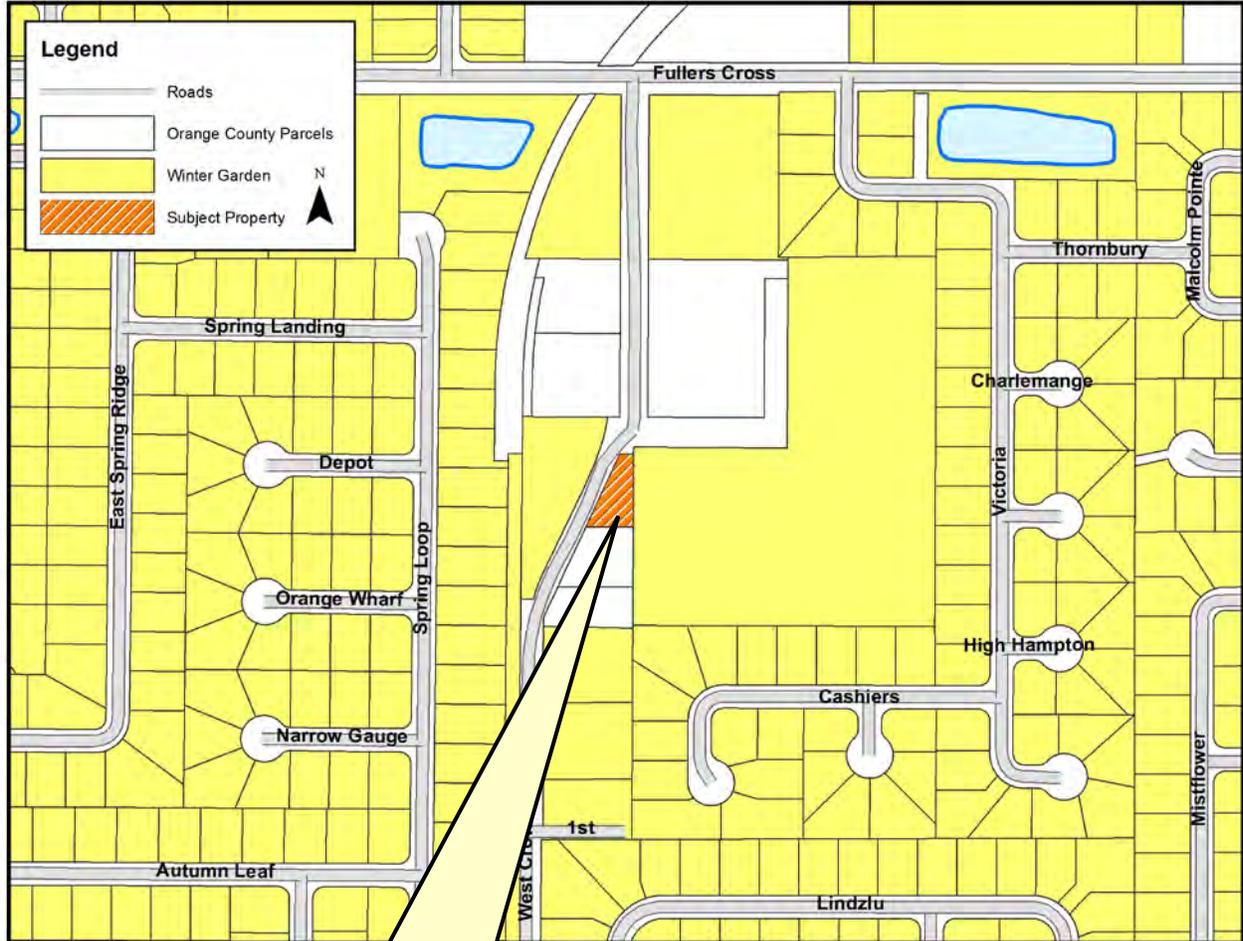
Commence at the most Southeasterly corner of Lot 212, CROWN POINT SPRINGS UNIT TWO, as recorded in plat book 23, Pages 99 and 100 Public Records of Orange County, Florida; thence run N00°36'56"E, along the East line of said Lot 212, a distance of 15.23 feet; thence N89°46'19"E a distance of 240.32 feet for a Point of Beginning; thence N89°46'19"E a distance of 28.56 feet to a point on the centerline of 6th Street (vacated per official Records Book 3151, Page 1419); thence S00°13'44"W, along said centerline, a distance of 155.70 feet; thence S89°49'58"W a distance of 101.10 feet; thence N25°08'30"E a distance of 172.19 feet to the point of Beginning.

Containing 0.232 acres, more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

PARCEL ID#: 12-22-27-1840-24-011



Subject property changed from Orange County Low Density Residential to City Low Density Residential

ORDINANCE 15-63

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.23 ± ACRES LOCATED AT NORTH WEST CROWN POINT ROAD ON THE EAST SIDE OF NORTH WEST CROWN POINT ROAD NORTH OF MACY DU LANE AND SOUTH OF EAST FULLERS CROSS ROAD FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.23 ± acres with Parcel ID Number 12-22-27-1840-24-011 located on the east side of North West Crown Point Road north of Macy Du Lane and south of East Fullers Cross Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Agricultural District to the City's R-1 Single-Family Residential District zoning classification, therefore; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to R-1 Single-Family Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: *Rezoning.* The above "Whereas" clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County A-1 Agricultural District to City R-1 Single-Family Residential District in the City of Winter Garden, Florida.

SECTION 2: *Zoning Map.* The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 15-62 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 12-22-27-1840-24-011

DESCRIPTION:

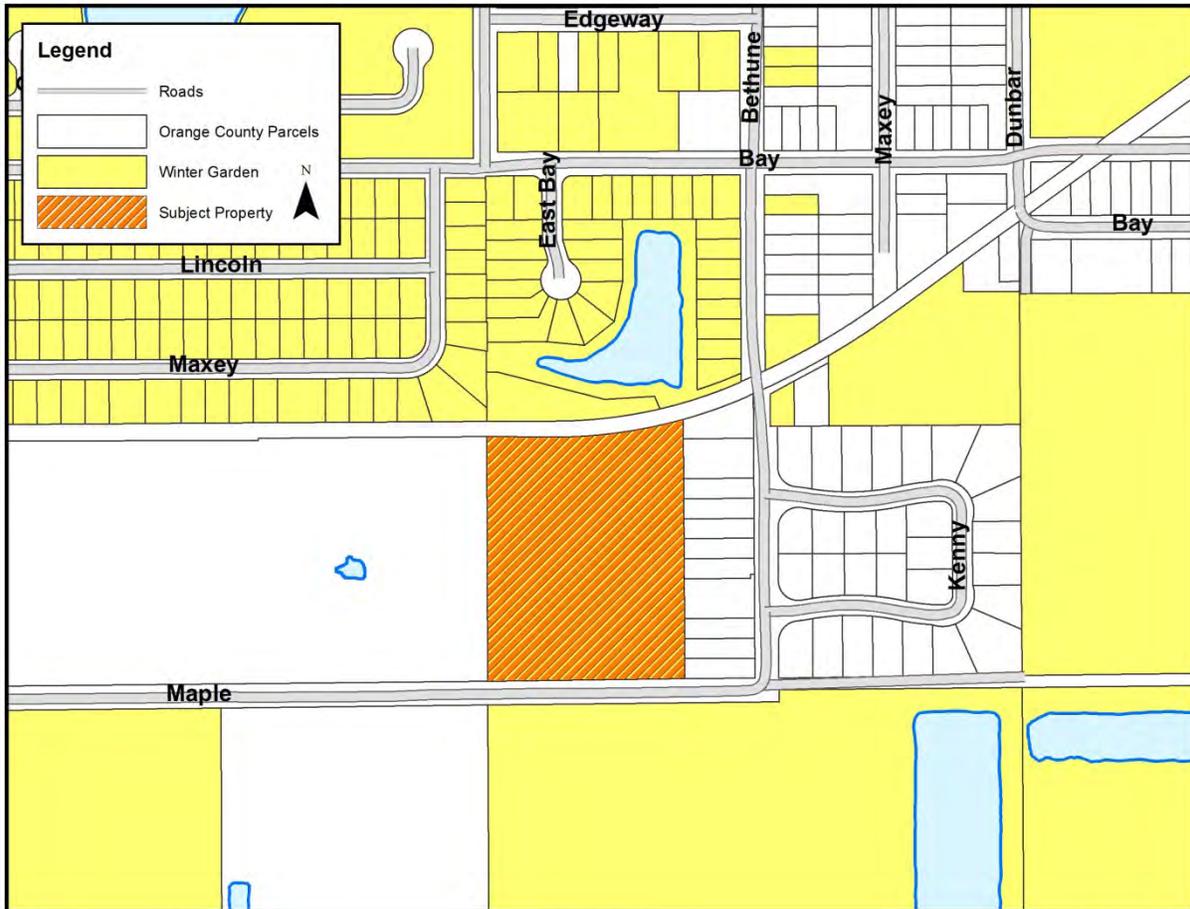
Commence at the most Southeasterly corner of Lot 212, CROWN POINT SPRINGS UNIT TWO, as recorded in plat book 23, Pages 99 and 100 Public Records of Orange County, Florida; thence run N00°36'56"E, along the East line of said Lot 212, a distance of 15.23 feet; thence N89°46'19"E a distance of 240.32 feet for a Point of Beginning; thence N89°46'19"E a distance of 28.56 feet to a point on the centerline of 6th Street (vacated per official Records Book 3151, Page 1419); thence S00°13'44"W, along said centerline, a distance of 155.70 feet; thence S89°49'58"W a distance of 101.10 feet; thence N25°08'30"E a distance of 172.19 feet to the point of Beginning.

Containing 0.232 acres, more or less.

LOCATION MAP

1211 E Maple Street

Future Land Use & Zoning



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

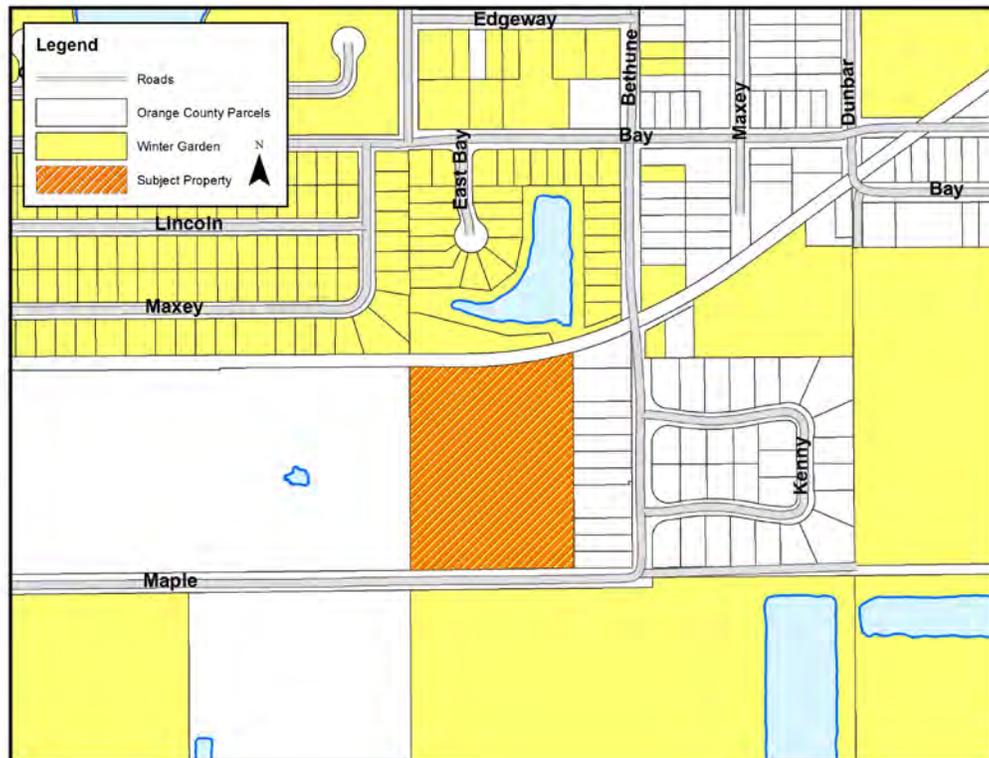
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: SEPTEMBER 10, 2015
SUBJECT: FLU AMENDMENT – ZONING
1211 E Maple Street (6.96 +/- ACRES)
PARCEL IDS #: 12-22-27-6496-09-019
APPLICANT: ECO STORAGE

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property consists of a parcel located at 1211 East Maple Street, on the north side of East Maple Street west of Bethune Avenue and south of east Bay Street and is approximately 6.96 ± acres in size. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested an amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to change the property's designation from Low Density Residential (LR) to Multi-Use Development (MUD). The applicant is also requesting to rezone the property from R-4 Residential District to I-1 Light Industrial and Warehousing District.

In accordance with the City's Comprehensive Plan, properties designated with the Multi Use Development (MUD) land use category are required to be developed at a floor area ratio not greater than 0.5 and up to a floor area ratio of 1.0 by development bonus in Activity Centers. Gross residential density shall be not greater than 8 dwelling units per acre and up to 15 dwelling units per acre by development bonus in Activity Centers. Maximum building height is three stories and up to five stories by development bonus in activity centers. Mixed-use development will be encouraged in this land use where mixed uses may occupy the same building or same parcel. The Multi Use Development land use may be located along major collectors or roadways with a higher classification. Permitted uses shall include office, research and development, high technology, support retail, hotel/motel, restaurants, personal services, professional services, business and financial institutions, office showrooms, and multifamily residential uses. Development shall provide transit and pedestrian-friendly design. Development may exceed the stated 0.5 floor area ratio or 8 dwelling units per acre only by development bonus, no development rights are guaranteed at intensities or densities above the stated permitted range. The zoning classifications that are consistent with the Multi Use Development land use designation include R-3, RNC-2, C-2, C-3, C-4, I-1, PCD, PUD and INT.

The MUD designation would not be consistent with the proposed use of the property, which is an unenclosed parking storage lot.

In accordance with the Winter Garden Code of Ordinances (Chapter 118, Article IV, Division 12), the I-1 Light Industrial and Warehousing District is intended to apply to an area which can serve light manufacturing, warehousing, distribution, wholesaling, and other light industrial functions of the city and the surrounding area. Permitted uses within the I-1 District include:

- 1) Warehousing, wholesaling, and storage facilities within enclosed structures.
- 2) Ministorage warehouse facilities.
- 3) Light manufacturing, processing, and assembly, including precision manufacturing, electrical machinery, instrumentation, and similar uses.
- 4) Research and development facilities, provided that all activities are within an enclosed structure.
- 5) Vocational and trade schools.
- 6) Public utility equipment and facilities.
- 7) Radio or television transmitter, towers, or broadcasting facilities.
- 8) Communication towers and communication antennas.
- 9) Truck parking facilities (but not transportation terminals or freight handling facilities)

EXISTING USE

The subject property is undeveloped. It exists in a natural condition, featuring dense understory

vegetation and forested areas with stands of trees. There are also wetlands located on site. According to the U.S. Fish and Wildlife Service National Wetlands Inventory, the property largely consists of forested and scrub-shrub palustrine wetlands, which are defined as nontidal wetlands dominated by trees, shrubs, emergents, mosses or lichens, and all such wetlands that occur in tidal areas. These wetlands are also classified as seasonally flooded, which indicates that surface water is present for extended periods especially early in the growing season, but is absent by the end of the growing season in most years. The water table after flooding ceases is variable, extending from saturated to the surface to a water table well below the ground surface (source: USFWS).



The applicant had an environmental company (Bio-Tech Consulting Inc.) complete a wetland delineation map in March of 2015. However, the scope of the work was limited to flagging the apparent boundaries of a seasonally-flooded wetland during one of the driest months of the year; the wetland line shown in the exhibit may be a generous approximation. No in-depth analysis or methodology was provided to the City. A final wetland line determination by an environmental consultant would be required for City acceptance. City staff would also need to review and approve the staking on site with the wetland consultant present.

ADJACENT LAND USE AND ZONING

The parcel located to the north of the subject property is a conservation area located directly

adjacent to the residential subdivision of East Bay Estates. This property is zoned R-4 and is located within the City of Winter Garden municipal limits. The property to the south is developed with the Florida Auto Auction, which is zoned I-2 and is located in Winter Garden. However, this development does not have access to Maple Street; it is connected to Story Road, which connects to the main Auto Auction facilities to the east. The property to the west contains the Crown Cork and Seal facilities, which were built on the upland (west) side of the 19-acre property. This property is zoned IND2/IND3 and is located in Unincorporated Orange County. There is also a property that is developed with a citrus processing facility that is located to the west of the Crown Cork and Seal property. This property is in the City but is not yet zoned. There are eleven (11) properties to the east of the subject property, all of which are located in Unincorporated Orange County and zoned R-2. Nine of the eleven properties are developed with single-family residences. Properties that are located to the southwest of the subject property include Maxey Elementary School, which is zoned R-2 and is located within Unincorporated Orange County. Another R-2 zoned Orange County school, Westside Tech, is located a short distance to the west of the subject property.

PROPOSED USE

The applicant is proposing to re-zone the property with an industrial zoning designation to permit the development of an outdoor recreational (RV and boat) storage facility with stabilized grass parking areas. The plan also proposes a fence and landscape buffer around the perimeter of the parking areas. No permanent buildings were included as part of this proposal.

SUMMARY

City Staff recommends **denial** of the proposed Ordinances.

The City does not support rezoning and amending the future land use designation to allow for industrial uses on this property. It would not be in the interest of promoting the health, safety, and welfare of the community for the City to permit industrial uses that could prove noxious to surrounding residential property owners. Development of this nature is especially ill-advised on a property that contains significant wetland areas, the maintenance of which are vital to help mitigate the City's seasonal stormwater issues. Even if it were the case that the applicant's use proved innocuous to the current surrounding residents as well as the on-site wetlands (once delineation is confirmed), the Industrial zoning and Multi Use Development future land use designation would permit future industrial developments on the property that may not be so benign. Additionally, rezoning the subject property to I-1 would render it the only I-1 property in the area, which is contrary to widely-accepted zoning practices that aim to avoid "spot zoning" properties. Furthermore, the only non-residential uses that currently access East Maple Street were either approved outside the City's jurisdiction (Orange County) or established prior to adoption of the current zoning regulations (the citrus processing facility), and should not be used as a precedent for further industrialization of the area. The proposed zoning is incompatible with the residentially-zoned properties to the east and north of the subject property.

Furthermore, the applicant's proposal would be contrary to the intent of the following sections in

the Winter Garden Comprehensive Plan:

Goal 1-1: Maintain the City's Character. Ensure the City of Winter Garden maintains its low density residential character while at the same time providing for the most effective provision of services, to promote sustainable community development, to promote conscientious economic development in the appropriate locations, to promote a concentration of mixed land uses in specific areas, to promote quality infill and redevelopment which strengthens the character of the City, to protect sensitive natural areas by directing growth to environmentally appropriate areas, and prohibit those uses which are incompatible.

Policy 1-1.1.1: The Land Development Regulations Implementation.

(2) Regulate the uses of land and water consistent with this Element and ensure the compatibility of adjacent land uses in Orange County, Ocoee, and Oakland. (9J-5.006(3)(c)2.)

(4) Protect environmentally sensitive lands including wetlands designated on the Future Land Use Map Series by requiring the use of buffering, minimum building setbacks, preservation of natural vegetation, and by prohibiting any activity which impairs the natural function of these lands. (9J-5.006(3)(c)6.)

Objective 1-1.2: Future Land Use Map Series and Land Use Categories. ...The process of allocating the land use designations has considered the need to conserve open space and natural resources including wetlands, floodplains, water recharge areas, fish and wildlife, maximize utility of existing infrastructure, recognize infrastructure limitations, allocate land to reduce energy use, consideration of capital improvements needs, and conservation of fiscal resources...

Policy 1-1.2.11: Conservation.

If a Jurisdictional Wetland Determination, that has been accepted by St. Johns River Water Management District, determines that a parcel of property is a wetland (regardless of the land use assigned by the Future Land Use Map), then only the following land uses may be allowed on the parcel:

- Recreation
- Setbacks and buffers (if the wetlands are undisturbed)
- Small road connections (only in no other reasonable connections can be made outside of wetland areas.

Goal 1-2: Quality Community Development. ... The City will minimize incompatible land uses and protect natural resources...

Objective 1-2.3: Targeted Development Areas. Future development and redevelopment activities shall be directed into appropriate areas as depicted on the Future Land Use Map; to provide compact areas of mixed use development to help in reduction in vehicle miles traveled; consistent with sound planning principles; the low density residential character of the City; natural limitations including topography and soil conditions; and the goals, objectives, and policies contained in this Plan.

Policy 1-2.3.6: Industrial Uses. Industrial uses may be considered in existing industrial areas and along Story Road east of Ninth Street, Carter Road, and along East Crown Point Road where access to railroad spurs are available.

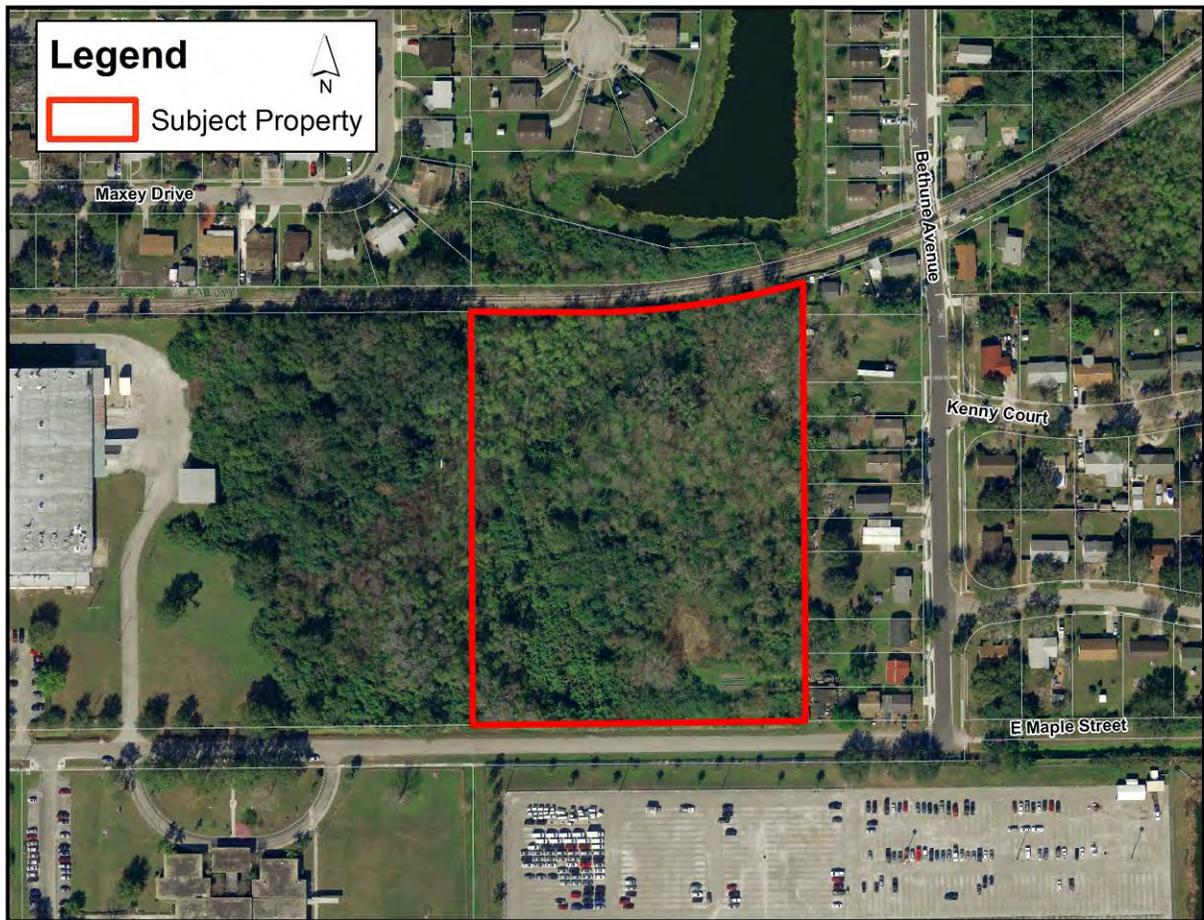
Policy 1-2.3.10: Rezoning Criteria. No petition for a rezoning may be approved unless evidence is presented to the City Commission's satisfaction that determines that:

- (1) The request is consistent with the Comprehensive Plan and the Future Land Use Map, and
- (2) The proposed rezoning will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties, and
- (4) The proposed rezoning will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area, and
- (5) The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment.

Policy 1-2.13.11: Undesirable Land Uses. All undesirable land uses within or adjacent to neighborhoods shall be identified and a strategic plan shall be developed to either eliminate said land uses or mitigate the undesirable effects of the land use. Regulations shall be developed or evaluated to prevent potential undesirable land uses from establishing in or adjacent to established neighborhoods.

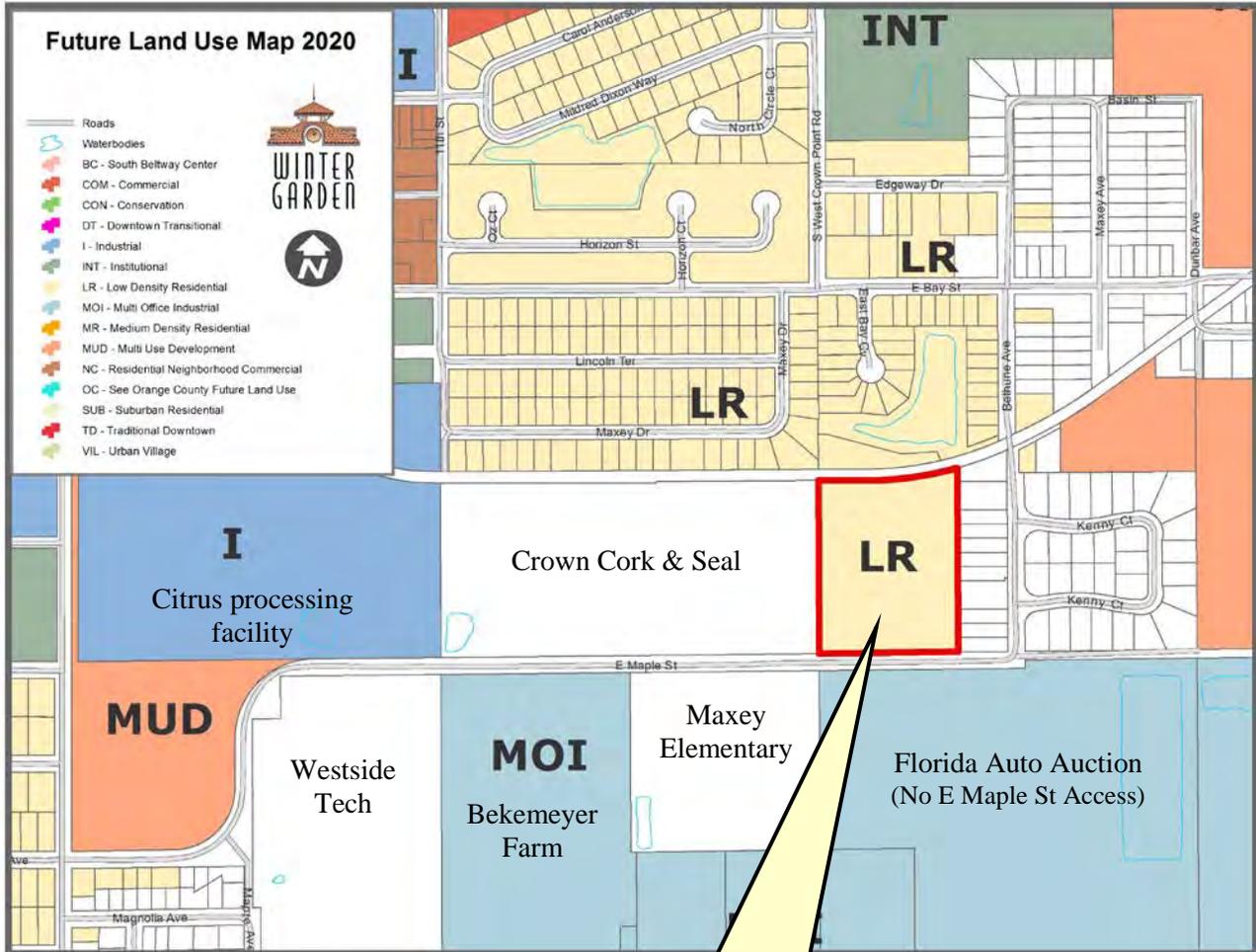
AERIAL PHOTO

1211 East Maple Street



FUTURE LAND USE MAP

1211 East Maple Street



Subject property changed from City Low Density Residential to City Multi Use Development

ZONING MAP

1211 East Maple St



Subject property changed from City R-4 to City I-1

END OF STAFF REPORT

ORDINANCE 15-64

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 6.96 ± ACRES LOCATED AT 1211 EAST MAPLE STREET ON THE NORTH SIDE OF EAST MAPLE STREET WEST OF BETHUNE AVENUE AND SOUTH OF EAST BAY STREET FROM CITY LOW DENSITY RESIDENTIAL TO CITY MULTI USE DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as approximately 6.96 ± acres with Parcel ID Number 12-22-27-6496-09-019 located on the north side of East Maple Street west of Bethune Avenue and south of East Bay Street, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from City Low Density Residential to City Multi Use Development; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Multi Use Development as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* This Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

SECTION III. Severability. Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 12-22-27-6496-09-019

DESCRIPTION:

Begin at the southwest corner of said Block "I", thence run North $0^{\circ}07'48''$ East along the West line of said Block "I" for 15.00 feet to the Point of Beginning; thence continue North $0^{\circ}07'48''$ East for 609.15 feet to the South right-of-way line of the S.A.L. Railroad; thence run North $89^{\circ}49'02''$ East along said right-of-way line for 122.15 feet to a point of curvature; thence continue along said right-of-way line; being a circular curve, having for its elements, a radius of 1463.66 feet, a central angle of $14^{\circ}37'04''$, a chord of 372.41 feet and a chord bearing of North $82^{\circ}30'30''$ East, for an arc distance of 373.42 feet; thence run South $0^{\circ}00'47''$ West parallel with the East line of the West 1/2 of said Block "I" for 654.44 feet to a point 15.00 feet North of the South line of said Block "I"; thence run South $89^{\circ}34'29''$ West for 492.62 feet to the Point of Beginning.

Containing 6.96 acres, more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

PARCEL ID#: 12-22-27-6496-09-019



Subject property changed from City Low Density Residential to City Multi Use Development

ORDINANCE 15-65

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 6.96 ± ACRES LOCATED AT 1211 EAST MAPLE STREET ON THE NORTH SIDE OF EAST MAPLE STREET WEST OF BETHUNE AVENUE AND SOUTH OF EAST BAY STREET FROM CITY R-4 DISTRICT TO CITY I-1 LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as approximately 6.96 ± acres with Parcel ID Number 12-22-27-6496-09-019 located on the north side of East Maple Street west of Bethune Avenue and south of East Bay Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from the City R-4 District to the City I-1 Light Industrial and Warehousing District zoning classification, therefore; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to I-1 Light Industrial and Warehousing District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: *Rezoning.* The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from City R-4 District to City I-1 Light Industrial and Warehousing District in the City of Winter Garden, Florida.

SECTION 2: *Zoning Map.* The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 15-64 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 12-22-27-6496-09-019

DESCRIPTION:

Begin at the southwest corner of said Block "I", thence run North $0^{\circ}07'48''$ East along the West line of said Block "I" for 15.00 feet to the Point of Beginning; thence continue North $0^{\circ}07'48''$ East for 609.15 feet to the South right-of-way line of the S.A.L. Railroad; thence run North $89^{\circ}49'02''$ East along said right-of-way line for 122.15 feet to a point of curvature; thence continue along said right-of-way line; being a circular curve, having for its elements, a radius of 1463.66 feet, a central angle of $14^{\circ}37'04''$, a chord of 372.41 feet and a chord bearing of North $82^{\circ}30'30''$ East, for an arc distance of 373.42 feet; thence run South $0^{\circ}00'47''$ West parallel with the East line of the West 1/2 of said Block "I" for 654.44 feet to a point 15.00 feet North of the South line of said Block "I"; thence run South $89^{\circ}34'29''$ West for 492.62 feet to the Point of Beginning.

Containing 6.96 acres, more or less.

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: September 11, 2015 **MEETING DATE:** September 14, 2015

SUBJECT: 3107 Daniels Road, Suite 102 (Main property address: 3017 Daniels Road)
(SPECIAL EXCEPTION PERMIT)
PROJECT NAME Verizon Wireless Antennas
PARCEL ID# 35-22-27-9398-03-010

ISSUE: The applicant is requesting a Special Exception Permit to allow for the installation of two antennas on a building located at 3107 Daniels Road.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Verizon Wireless

CURRENT ZONING: PCD - Planned Commercial Development

PROPOSED ZONING: N/A

CURRENT FLU: BC - South Beltway Center

PROPOSED FLU: N/A

SUMMARY:

The applicant is requesting a special exception permit to allow the installation of two antennas with related telecommunication equipment on the rooftop of a building within the Winter Garden Village at Fowler Groves commercial development. The Winter Garden Village at Fowler Groves PCD ordinance allows the installation of communication towers and antennas through special exception if they meet the special exception requirements.

STAFF RECOMMENDATION(S):

Staff recommends approval of the Special Exception subject to the condition listed in the Staff Report.

NEXT STEP(S):

Apply for building permits.

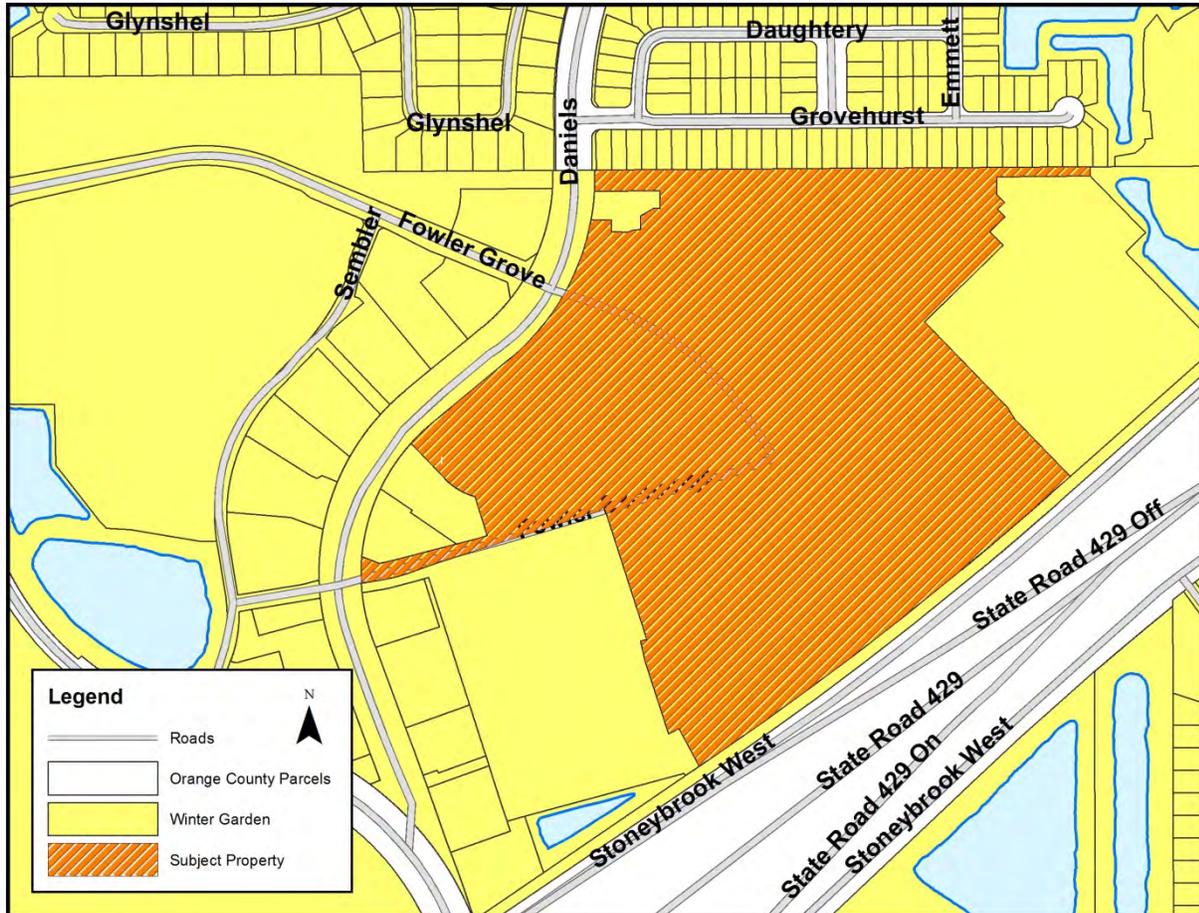
ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

3107 Daniels Road, Suite 102
(Main property address: 3017 Daniels Road)

SPECIAL EXCEPTION PERMIT



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

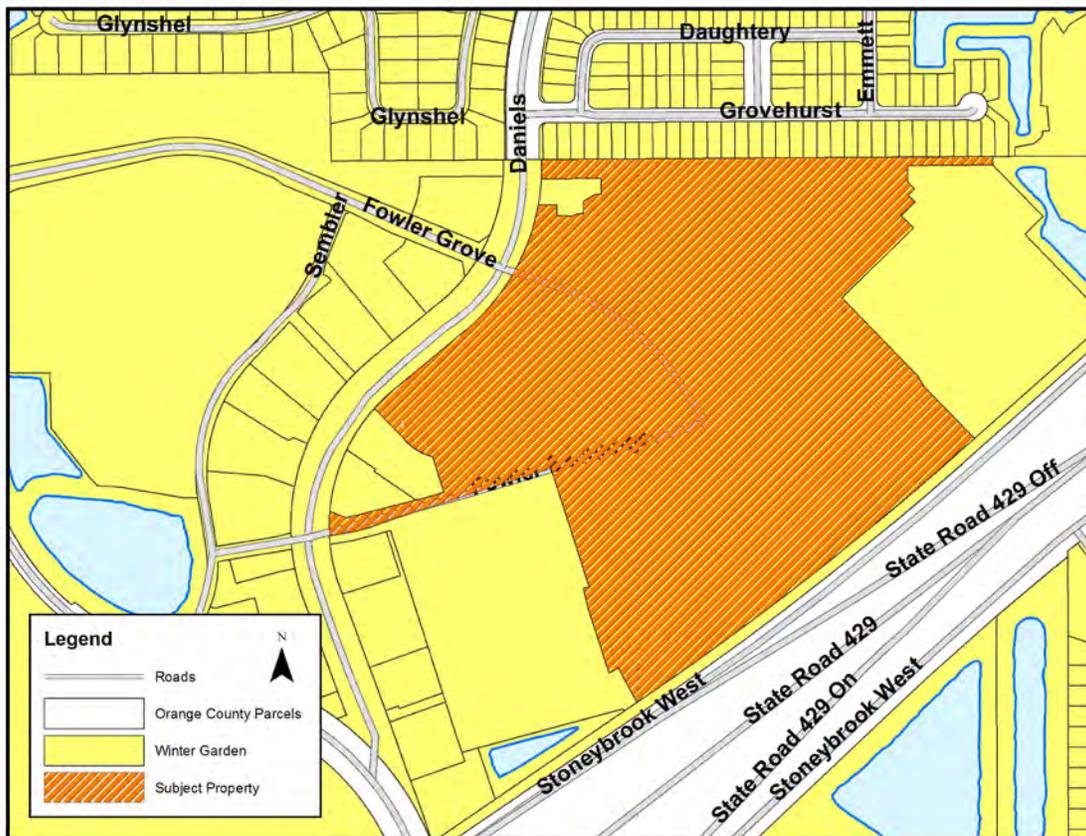
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: SEPTEMBER 10, 2015
SUBJECT: SPECIAL EXCEPTION PERMIT
3107 Daniels Road, Suite 102 (Main property address: 3017 Daniels Road)
(Antennas)
PARCEL ID # 35-22-27-9398-03-010

APPLICANT: Verizon Wireless

INTRODUCTION

The purpose of this report is to evaluate the proposed special exception permit for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 3107 Daniels Road, Suite 102 (Main property address: 3017 Daniels Road). The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The request is for a Special Exception Permit to allow the installation of two antennas with related telecommunication equipment on the rooftop of a building within the Winter Garden Village at Fowler Groves commercial development. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation PCD (Planned Commercial Development), and is designated South Beltway Center on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The subject property is a suite in a multi-tenant commercial building located in the Winter Garden Village at Fowler Groves commercial development. The subject suite is approximately 3,000 sf and is occupied by Verizon Wireless. The total square footage of the building is approximately 11,090 sf. The other businesses currently operating in the building include South Beach Tanning Company, AT&T, and Five Guys Burger and Fries.

The applicant proposes to add two non-penetrating antennas and related telecommunication equipment on the roof of the Verizon Wireless suite. The two antennas will each be mounted on mast pipes that adjust from 8'-12' in height. The northernmost antenna would replace an existing repeater antenna, which is set lower than the roofline. This proposed antenna will likely not be visible from ground level due to its position on the roof adjacent to an approximately 6' tall parapet wall. Also, there are several dense, mature trees located adjacent to the building face closest to this proposed antenna that would almost completely obscure it from view. The antenna that is located further south will be visible from ground level, especially along the southeast elevation. Here, the closest parapet wall is approximately 3' in height and there is no adjacent vegetation that would obscure the antenna from view. Depending on how high the pole is adjusted, approximately 6'-10' of antenna will be visible.

ADJACENT LAND USE AND ZONING

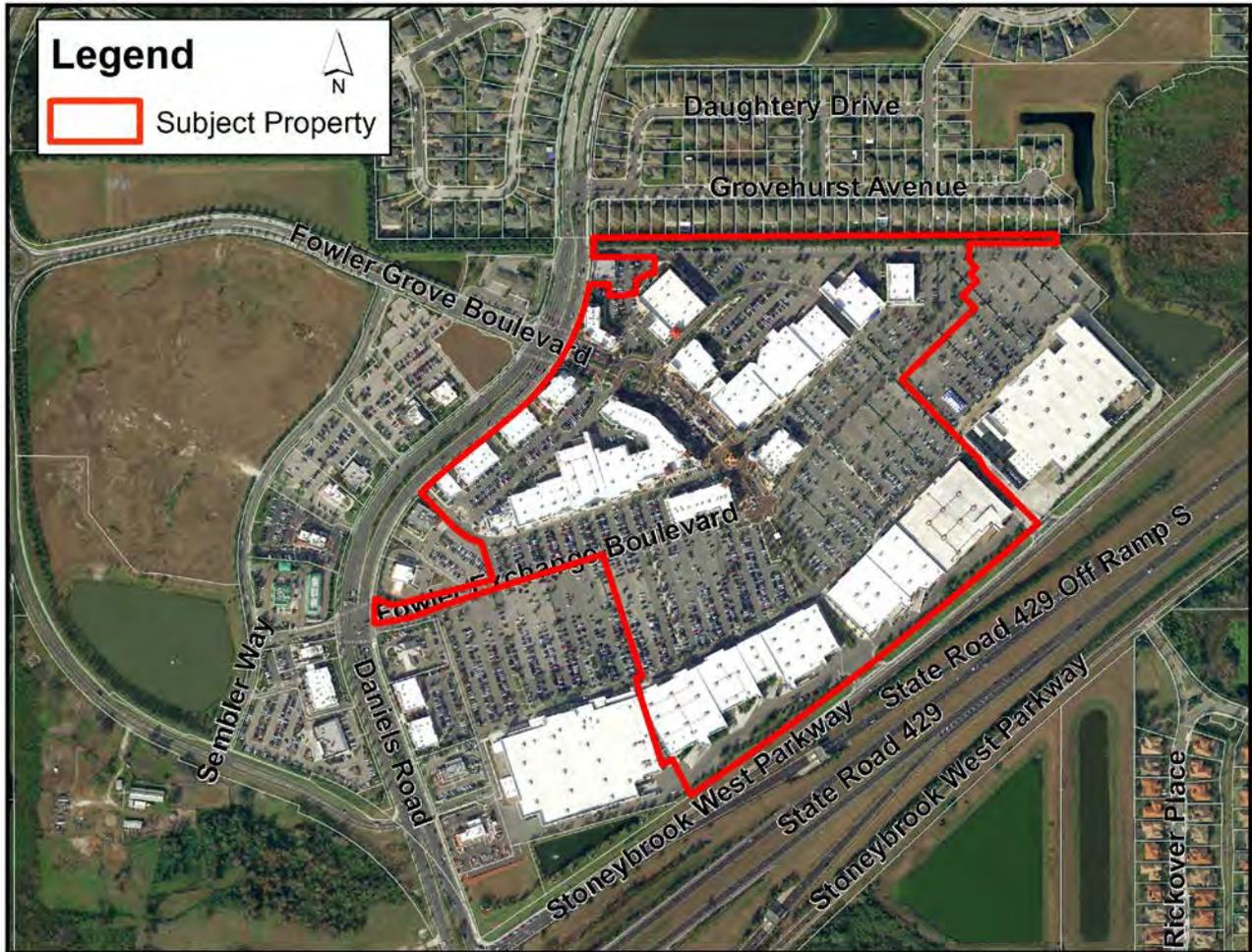
The properties located to the west are, like the subject property, part of the Winter Garden Village at Fowler Groves and feature several commercial buildings. These parcels are zoned PCD (Planned Commercial Development) and are within the City of Winter Garden Municipal Limits. The properties to the south and east of the subject property also include Fowler Groves commercial parcels zoned PCD in the City, as well as a segment of Florida State Road 429. The properties located to the north of the subject property are all part of the Grovehurst Subdivision, which contains single-family houses. These properties are zoned PUD and are within the City of Winter Garden Municipal Limits.

SUMMARY

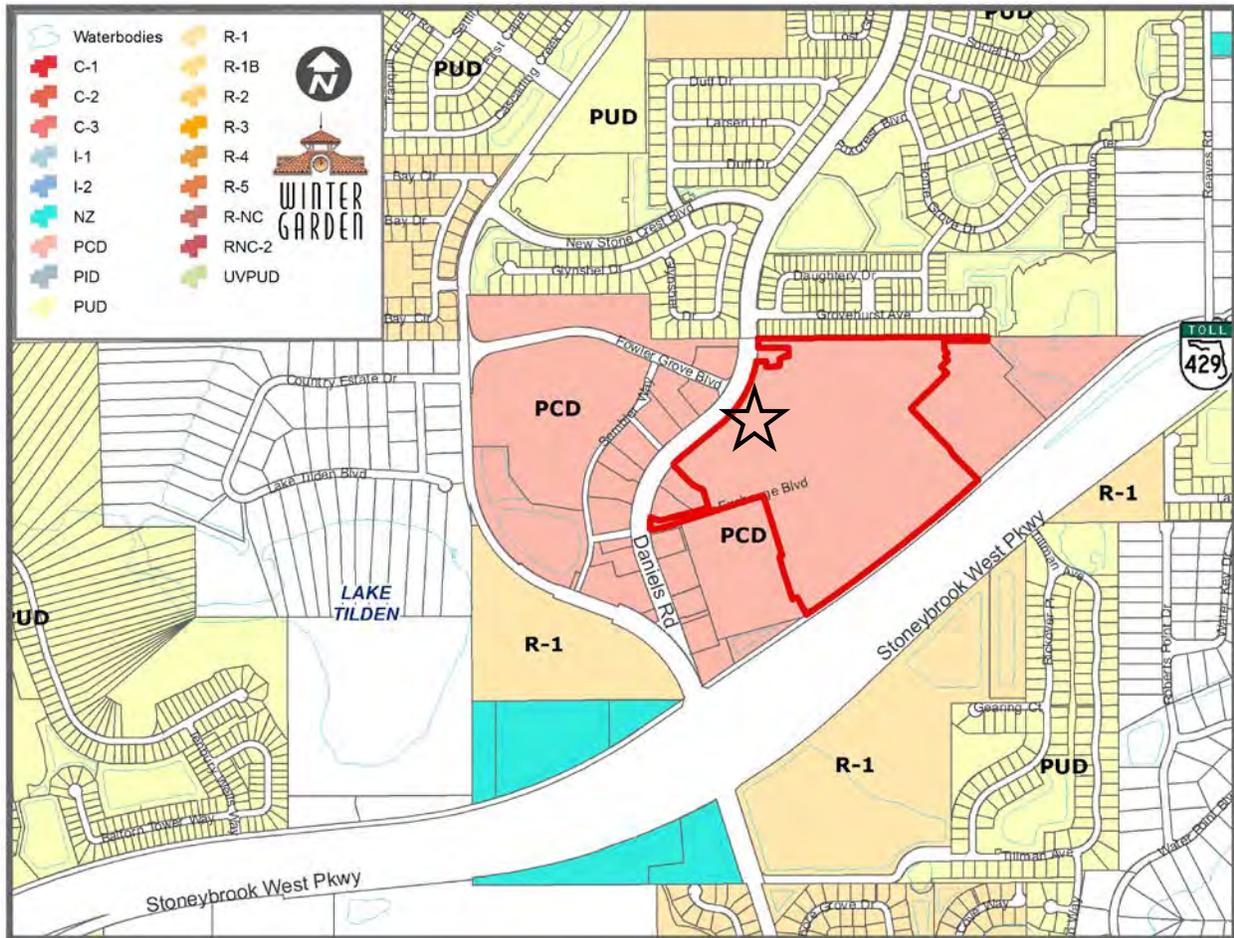
City Staff recommends approval of the proposed special exception permit to allow two antennas with related telecommunication equipment to be installed on the rooftop of a building located at 3107 Daniels Road, Suite 102 subject to the following condition:

- The plans note that the proposed antenna poles are adjustable from 8'-12' in height. However, the permitted height of the antennas from roof level to the top of the structure is limited to what's shown in submitted elevations, which is 10'-8".

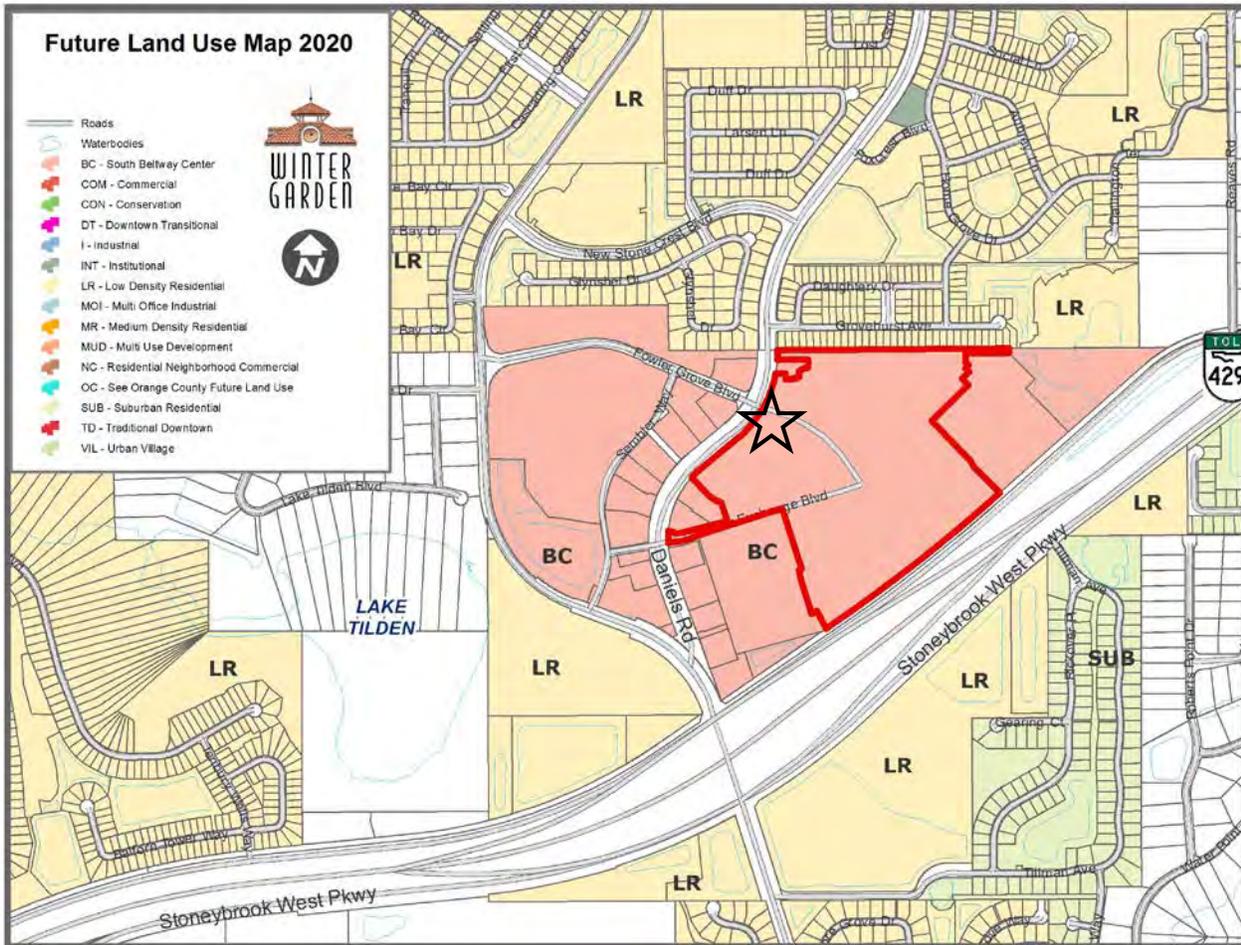
Aerial Map
3107 Daniels Road, Suite 102
(Main property address: 3017 Daniels Road)



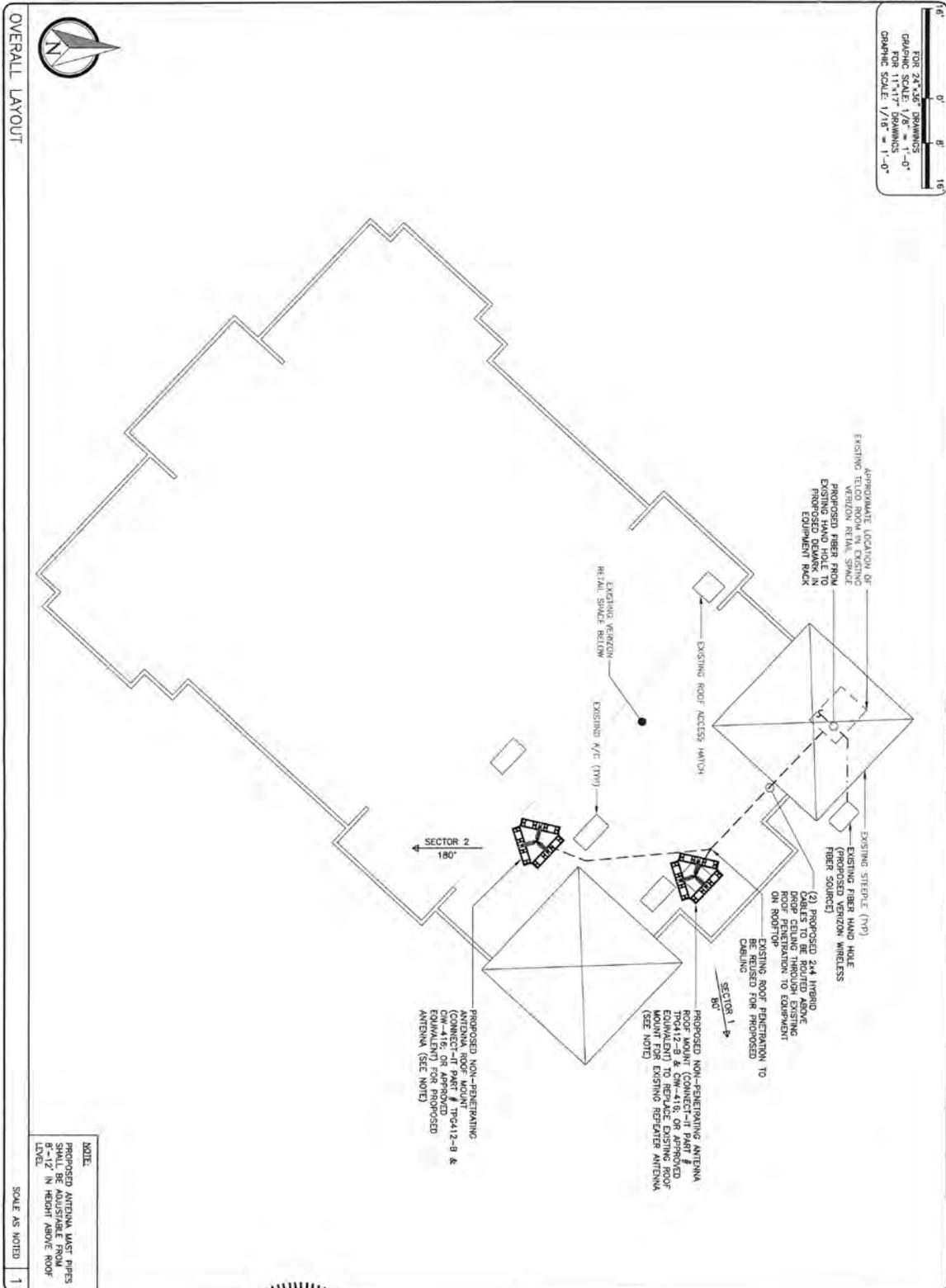
Zoning Map
3107 Daniels Road, Suite 102
(Main property address: 3017 Daniels Road)



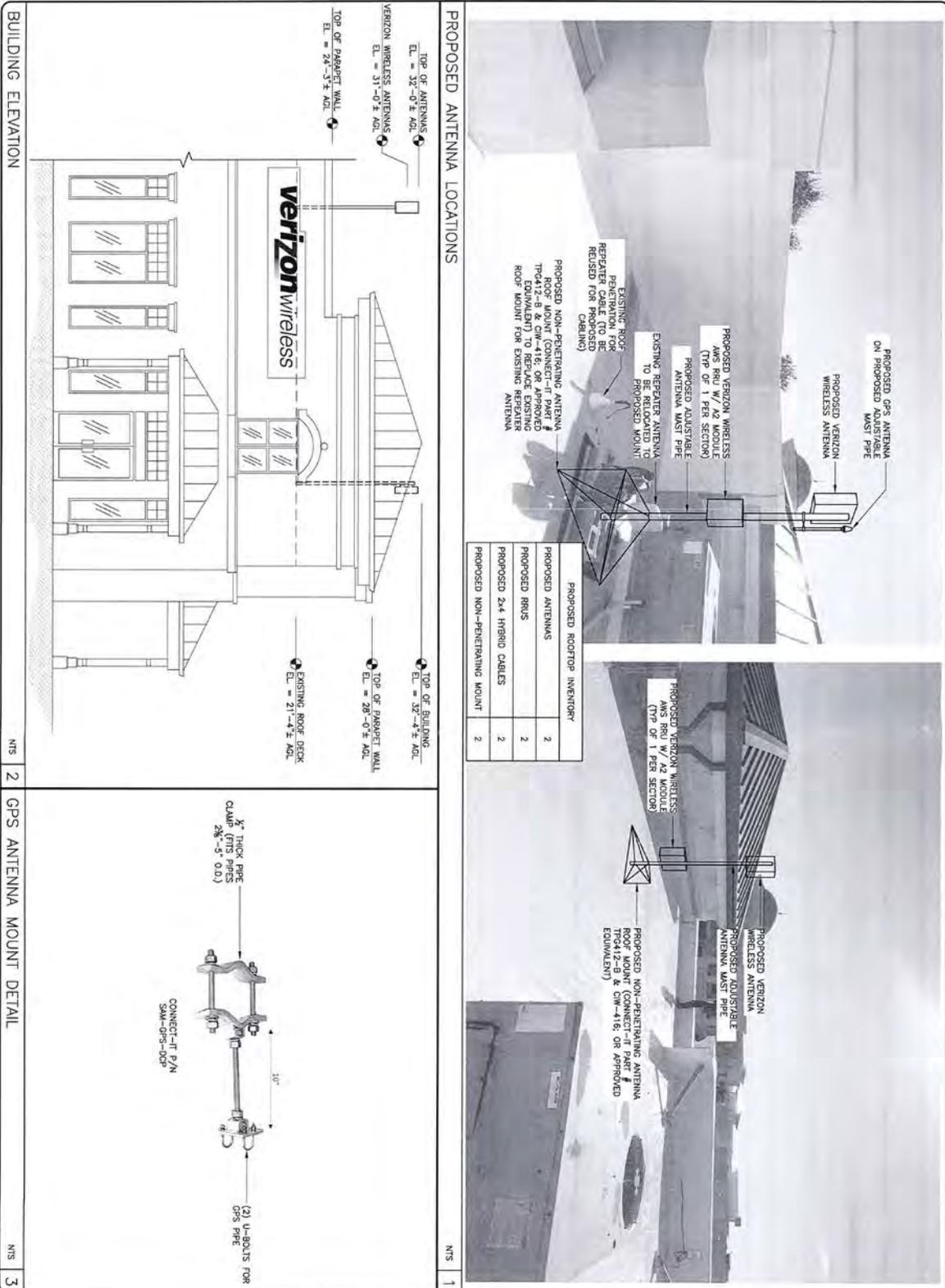
Future Land Use Map
3107 Daniels Road, Suite 102
(Main property address: 3017 Daniels Road)

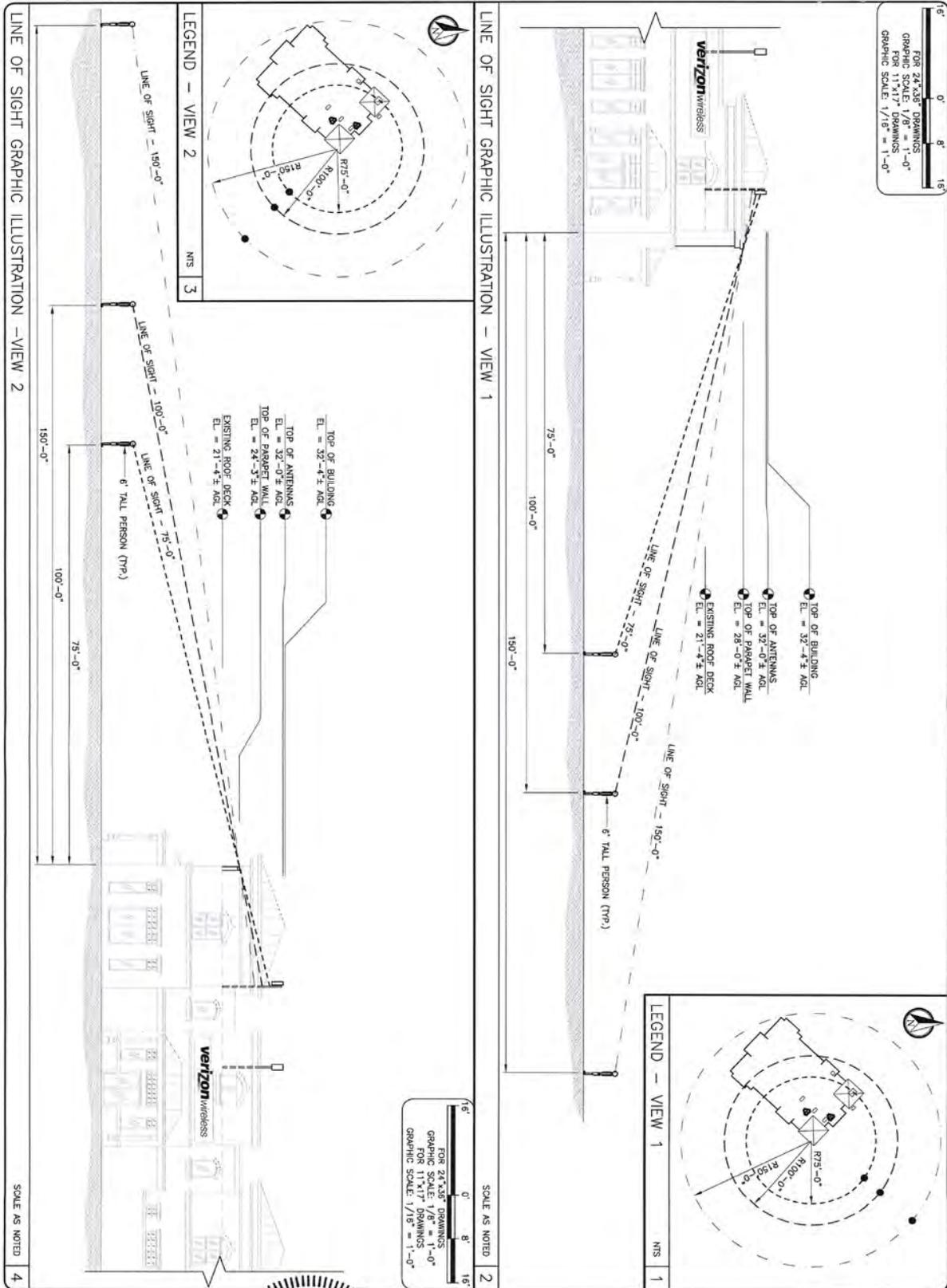


Proposed Roof Plan
3107 Daniels Road, Suite 102
(Main property address: 3017 Daniels Road)



Proposed Antenna Locations
3107 Daniels Road, Suite 102
(Main property address: 3017 Daniels Road)





END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

DATE: September 11, 2015 **MEETING DATE:** September 14, 2015

SUBJECT: 12824 Keddlestone Lane (Variance)
PROJECT NAME Tran Variance
PARCEL ID# 35-22-27-2828-00-940

ISSUE: The applicant is requesting a Variance of 8.5' to allow for the property located at 12824 Keddlestone Lane an 11.5' rear yard setback in lieu of the minimum 20' rear yard setback.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Danh Tran

CURRENT ZONING: PUD (Ordinance 01-12)

PROPOSED ZONING: N/A

CURRENT FLU: Low Density Residential

PROPOSED FLU: N/A

SUMMARY:

Applicant proposes to build a solid roof structure on the rear of the property, exceeding the minimum rear yard setback.

STAFF RECOMMENDATION(S):

Approval with conditions

NEXT STEP(S):

Apply for building permit

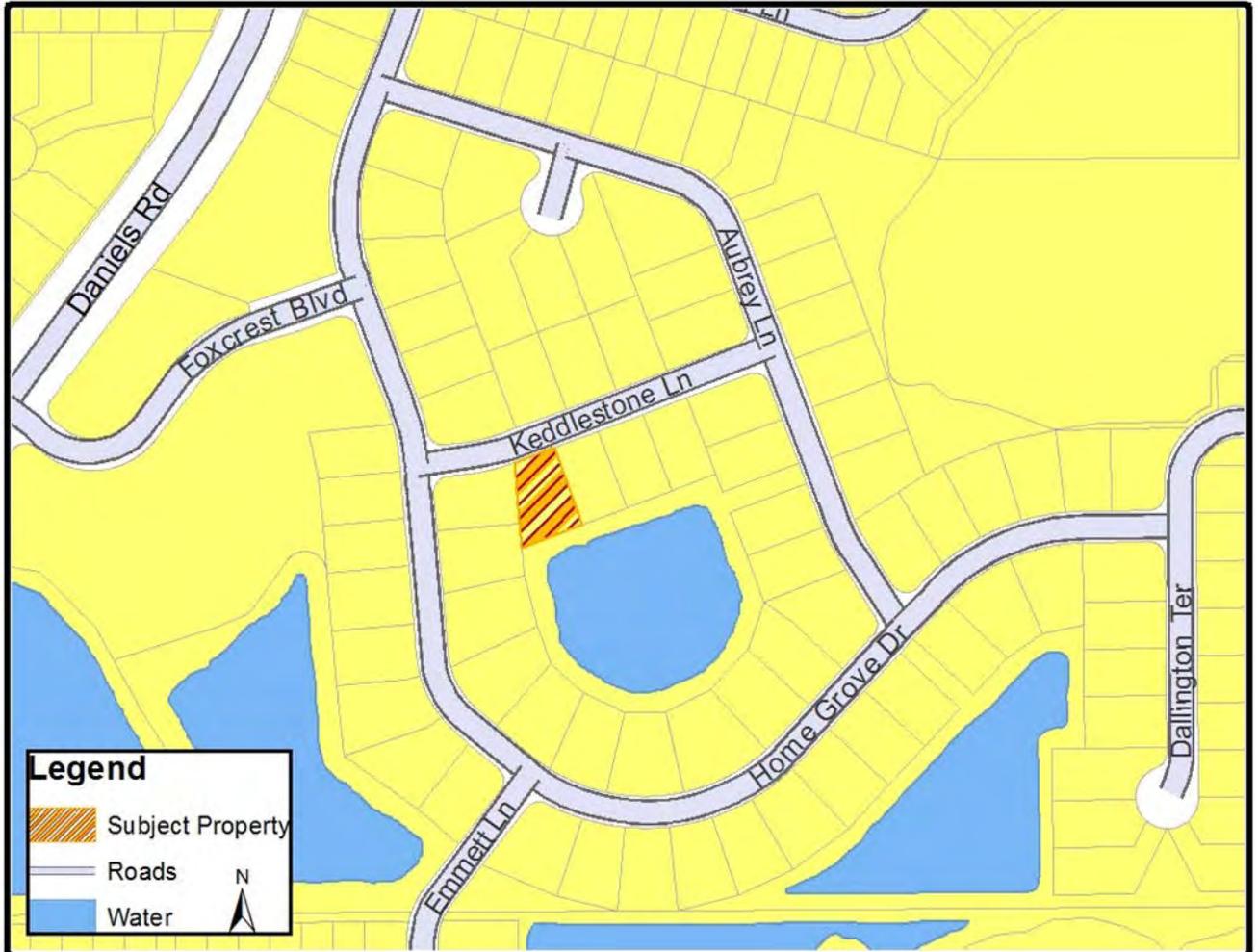
ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

12824 Keddlestone Lane

VARIANCE



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: JESSICA FRYE, PLANNER I
DATE: SEPTEMBER 14, 2015
SUBJECT: VARIANCE
12824 KEDDLESTONE LANE (0.26 +/- ACRES)
PARCEL ID # 35-22-27-2828-00-940

APPLICANT: DANH TRAN

INTRODUCTION

The purpose of this report is to evaluate the request for a rear yard setback variance for the property located at 12824 Keddlestone Lane in Winter Garden, Florida. The request is for a 11.5' rear yard setback in lieu of the minimum required 20' rear yard setback. If approved, this variance will allow the construction of solid roof structure on the rear of the primary structure.

The subject property, located on Keddlestone Lane, is approximately 0.26 ± acre lot in the Fox Crest Subdivision within the Stone Crest Community. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation PUD (Ordinance 01-12) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently developed with a single family residence.

ADJACENT LAND USE AND ZONING

The properties immediately adjacent to the subject property are zoned PUD within the Fox Crest Subdivision, part of the Stone Crest Community and are within the City of Winter Garden Municipal limits.

PROPOSED PROJECT

The applicant is proposing to build a solid roof structure on the rear of the primary structure, this structure will work in conjunction with a screened pool patio. The roof addition will be approximately 338 square feet.

CODE REFERENCE

Ordinance 01-12. of the approved Planned Unit Development Ordinance addresses rear setbacks as 20'.

The applicant is seeking a variance of 8.5' to the minimum required rear yard setback of 20' to allow a roof addition to the home to be located approximately 11.5' from the rear property line.

CODE REQUIREMENTS / CRITERIA

Section 118-131 of the City Code that relates to the review criteria states that, "A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue." The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

(1) *Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

The proposed solid roof structure located 11.5' from the rear property line would not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The home's rear faces toward a retention pond and will be part of the pool deck. The addition was approved by the Fox Crest Homeowners Association on April 1, 2015. In addition, this project will not negatively impact the standard of living of the citizens of the City.

(2) *The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*

The requested variance allowing an 11.5' rear yard setback in lieu of the minimum required 20' rear yard setback to construct a solid roof will allow reasonable use of the property that is not out of character with other properties in the same zoning district. Furthermore, granting this variance will not change the low density residential character of the neighborhood.

- (3) *In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easements, does not exceed the maximum impervious surface allowed for PUD zoned properties (65%), and meets all other development regulations of the Winter Garden Code of Ordinances.

- (4) *The granting of the variance is consistent with the city's comprehensive plan; and*
The variance is consistent with the provisions of the City's Comprehensive Plan relating to low density residential neighborhood character.

- (5) *The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

The variance requested is the minimum variance that will make reasonable use of the land. The proposed solid roof structure will not negatively impact the neighbors and is consistent with rear yard setbacks enjoyed by many other property owners throughout the City. Denying this variance does not benefit the property owner or the City.

SUMMARY

Staff recommends approval of the variance to the rear yard setback to allow a solid roof structure over an existing pool patio area with accompanying screen enclosure to be built at an 11.5' rear yard setback in lieu of the minimum required 20' rear yard setback with the following condition:

1. **Homeowner's Associations Condition of Approval:** The screen and all components including gutters and/or overhang shall remain behind the footprint of the home.
2. Nothing can be built within any easement.
3. The room cannot be converted into an interior space, no walls, windows, air conditioning/heating can be installed.

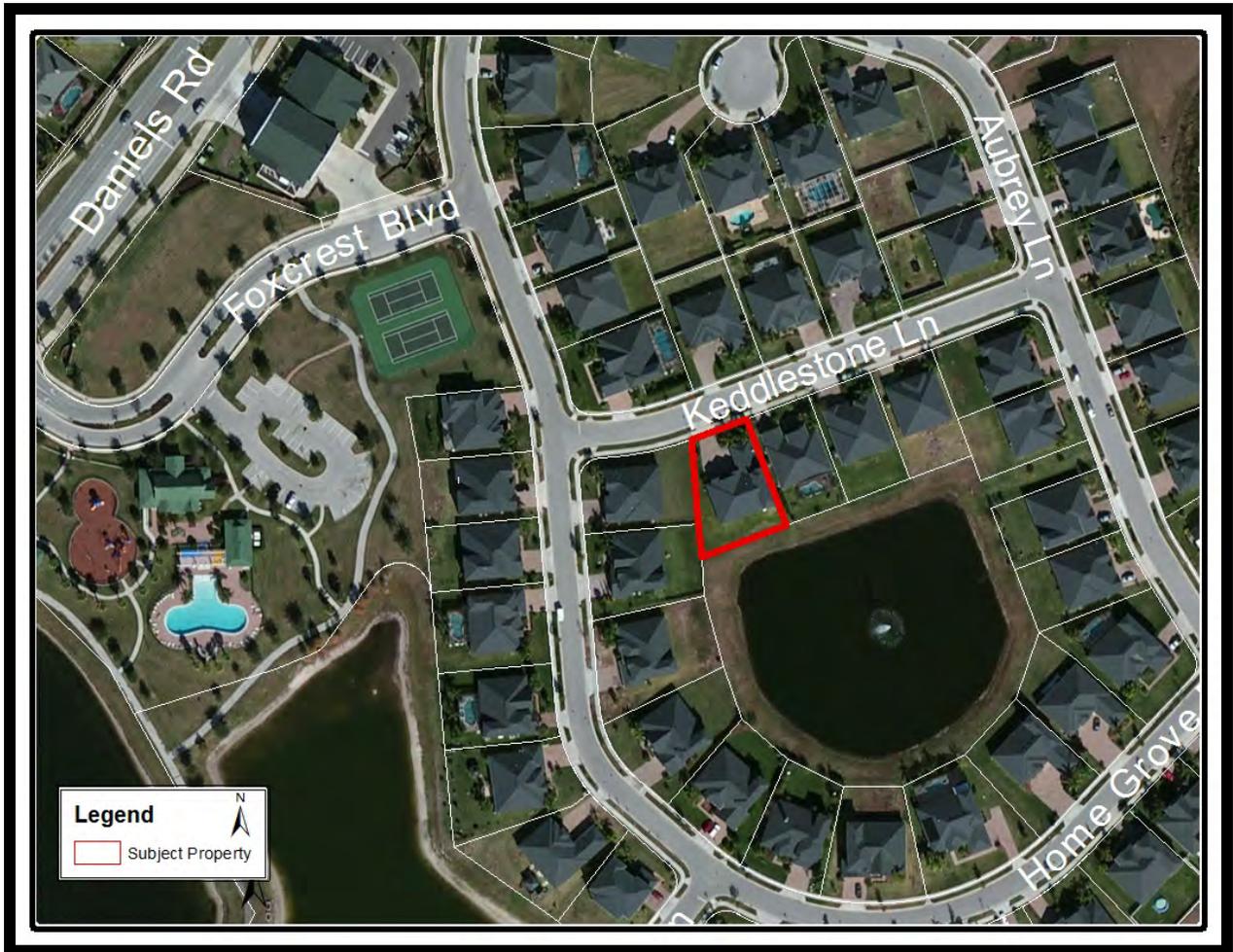
NEXT STEP

Obtain building permits for the proposed addition.

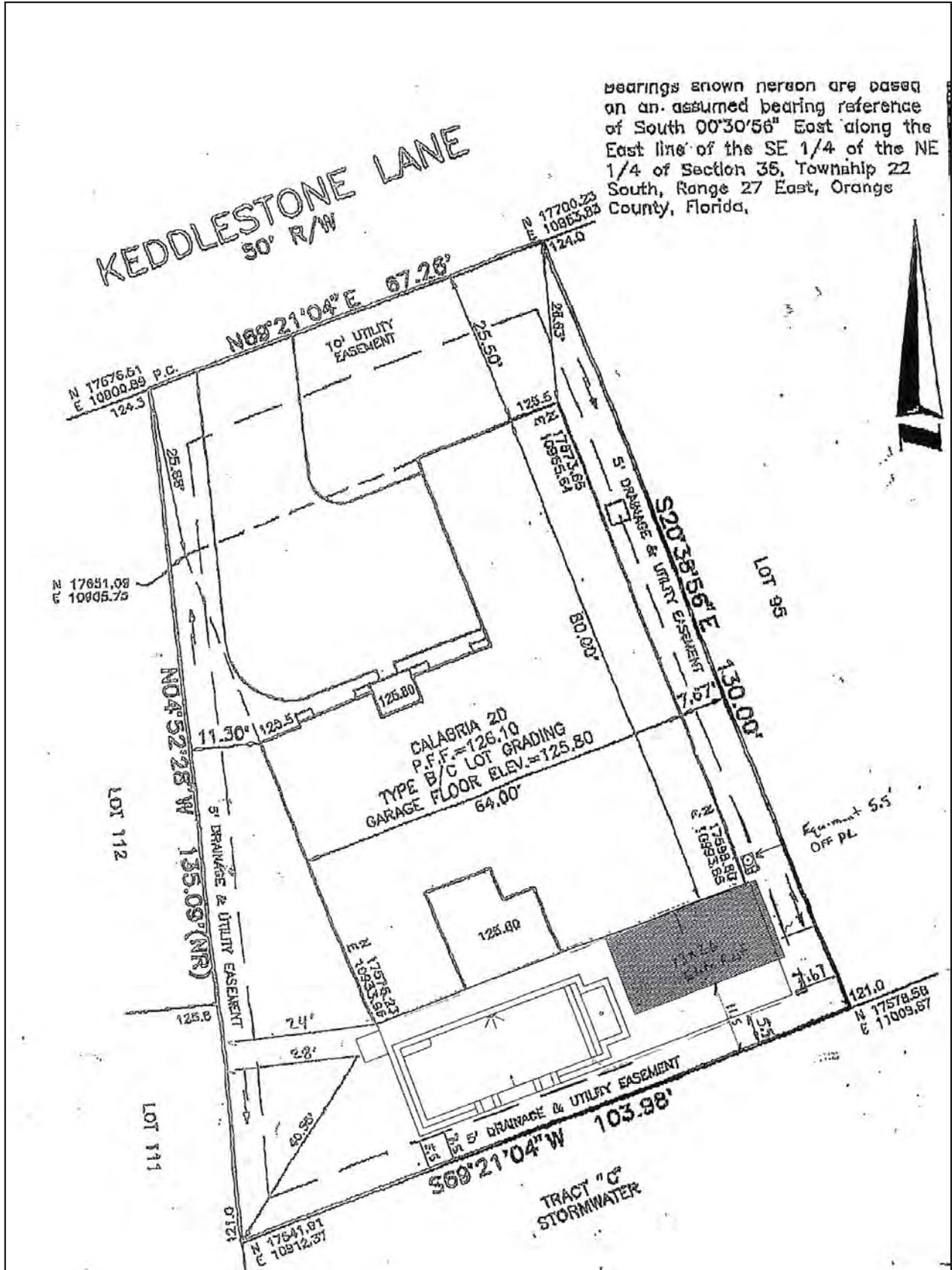
ATTACHMENTS

- Aerial Photo
- Proposed Site Plan
- Site Photos

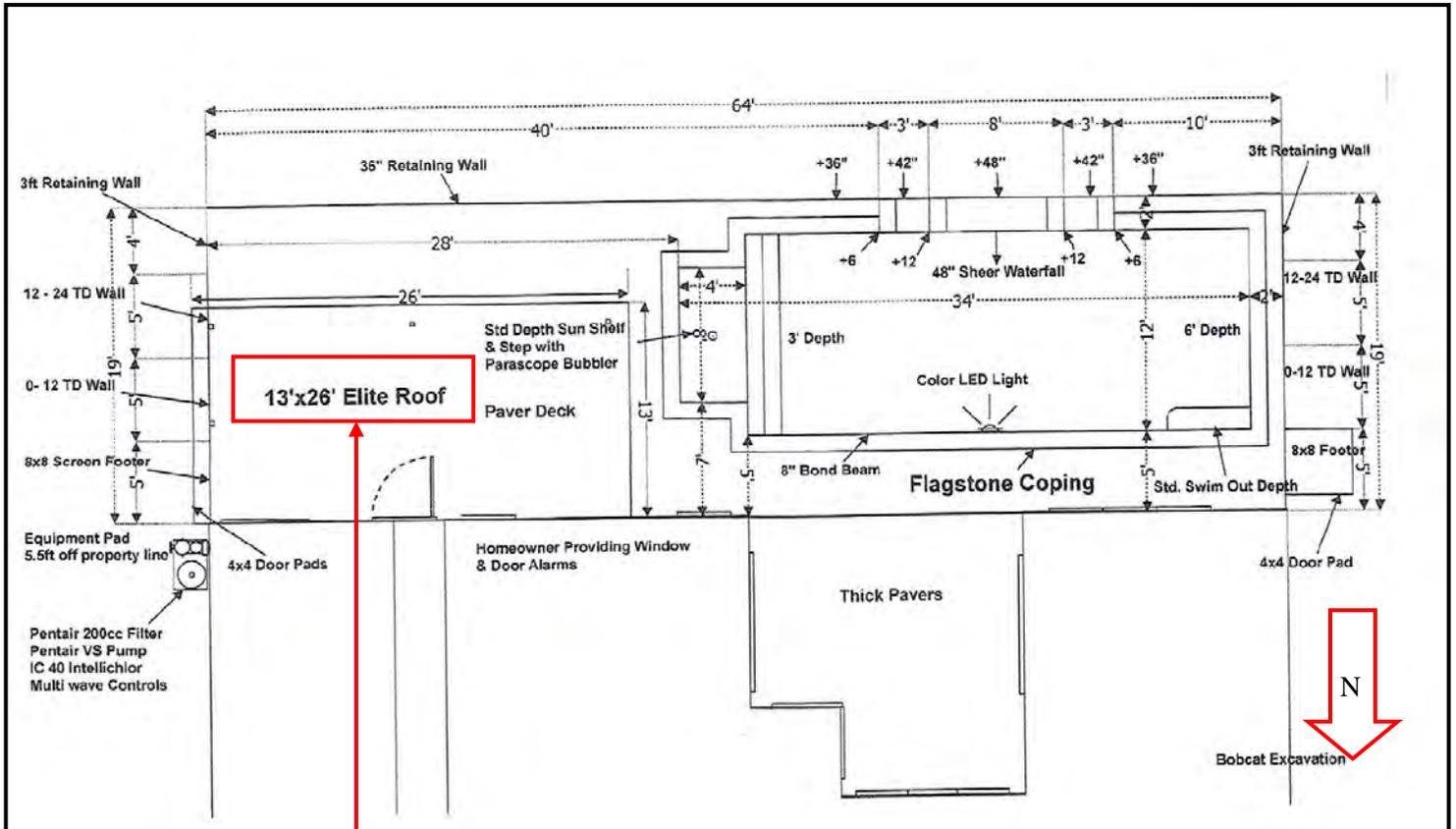
AERIAL PHOTO
12824 Keddlestone Lane



SITE PLAN
12824 Keddlestone Lane



PROJECT PLAN
12824 Keddlestone Lane



Variance is only required for the roof structure of the project.

SITE PHOTOS
12824 Keddlestone Lane



Not to scale.





END OF STAFF REPORT