



**For More Information, Contact:**

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**PLANNING & ZONING BOARD AGENDA**

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

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

RE: Agenda – **December 7, 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 NOVEMBER 2, 2015 MEETING**
4. **PRESENTATION BY THE CITY ATTORNEY**

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

5. 873 Magnolia Street (Walker Bros. Millworks) **Annex/Zoning/Future Land Use**  
Parcel ID #25-22-27-9384-08-060
6. 882 Magnolia Street (Walker Bros. Millworks) **Annex/Zoning/Future Land Use**  
Parcel ID #25-22-27-9384-09-010
7. 883 Magnolia Street (Walker Bros. Millworks) **Annex/Zoning/Future Land Use**  
Parcel ID #25-22-27-9384-08-070
8. 1211 Beulah Road (Walker Bros. Millworks) **Annex/Zoning/Future Land Use**  
Parcel ID #25-22-27-9384-09-030
9. 360 W Story Road (Jesus Sanchez) **Annex/Zoning/Future Land Use**  
Parcel ID #22-22-27-1084-02-040
10. 830 Burch Avenue (Rito Campos) **Annex/Zoning/Future Land Use**  
Parcel ID #22-22-27-1084-02-200
11. Dillard and 50 (50 at Dillard, LLC) **PCD Rezoning**  
Parcel IDs: #23-22-27-4036-00-092, 23-22-27-4036-00-101, 23-22-27-4036-00-130, 23-22-27-4036-00-161, 23-22-27-4036-00-162, & 23-22-27-0000-00-009, 23-22-27-0000-00-011

**ADJOURN** to the next regular Planning and Zoning Board meeting on Monday, **January 4, 2016** at **6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, 1<sup>st</sup> floor.



**PLANNING AND ZONING BOARD  
REGULAR MEETING MINUTES  
NOVEMBER 2, 2015**

**1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION**

Vice-Chairman Will Hawthorne 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:**

Vice-Chairman Will Hawthorne and Board Members: Heather Gantt, David Kassander, Mark Maciel, and new Board Member Christopher Lee

**MEMBERS ABSENT:**

Mark DeFuso (excused) and Gerald Jowers (excused)

**STAFF PRESENT:**

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

**3. APPROVAL OF MINUTES**

*Motion by David Kassander to approve the regular meeting minutes of September 14, 2015 and seconded by Mark Maciel. Motion carried unanimously 5 - 0.*

**3. SWEARING IN OF NEW MEMBER / ELECT CHAIRMAN & VICE-CHAIRMAN**

*New Board Member, Christopher Lee, was given the Oath of Office.*

*Motion by Mark Maciel to nominate Will Hawthorne for Chairman and seconded by David Kassander. Motion carried unanimously 5 - 0.*

*Motion by Mark Maciel to nominate David Kassander for Vice-Chairman and seconded by Heather Gantt. Motion carried unanimously 5 - 0.*

**VARIANCE (PUBLIC HEARING)**

**5. 2155 Black Lake Boulevard – Eric Sochocki**

Planner II Carson presented a Variance request for the property located at 2155 Black Lake Boulevard located within the Stonybrook West Subdivision. The applicant is requesting the Variance for a dock walkway and floating platform structure that is 300 feet in length in lieu

of the maximum allowed 100 feet in length measured waterward from the normal high water elevation built adjacent to a canal that runs between Black Lake and Lake Tilden. The applicant states it is the minimum length needed to reach a water depth for the dock to be usable for recreational boating. Staff has reviewed the application and recommends approval with the condition that the dock not be located within the canal and that no structures block the visibility of the waterway as outlined in the Staff Report.

Board Member Kassander asked for clarification on location of the dock on the site plan. Planner Carson presented an aerial exhibit displaying the high water elevations and location of the dock and floating platform (*EXHIBIT A*). She also stated this would have to be approved by Saint John's Water Management District and the HOA has already given their approval.

Board Member Hawthorne asked if the dock would be extended into the navigable waterway to which Planner Carson stated it would not.

Al Marien, a neighbor at 2205 Black Lake Blvd., spoke in support of the dock construction.

Jim Thomas, with Biosphere, addressed the Board. He stated his company focuses on wetland restoration and suggested removing non-native plants and trees and replace with native plants.

Eric Sochocki, the applicant, stated he petitioned two years ago to remove the invasive vegetation to create a walkway through the conservation easement. His main use is to fish.

*Motion by Heather Gantt to recommend approval of the Variance for 2155 Black Lake Boulevard with Staff Recommendations (as provided in the agenda packet) and seconded by Mark Maciel. Motion carried unanimously 5 - 0.*

**6. 557 Lake Cove Pointe Circle – Karen Reilly/Summertime Deck & Docks**

Planner II Carson presented a Variance request for the property located at 557 Lake Cove Pointe Circle located within the Lake Cove Pointe Subdivision. The applicant is requesting the Variance for a dock that is 130 feet in length in lieu of the maximum allowed 100 feet in length measured waterward from the normal high water elevation. The applicant states it is the minimum length needed to reach a water depth for the dock to be usable for boat navigation on Lake Apopka. Staff has reviewed the application and recommends approval subject to the conditions listed in the Staff Report.

Board Member Lee questioned the lengths of other docks in that neighborhood. Planner Carson stated most are shorter but end of docks are in similar locations.

Board Member Kassander asked for clarification of the High Water mark.

*Motion by David Kassander to recommend approval of the Variance for 557 Lake Cove Pointe Circle with Staff Recommendations (as provided in the agenda packet) and seconded by Christopher Lee. Motion carried unanimously 5 - 0.*

**7. 610 Business Park Boulevard – Douce France Bakery**

Community Development Manager Pash presented a Variance request to allow construction of an addition to the building located at 610 Business Park Boulevard at a 10 foot side yard setback in lieu of the minimum required 25 foot side yard setback. The property was developed with a Bakery that opened in 2008 and now requires more space. The variance would allow the construction of a walk-in cooler on the side of the building. Staff recommends approval subject to the conditions listed in the Staff Report.

*Motion by Mark Maciel to recommend approval of the Variance for 610 Business Park Boulevard with Staff Recommendations (as provided in the agenda packet) and seconded by Heather Gantt. Motion carried unanimously 5 - 0.*

**8. 225 N. Dillard Street – James & Jennifer Dunn**

Community Development Manager Pash presented a Variance request for the property located at 225 N. Dillard Street to allow construction of a new home with an open air porch at a 23 foot front yard setback in lieu of the minimum required 30 foot front yard setback. There are four homes located on the same side of the street with the majority of them having setbacks that range from 22 and 25 feet. This property also has a 17 foot undeveloped right-of-way in front. Staff has reviewed the application and recommends approval subject to the conditions in the Staff Report.

*Motion by David Kassander to recommend approval of the Variance for 225 N. Dillard Street with Staff Recommendations (as provided in the agenda packet) and seconded by Christopher Lee. Motion carried unanimously 5 - 0.*

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:55 pm.

**APPROVED:**

**ATTEST:**

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**Chairman Will Hawthorne**

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**Recording Secretary Kathleen Rathel**

# City of Winter Garden Planning and Zoning Board

December 7, 2015

Presented by A. Kurt Ardaman

Fishback Dominick

# Topics

- Powers and Duties
- Quasi-judicial decisions
- Ex-parte communications
- Citation of legal authority upon denial
- Decision standards for approvals
- Sunshine Law
- Voting conflicts

# Planning and Zoning Board

- Consist of seven members appointed by the City Commission.
- Absence from three (3) regular meetings of the board within a one year period shall operate to vacate the seat of a member, unless the absences are excused by the board.
- Four members of the board present at a meeting constitutes a quorum for transacting business.
- The board elects its chairperson for terms of one year.

# Powers and Duties

- Recommendations to City Commission
  - Comprehensive Plan Amendments
  - Rezonings
  - Subdivisions – preliminary plats & lot splits
- Grant Special Exceptions
- Grant Variances
- Serve as City's Local Planning Agency

# Quasi-judicial decisions

- A quasi-judicial action applies an existing rule or policy to a small number of people or a particular piece of property.
- Most actions taken by the board are quasi-judicial in nature, including:
  - Most rezonings
  - Variances
  - Special Exceptions
  - Preliminary Plats and Lot Splits

# Quasi-judicial proceedings

- In a quasi-judicial proceeding, certain elements of due process must be afforded the applicants and participants, such as:
  - Reasonable notice of a hearing
  - Right to be heard and submit evidence at the hearing
  - Recommendations and decisions of board must be based on competent substantial evidence in the record.
- Due process must be afforded to all participants. Conduct of proceedings must be in accordance with established rules and principles such that interested parties may meaningfully participate in the process
- Refrain from taking a position for or against an application that involves a quasi-judicial decision until after hearing all the evidence presented at the public hearing. Avoid making statements in advance of Board deliberations that would subject you or the Board to scrutiny for having your mind made up or being prejudicially biased for or against an application and/or interested party/person.

# Competent Substantial Evidence

- Substantial evidence has been described as such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred.
- For the “substantial” evidence to also constitute “competent” evidence, the evidence relied upon should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support for the conclusion reached.
- Some of the items that can be relied upon as competent substantial evidence are:
  - City staff reports and testimony
  - Fact based applicant and citizen testimony
  - Comprehensive plan and zoning maps and ordinances
  - Expert testimony and reports.

# Ex parte Communications

- Communications with persons or parties to quasi-judicial proceedings outside of the public hearing, may constitute a presumptive prejudice of the other party's due process rights and be a basis for challenging the Board's decision.
- Parties to a quasi-judicial proceeding include the applicant, persons speaking for or against the application, and city staff.
- Site visits and independent investigations for quasi-judicial matters are discouraged. Although section 286.0115, Florida Statutes, allows such investigations and site visits and the receipt of opinions regarding quasi-judicial actions, logistical and due process issues that may arise are good reason to avoid making such independent inquiries. Again, the best course of action to avoid scrutiny and potential challenges is to avoid making your own site visits, inspections, or receipt of expert opinions, and to utilize information made available at the various hearings on the particular issue. If, however, a site visit, inspection, or receipt of expert opinions does occur, then disclosure should be made early in the hearing and made part of the record before final action on the matter in order to give those with contrary positions or evidence an opportunity to respond to such.
- Pursuant to section 286.0115(1), Florida Statutes and City Ordinance, if ex parte communications are sent or received by a Board member, it is necessary for the member to disclose during the public hearing and before final action the subject of the ex parte communications and the identity of the person, group, or entity with whom the communications took place.

# Decision Based on Criteria

- Quasi-judicial decisions should be based on the applicable criteria for the approval or matter being sought.
- For example, each type of development application has a set of criteria set forth in the City's Code. The application must meet the applicable criteria to be approved.
- The Board's duty is to determine whether based on competent, substantial evidence in the record made at the hearing, the application meets or fails to meet the criteria. If the criteria is met, the application is to be approved.

# Special Exception Criteria

Sec. 118-97 through 118-102

- Any special exception use shall be permitted as specified in individual zoning district regulations, when such use is compatible to surrounding uses, will not create traffic hazards or parking problems, does not deviate from the terms of this chapter.
- All special exceptions shall be subject to site plan review by the Board. This procedure requires submission of a development plan which sets forth specific land use, circulation and access, building arrangement and overall site layout.
- The Board shall especially consider the effect of the special exception use on surrounding uses in determining whether a special exception use shall be approved, modified or disapproved.
- The Board may require conditions such as performance standards, screening or landscaping as well as time limitations or other similar requirements.

# Variance Criteria

Sec. 118-126 through 118-135

- A variance may be granted from land development regulations if the 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.
- “Practical difficulty” means use of all or a portion of the property at issue cannot occur with reasonable physical accommodation that is economically reasonable.
- “Unnecessary hardship” means a practical difficulty which exists due to an unintended effect of the land development regulation.

# Variance Criteria

## Sec. 118-126 through 118-135

- In order for a variance to be granted, the Board must also find that, by granting the variance, the remaining regulations will protect the public safety and welfare of the city. The Board may reach these conclusions if it finds that:
  - (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;
  - (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;
  - (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;
  - (4) The granting of the variance is consistent with the city's comprehensive plan; and
  - (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 this criteria if the variance were denied.

# Subdivisions – Preliminary Plats & Lot Splits

## Chapter 110, Winter Garden Code

- Lot Splits and Preliminary Plats are reviewed to determine if they meet technical code requirements.
- If code requirements are met, Board shall recommend approval of the pending application for lot split or preliminary plat.
- Issues of compatibility with surrounding uses are not relevant to subdivision approval.

# Rezoning

- The Board may recommend approval of a rezoning to the City Commission if after competent, substantial evidence has been presented that allows the Board to make the following findings:
  - (1) The request is consistent with the comprehensive plan and the future land use map;
  - (2) The proposed rezoning will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;
  - (3) Adequate facilities are available or a development agreement has been established that will provide these improvements in a reasonable time frame;
  - (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;
  - (5) The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment; and
  - (6) There is available adequate streets and thoroughfares to support traffic to be generated by development of the property to be rezoned.

# Denial of Development Permits

- Section 166.033, Florida Statutes states that when a municipality denies an application for a development permit, the municipality shall give written notice to the applicant and the notice must include a citation to authority for denial of the permit.
- If the Board denies a development permit application, written notice of the denial must be given to the applicant and must contain the legal basis for such denial.
- Therefore, in order to assist the City staff in their preparation of the required notice, the Board member making the motion for denial of a development permit application should announce all of the code provisions/criterion with which the application does not comply.

# Sunshine Law

## Section 286.011, Florida Statutes

- Planning & Zoning Board members are subject to the Government in the Sunshine Law.
- The law has been applied to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. There is no requirement for a quorum to be present for a meeting to be subject to Sunshine Law.
- There are three basis requirements of Sec. 286.011, Fla. Stat.:
  - Meetings of Board must be open to the public;
  - Reasonable notice of such meetings must be given; and
  - Minutes of the meetings must be taken.

# Sunshine Law

- Correspondence between Members of the same board to discuss with, solicit opinions and comments from, or inform other Members of a subject which will be discussed at a public hearing is a violation of the Sunshine Law.
- Meeting with another Board member includes communications by:
  - In person meetings
  - E-mail, internet blogs, facsimiles, mail, passing notes/letters
  - Telephone
  - Use of non-board member liaisons between members

# Sunshine Law

## Penalties for Violations

- Any Member who *knowingly* violates the Sunshine Law is guilty of a misdemeanor of the second degree, which is punishable by imprisonment up to 60 days and/or a fine of \$500.00.
- Suspension upon indictment and removal from office upon conviction.
- Non-criminal penalties for violations are punishable by a fine up to \$500.00 and reasonable attorney's fees assessed against the violating member.
- The action taken in violation of the Sunshine Law may be void.

# Participation:

- Section 112.3143(4), Florida Statutes, requires appointed public officers to, prior to participation in any matter that would inure to the officer's special private gain or loss, disclose the nature of his or her interest in the matter.

# Voting Conflicts

- Section 286.012, Florida Statutes, provides that no Member of the Board who is present at any Board meeting at which a official decision, ruling, or other official act is to be taken or adopted may abstain from voting, except when, with respect to any such Member, there is, or appears to be, a possible conflict of interest prescribed in Chapter 112, Florida Statutes.

# Voting Conflicts

## Chapter 112, Florida Statutes

- No Board member shall vote upon any matter which:
  - would inure to the member's special private gain or loss;
  - the member knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained;
  - He or she knows would inure to the special private gain or loss or a relative or business associate of the member.

# Voting Conflicts

## Chapter 112, Florida Statutes

- A Member with a voting conflict shall:
  - Abstain from voting on the conflicting matter.
  - Prior to the vote being taken, publicly state to the assembly the nature of the Member's interest in the matter from which he or she is abstaining from voting.
  - Within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person recording the Board minutes.

END

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 5 (Public Hearing)**

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**DATE:** December 4, 2015 **MEETING DATE:** December 7, 2015

**SUBJECT:** 873 Magnolia Street (Annexation, Future Land Use, Rezoning)  
**PROJECT NAME** 873 Magnolia Street AZFA  
**PARCEL ID#** 25-22-27-9384-08-060

**ISSUE:** The applicant is requesting Annexation, Future Land Use designation, and Zoning on the property located at 873 Magnolia Street.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Walker Bros. Millworks Inc.

**CURRENT ZONING:** C-3 (Orange County)

**PROPOSED ZONING:** C-2 (City)

**CURRENT FLU:** Commercial (Orange County)

**PROPOSED FLU:** Commercial (City)

**SUMMARY:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.17 ± acre parcel located at 873 Magnolia Street. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Commercial, and Zoning of C-2. (See attached Staff Report).

**STAFF RECOMMENDATION(S):**

Staff recommends approval of Ordinance 16-11, Ordinance 16-12, and Ordinance 16-13.

**NEXT STEP(S):**

A public meeting for the first reading of these ordinances is scheduled for the City Commission on December 10, 2015.

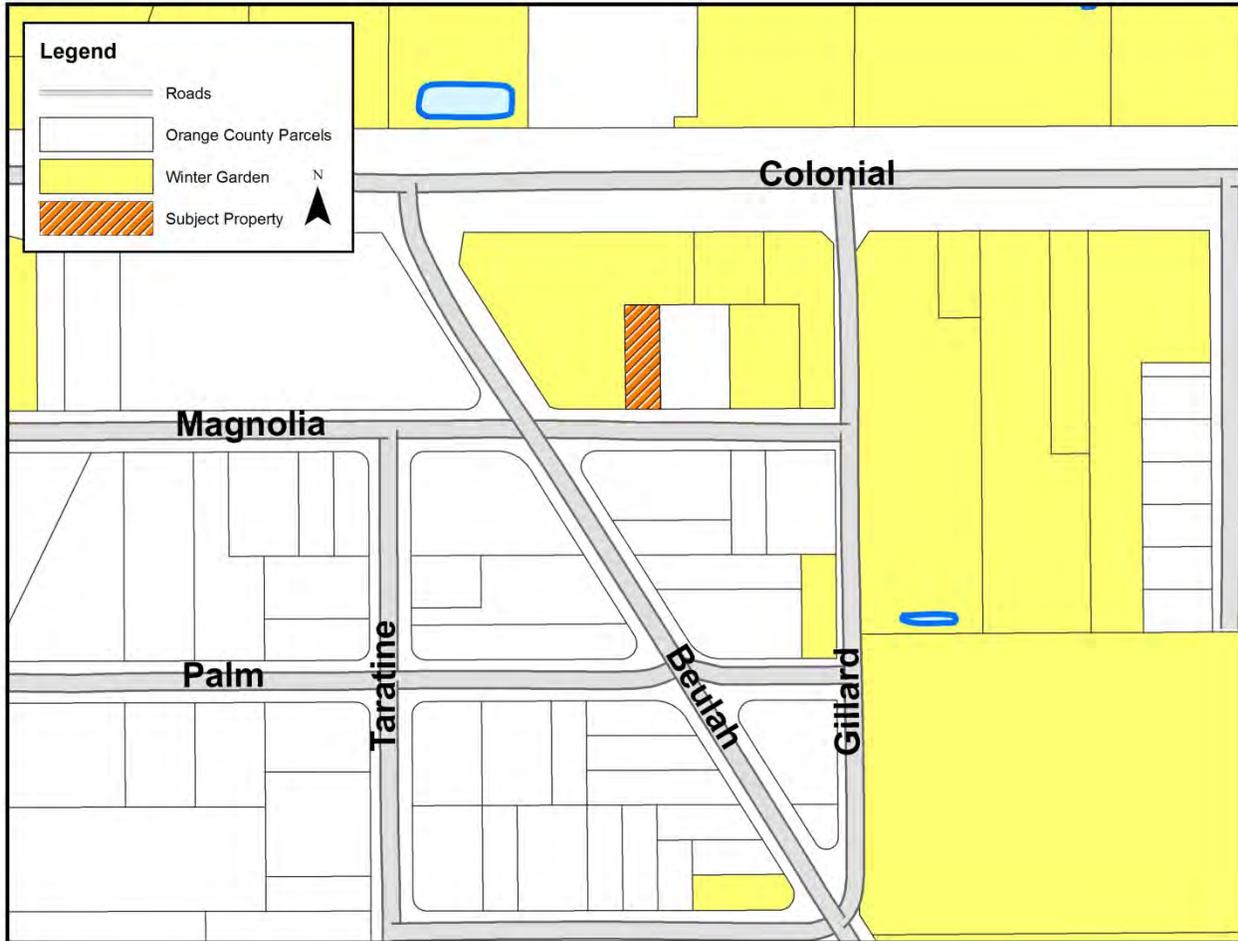
**ATTACHMENT(S):**

Location Map  
Staff Report  
Ordinance 16-11  
Ordinance 16-12  
Ordinance 16-13

# LOCATION MAP

873 Magnolia Street

Annexation, Future Land Use, Zoning



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

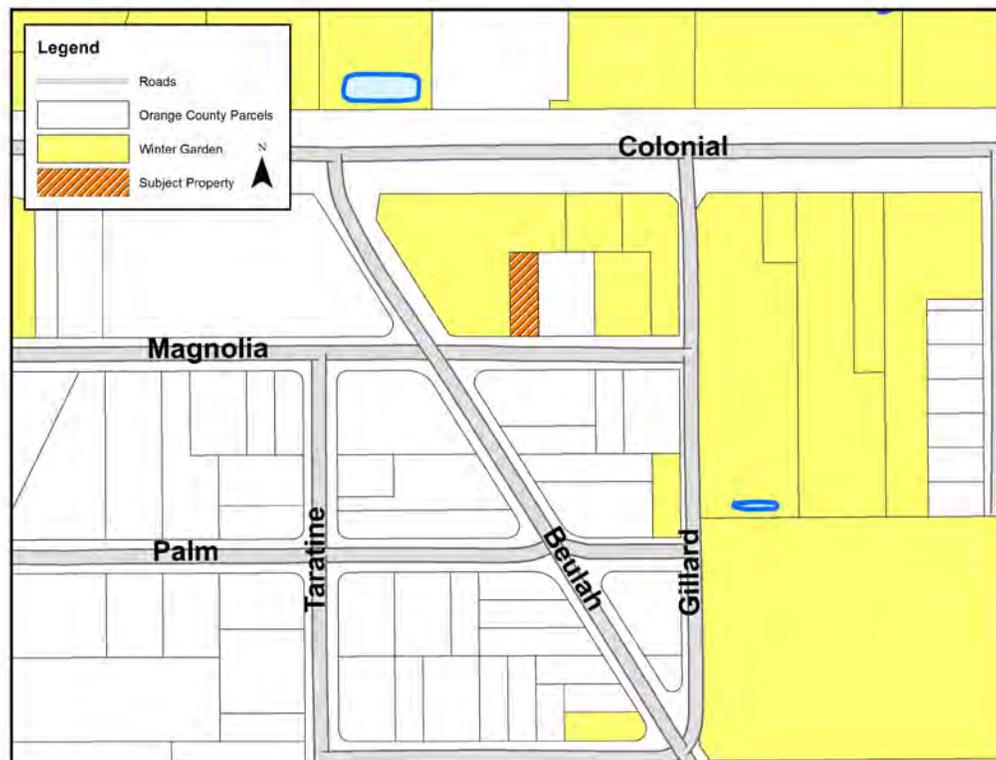
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, PLANNER II  
**DATE:** DECEMBER 2, 2015  
**SUBJECT:** ANNEXATION – FLU AMENDMENT – ZONING  
**873 MAGNOLIA STREET (0.17 +/- ACRES)**  
**PARCEL IDS #:** 25-22-27-9384-08-060  
**APPLICANT:** WALKER BROS. MILLWORKS, INC.

### 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 873 Magnolia Street, on the north side of Magnolia Street, west of Gillard Avenue and east of Beulah Road and is approximately 0.17 ± acres in size. The map below depicts the proximity of the subject property to 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 Commercial, and rezoning the property to C-2 Arterial Commercial District.

In accordance with the City's Comprehensive Plan, properties designated with the Commercial land use category are required to be developed at a floor area ratio not greater than 0.35 and a floor area ratio not greater than 0.5 by development bonus inside Activity Centers. Maximum building height is three stories and up to five stories by development bonus in activity centers. The Commercial land use category shall include retail, service, and professional activities. Uses shall be developed in a manner which is harmonious to nearby noncommercial use and which minimize traffic congestion. All commercial activity in this commercial land use category shall be adjacent to arterials or major collectors. The City shall identify different zoning districts for highway commercial, general commercial, professional / medical districts, and downtown commercial districts in the commercial land use category. Development may exceed the stated 0.35 floor area ratio only by development bonus, no development rights are guaranteed at intensities or densities above the stated permitted range. Additional zoning restrictions per each zoning district may apply. The zoning Classifications what are consistent with the Commercial classification are C-1, C-2, C-3, C-4, PCD, 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. It previously contained a one-story single family house with a detached metal frame shed, both of which have since been demolished and removed from the site.

### **ADJACENT LAND USE AND ZONING**

The property located to the north and west of the subject property is developed with a gas station and car wash, is zoned C-2 and is located in the City of Winter Garden. The property located to the east is currently vacant. This property is currently zoned C-3 and is located within Unincorporated Orange County, however it is currently going through the process of being annexed into the City and rezoning to the City's C-2 zoning designation. The property to the south of the subject property is also currently being considered for annexation and rezoning to City C-2. Currently, the property is developed with a duplex building and is zoned Orange County R-2.

### **PROPOSED USE**

The applicant intends to annex the subject property in order to provide the lot with City services.

### **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.

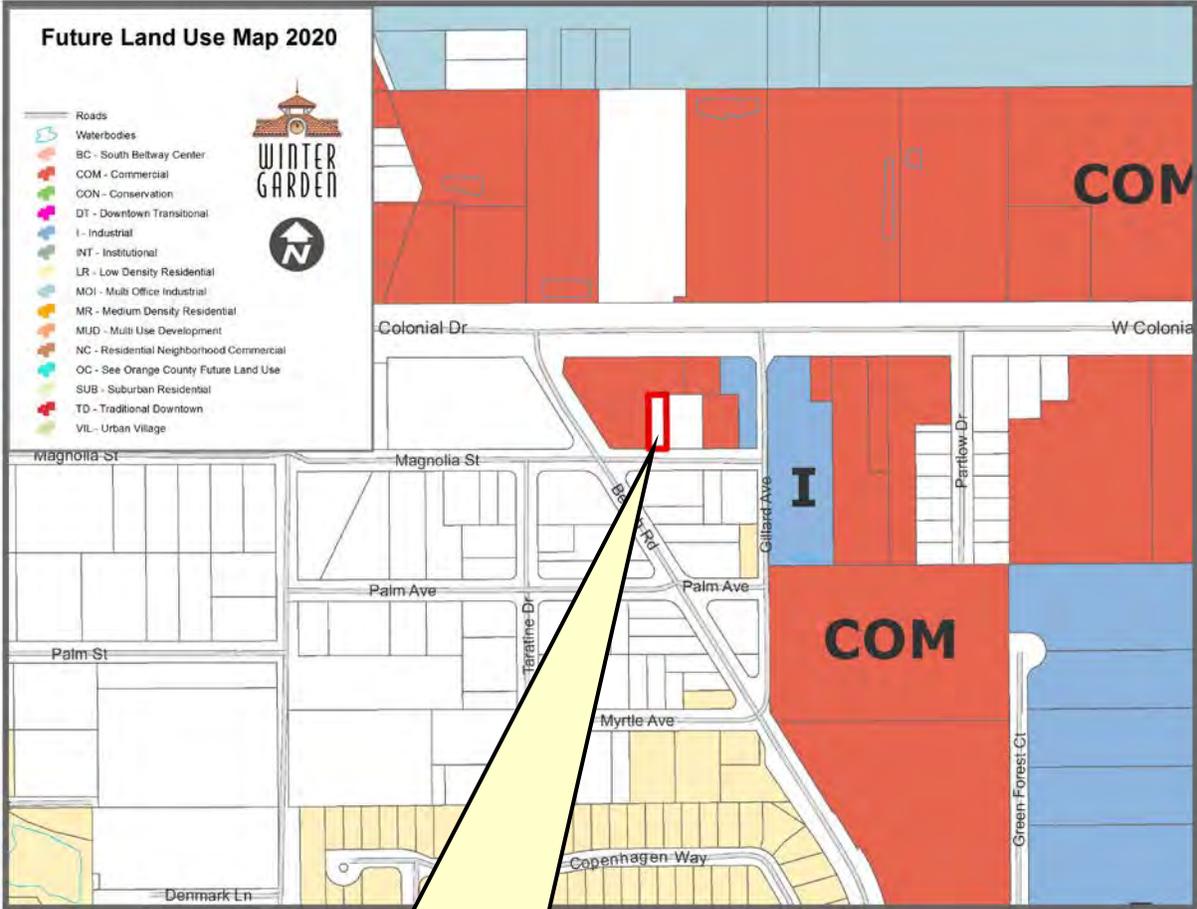
**AERIAL PHOTO**

**873 Magnolia Street**



**FUTURE LAND USE MAP**

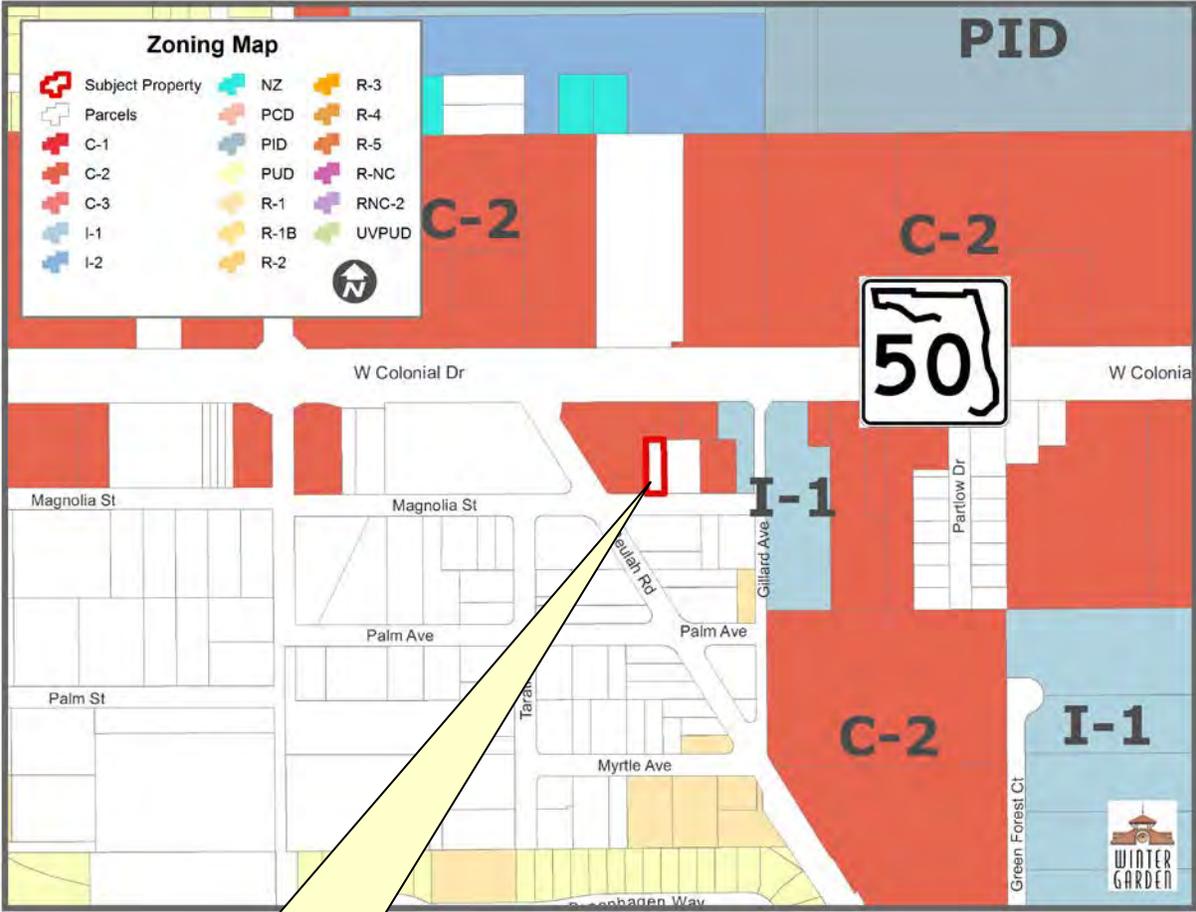
**873 Magnolia Street**



Subject property changed from Orange County Commercial to City Commercial

**ZONING MAP**

**873 Magnolia Street**



Subject property changed from Orange County C-3 to City C-2

**END OF STAFF REPORT**

ORDINANCE 16-11

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.17 ± ACRES LOCATED AT 873 MAGNOLIA STREET ON THE NORTH SIDE OF MAGNOLIA STREET, WEST OF GILLARD AVENUE AND EAST OF BEULAH 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 0.17 ± acres located at 873 Magnolia Street on the north side of Magnolia Street, west of Gillard Avenue and east of Beulah 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 25-22-27-9384-08-060

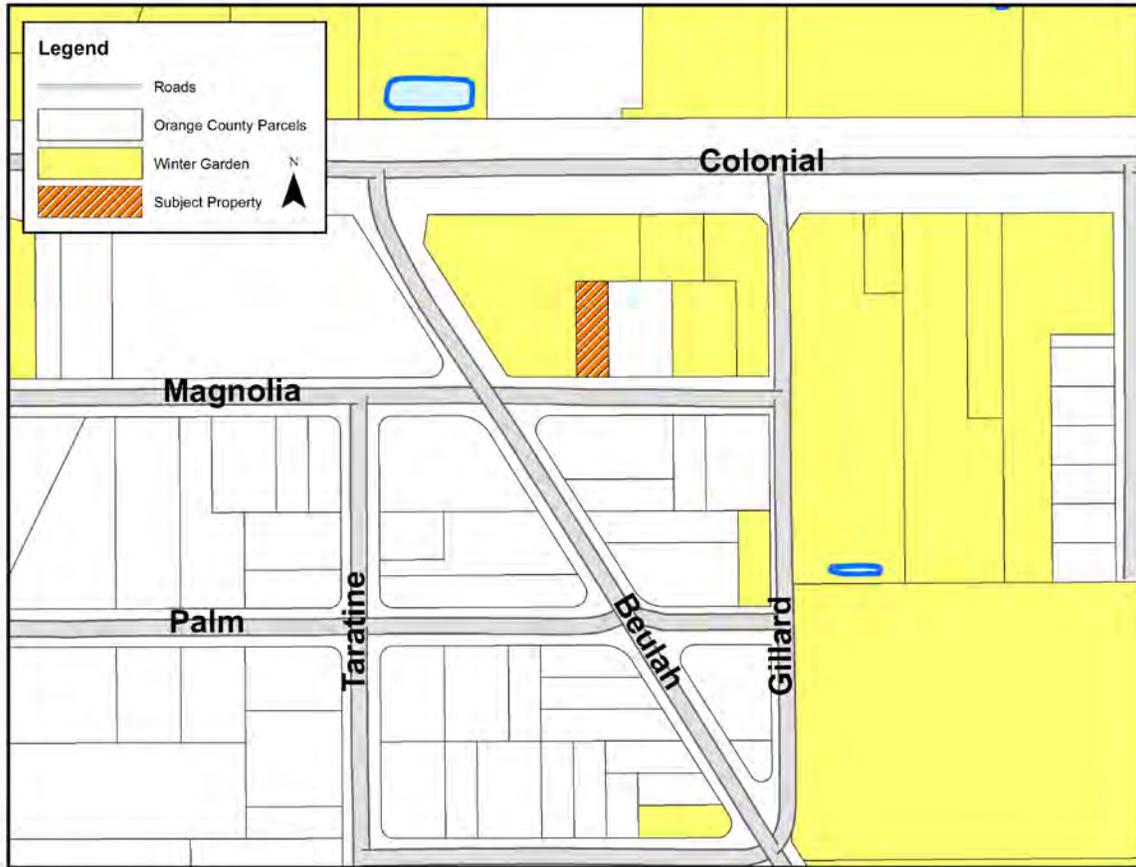
Lot 6, Block H, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Southeast corner of Block H, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°59'00" West 250.00 feet to the Southeast corner of Lot 6 of said Block H, WINTER GARDEN MANOR for the POINT OF BEGINNING; thence continue South 89°59'00" West 50.00 feet to the Southwest corner of said Lot 6; thence North 00°00'00" East 150.00 feet to the Northwest corner of said Lot 6; thence North 89°59'00" East 50.00 feet to the Northeast corner of said Lot 6; thence South 00°00'00" East 150.00 feet to the POINT OF BEGINNING.

Containing 0.172 acres, more or less.

**ATTACHMENT "B"**

**LOCATION MAP**

**873 Magnolia Street**



ORDINANCE 16-12

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 0.17 ± ACRES LOCATED AT 873 MAGNOLIA STREET ON THE NORTH SIDE OF MAGNOLIA STREET, WEST OF GILLARD AVENUE AND EAST OF BEULAH ROAD FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on the 13<sup>th</sup> 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 24<sup>th</sup> 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 0.17 ± acres located at 873 Magnolia Street on the north side of Magnolia Street, west of Gillard Avenue and east of Beulah 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 Commercial to City Commercial; 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 Commercial 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 16-11, 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 25-22-27-9384-08-060

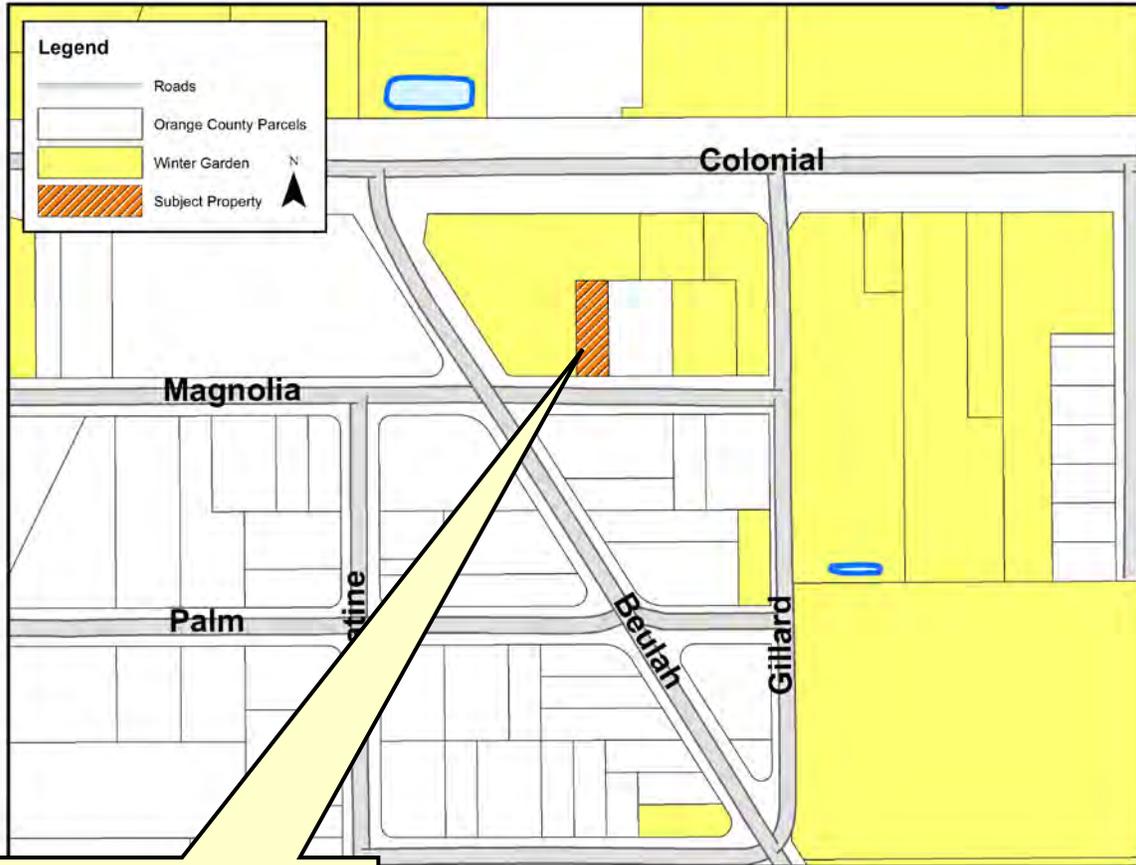
Lot 6, Block H, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Southeast corner of Block H, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°59'00" West 250.00 feet to the Southeast corner of Lot 6 of said Block H, WINTER GARDEN MANOR for the POINT OF BEGINNING; thence continue South 89°59'00" West 50.00 feet to the Southwest corner of said Lot 6; thence North 00°00'00" East 150.00 feet to the Northwest corner of said Lot 6; thence North 89°59'00" East 50.00 feet to the Northeast corner of said Lot 6; thence South 00°00'00" East 150.00 feet to the POINT OF BEGINNING.

Containing 0.172 acres, more or less.

**ATTACHMENT "B"**

**FUTURE LAND USE MAP**

**873 Magnolia Street**



Subject property changed from Orange County Commercial to City Commercial

ORDINANCE 16-13

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.17 ± ACRES LOCATED AT 873 MAGNOLIA STREET ON THE NORTH SIDE OF MAGNOLIA STREET, WEST OF GILLARD AVENUE AND EAST OF BEULAH ROAD FROM ORANGE COUNTY C-3 WHOLESALE COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as approximately 0.17 ± acres located at 873 Magnolia Street on the north side of Magnolia Street, west of Gillard Avenue and east of Beulah Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County C-3 Wholesale Commercial District to the City's C-2 Arterial Commercial 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 C-2 Arterial Commercial 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 C-3 Wholesale Commercial District to City C-2 Arterial Commercial 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 16-12 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 25-22-27-9384-08-060

Lot 6, Block H, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Southeast corner of Block H, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°59'00" West 250.00 feet to the Southeast corner of Lot 6 of said Block H, WINTER GARDEN MANOR for the POINT OF BEGINNING; thence continue South 89°59'00" West 50.00 feet to the Southwest corner of said Lot 6; thence North 00°00'00" East 150.00 feet to the Northwest corner of said Lot 6; thence North 89°59'00" East 50.00 feet to the Northeast corner of said Lot 6; thence South 00°00'00" East 150.00 feet to the POINT OF BEGINNING.

Containing 0.172 acres, more or less.

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 6 (Public Hearing)**

---

**DATE:** December 4, 2015 **MEETING DATE:** December 7, 2015

**SUBJECT:** 882 Magnolia Street (Annexation, Future Land Use, Rezoning)  
**PROJECT NAME** 882 Magnolia Street AZFA  
**PARCEL ID#** 25-22-27-9384-09-010

**ISSUE:** The applicant is requesting Annexation, Future Land Use designation, and Zoning on the property located at 882 Magnolia Street.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Walker Bros. Millworks Inc.

**CURRENT ZONING:** R-2 (Orange County)

**PROPOSED ZONING:** C-2 (City)

**CURRENT FLU:** Low Density Residential (Orange County)

**PROPOSED FLU:** Commercial (City)

**SUMMARY:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.45 ± acre parcel located at 882 Magnolia Street. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Commercial, and Zoning of C-2. (See attached Staff Report).

**STAFF RECOMMENDATION(S):**

Staff recommends approval of Ordinance 16-05, Ordinance 16-06, and Ordinance 16-07.

**NEXT STEP(S):**

A public meeting for the first reading of these ordinances is scheduled for the City Commission on December 10, 2015.

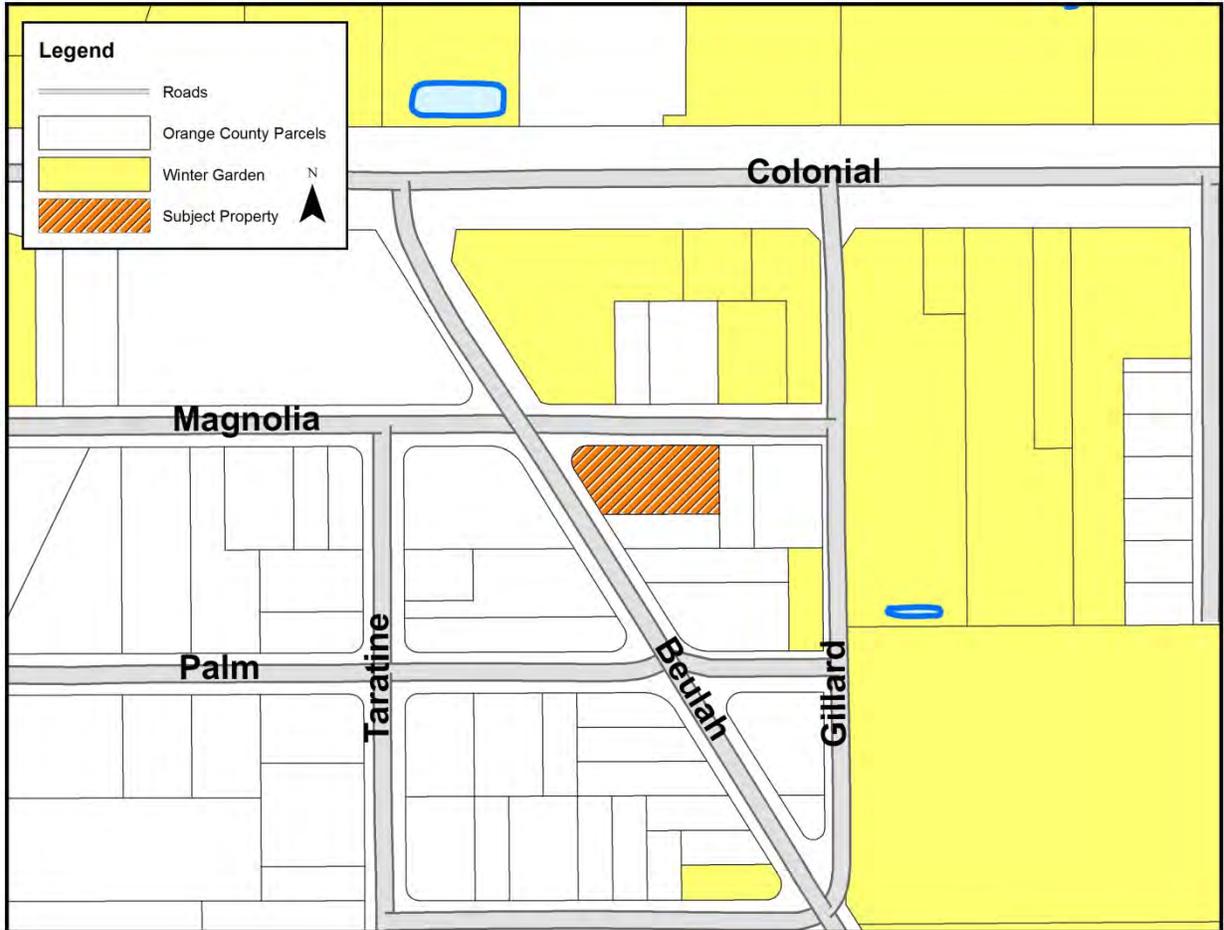
**ATTACHMENT(S):**

Location Map  
Staff Report  
Ordinance 16-05  
Ordinance 16-06  
Ordinance 16-07

# LOCATION MAP

882 Magnolia Street

Annexation, Future Land Use, Zoning



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

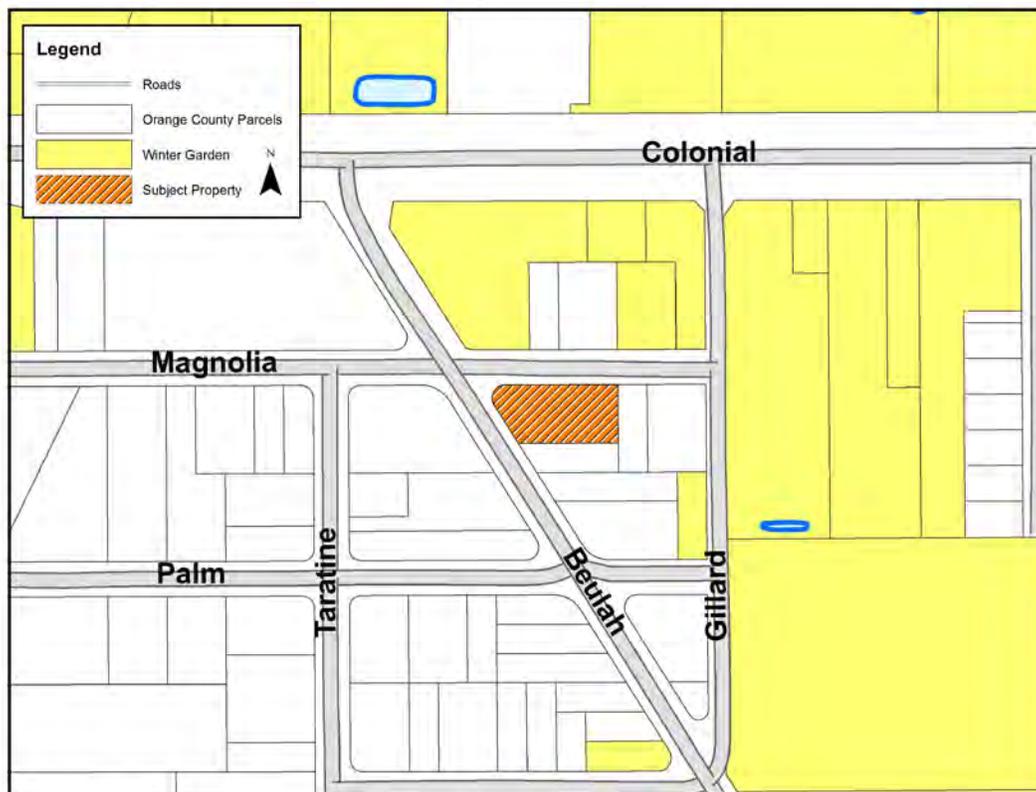
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, PLANNER II  
**DATE:** DECEMBER 2, 2015  
**SUBJECT:** ANNEXATION – FLU AMENDMENT – ZONING  
**882 MAGNOLIA STREET (0.45 +/- ACRES)**  
**PARCEL IDS #:** 25-22-27-9384-09-010  
**APPLICANT:** WALKER BROS. MILLWORKS, INC.

### 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 882 Magnolia Street, on the southeast corner of Magnolia Street and Beulah Road and is approximately 0.45 ± acres in size. The map below depicts the proximity of the subject property to 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 Commercial, and rezoning the property to C-2 Arterial Commercial District.

In accordance with the City’s Comprehensive Plan, properties designated with the Commercial land use category are required to be developed at a floor area ratio not greater than 0.35 and a floor area ratio not greater than 0.5 by development bonus inside Activity Centers. Maximum building height is three stories and up to five stories by development bonus in activity centers. The Commercial land use category shall include retail, service, and professional activities. Uses shall be developed in a manner which is harmonious to nearby noncommercial use and which minimize traffic congestion. All commercial activity in this commercial land use category shall be adjacent to arterials or major collectors. The City shall identify different zoning districts for highway commercial, general commercial, professional / medical districts, and downtown commercial districts in the commercial land use category. Development may exceed the stated 0.35 floor area ratio only by development bonus, no development rights are guaranteed at intensities or densities above the stated permitted range. Additional zoning restrictions per each zoning district may apply. The zoning Classifications what are consistent with the Commercial classification are C-1, C-2, C-3, C-4, PCD, 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 developed with a one-story duplex structure with a metal carport.

### **ADJACENT LAND USE AND ZONING**

There are three properties located to the north of the subject property. One is developed with a gas station and car wash, is zoned C-2, and is located in the City of Winter Garden. The other two properties located to the north are vacant. These properties are currently zoned C-3 and are located within Unincorporated Orange County, however they are currently going through the process of being annexed into the City and rezoning to the City’s C-2 zoning designation. The property to the south of the subject property is also currently being considered for annexation and rezoning to City C-2. Currently, the property is developed with a single family residence and is zoned Orange County R-1. The property located to the west of the subject property contains a single family residence, is zoned R-1, and is located in Orange County. The property located to the east of the subject property is also developed with a single family residence, is zoned R-1, and is located in Orange County.

### **PROPOSED USE**

The applicant intends to annex the subject property in order to provide the lot with City services.

### **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.

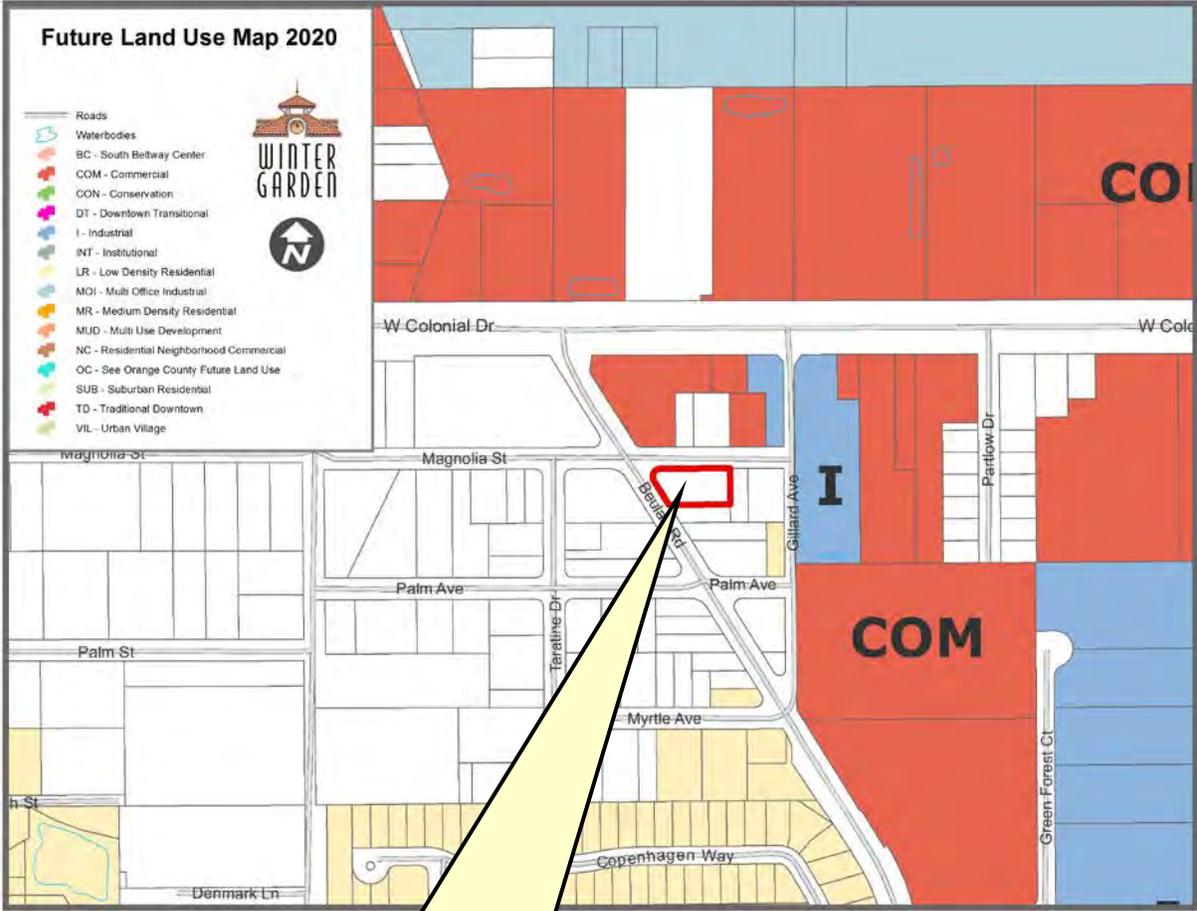
**AERIAL PHOTO**

**882 Magnolia Street**



**FUTURE LAND USE MAP**

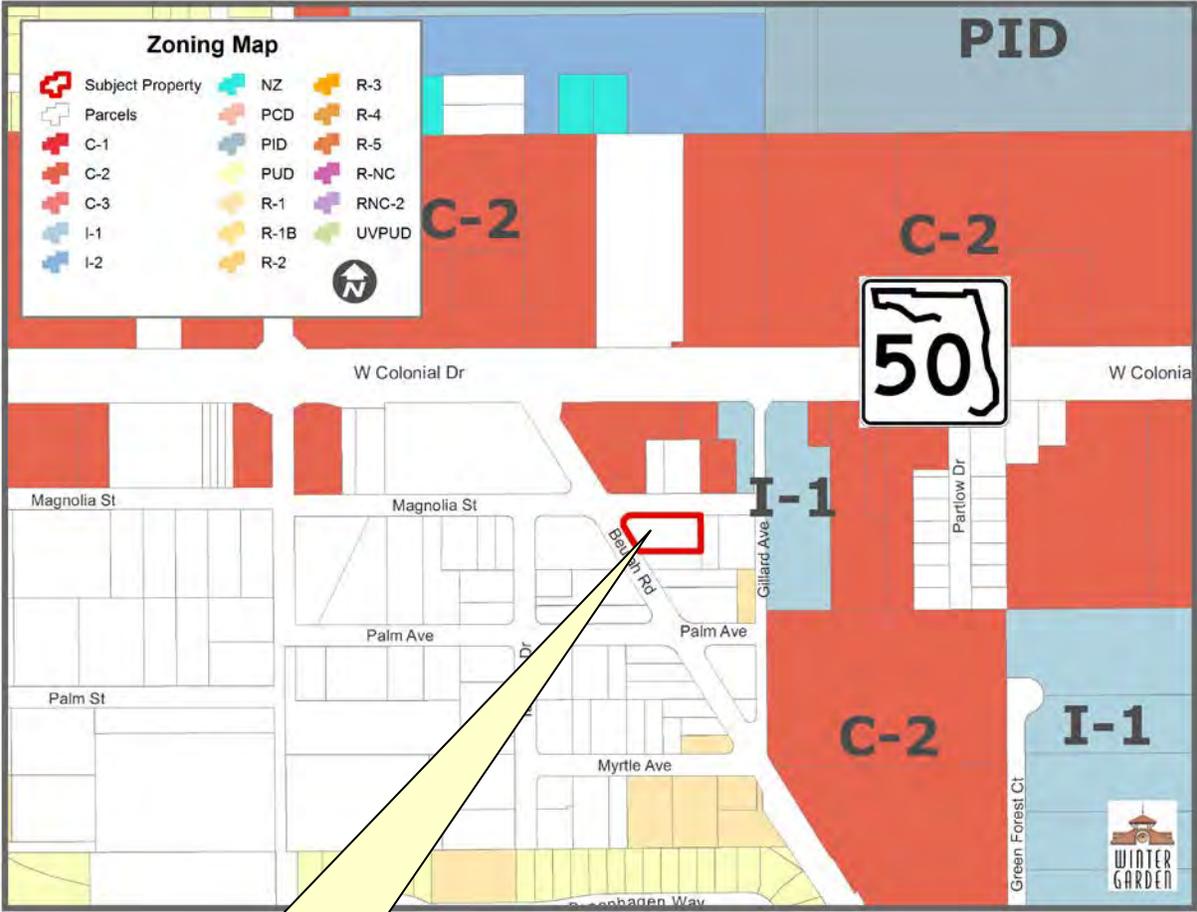
**882 Magnolia Street**



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

**ZONING MAP**

**882 Magnolia Street**



Subject property changed from Orange County R-2 to City C-2

**END OF STAFF REPORT**

ORDINANCE 16-05

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.45 ± ACRES LOCATED AT 882 MAGNOLIA STREET ON THE SOUTHEAST CORNER OF MAGNOLIA STREET AND BEULAH 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 0.45 ± acres located at 882 Magnolia Street on the southeast corner of Magnolia Street and Beulah 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 25-22-27-9384-09-010

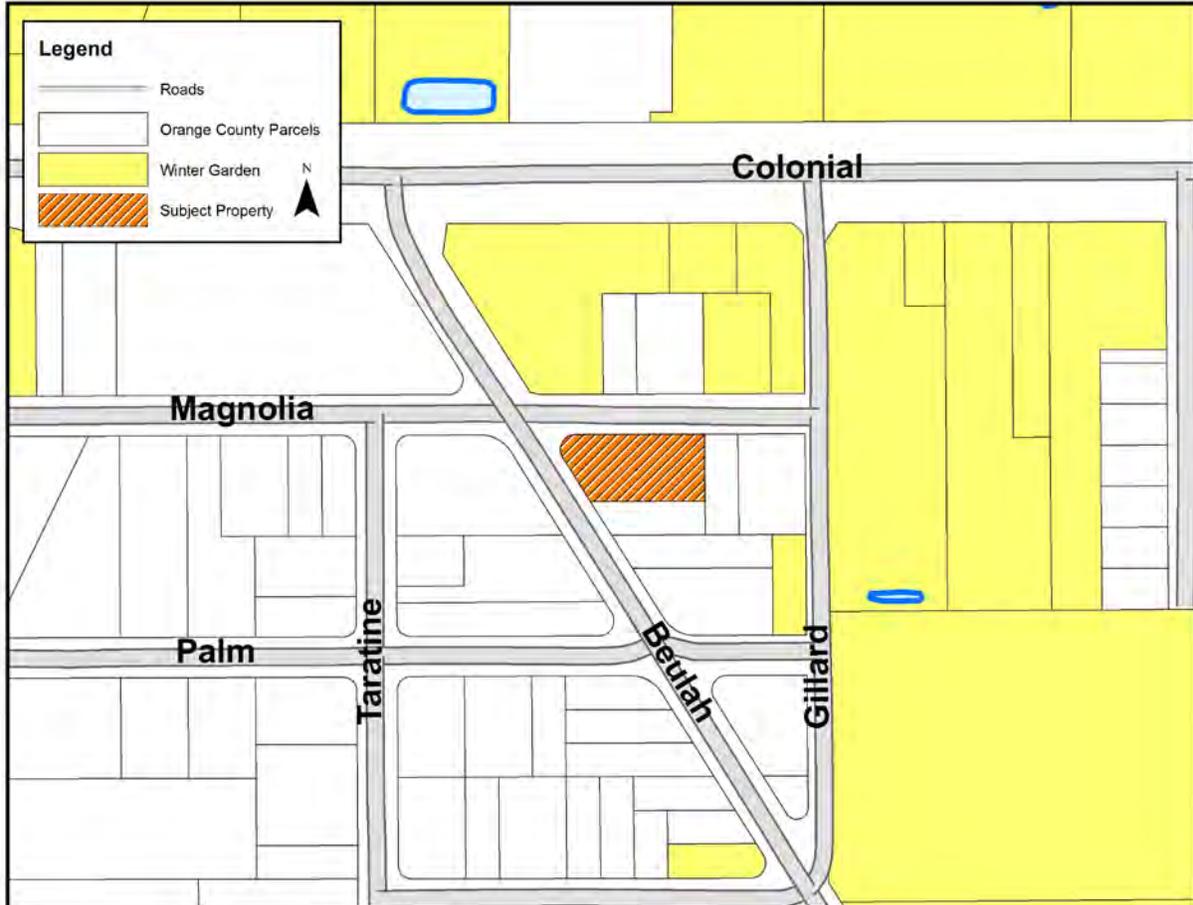
Lots 1 and 2, Block I, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Northeast corner of Block I, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°59'00" West 150.00 feet to the Northeast corner of Lot 1 of said Block I, WINTER GARDEN MANOR for the POINT OF BEGINNING; thence continue South 89°59'00" West 192.35 feet to the beginning of a tangent curve, concave to the Southeast having a radius of 22.30; thence run along the arc of said curve through a central angle of 121°40'00", an arc length of 47.35 feet to a point of tangency and the Easterly right of way line of Beulah Drive; thence South 31°41'00" East along said Easterly right of way line, 77.54 feet to the Southwest corner of Lot 2 of said Block I; thence North 89°59'00" East 170.60 feet to the Southeast corner of said Lot 2; thence North 00°00'00" East 100.00 feet to the POINT OF BEGINNING.

Containing 0.454 acres, more or less.

**ATTACHMENT "B"**

**LOCATION MAP**

**882 Magnolia Street**



ORDINANCE 16-06

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 0.45 ± ACRES LOCATED AT 882 MAGNOLIA STREET ON THE SOUTHEAST CORNER OF MAGNOLIA STREET AND BEULAH ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on the 13<sup>th</sup> 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 24<sup>th</sup> 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 0.45 ± acres located at 882 Magnolia Street on the southeast corner of Magnolia Street and Beulah 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 Commercial; 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 Commercial 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 16-05, 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 25-22-27-9384-09-010

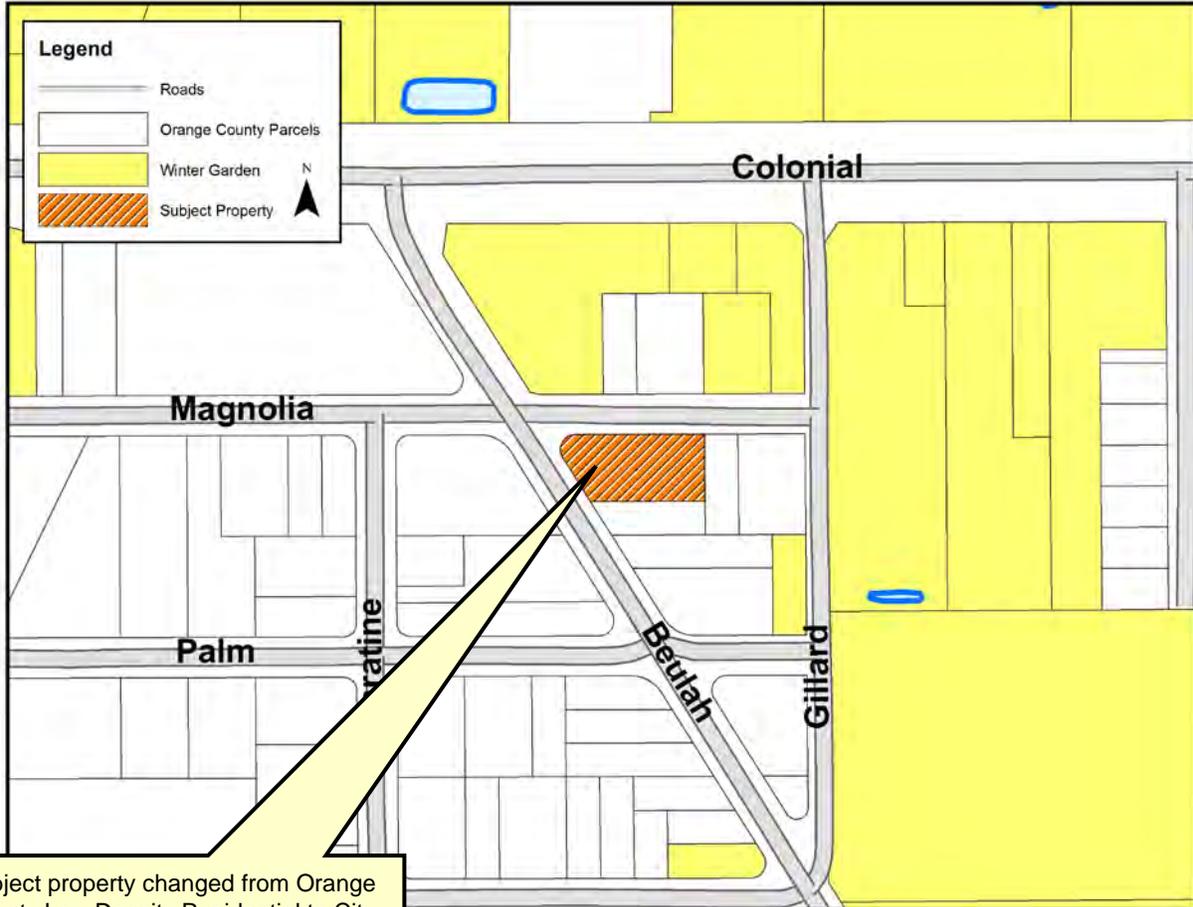
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Containing 0.454 acres, more or less.

**ATTACHMENT "B"**

**FUTURE LAND USE MAP**

**882 Magnolia Street**



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

ORDINANCE 16-07

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.45 ± ACRES LOCATED AT 882 MAGNOLIA STREET ON THE SOUTHEAST CORNER OF MAGNOLIA STREET AND BEULAH ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as approximately 0.45 ± acres located at 882 Magnolia Street on the southeast corner of Magnolia Street and Beulah Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City's C-2 Arterial Commercial 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 C-2 Arterial Commercial 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 R-2 Residential District to City C-2 Arterial Commercial 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 16-06 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 25-22-27-9384-09-010

Lots 1 and 2, Block I, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Northeast corner of Block I, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°59'00" West 150.00 feet to the Northeast corner of Lot 1 of said Block I, WINTER GARDEN MANOR for the POINT OF BEGINNING; thence continue South 89°59'00" West 192.35 feet to the beginning of a tangent curve, concave to the Southeast having a radius of 22.30; thence run along the arc of said curve through a central angle of 121°40'00", an arc length of 47.35 feet to a point of tangency and the Easterly right of way line of Beulah Drive; thence South 31°41'00" East along said Easterly right of way line, 77.54 feet to the Southwest corner of Lot 2 of said Block I; thence North 89°59'00" East 170.60 feet to the Southeast corner of said Lot 2; thence North 00°00'00" East 100.00 feet to the POINT OF BEGINNING.

Containing 0.454 acres, more or less.

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 7 (Public Hearing)**

---

**DATE:** December 4, 2015 **MEETING DATE:** December 7, 2015

**SUBJECT:** 883 Magnolia Street (Annexation, Future Land Use, Rezoning)  
**PROJECT NAME** 883 Magnolia Street AZFA  
**PARCEL ID#** 25-22-27-9384-08-070

**ISSUE:** The applicant is requesting Annexation, Future Land Use designation, and Zoning on the property located at 883 Magnolia Street.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Walker Bros. Millworks Inc.

**CURRENT ZONING:** C-3 (Orange County)

**PROPOSED ZONING:** C-2 (City)

**CURRENT FLU:** Commercial (Orange County)

**PROPOSED FLU:** Commercial (City)

**SUMMARY:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.34 ± acre parcel located at 883 Magnolia Street. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Commercial, and Zoning of C-2. (See attached Staff Report).

**STAFF RECOMMENDATION(S):**

Staff recommends approval of Ordinance 16-08, Ordinance 16-09, and Ordinance 16-10.

**NEXT STEP(S):**

A public meeting for the first reading of these ordinances is scheduled for the City Commission on December 10, 2015.

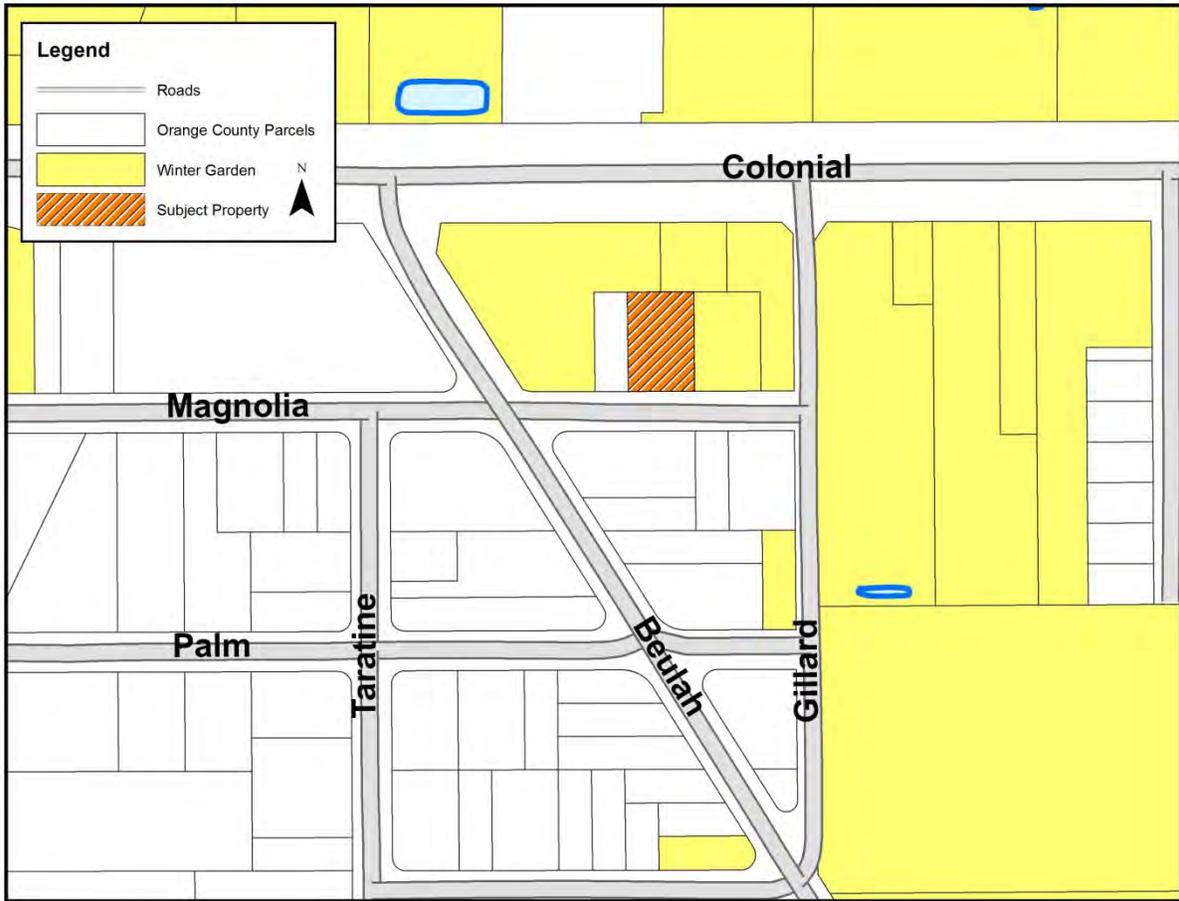
**ATTACHMENT(S):**

Location Map  
Staff Report  
Ordinance 16-08  
Ordinance 16-09  
Ordinance 16-10

# LOCATION MAP

883 Magnolia Street

Annexation, Future Land Use, Zoning



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

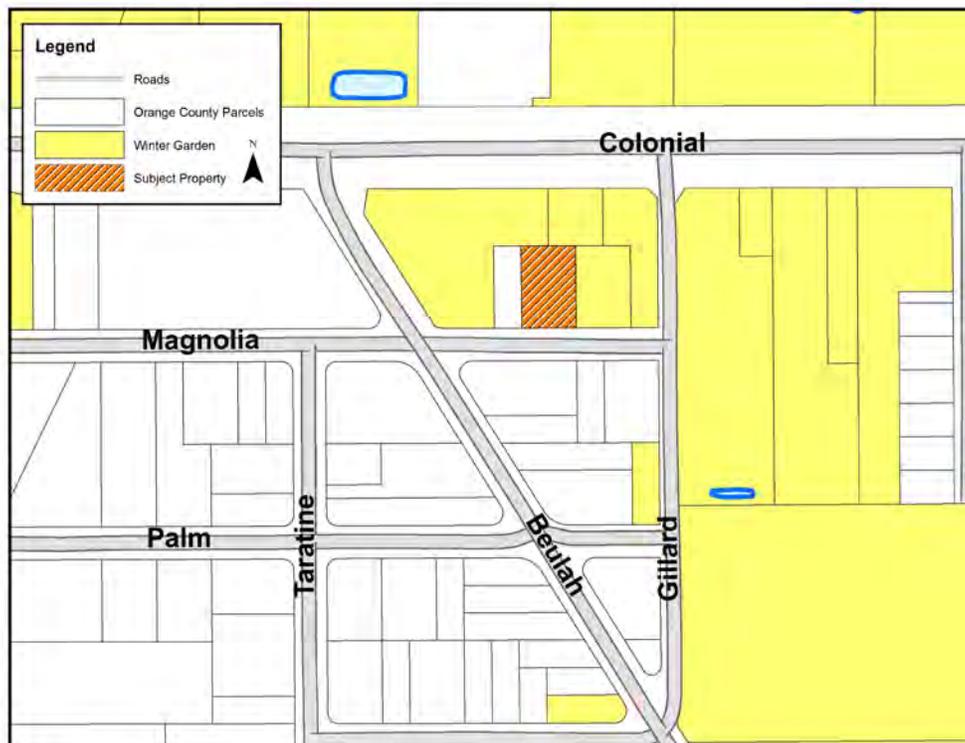
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, PLANNER II  
**DATE:** DECEMBER 2, 2015  
**SUBJECT:** ANNEXATION – FLU AMENDMENT – ZONING  
**883 MAGNOLIA STREET (0.34 +/- ACRES)**  
**PARCEL IDS #: 25-22-27-9384-08-070**  
**APPLICANT:** WALKER BROS. MILLWORKS, INC.

### 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 883 Magnolia Street, on the north side of Magnolia Street, west of Gillard Avenue and east of Beulah Road and is approximately 0.34 ± acres in size. The map below depicts the proximity of the subject property to 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 Commercial, and rezoning the property to C-2 Arterial Commercial District.

In accordance with the City's Comprehensive Plan, properties designated with the Commercial land use category are required to be developed at a floor area ratio not greater than 0.35 and a floor area ratio not greater than 0.5 by development bonus inside Activity Centers. Maximum building height is three stories and up to five stories by development bonus in activity centers. The Commercial land use category shall include retail, service, and professional activities. Uses shall be developed in a manner which is harmonious to nearby noncommercial use and which minimize traffic congestion. All commercial activity in this commercial land use category shall be adjacent to arterials or major collectors. The City shall identify different zoning districts for highway commercial, general commercial, professional / medical districts, and downtown commercial districts in the commercial land use category. Development may exceed the stated 0.35 floor area ratio only by development bonus, no development rights are guaranteed at intensities or densities above the stated permitted range. Additional zoning restrictions per each zoning district may apply. The zoning Classifications what are consistent with the Commercial classification are C-1, C-2, C-3, C-4, PCD, 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. It previously contained a residential building as well as several accessory structures, all of which have since been demolished and removed from the site.

### **ADJACENT LAND USE AND ZONING**

There are two properties located to the north of the subject property- one is developed with a gas station and car wash, and the other contains a car sales lot. Both of these properties are zoned C-2 and are located in the City of Winter Garden. The property located to the west is currently vacant. This property is currently zoned C-3 and is located within Unincorporated Orange County, however it is currently going through the process of being annexed into the City and rezoning to the City's C-2 zoning designation. The property to the south of the subject property is also currently being considered for annexation and rezoning to City C-2. Currently, the property is developed with a duplex building and is zoned Orange County R-2. The commercial property located to the east of the subject property is currently vacant, zoned C-2, and is within the City of Winter Garden's jurisdictional limits.

### **PROPOSED USE**

The applicant intends to annex the subject property in order to provide the lot with City services.

### **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.

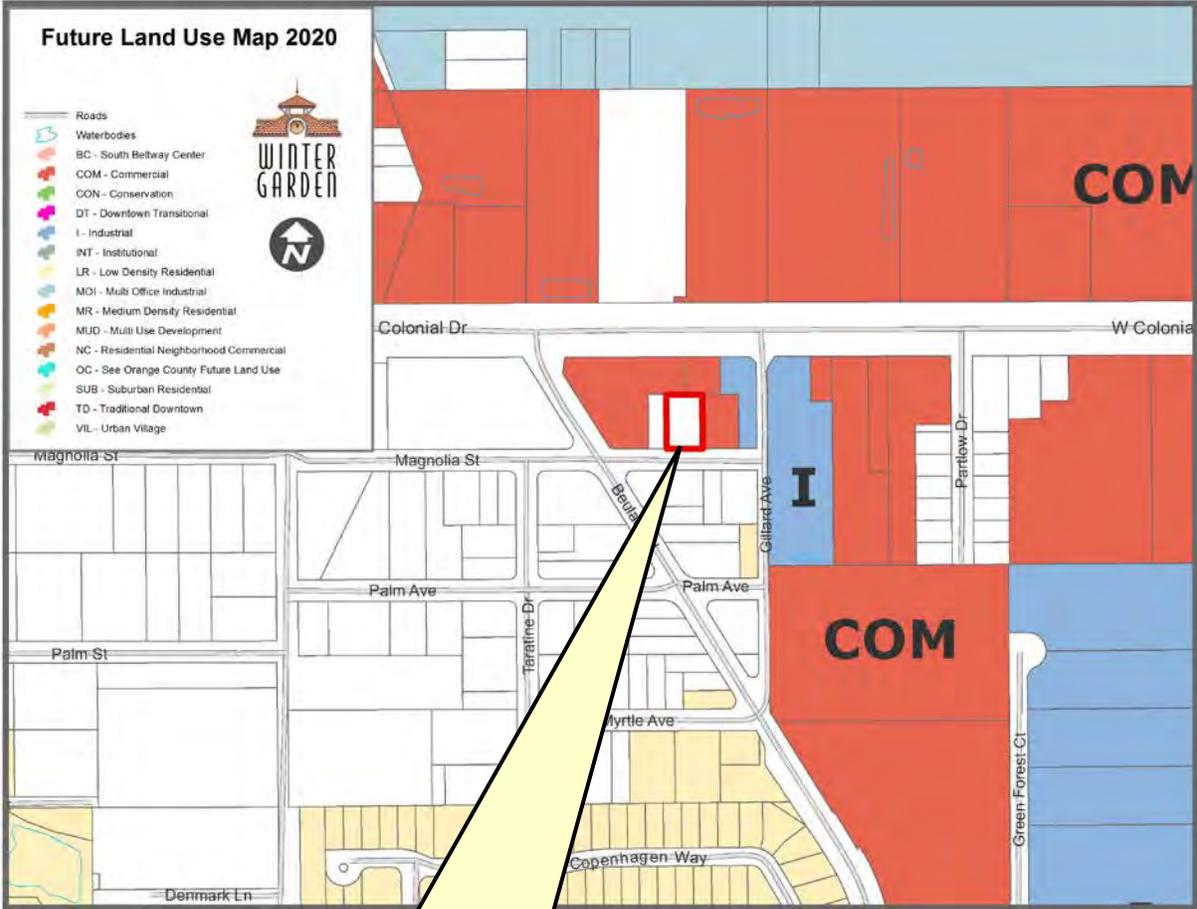
**AERIAL PHOTO**

**883 Magnolia Street**



**FUTURE LAND USE MAP**

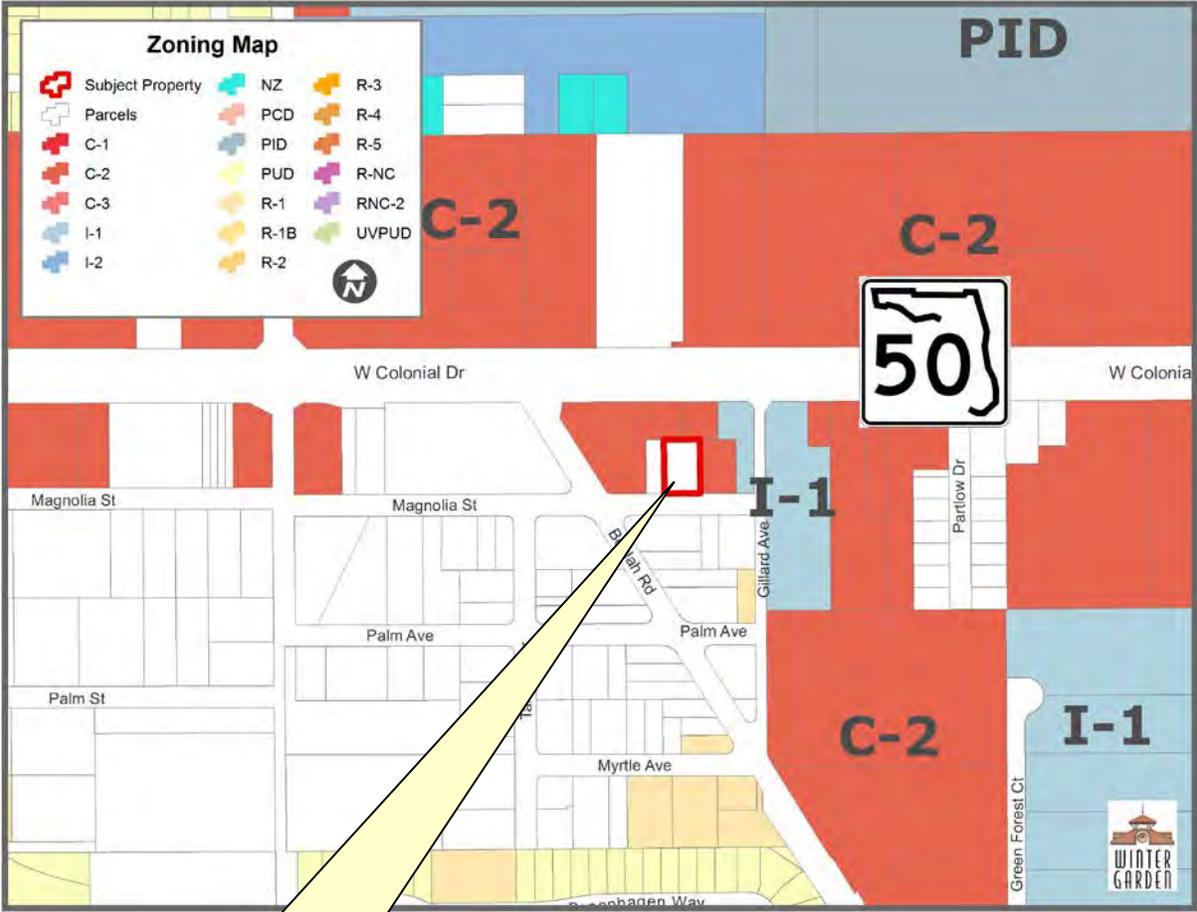
**883 Magnolia Street**



Subject property changed from Orange County  
Commercial to City Commercial

**ZONING MAP**

**883 Magnolia Street**



Subject property changed from Orange County C-3 to City C-2

**END OF STAFF REPORT**

ORDINANCE 16-08

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.34 ± ACRES LOCATED AT 883 MAGNOLIA STREET ON THE NORTH SIDE OF MAGNOLIA STREET, WEST OF GILLARD AVENUE AND EAST OF BEULAH 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 0.34 ± acres located at 883 Magnolia Street on the north side of Magnolia Street, west of Gillard Avenue and east of Beulah 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 25-22-27-9384-08-070

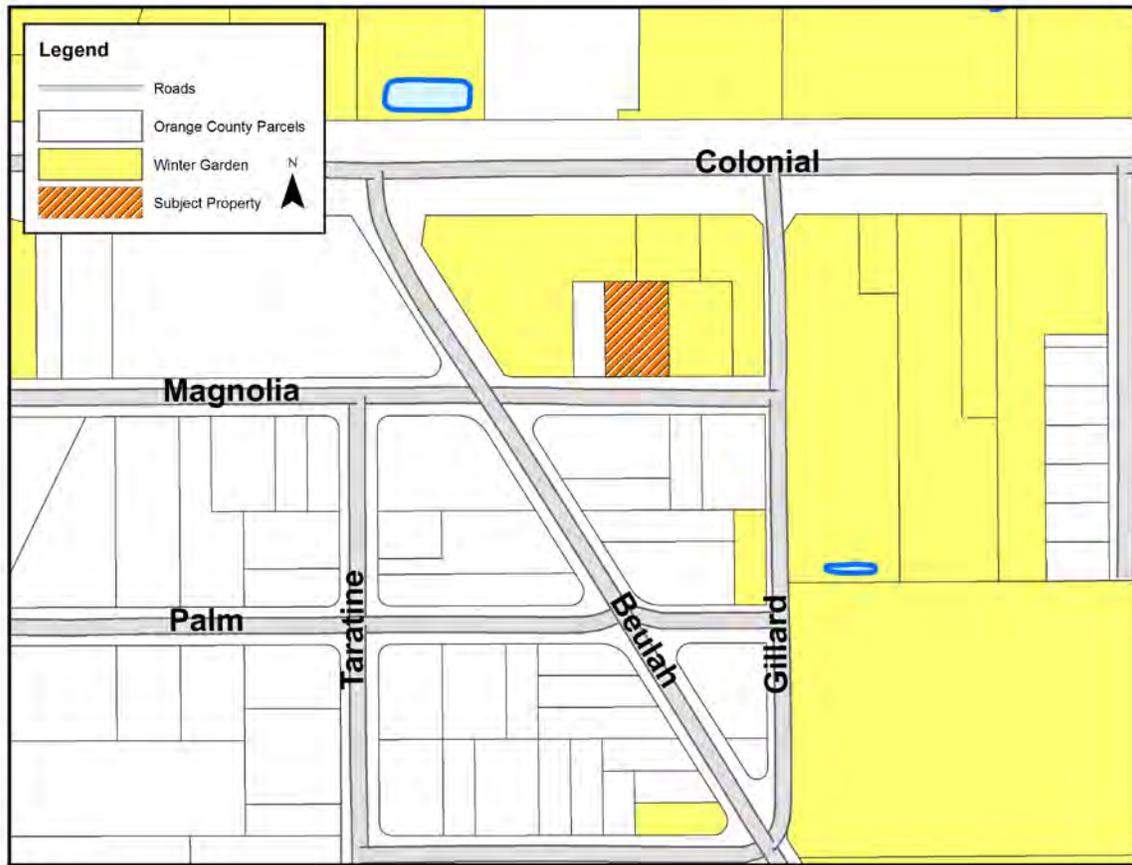
Lots 7 and 8, Block H, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Southeast corner of Block H, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°59'00" West 150.00 feet to the Southeast corner of Lot 8 of said Block H, WINTER GARDEN MANOR for the POINT OF BEGINNING; thence continue South 89°59'00" West 100.00 feet to the Southwest corner of Lot 7 of said Block H; thence North 00°00'00" East 150.00 feet to the Northwest corner of said Lot 7; thence North 89°59'00" East 100.00 feet to the Northeast corner of said Lot 8; thence South 00°00'00" East 150.00 feet to the POINT OF BEGINNING.

Containing 0.344 acres, more or less.

**ATTACHMENT "B"**

**LOCATION MAP**

**883 Magnolia Street**



ORDINANCE 16-09

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 0.34 ± ACRES LOCATED AT 883 MAGNOLIA STREET ON THE NORTH SIDE OF MAGNOLIA STREET, WEST OF GILLARD AVENUE AND EAST OF BEULAH ROAD FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on the 13<sup>th</sup> 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 24<sup>th</sup> 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 0.34 ± acres located at 883 Magnolia Street on the north side of Magnolia Street, west of Gillard Avenue and east of Beulah 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 Commercial to City Commercial; 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 Commercial 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 16-08, 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 25-22-27-9384-08-070

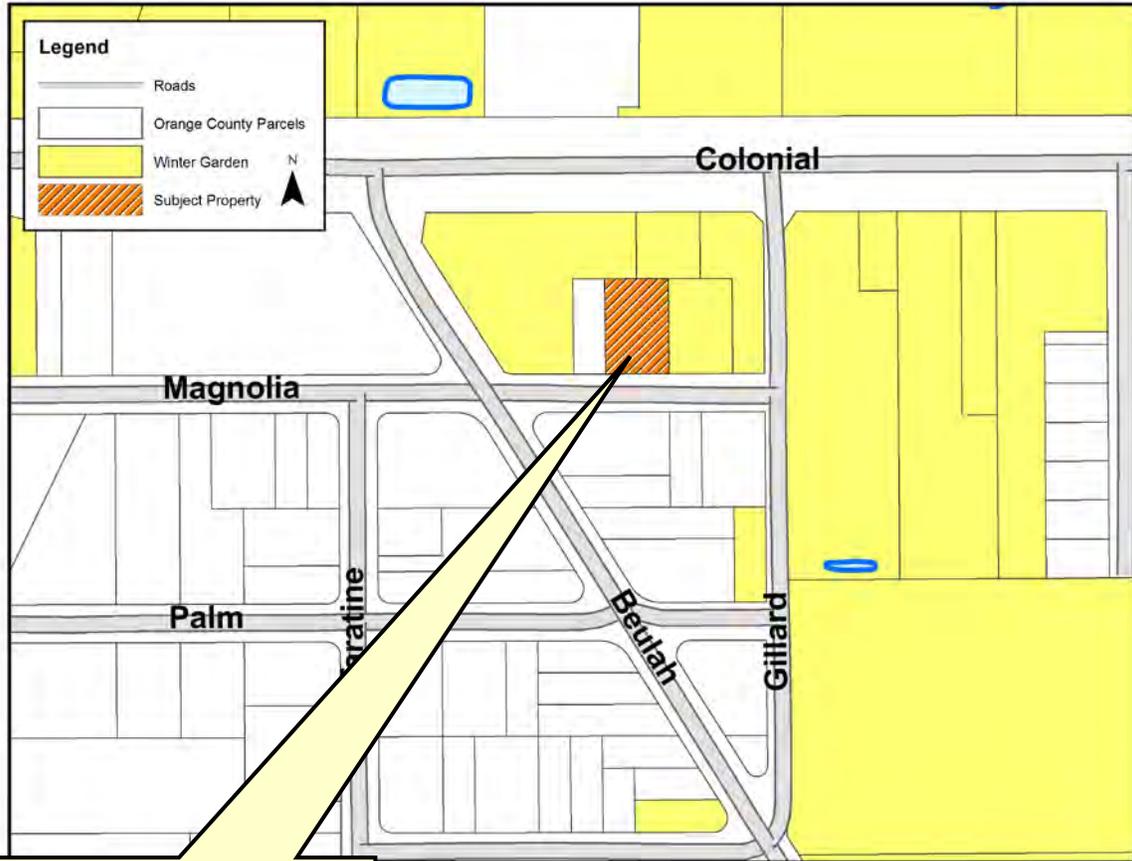
Lots 7 and 8, Block H, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Southeast corner of Block H, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°59'00" West 150.00 feet to the Southeast corner of Lot 8 of said Block H, WINTER GARDEN MANOR for the POINT OF BEGINNING; thence continue South 89°59'00" West 100.00 feet to the Southwest corner of Lot 7 of said Block H; thence North 00°00'00" East 150.00 feet to the Northwest corner of said Lot 7; thence North 89°59'00" East 100.00 feet to the Northeast corner of said Lot 8; thence South 00°00'00" East 150.00 feet to the POINT OF BEGINNING.

Containing 0.344 acres, more or less.

**ATTACHMENT "B"**

**FUTURE LAND USE MAP**

**883 Magnolia Street**



Subject property changed from Orange County Commercial to City Commercial

ORDINANCE 16-10

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.34 ± ACRES LOCATED AT 883 MAGNOLIA STREET ON THE NORTH SIDE OF MAGNOLIA STREET, WEST OF GILLARD AVENUE AND EAST OF BEULAH ROAD FROM ORANGE COUNTY C-3 WHOLESALE COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as approximately 0.34 ± acres located at 883 Magnolia Street on the north side of Magnolia Street, west of Gillard Avenue and east of Beulah Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County C-3 Wholesale Commercial District to the City's C-2 Arterial Commercial 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 C-2 Arterial Commercial 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 C-3 Wholesale Commercial District to City C-2 Arterial Commercial 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 16-09 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 25-22-27-9384-08-070

Lots 7 and 8, Block H, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Southeast corner of Block H, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°59'00" West 150.00 feet to the Southeast corner of Lot 8 of said Block H, WINTER GARDEN MANOR for the POINT OF BEGINNING; thence continue South 89°59'00" West 100.00 feet to the Southwest corner of Lot 7 of said Block H; thence North 00°00'00" East 150.00 feet to the Northwest corner of said Lot 7; thence North 89°59'00" East 100.00 feet to the Northeast corner of said Lot 8; thence South 00°00'00" East 150.00 feet to the POINT OF BEGINNING.

Containing 0.344 acres, more or less.

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 8 (Public Hearing)**

---

**DATE:** December 4, 2015 **MEETING DATE:** December 7, 2015

**SUBJECT:** 1211 Beulah Road (Annexation, Future Land Use, Rezoning)  
**PROJECT NAME** 1211 Beulah Road AZFA  
**PARCEL ID#** 25-22-27-9384-09-030

**ISSUE:** The applicant is requesting Annexation, Future Land Use designation, and Zoning on the property located at 1211 Beulah Road.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Walker Bros. Millworks Inc.

**CURRENT ZONING:** R-1 (Orange County)

**PROPOSED ZONING:** C-2 (City)

**CURRENT FLU:** Low Density Residential (Orange County)

**PROPOSED FLU:** Commercial (City)

**SUMMARY:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.18 ± acre parcel located at 1211 Beulah Road. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Commercial, and Zoning of C-2. (See attached Staff Report).

**STAFF RECOMMENDATION(S):**

Staff recommends approval of Ordinance 16-14, Ordinance 16-15, and Ordinance 16-16.

**NEXT STEP(S):**

A public meeting for the first reading of these ordinances is scheduled for the City Commission on December 10, 2015.

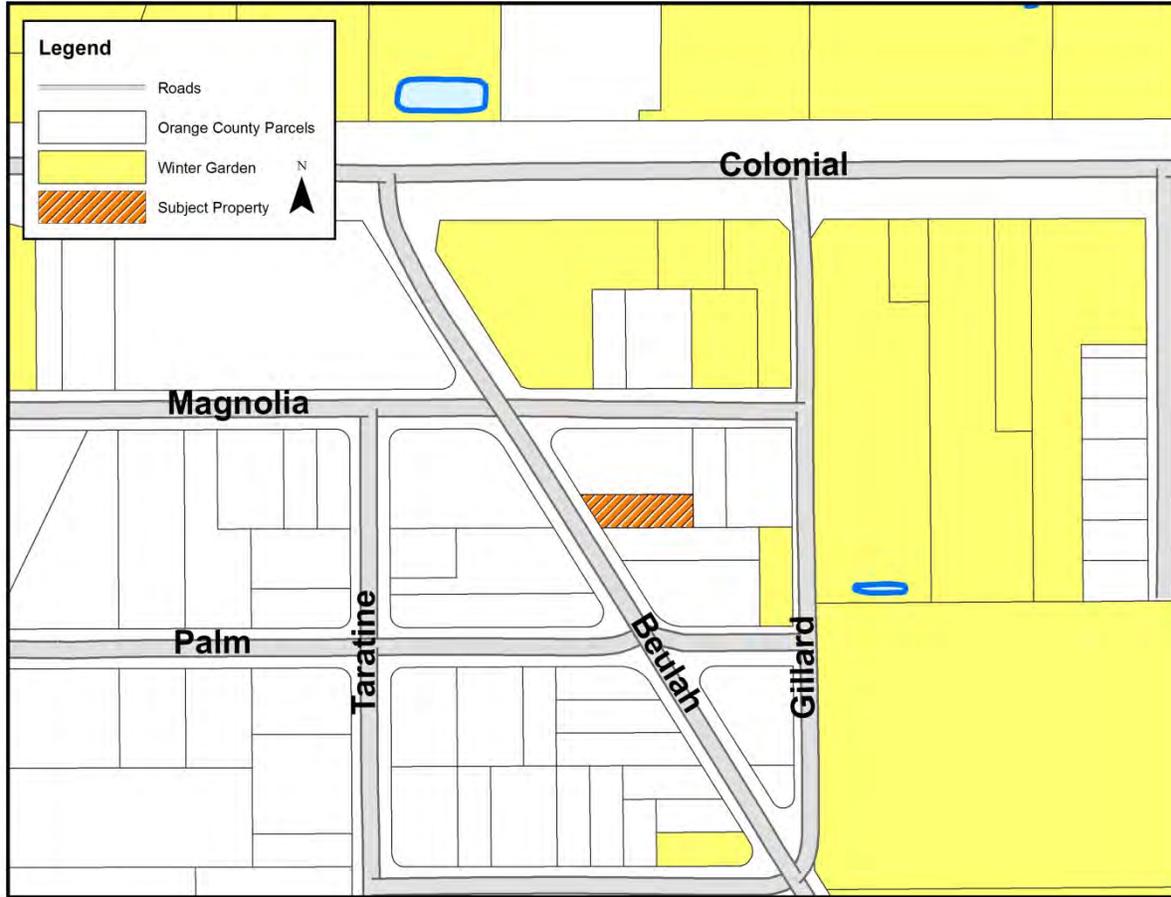
**ATTACHMENT(S):**

Location Map  
Staff Report  
Ordinance 16-14  
Ordinance 16-15  
Ordinance 16-16

# LOCATION MAP

1211 Beulah Road

Annexation, Future Land Use, Zoning



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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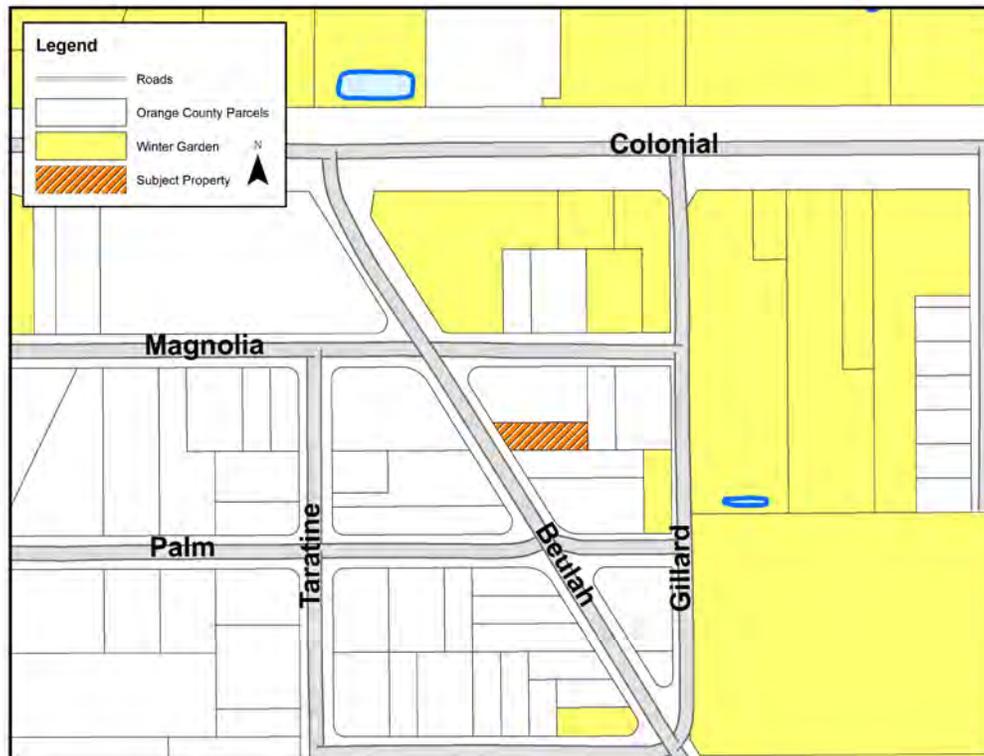
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, PLANNER II  
**DATE:** DECEMBER 2, 2015  
**SUBJECT:** ANNEXATION – FLU AMENDMENT – ZONING  
**1211 BEULAH ROAD (0.18 +/- ACRES)**  
**PARCEL IDS #:** 25-22-27-9384-09-030  
**APPLICANT:** WALKER BROS. MILLWORKS, INC.

### 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 Beulah Road, on the east side of Beulah Road, south of Magnolia Street and north of Palm Avenue and is approximately 0.18 ± acres in size. The map below depicts the proximity of the subject property to 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 Commercial, and rezoning the property to C-2 Arterial Commercial District.

In accordance with the City's Comprehensive Plan, properties designated with the Commercial land use category are required to be developed at a floor area ratio not greater than 0.35 and a floor area ratio not greater than 0.5 by development bonus inside Activity Centers. Maximum building height is three stories and up to five stories by development bonus in activity centers. The Commercial land use category shall include retail, service, and professional activities. Uses shall be developed in a manner which is harmonious to nearby noncommercial use and which minimize traffic congestion. All commercial activity in this commercial land use category shall be adjacent to arterials or major collectors. The City shall identify different zoning districts for highway commercial, general commercial, professional / medical districts, and downtown commercial districts in the commercial land use category. Development may exceed the stated 0.35 floor area ratio only by development bonus, no development rights are guaranteed at intensities or densities above the stated permitted range. Additional zoning restrictions per each zoning district may apply. The zoning Classifications what are consistent with the Commercial classification are C-1, C-2, C-3, C-4, PCD, 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 developed with a one-story single-family residence with a metal carport and concrete block shed.

### **ADJACENT LAND USE AND ZONING**

The property to the north of the subject property is developed with a duplex building. This property is currently zoned R-2 and is located within Unincorporated Orange County, however it is currently going through the process of being annexed into the City and rezoning to the City's C-2 zoning designation. The property located to the west of the subject property contains a single family residence, is zoned R-1, and is located in Orange County. The properties located to the east and south of the subject property are also each developed with a single family residence, zoned R-1, and located in Orange County.

### **PROPOSED USE**

The applicant intends to annex the subject property in order to provide the lot with City services.

### **PUBLIC FACILITY ANALYSIS**

The City will provide garbage collection, police protection, and all other services regularly

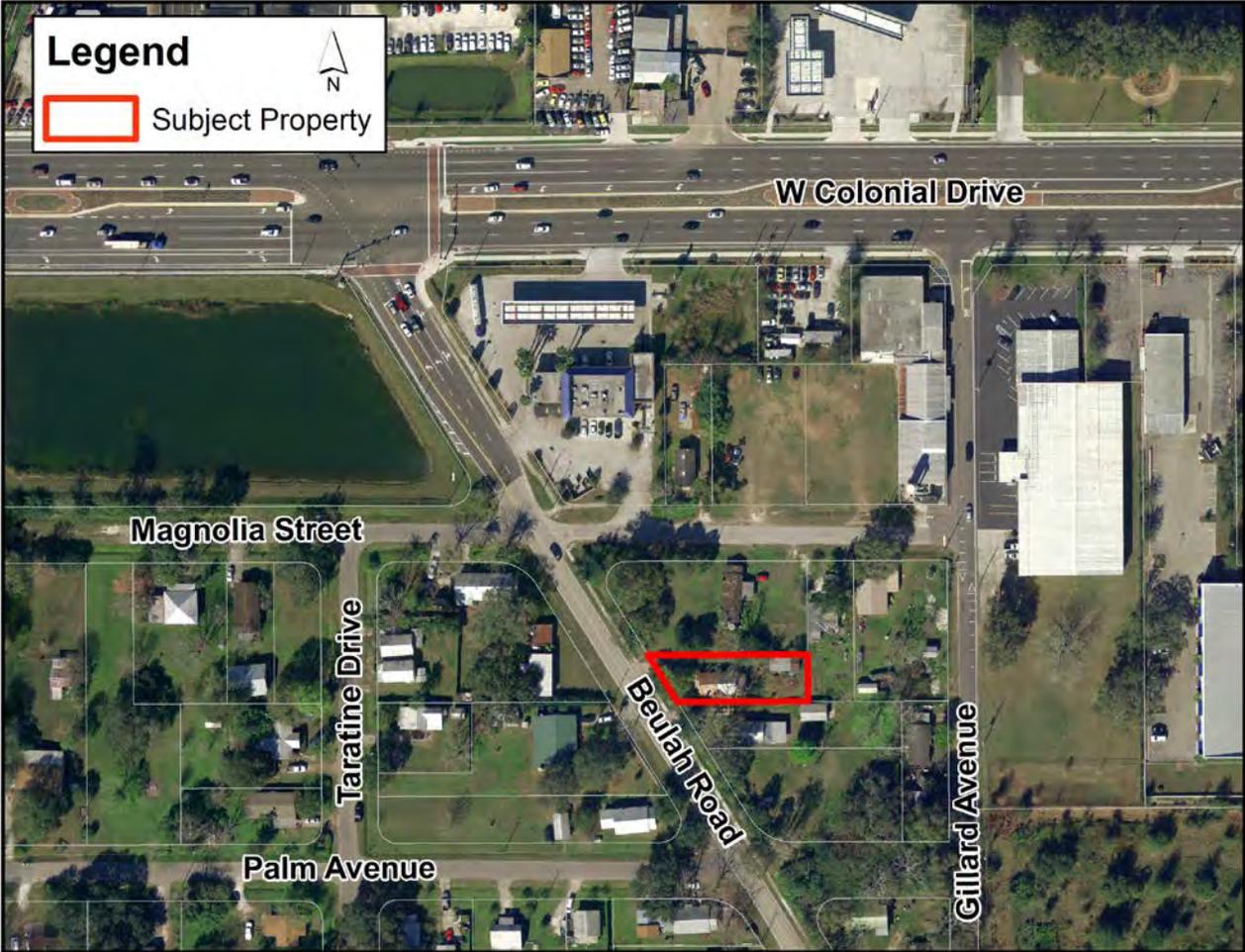
provided to City of Winter Garden residents. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

**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.

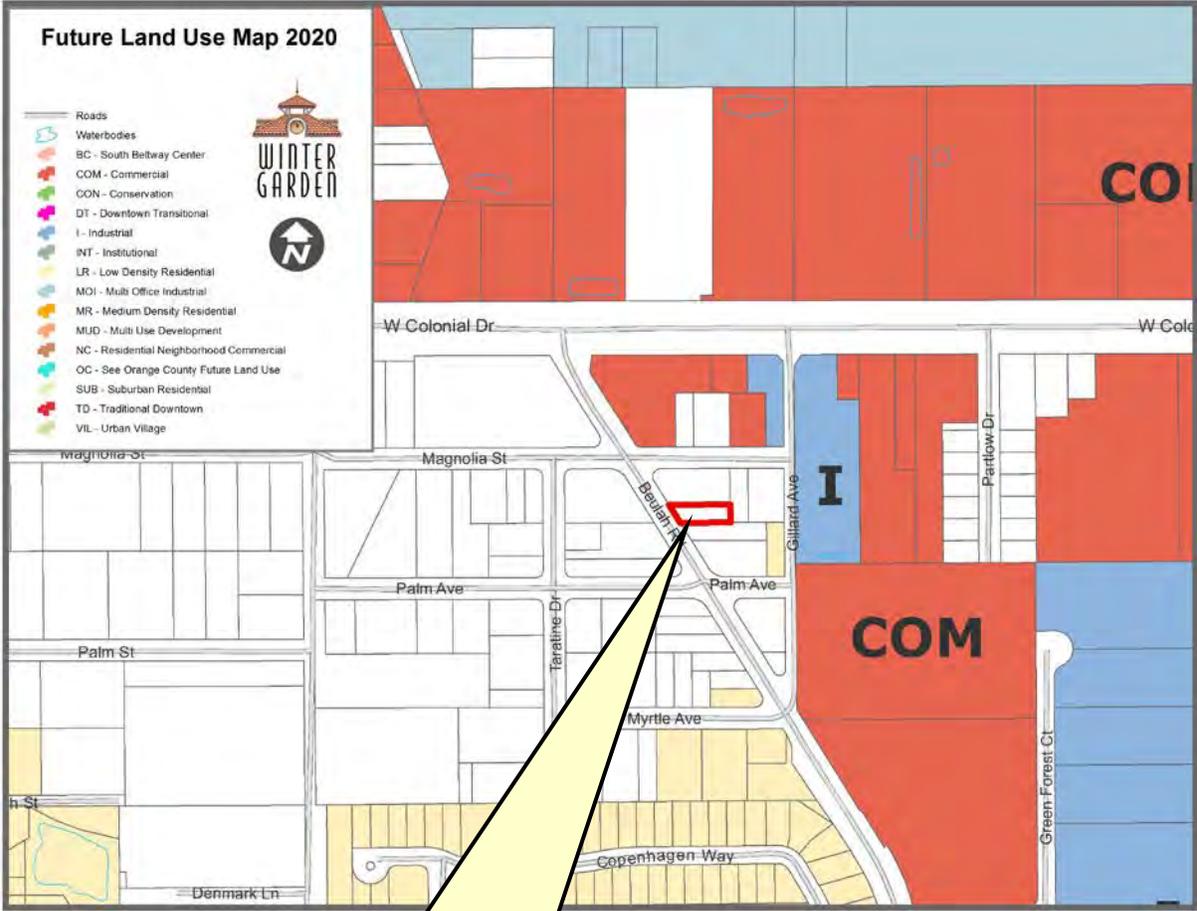
**AERIAL PHOTO**

**1211 Beulah Road**



**FUTURE LAND USE MAP**

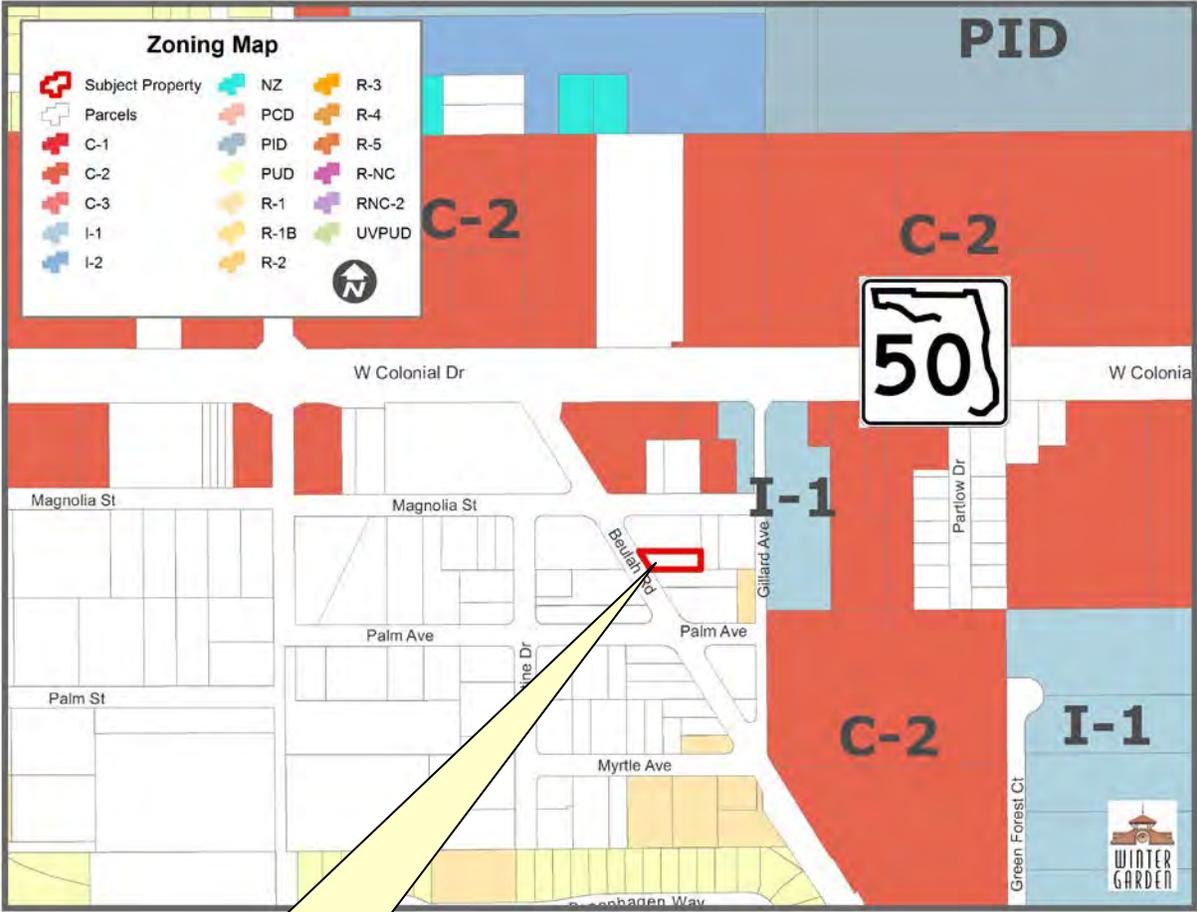
**1211 Beulah Road**



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

**ZONING MAP**

**1211 Beulah Road**



Subject property changed from Orange County R-1 to City C-2

**END OF STAFF REPORT**

ORDINANCE 16-14

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.18 ± ACRES LOCATED AT 1211 BEULAH ROAD ON THE EAST SIDE OF BEULAH ROAD, SOUTH OF MAGNOLIA STREET AND NORTH OF PALM AVENUE 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 0.18 ± acres of land located at 1211 Beulah Road on the east side of Beulah Road, south of Magnolia Street and north of Palm Avenue 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 25-22-27-9384-09-030

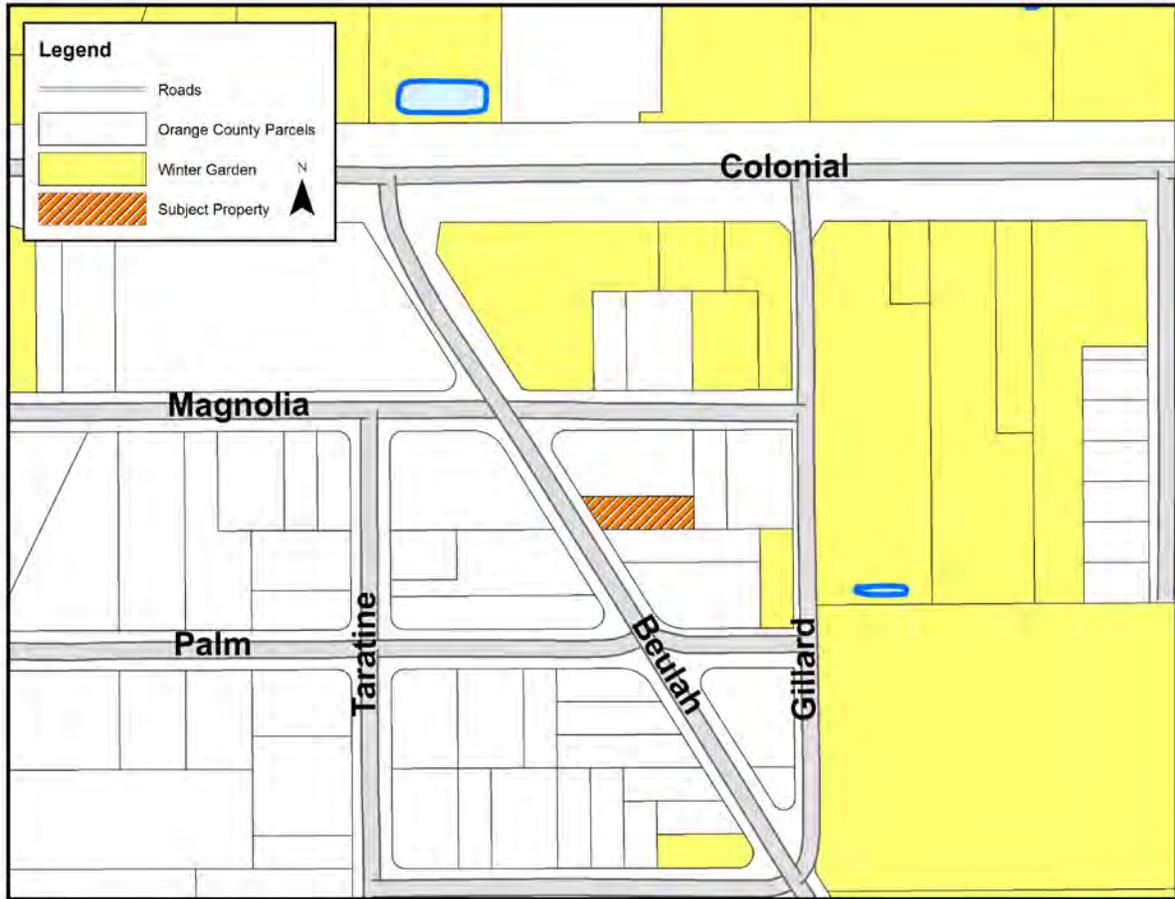
Lot 3, Block I, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Northeast corner of Block I, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°59'00" West 150.00 feet to the Northeast corner of Lot 1 of said Block I, WINTER GARDEN MANOR; thence continue South 89°59'00" West 192.35 feet to the beginning of a tangent curve, concave to the Southeast having a radius of 22.30; thence run along the arc of said curve through a central angle of 121°40'00", an arc length of 47.35 feet to a point of tangency and the Easterly right of way line of Beulah Drive; thence South 31°41'00" East along said Easterly right of way line, 77.54 feet to the Northwest corner of Lot 3 of said Block I for the POINT OF BEGINNING; thence continue South 31°41'00" East 58.75 feet to the Southwest corner of said Lot 3; thence North 89°59'00" East 139.74 feet to the Southeast corner of said Lot 3; thence North 00°00'00" East 50.00 feet to the Northeast corner of said Lot 3; thence South 89°59'00" West 170.60 feet to the POINT OF BEGINNING.

CONTAINING 0.178 ACRES MORE OR LESS.

**ATTACHMENT "B"**

**LOCATION MAP**

**1211 Beulah Road**



ORDINANCE 16-15

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 0.18 ± ACRES LOCATED AT 1211 BEULAH ROAD ON THE EAST SIDE OF BEULAH ROAD, SOUTH OF MAGNOLIA STREET AND NORTH OF PALM AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on the 13<sup>th</sup> 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 24<sup>th</sup> 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 0.18 ± acres of land located at 1211 Beulah Road on the east side of Beulah Road, south of Magnolia Street and north of Palm Avenue, 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 Commercial; 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 Commercial 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 16-14, 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

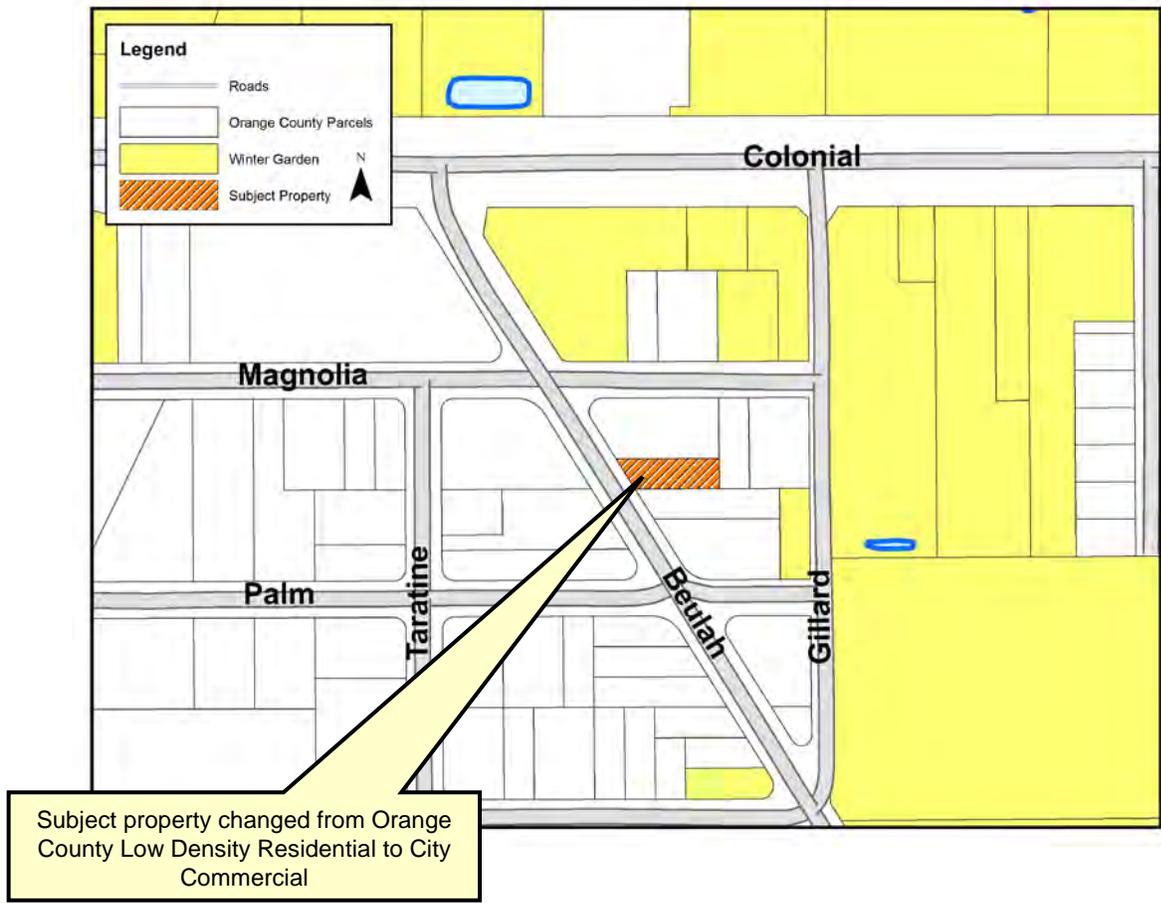
**LEGAL DESCRIPTION**

PARCEL ID#: 25-22-27-9384-09-030

Lot 3, Block I, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Northeast corner of Block I, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°59'00" West 150.00 feet to the Northeast corner of Lot 1 of said Block I, WINTER GARDEN MANOR; thence continue South 89°59'00" West 192.35 feet to the beginning of a tangent curve, concave to the Southeast having a radius of 22.30; thence run along the arc of said curve through a central angle of 121°40'00", an arc length of 47.35 feet to a point of tangency and the Easterly right of way line of Beulah Drive; thence South 31°41'00" East along said Easterly right of way line, 77.54 feet to the Northwest corner of Lot 3 of said Block I for the POINT OF BEGINNING; thence continue South 31°41'00" East 58.75 feet to the Southwest corner of said Lot 3; thence North 89°59'00" East 139.74 feet to the Southeast corner of said Lot 3; thence North 00°00'00" East 50.00 feet to the Northeast corner of said Lot 3; thence South 89°59'00" West 170.60 feet to the POINT OF BEGINNING.

CONTAINING 0.178 ACRES MORE OR LESS.

**ATTACHMENT "B"**  
**FUTURE LAND USE MAP**  
**1211 Beulah Road**



ORDINANCE 16-16

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.18 ± ACRES LOCATED AT 1211 BEULAH ROAD ON THE EAST SIDE OF BEULAH ROAD, SOUTH OF MAGNOLIA STREET AND NORTH OF PALM AVENUE FROM ORANGE COUNTY R-1 SINGLE FAMILY DWELLING DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as approximately 0.18 ± acres of land located at 1211 Beulah Road on the east side of Beulah Road, south of Magnolia Street and north of Palm Avenue, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-1 Single Family Dwelling District to the City's C-2 Arterial Commercial 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 C-2 Arterial Commercial 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 R-1 Single Family Dwelling District to City C-2 Arterial Commercial 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 16-15 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 25-22-27-9384-09-030

Lot 3, Block I, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Northeast corner of Block I, WINTER GARDEN MANOR, according to the Plat thereof, as recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°59'00" West 150.00 feet to the Northeast corner of Lot 1 of said Block I, WINTER GARDEN MANOR; thence continue South 89°59'00" West 192.35 feet to the beginning of a tangent curve, concave to the Southeast having a radius of 22.30; thence run along the arc of said curve through a central angle of 121°40'00", an arc length of 47.35 feet to a point of tangency and the Easterly right of way line of Beulah Drive; thence South 31°41'00" East along said Easterly right of way line, 77.54 feet to the Northwest corner of Lot 3 of said Block I for the POINT OF BEGINNING; thence continue South 31°41'00" East 58.75 feet to the Southwest corner of said Lot 3; thence North 89°59'00" East 139.74 feet to the Southeast corner of said Lot 3; thence North 00°00'00" East 50.00 feet to the Northeast corner of said Lot 3; thence South 89°59'00" West 170.60 feet to the POINT OF BEGINNING.

CONTAINING 0.178 ACRES MORE OR LESS.

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 9 (Public Hearing)**

---

**DATE:** December 4, 2015 **MEETING DATE:** December 7, 2015

**SUBJECT:** 360 W Story Road (Annexation, Future Land Use, Rezoning)  
**PROJECT NAME** Sanchez & Palacios Residence AZFA  
**PARCEL ID#** 22-22-27-1084-02-040

**ISSUE:** The applicant is requesting Annexation, Future Land Use designation, and Zoning on the property located at 360 W Story Road.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Jesus Manuel Sanchez & Joselina Aguirre Palacios

**CURRENT ZONING:** R-2 (Orange County)

**PROPOSED ZONING:** R-2 (City)

**CURRENT FLU:** Low Density Residential (Orange County)

**PROPOSED FLU:** Low Density Residential (City)

**SUMMARY:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The 0.22 ± acre subject property consists of a parcel located on the southwest corner of W Story Road and Burch Avenue. The applicant has requested Annexation into the City, Initial Zoning of R-2, and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential (See attached Staff Report).

**STAFF RECOMMENDATION(S):**

Staff recommends approval of Ordinance 15-31, Ordinance 15-32, and Ordinance 15-33.

**NEXT STEP(S):**

A public meeting for the first reading of these ordinances is scheduled for the City Commission on December 10, 2015.

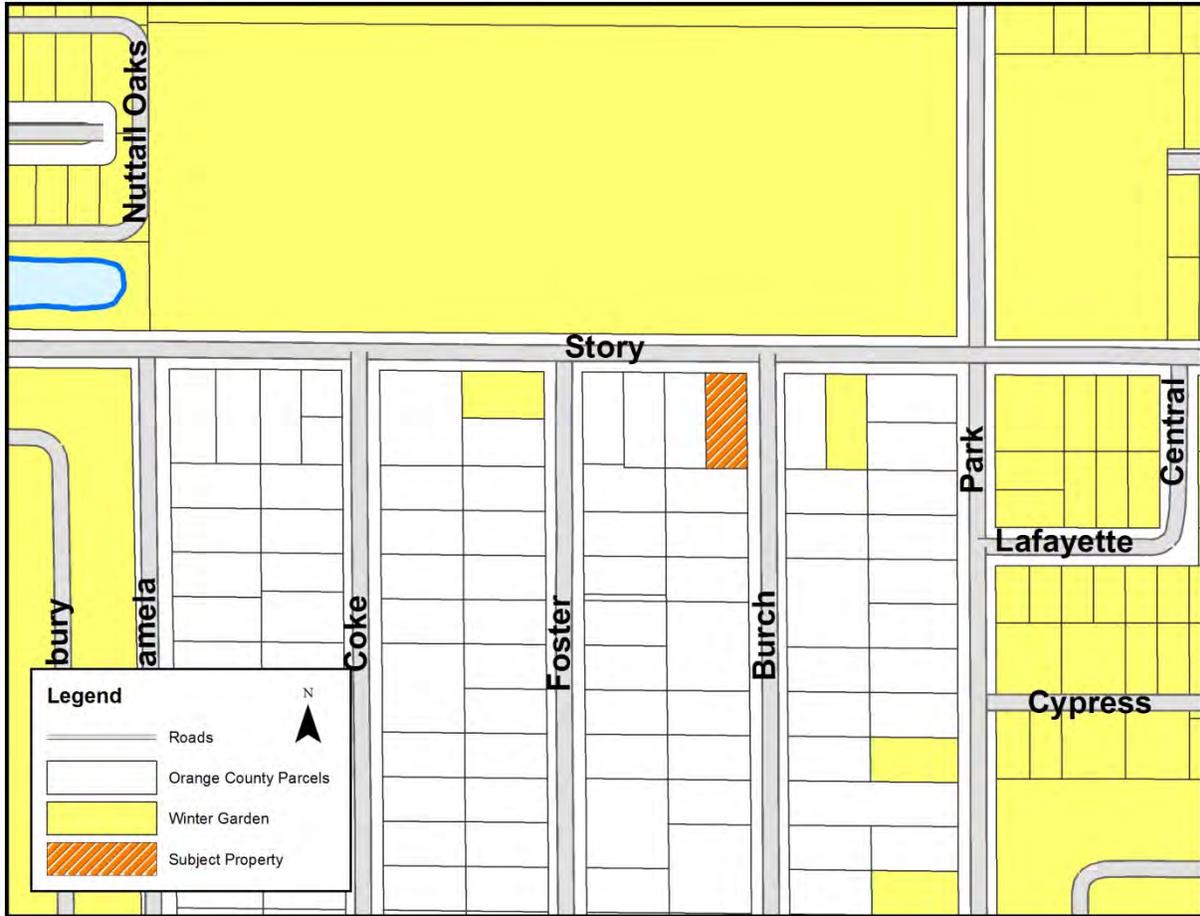
**ATTACHMENT(S):**

Location Map  
Staff Report  
Ordinance 15-31  
Ordinance 15-32  
Ordinance 15-33

# LOCATION MAP

360 W Story 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

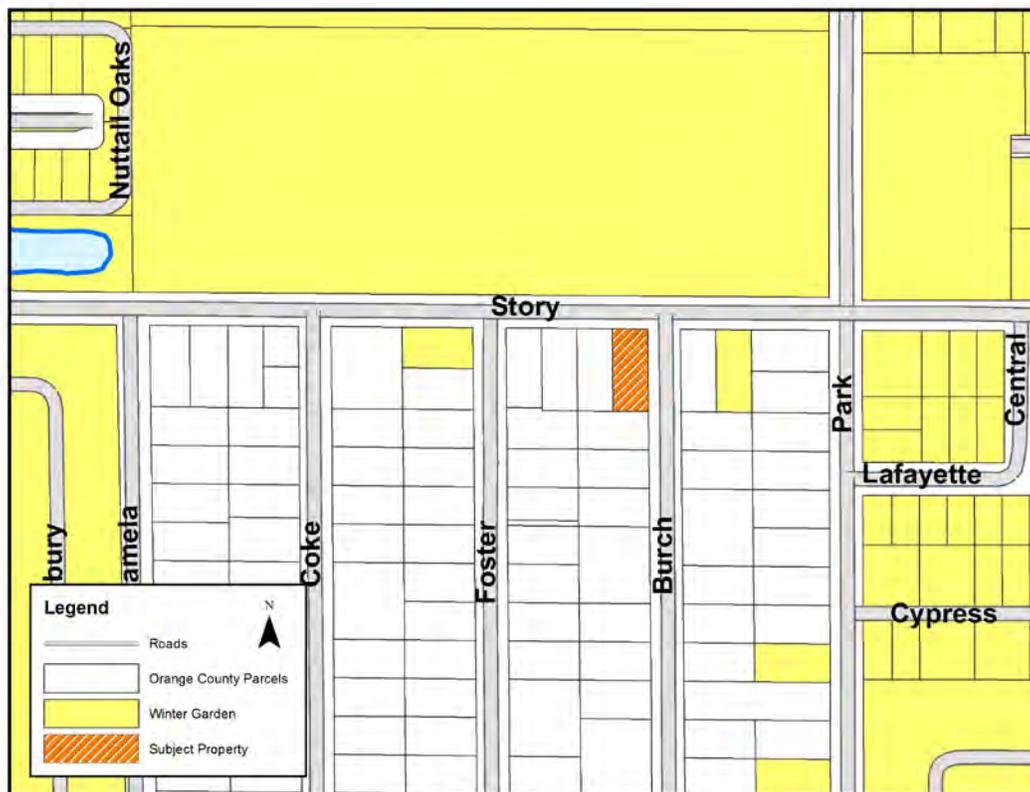
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, PLANNER II  
**DATE:** DECEMBER 2, 2015  
**SUBJECT:** ANNEXATION – FLU AMENDMENT – ZONING  
**360 W STORY ROAD (0.22 +/- ACRES)**  
**PARCEL IDS #:** 22-22-27-1084-02-040  
**APPLICANT:** JESUS MANUEL SANCHEZ & JOSELINA AGUIRRE PALACIOS

### 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 360 W Story Road, on the southwest corner of W Story Road and Burch Avenue and is approximately 0.22 ± acres in size. The map below depicts the proximity of the subject property to 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-2 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 being developed under an existing Orange County building permit. The applicant intends to finish the single family residence under the existing permit while pursuing annexation into the City.

### **ADJACENT LAND USE AND ZONING**

The property located to the north of the subject property is a portion of Veterans Park, which is zoned C-2 and is located in the City of Winter Garden. The property located to the east contains three single-family residential buildings, is zoned R-2 and is located in Unincorporated Orange County. Also in Orange County are the properties to the south and west of the subject property; they are each developed with a single family residence and are zoned R-2.

### **PROPOSED USE**

The applicant intends to annex the subject property in order to provide the residence currently under construction with City services.

### **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 subject to the following condition:

1. A driveway shall be constructed to provide sufficient residential parking in accordance with Code of Ordinances Chapter 118, Article VIII. No vehicles will be permitted to park in the front yard unless parked on a paved driveway.

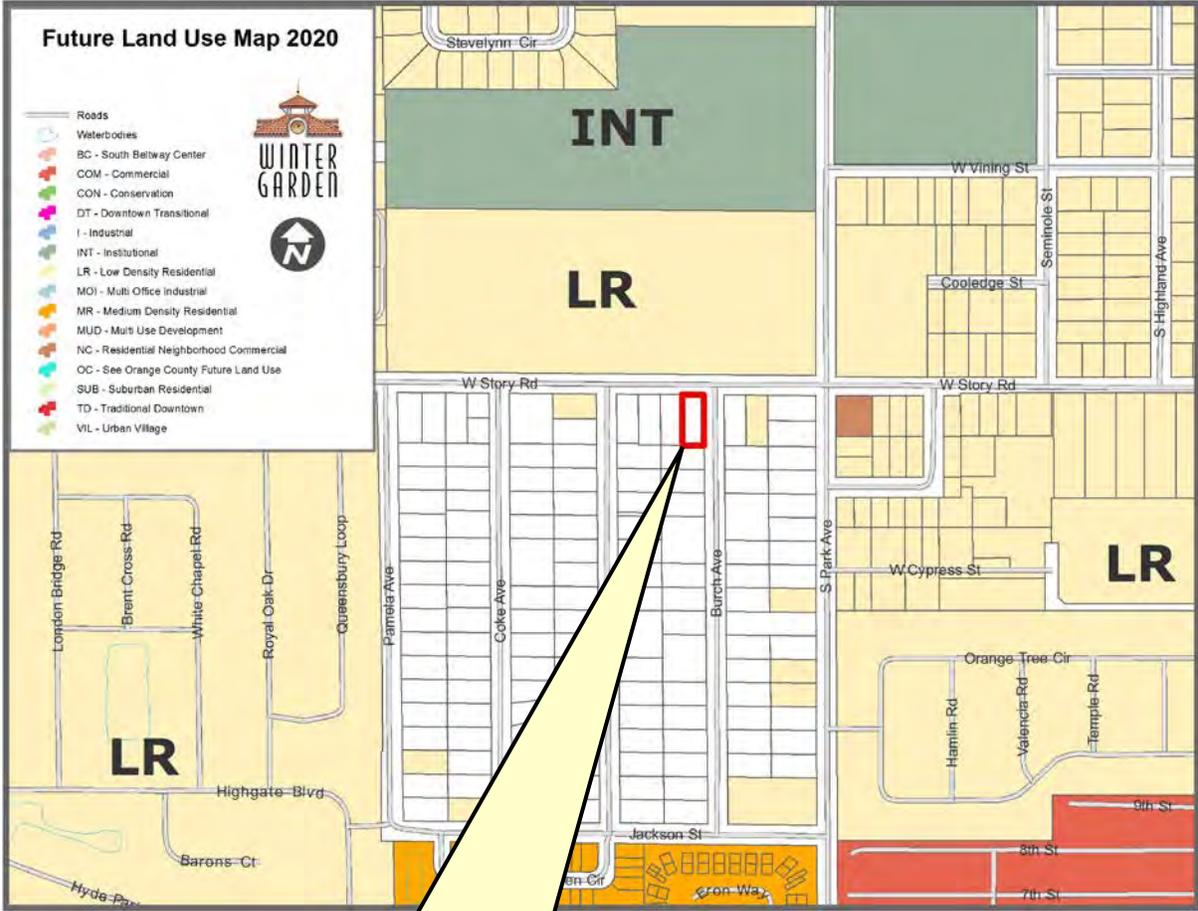
**AERIAL PHOTO**

**360 W Story Road**



**FUTURE LAND USE MAP**

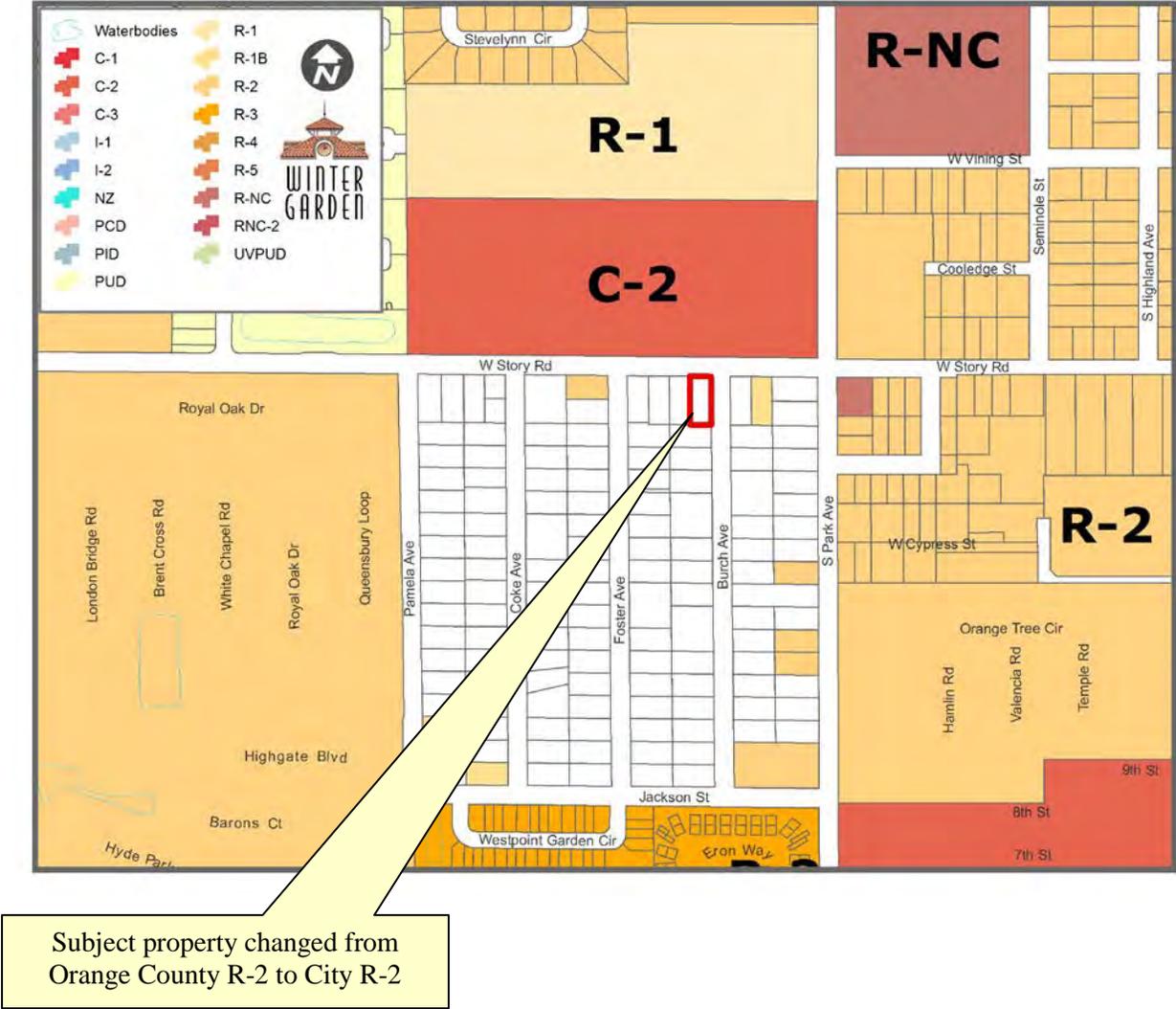
**360 W Story Road**



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

**ZONING MAP**

**360 W Story Road**



**END OF STAFF REPORT**

ORDINANCE 15-31

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 360 WEST STORY ROAD ON THE SOUTHWEST CORNER OF WEST STORY ROAD AND BURCH AVENUE 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 0.22 ± acres located at 360 West Story Road on the southwest corner of West Story Road and Burch Avenue 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 22-22-27-1084-02-040

**DESCRIPTION:**

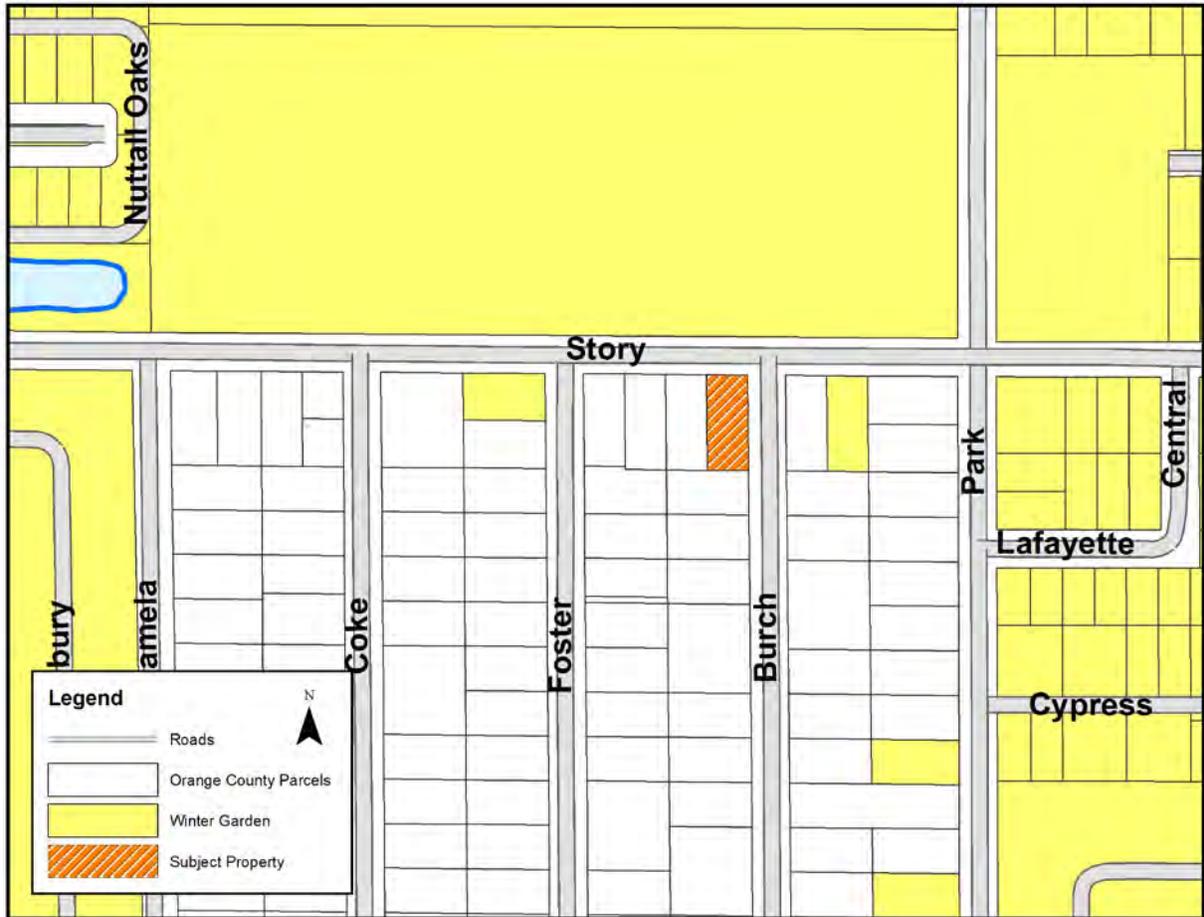
Lot 4, Block B, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, being more particularly described as follows: Begin at the Northeast corner of Lot 4, Block B, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, thence run S 00°00'00" East 150.16 feet to the Southeast corner of said Lot 4; thence N 88°51'36" W 65.00 feet to the Southwest corner of said Lot 4; thence N 00°00'03" West 150.02 feet to the Northwest corner of said Lot 4; thence S 88°59'00" E 65.00 to the Point of Beginning.

Containing 0.224 acres, more or less.

**ATTACHMENT "B"**

**LOCATION MAP**

**360 W Story Road**



ORDINANCE 15-32

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 0.22 ± ACRES LOCATED AT 360 WEST STORY ROAD ON THE SOUTHWEST CORNER OF WEST STORY ROAD AND BURCH AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on the 13<sup>th</sup> 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 24<sup>th</sup> 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 0.22 ± acres located at 360 West Story Road on the southwest corner of West Story Road and Burch Avenue, 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 15-31, 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 22-22-27-1084-02-040

**DESCRIPTION:**

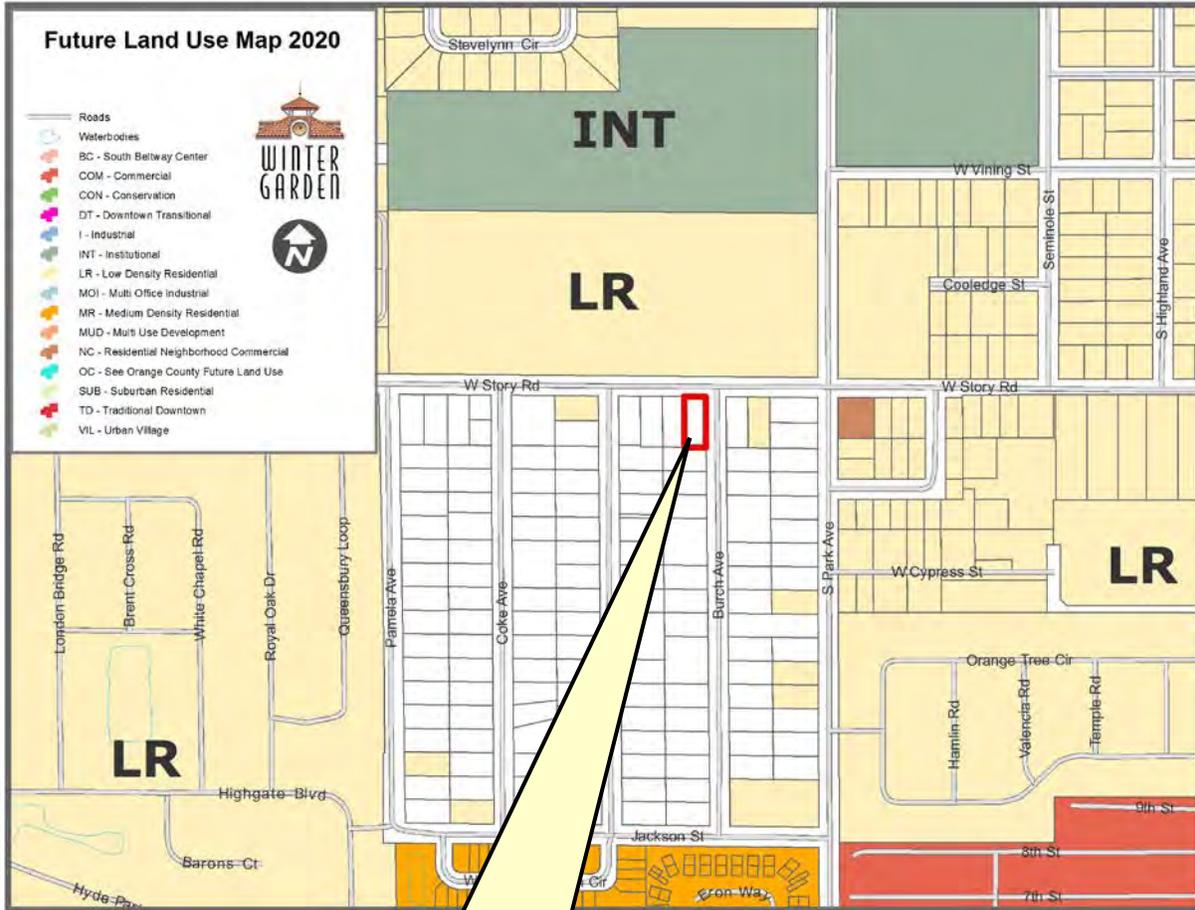
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Containing 0.224 acres, more or less.

# ATTACHMENT "B"

## FUTURE LAND USE MAP

### 360 W Story Road



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

ORDINANCE 15-33

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES LOCATED AT 360 WEST STORY ROAD ON THE SOUTHWEST CORNER OF WEST STORY ROAD AND BURCH AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as 0.22 ± acres located at 360 West Story Road on the southwest corner of West Story Road and Burch Avenue, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City's R-2 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-2 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 R-2 Residential District to City R-2 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 15-32 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 22-22-27-1084-02-040

**DESCRIPTION:**

Lot 4, Block B, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, being more particularly described as follows: Begin at the Northeast corner of Lot 4, Block B, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, thence run S 00°00'00" East 150.16 feet to the Southeast corner of said Lot 4; thence N 88°51'36" W 65.00 feet to the Southwest corner of said Lot 4; thence N 00°00'03" West 150.02 feet to the Northwest corner of said Lot 4; thence S 88°59'00" E 65.00 to the Point of Beginning.

Containing 0.224 acres, more or less.

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 10 (Public Hearing)**

---

**DATE:** December 1, 2015 **MEETING DATE:** December 7, 2015

**SUBJECT:** 830 Burch Avenue (Annexation, Future Land Use, Rezoning)  
**PROJECT NAME** Campos Property  
**PARCEL ID#** 22-22-27-1084-02-200

**ISSUE:** The applicant is requesting Annexation, Future Land Use designation, and Zoning on the property located at 830 Burch Avenue.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Rito Campos

**CURRENT ZONING:** R-2 (Orange County)

**PROPOSED ZONING:** R-2 (City)

**CURRENT FLU:** Low Medium Density Residential (Orange County)

**PROPOSED FLU:** Low Density Residential (City)

**SUMMARY:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.209 ± acre enclave located at 830 Burch Avenue. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential, and Zoning of R-2. (See attached Staff Report).

**STAFF RECOMMENDATION(S):**

Staff recommends approval of Ordinance 16-01, Ordinance 16-02, and Ordinance 16-03.

**NEXT STEP(S):**

A public meeting for the first reading of these ordinances is scheduled for the City Commission on December 10, 2015.

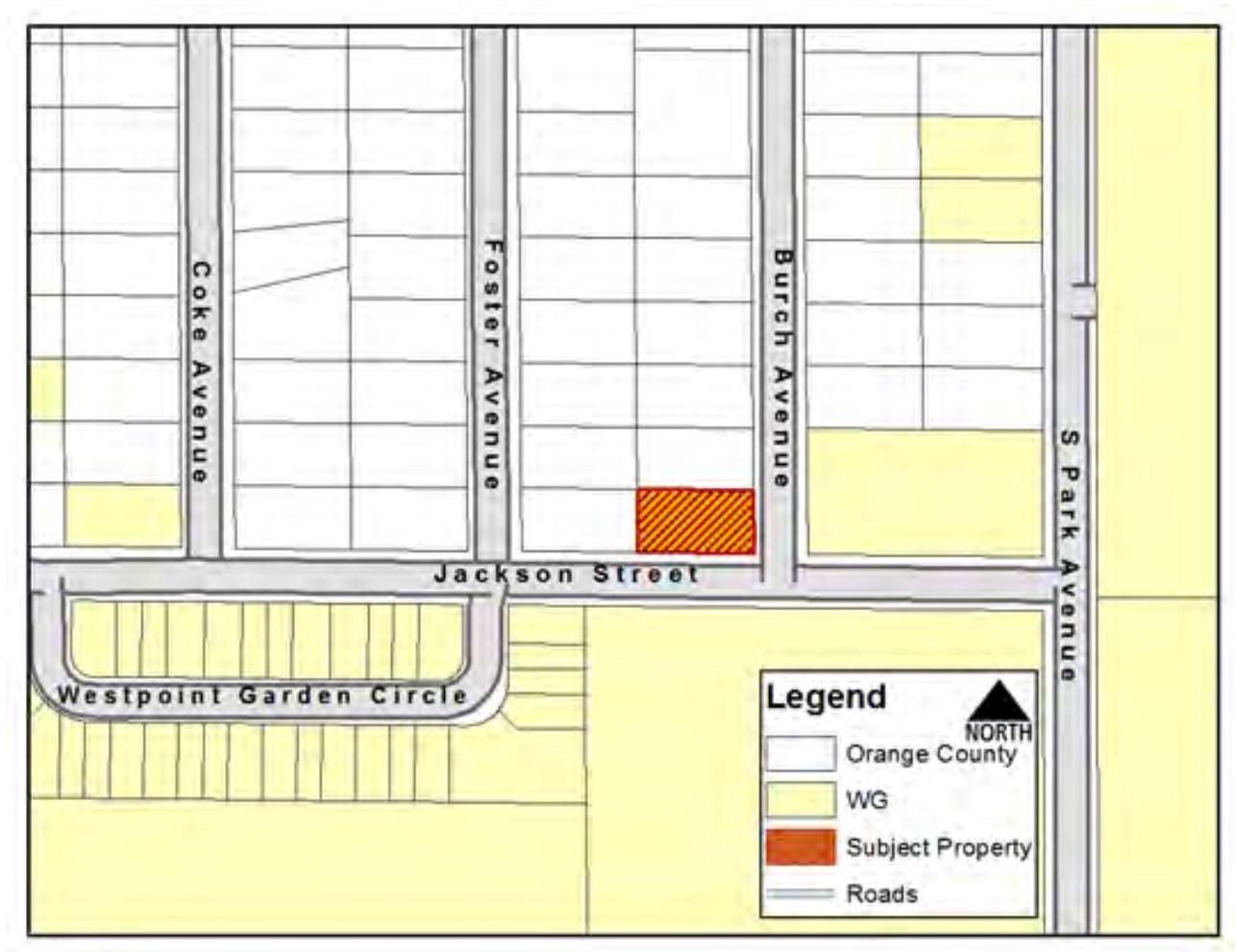
**ATTACHMENT(S):**

Location Map  
Staff Report  
Ordinance 16-01  
Ordinance 16-02  
Ordinance 16-03

# LOCATION MAP

830 Burch Avenue

ANNEXATION, FLU MAP AMENDMENT, REZONING



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

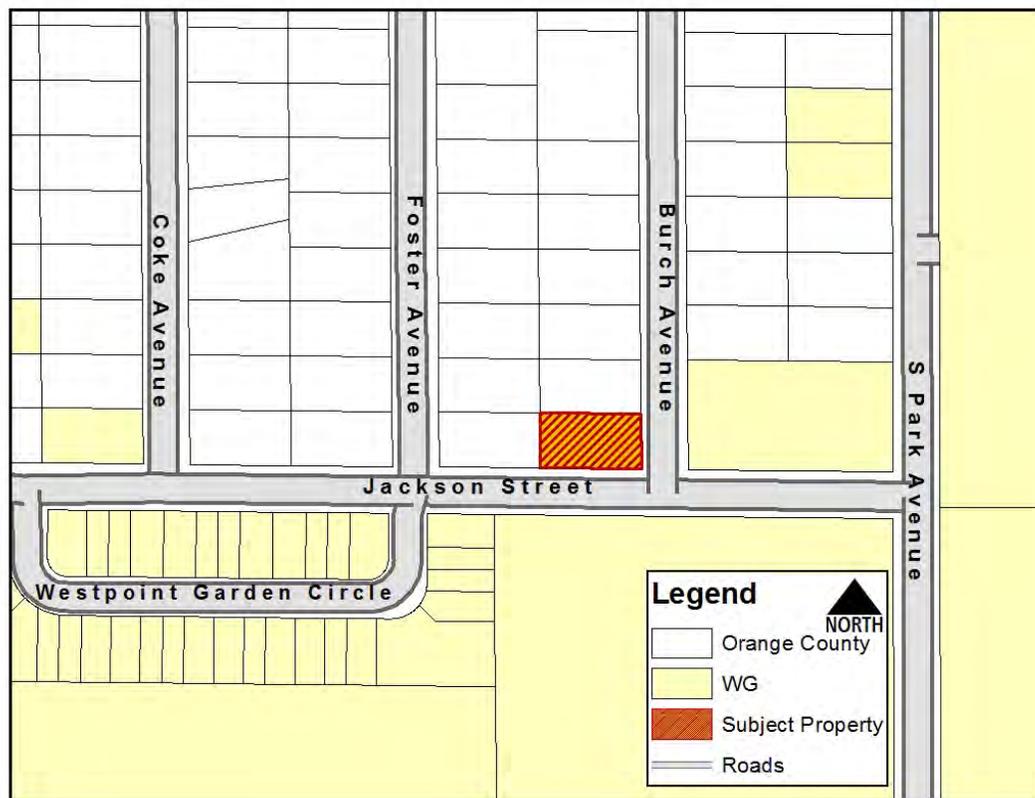
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** JESSICA FRYE, PLANNER I  
**DATE:** NOVEMBER 16, 2015  
**SUBJECT:** ANNEXATION – ZONING – FLU AMENDMENT  
**830 Burch Avenue STREET (0.209 +/- ACRES)**  
**PARCEL ID #:** 22-22-27-1084-02-200  
**APPLICANT:** RITO CAMPOS

### 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 is located at 830 Burch Avenue Street and is approximately 0.209 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The property is currently zoned R-2 in Orange County and carries a Future Land Use designation of Low Density Residential. The existing zoning and land use allow single-family detached and attached dwellings.

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-2 Residential District.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include single family homes and churches and schools. The zoning classifications that are consistent with the Low Density Residential land use designation include 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 was developed with a single-family house that has recently been demolished, with a replacement currently in progress.

### **ADJACENT LAND USE AND ZONING**

The property located to the north is developed with a single-family home, zoned R-2, and located in unincorporated Orange County. The property located to the east is zoned R-2, and is developed with a Church, and located in the City. The property to the west is developed with a single-family house, zoned R-2 and located in Orange County. The property to the south is zoned R-3 and developed with multi-family townhomes within the City of Winter Garden.

### **PROPOSED USE**

The owner is proposing to annex the property and develop it with a new single family residence.

### **PUBLIC FACILITY ANALYSIS**

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. 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.

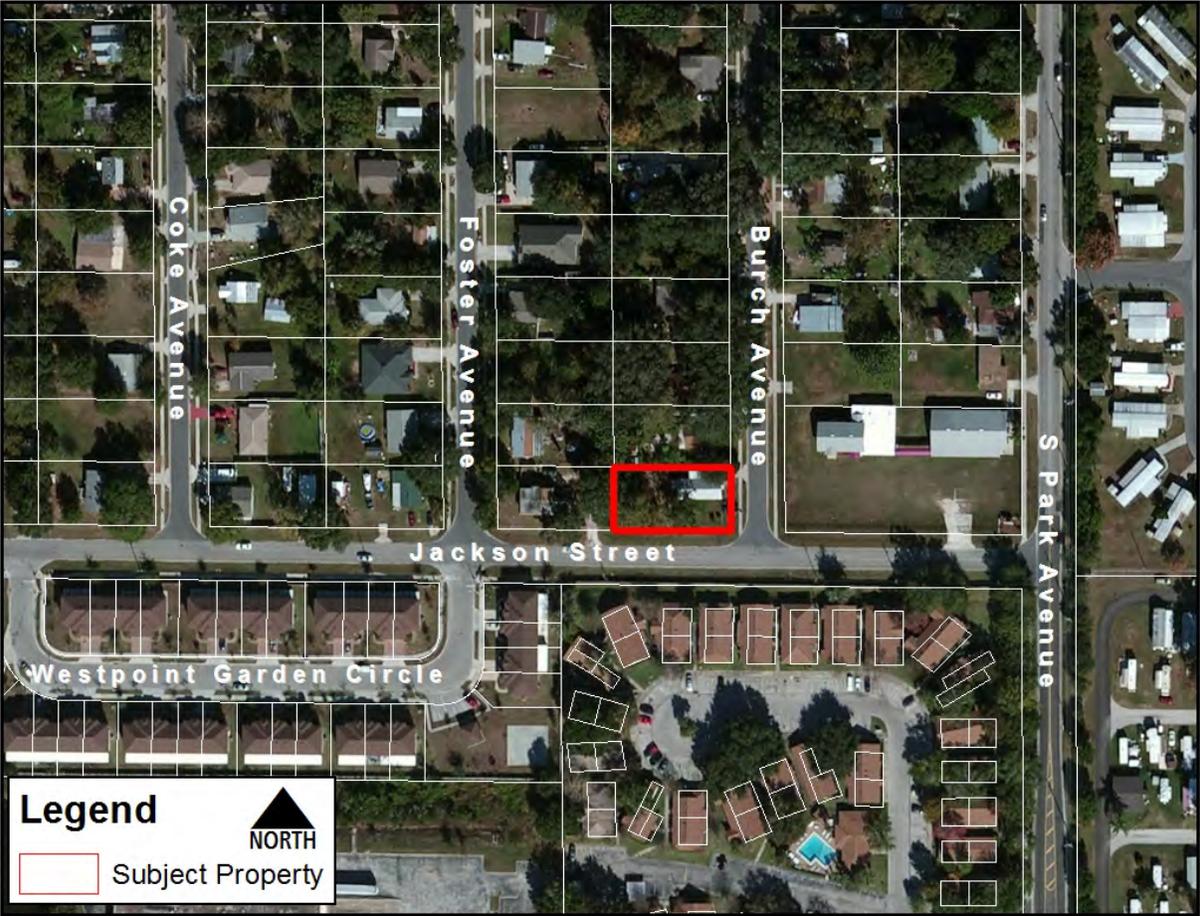
### **SUMMARY**

City Staff recommends approval of the proposed Ordinances. 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.

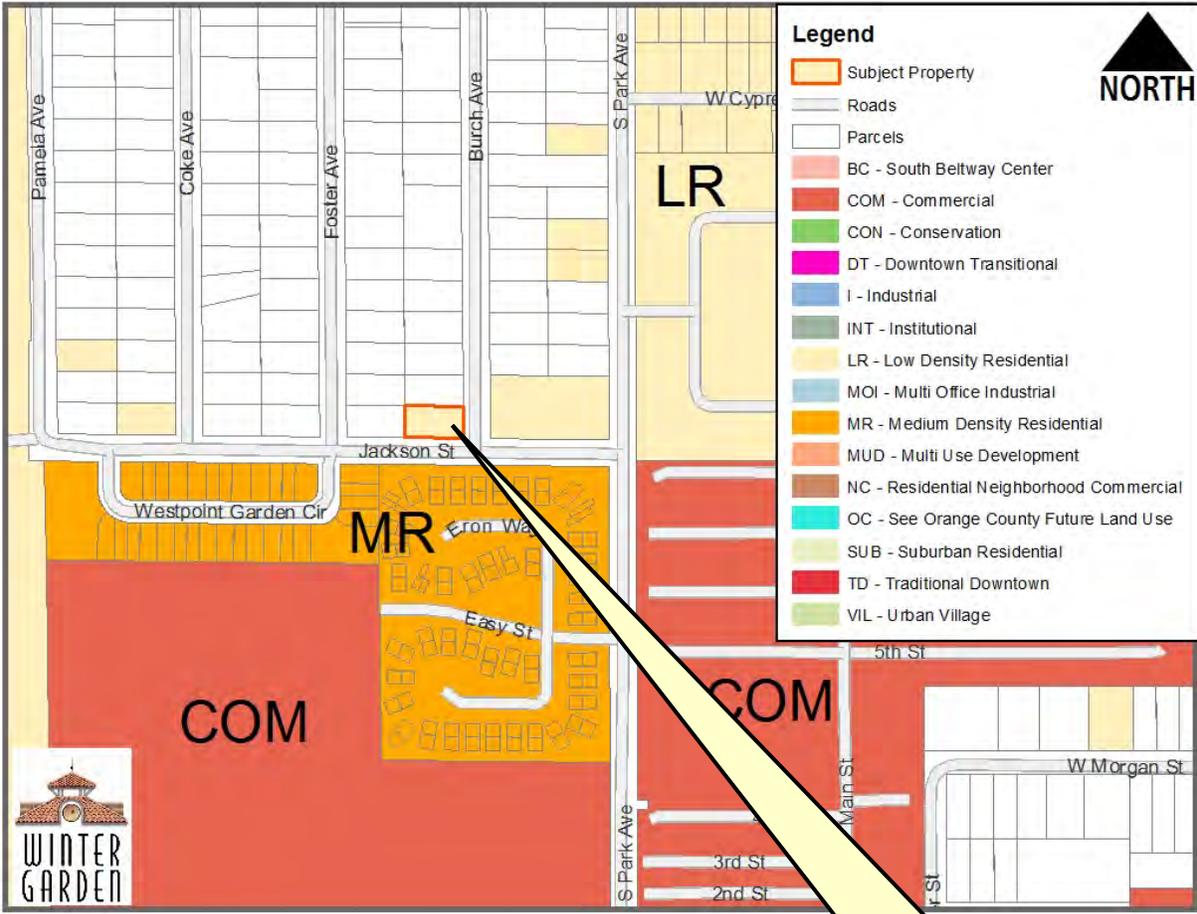
**MAPS**

**AERIAL PHOTO**

**830 Burch Avenue Street**

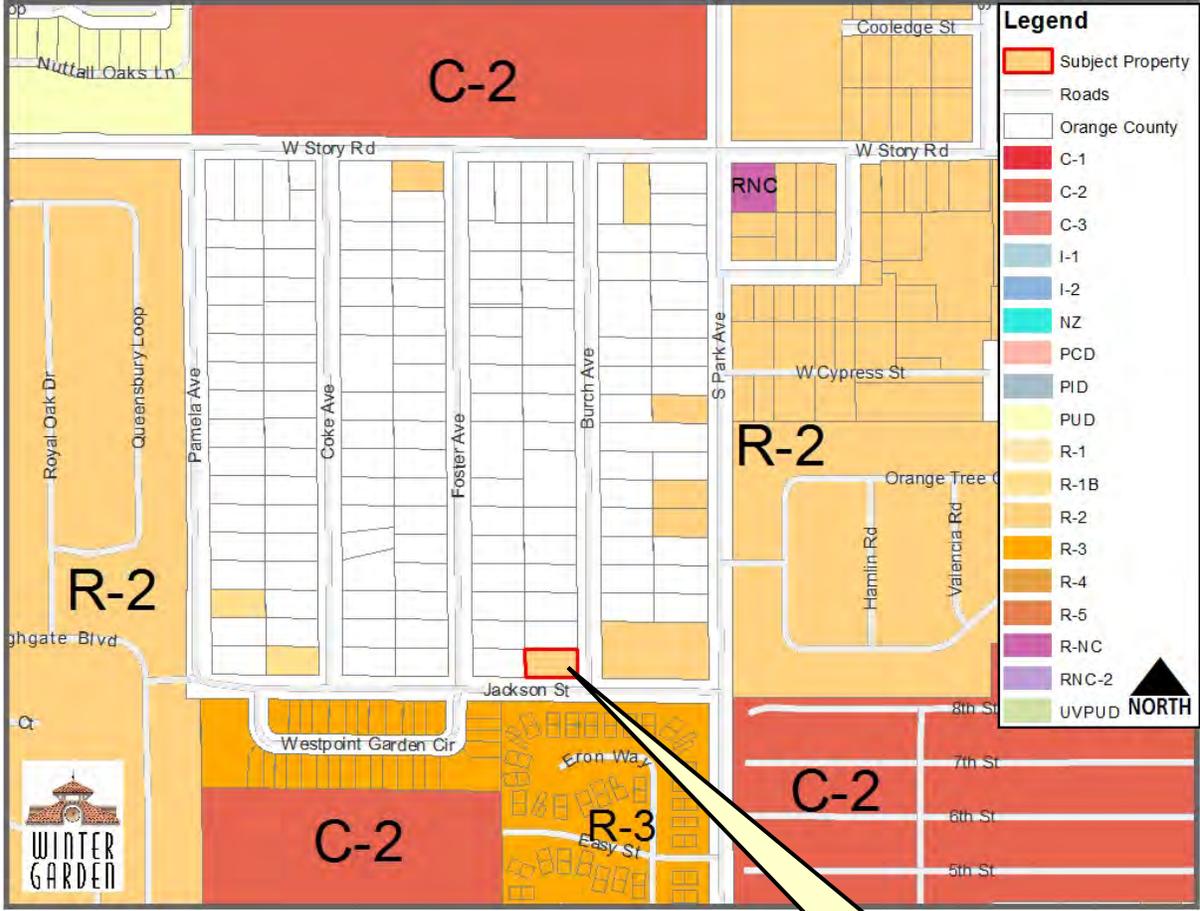


**FUTURE LAND USE MAP**  
**830 Burch Avenue Street**



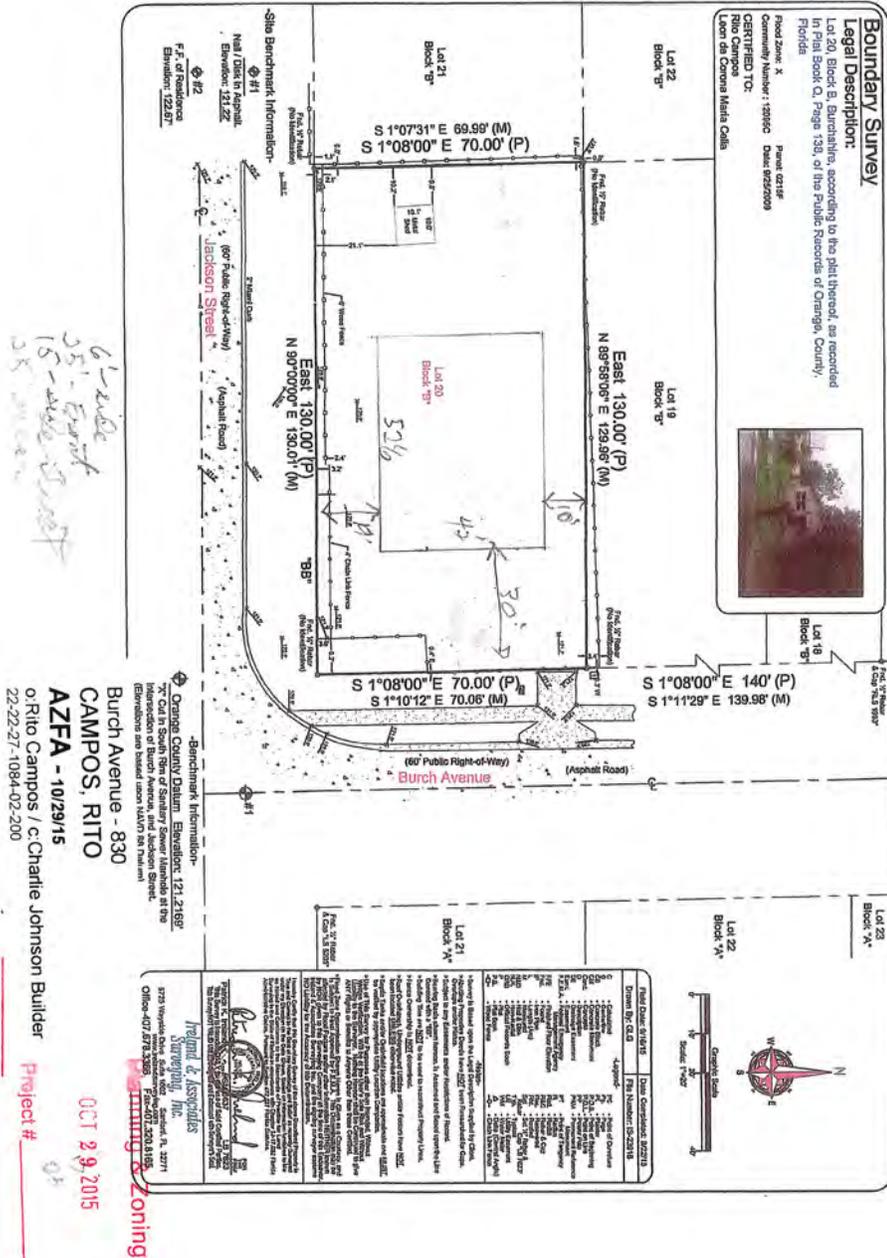
Subject property changed from Orange County Low Density Residential to City Low Density Residential

**ZONING MAP**  
**830 Burch Avenue Street**



Subject property  
changed from  
County R-2 to  
City R-2

**Site Plan**  
**830 Burch Avenue**



**END OF STAFF REPORT**

ORDINANCE 16-01

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.209 ± ACRES LOCATED AT 830 BURCH AVENUE ON THE NORTHWEST CORNER OF BURCH AVENUE AND JACKSON STREET 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 0.209 ± acres located at 830 Burch Avenue on the northwest corner of Burch Avenue and Jackson Street 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 on the attached map 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 22-22-27-1084-02-200

**DESCRIPTION:**

Lot 20, Block B, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, being more particularly described as follows: BEGIN at the Southeast corner of Lot 20, Block B, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, thence North 88°52'00" West 130.00 feet to the Southwest corner of said Lot 20; thence North 00°00'00" East 70.0 feet to the Northwest corner of said Lot 20; thence South 88°52'00" East 130.00 feet to the Northeast corner of said Lot 20; thence South 00°00'00" East 70.00 feet to the POINT OF BEGINNING.

Containing 0.209 acres, more or less

## ORDINANCE 16-02

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 0.209 ± ACRES LOCATED AT 830 BURCH AVENUE ON THE NORTHWEST CORNER OF BURCH AVENUE AND JACKSON STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on the 13<sup>th</sup> 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 24<sup>th</sup> 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 0.207 ± acres located at 830 Burch Avenue on the northwest corner of Burch Avenue and Jackson 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 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 Multi Office Industrial 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 16-01, 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:** \_\_\_\_\_ , 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 22-22-27-1084-02-200

**DESCRIPTION:**

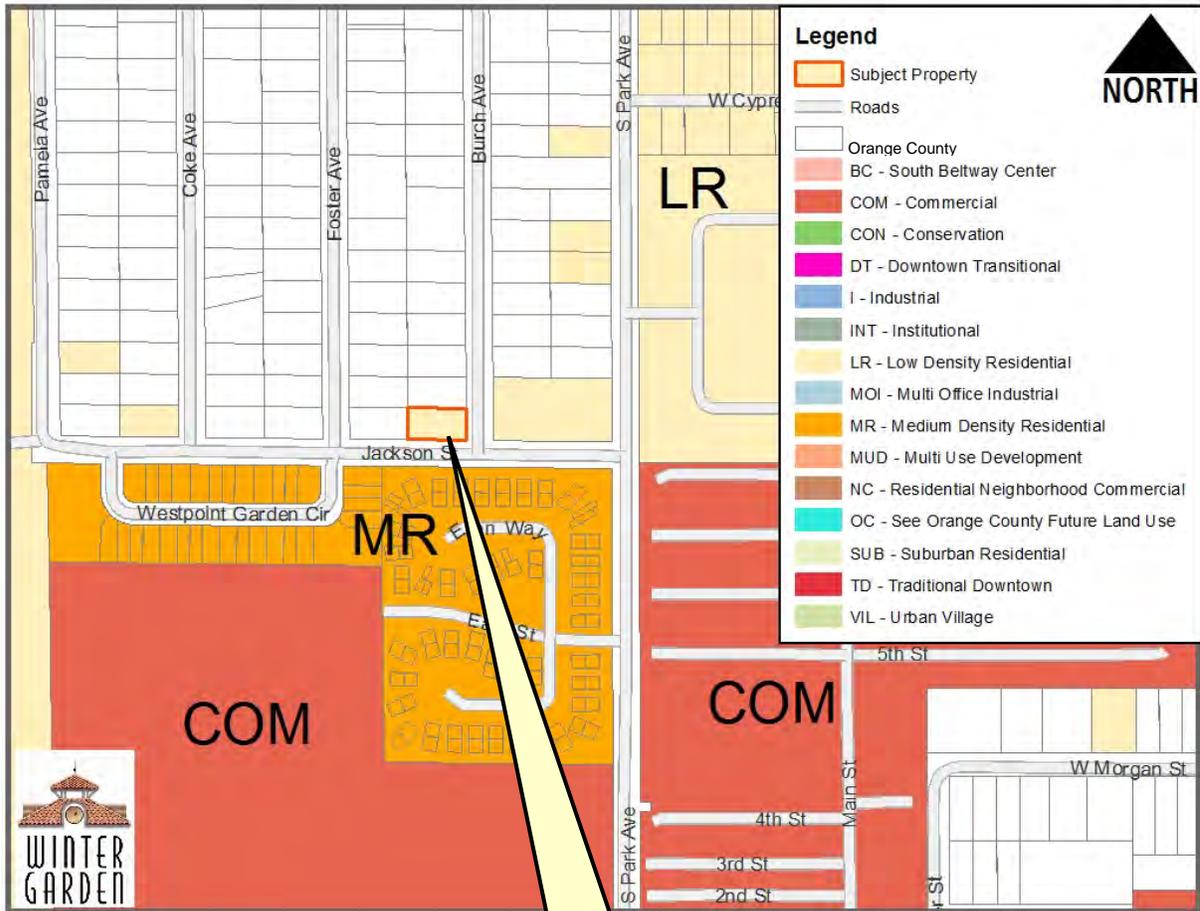
Lot 20, Block B, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, being more particularly described as follows: BEGIN at the Southeast corner of Lot 20, Block B, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, thence North 88°52'00" West 130.00 feet to the Southwest corner of said Lot 20; thence North 00°00'00" East 70.0 feet to the Northwest corner of said Lot 20; thence South 88°52'00" East 130.00 feet to the Northeast corner of said Lot 20; thence South 00°00'00" East 70.00 feet to the POINT OF BEGINNING.

Containing 0.209 acres, more or less

**ATTACHMENT "B"**

**FUTURE LAND USE MAP**

**830 Burch Avenue**



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

ORDINANCE 16-03

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.209 ± ACRES LOCATED AT 830 BURCH AVENUE NORTHWEST CORNER OF BURCH AVENUE AND JACKSON STREET, FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as approximately 0.209 ± acres located at 830 Burch Avenue northwest corner of Burch Avenue and Jackson Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City's R-2 Residential District, 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-2 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 R-2 Residential District to City R-2 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 16-02 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:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 22-22-27-1084-02-200

**DESCRIPTION:**

Lot 20, Block B, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, being more particularly described as follows: BEGIN at the Southeast corner of Lot 20, Block B, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, thence North 88°52'00" West 130.00 feet to the Southwest corner of said Lot 20; thence North 00°00'00" East 70.0 feet to the Northwest corner of said Lot 20; thence South 88°52'00" East 130.00 feet to the Northeast corner of said Lot 20; thence South 00°00'00" East 70.00 feet to the POINT OF BEGINNING.

Containing 0.209 acres, more or less

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 11 (Public Hearing)**

---

**DATE:** December 2, 2015                      **MEETING DATE:** December 10, 2015

**SUBJECT:** Dillard & 50 (REZONING)  
**PROJECT NAME** Dillard & 50  
**PARCEL ID#** # 23-22-27-4036-00-092, **PARCEL ID #** 23-22-27-4036-00-101, **PARCEL ID #** 23-22-27-4036-00-130, **PARCEL ID #** 23-22-27-4036-00-162, **PARCEL ID #** 23-22-27-4036-00-161, **PARCEL ID #** 23-22-27-0000-00-009, **PARCEL ID #** 23-22-27-0000-00-011

**ISSUE:** The applicant is requesting a Rezoning to PCD to allow development of a +/- 6,000 square foot Wawa Convenience Store with fueling stations, a +/- 3,500 square foot restaurant with drive-thru (Wendy's), a +/- 6,000 square foot retail or restaurant, a +/- 4,500 square foot restaurant with drive-thru (Culver's), a +/- 8,500 square foot retail/office/hotel site, and a retention pond.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Dillard at 50, LLC

**CURRENT ZONING:** C-2 Arterial Commercial District

**PROPOSED ZONING:** PCD Planned Commercial Development

**CURRENT FLU:** C Commercial

**PROPOSED FLU:** N/A

**SUMMARY:**

Applicant proposes to rezone a 6.09 +/- acre property from C-2 to PCD to allow construction of a Wawa Convenience Store, restaurants, and a medical office or hotel.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of Ordinance 16-04 subject to the conditions in the ordinance.

**NEXT STEP(S):**

Apply for Site Plan Review

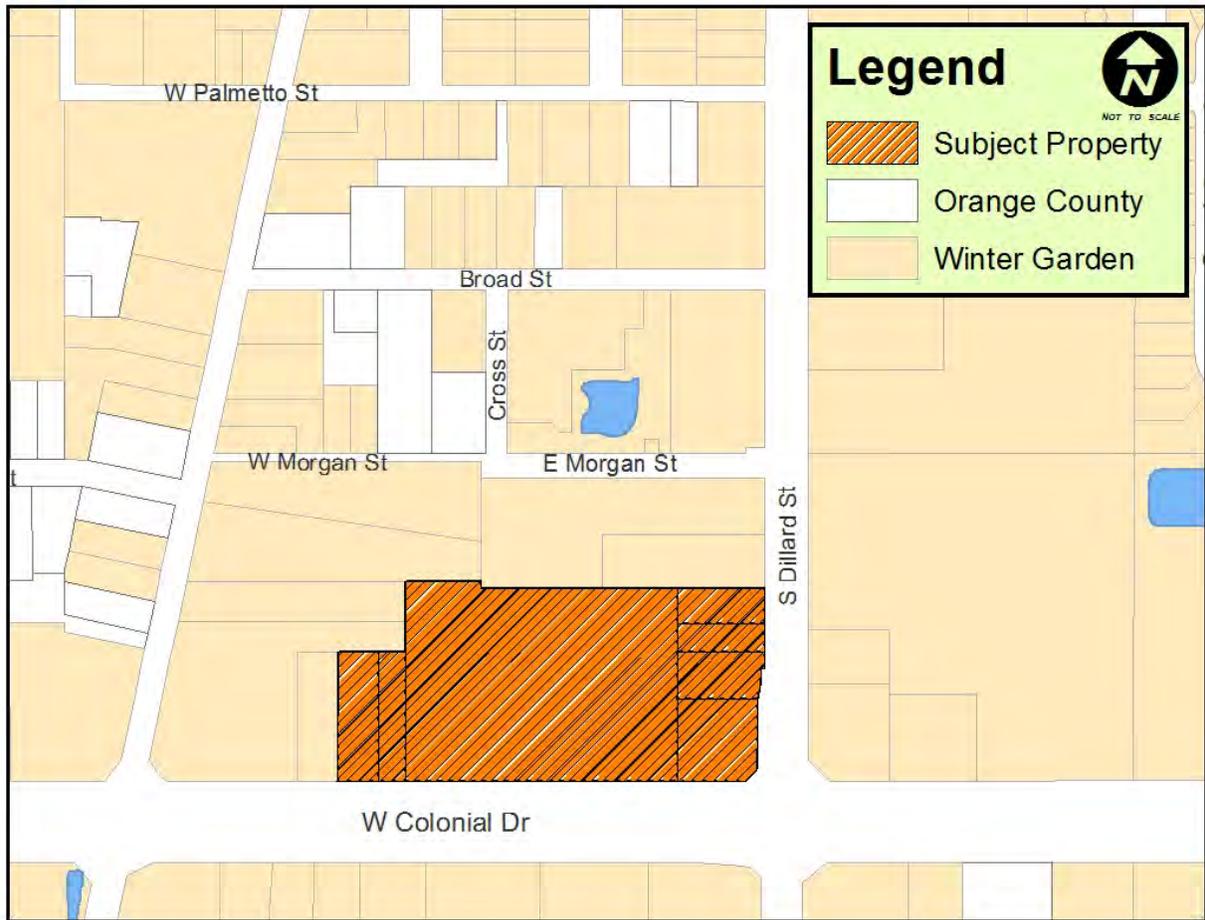
**ATTACHMENT(S):**

Location Map  
Staff Report  
Ordinance 16-04

# LOCATION MAP

Dillard and 50

REZONING



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

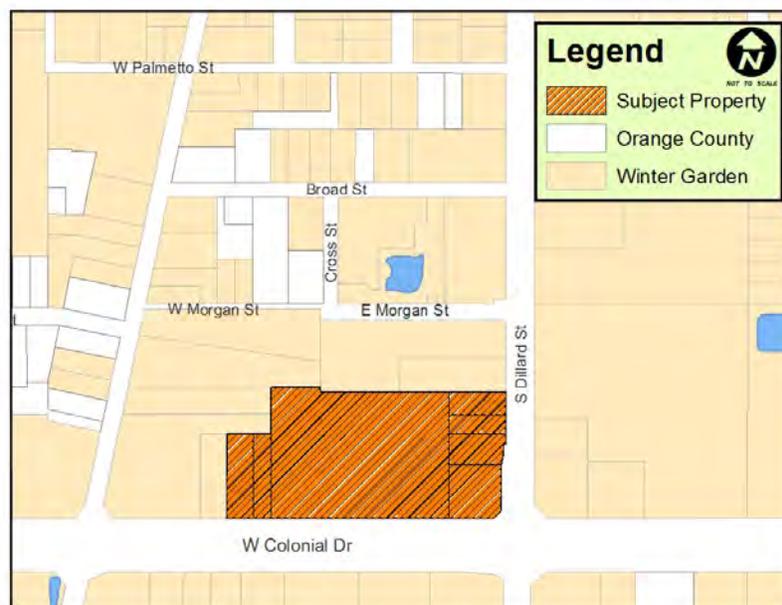
**TO:** PLANNING AND ZONING COMMITTEE  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT MANAGER  
**DATE:** NOVEMBER 30, 2015  
**SUBJECT:** REZONING  
10649 W. Colonial Drive, 13637 W. Colonial Drive, 13603 W. Colonial Drive,  
13501 W. Colonial Drive, 1080 S. Dillard Street, 1056 S. Dillard Street,  
1036 S. Dillard Street (6.09 +/- ACRES)  
PARCEL ID # 23-22-27-4036-00-092, PARCEL ID # 23-22-27-4036-00-101, PARCEL  
ID # 23-22-27-4036-00-130, PARCEL ID # 23-22-27-4036-00-162, PARCEL ID # 23-  
22-27-4036-00-161, PARCEL ID # 23-22-27-0000-00-009, PARCEL ID # 23-22-27-  
0000-00-011

**APPLICANT:** 50 AT DILLARD, LLC

### 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 is located at the northwest corner of West State Road 50 (West Colonial Drive) and South Dillard Street and is approximately 6.09 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting to rezone 6.09 ± acres of land to Planned Commercial Development (PCD). The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2 (Arterial Commercial District) in the City of Winter Garden. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

### **EXISTING USE**

The subject property was developed with a gas station/convenience store, a hotel, a restaurant, a night club, and two office buildings. All of these buildings have been demolished over the last couple months.

### **ADJACENT LAND USE AND ZONING**

The properties located to the north are developed with an auto repair shop, an office complex, and a retail shop, all are zoned C-2, and located in the City. The properties located to the east are developed with a restaurant and a commercial center, zoned C-2, and located in the City. The properties to the west are developed with a restaurant, a drugstore, and a sign shop, zoned C-2, and located in the City. The properties to the south are developed with a restaurant, auto sales business, and two banks, zoned C-2, and located in the City.

### **PROPOSED USE**

The applicant proposes to develop the 6.09 ± acre site with a +/- 6,000 square foot Wawa Convenience Store with fueling stations, a +/- 3,500 square foot restaurant with drive-thru (Wendy's), a +/- 6,000 square foot retail or restaurant, a +/- 4,500 square foot restaurant with drive-thru (Culver's), a +/- 8,500 square foot retail/office/hotel site, and a retention pond.

### **PUBLIC FACILITY ANALYSIS**

The property currently has several transportation access points because the properties were developed with other uses. The applicant is working with FDOT to establish new access points to the property which create a safer development site. The property will also have cross access throughout the development site.

Water, sewer, and reclaimed utilities by the City of Winter Garden will be required for any new development of the property. At such time that the property is developed, all necessary utility lines will be extended and connections made, all extension and connection costs shall be borne by the property owner.

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. 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.

All concurrency requirements identified by the City of Winter Garden Code of Ordinances and Comprehensive Plan will be met by the proposed development.

## **SUMMARY**

The demolition of the old hotel on this property is the beginning of the redevelopment of major properties along West Colonial Drive. This demolition has eliminated some problems that had existed on this property and removed a blighted building.

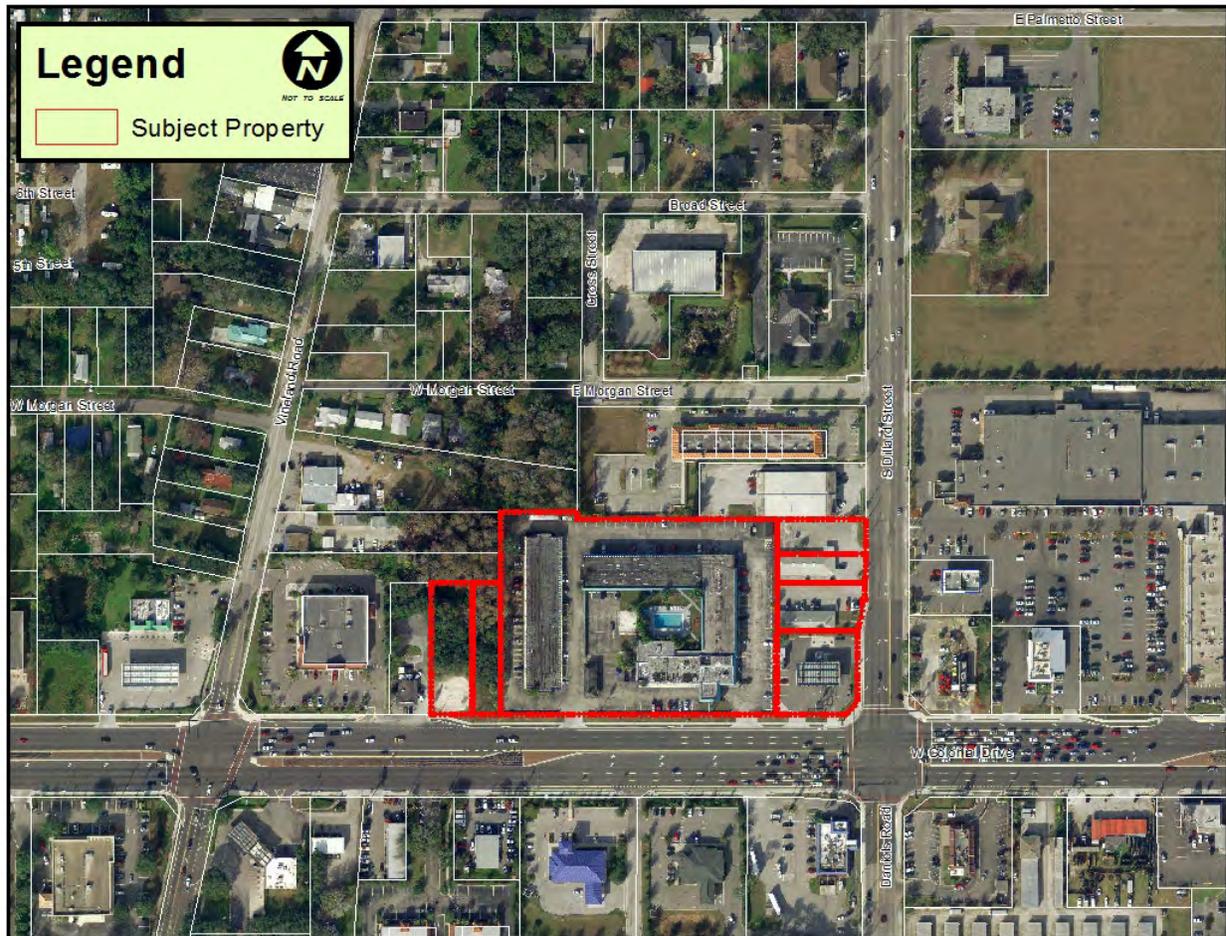
The proposed development is a reasonable use of the land and is consistent with the under lying zoning. The proposed uses will not generate a significant increase in traffic volume beyond that which was generated by other developments on this State Highway. This type of development is consistent with other commercial developments along West State Road 50.

All concerns have been addressed by the applicant and staff through the use of the PCD zoning designation and limiting the uses of the property within the PCD Ordinance. Staff has coordinated with the applicant to ensure that the development of the property will be consistent with the surrounding area both in the scale and size of the buildings as well as the standards for impervious surface ratio criteria.

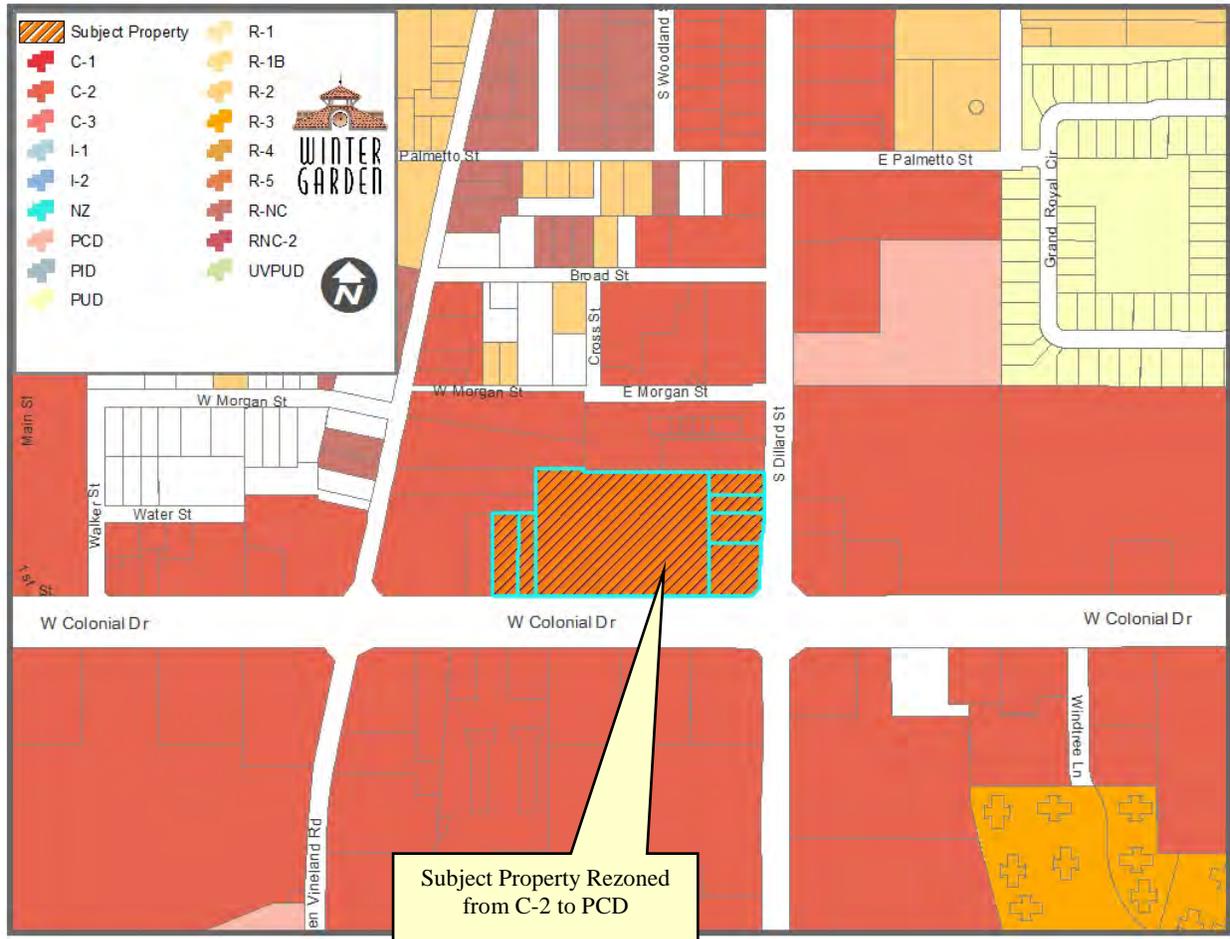
The proposed rezoning from C-2 to PCD is consistent with the City's Comprehensive Plan and the City of Winter Garden Code of Ordinances. Staff recommends approval of the proposed Ordinance to rezone the subject property from C-2 to PCD subject to the conditions in Ordinance 16-04.

MAPS

**AERIAL PHOTO**  
**Dillard and 50 PCD**



### ZONING MAP Dillard and 50 PCD



### FUTURE LAND USE MAP Dillard and 50 PCD



**END OF STAFF REPORT**

ORDINANCE 16-04

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 6.09 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE (STATE ROAD 50) AND SOUTH DILLARD STREET FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (Dillard and 50 PCD)

**WHEREAS**, the owner(s) of real property generally described as approximately 6.09 ± acres of certain real property generally located at the northwest corner of West Colonial Drive (State Road 50) and South Dillard Street in Winter Garden, Florida, being more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from City C-2 to City PCD, 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 adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, and the City of Winter Garden Code of Ordinances,

**WHEREAS**, further, the City Commission finds that based on competent, substantial evidence in the record, the amendment to the PCD zoning approved by this Ordinance meets all applicable criteria contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances, therefore;

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

**SECTION 1. Recitals.** The above recitals are true and correct and incorporated herein as findings of the City Commission.

**SECTION 2: Rezoning.** After due notice and public hearing, the zoning classification of the Property, as described in Exhibit “A” attached hereto, is hereby rezoned from C-2 (Arterial Commercial District) to PCD (Planned Commercial District) in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

- a. **Conceptual Plan-** All development on the Property must substantially conform to the requirements identified in the Dillard and 50 PCD Plan attached hereto as Exhibit “B.” Should any conflict be found between this Ordinance and the Dillard and 50 PCD Plan attached hereto as Exhibit “B”, then the standards and conditions established by this Ordinance shall

control.

- b. **Zoning-** If not specifically stated in this ordinance, all development shall follow the C-2 Zoning District standards and the requirements of the West State Road 50 Overlay Development Standards
- c. **Permitted Uses-** With respect to the Dillard and 50 PCD Area as identified in Exhibit “B” attached hereto, the only uses allowed within this PCD shall be hotel, retail, office, medical office, restaurants (with or without drive thru facilities), and 1 gas station/convenience store. Certain commercial and retail uses are prohibited as set forth in subsection d.
- d. **Prohibited Uses-** Unless specifically identified by this Ordinance as a permitted use, all other uses are prohibited. Without limiting the foregoing general prohibited uses, the following uses are prohibited: (i) manufacturing, (ii) industrial uses, (iii) warehouses, (iv) automobile, motorcycle, recreational vehicle or boat sales, rental, storage, painting, service or repair or any combination thereof; (v) residential uses; (vi) tattoo or body art establishments, (vii) billboard, (viii) adult entertainment, (ix) adult or pornographic book, magazine, video and novelty stores or sales, (x) recreational vehicle and mobile home parks, and (xi) pawn shop.
- e. **Development of Individual Lots-**
  - 1. All lots shall be required to submit for Site Plan Review.
- f. **Design Criteria/Architectural Standards-**
  - 1. **Maximum Building Height-**

With respect to the Dillard and 50 PCD Area as identified in Exhibit “B” attached hereto, maximum building height shall not exceed 35 feet. If a hotel is built, the maximum height for the hotel shall be 5 stories, not to exceed 60 feet.
  - 2. **Landscaping-** The Planned Commercial Development shall have a minimum 15 foot wide landscape buffer along West Colonial Drive and South Dillard Street. All landscape easements shall follow the design requirements of the West State Road 50 Overlay Development Standards. All landscaping within the PCD shall have a uniform design and meet the minimum requirements of the City Code.
  - 3. **Signage-** Each parcel shall be allowed one pole sign as shown on the attached Exhibit “B”. The Wawa building will be allowed a

building sign on the north façade as this is also an entrance to the building. All other signage proposed for the Property shall conform to the requirements and regulations pertaining to specified commercial corridors within the City of Winter Garden as defined in Chapter 118, Article X, Division 2 and Chapter 102 of the City of Winter Garden Code of Ordinances. The signage shall be reviewed at time of Site Plan Review.

- The proposed restaurants will be allowed one building sign on the south, east, and west elevation of the building. No other building signs will be allowed.

- 4. Impervious Surface Area Ratio-** The maximum impervious surface area ratio for the Property (not including the wet pond surface area) shall not exceed 70% and shall be consistent with the overall maximum impervious surface area ratio that the Planned Commercial Development is designated and permitted for by Saint John's River Water Management District.
- 5. Dark Skies-** all exterior lighting shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Exterior lighting shall be designed as dark skies lighting in a consistent and coordinated manner for the entire project in compliance with the requirements of Chapter 118, Article X, Division 4 of the City Code of Ordinances.
- 6. Architectural Design-** All designs shall follow the West State Road 50 Overlay Commercial Development Standards as outlined in Chapter 118, Article IX of the City Code of Ordinances. All elevations in Exhibit "B" are consistent with the architectural design requirements.

**g. Delivery Hours-** No deliveries shall occur between the hours of 7:00 p.m. and 7:00 a.m.

**h. Staff Conditions-** All development on the Property must comply with the following staff conditions:

- 1.** An engineered site plan meeting all requirements of the City Code of Ordinances shall be submitted for review and approval by City staff and City Commission prior to commencement of any construction.
- 2.** All utilities required for the development shall be run to the site at the developer's expense, including potable water, reclaimed water and sanitary sewer. 100% of all water and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of

site or building permits.

3. All irrigation on the site shall be designed to be supplied by reclaimed water. An exception may be granted for the enclosed courtyards to use potable water and will be considered at final site plan review.
4. Permits from SJRWMD and FDEP (water, wastewater and NPDES) are required prior to issuance of site or building permits.
5. Landscaping, fencing, signage, etc. shall not infringe on sight distance requirements at any intersection.
6. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
7. All work shall conform to City of Winter Garden standards and specifications.
8. The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.
9. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
10. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others, including by way of any development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other

agencies that may have jurisdiction.

11. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of **2.25%** of the cost of all site improvements shall be paid prior to issuance of the building permit.

### **SECTION 3: *General Requirements.***

- a. **Economic Development Payment.** As an economic development incentive for the development of the Property in accordance with the terms of this Ordinance, the City Commission previously approved and the City has made a \$50,000.00 contribution to the owner/developer to cover a portion of an early leasehold termination payment, which facilitated the vacation of an existing business on the Property and allowed the development to proceed. This \$50,000.00 economic development incentive payment by the City to the owner/developer is further ratified by the adoption of this Ordinance.
- b. **Stand Alone Clause-** Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed. The Property must remain in unified ownership unless the owner/developer seeks and obtains a final plat approval in accordance with Chapter 110, City Code of Ordinances and Chapter 177, Florida Statutes, and the approved final plat is recorded in the public records of Orange County, Florida.
- c. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.
- d. **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.
- e. **Expiration/Extension-** Expiration of this PCD shall be governed in accordance with Section 118-830, City of Winter Garden Code of

Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

**SECTION 4: 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 5: Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more of such section, subsection, sentence, clause, phrase, or portion thereof would be declared invalid or unconstitutional.

**SECTION 6: Effective Date.** This Ordinance shall become effective upon adoption at its second reading.

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**Exhibit "A"**

(CRYSTAL PARCEL)

PARCEL A:  
LOTS 11 THROUGH 15, INCLUSIVE, JOINER-REINERS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 116, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS RIGHT-OF-WAY FOR STATE ROAD 50.

PARCEL B:  
THE SOUTH 52 FEET OF THE NORTH 352 FEET OF THE WEST 360.32 FEET OF THE EAST 560 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

PARCEL C:  
THE WEST 360.32 FEET OF THE SOUTH 65 FEET OF THE NORTH 300 FEET OF THE EAST 560 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

PARCEL D:  
THE EAST 138.88 FEET OF LOTS 4 AND 5, JOINER-REINERS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 116, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

(ROPER PARCEL)

THE SOUTH 52 FEET OF THE NORTH 352 FEET OF EAST 199.68 FEET OF SOUTH 1/2 OF SE 1/4 OF SW 1/4 (LESS EAST 40 FEET FOR ROAD) OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

AND

LOTS 16 & 17, JOINER-REINERS SUBDIVISION (LESS THE SOUTH 195 FEET & LESS EAST 40 FEET MORE OR LESS OF LOT 17 FOR STREET) & (LESS ADDITION R/W TAKEN ON EAST PER 8815/4132), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 116, OF PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

AND

THE SOUTH 65 FEET OF THE NORTH 300 FEET OF THE EAST 560 FEET OF SOUTH 1/2 OF THE SE 1/4 OF SW 1/4 (LESS WEST 360.32 FEET) OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

(50 AT DILLARD PARCEL)

THE EAST 1/2 OF LOT 10, JOINER-REINERS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK Q, PAGE 116, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. LESS AND EXCEPT THE SOUTH 45 FEET THEREOF, PREVIOUSLY CONVEYED TO THE STATE OF FLORIDA BY VIRTUE OF THAT CERTAIN QUIT CLAIM DEED RECORDED IN DEED BOOK 832, PAGE 167, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

AND

THE EAST 24.96 FEET OF LOT NINE (9) AND THE WEST ONE-HALF (1/2) OF LOT TEN (10) OF JOINER-REINERS SUBDIVISION, ORANGE COUNTY, FLORIDA, AS PER PLAT THEREOF RECORDED IN PLAT BOOK Q, PAGE 116, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. LESS AND EXCEPT THE SOUTH 45 FEET THEREOF, PREVIOUSLY CONVEYED TO THE STATE OF FLORIDA BY VIRTUE OF THOSE CERTAIN DEEDS RECORDED IN DEED BOOK 821, PAGE 56 AND DEED BOOK 821, PAGE 382, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

AND

THE NORTH 150 FEET OF THE SOUTH 195 FEET OF LOTS 16 AND 17, LESS A STRIP OFF THE EAST SIDE THEREOF FOR RIGHT OF WAY OF DILLARD STREET, SAID STRIP BEING 39.5 FEET ON THE SOUTH AND 38.8 FEET OF THE NORTH, JOINER-REINER'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 116, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA,

LESS AND EXCEPT THAT PORTION TAKEN BY STIPULATED ORDER OF TAKING RECORDED DECEMBER 7, 2006 IN OFFICIAL RECORDS BOOK 9004, PAGE 2598, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT A 4-INCH BY 4-INCH CONCRETE MONUMENT WITH 2-INCH BRASS DISK IN WELL BOX STAMPED "ORANGE COUNTY ENGINEERING DEPT. CONTROL" AS SHOWN ON FLORIDA DEPARTMENT OF NATURAL RESOURCES CERTIFIED CORNER RECORD DOCUMENT NO. 0047623 MARKING THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°01'13" WEST ALONG THE NORTH-SOUTH CENTER-OF-SECTION LINE OF SAID SECTION 23 A DISTANCE OF 5333.31 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 SAID OF SECTION 23. SAID POINT ALSO BEING A POINT ON THE CENTERLINE OF SURVEY OF STATE ROAD 50 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 75050, FINANCIAL PROJECT NO. 410983 1; THENCE DEPARTING SAID NORTH-SOUTH CENTER-OF-SECTION LINE, RUN SOUTH 89°58'08" WEST ALONG SAID CENTERLINE OF SURVEY AND ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 23 A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTHERLY PROJECTION OF THE WEST RIGHT OF WAY LINE OF DILLARD STREET; THENCE DEPARTING SAID CENTERLINE OF SURVEY AND SAID SOUTH LINE, RUN NORTH 00°03'55" EAST ALONG SAID SOUTHERLY PROJECTION A DISTANCE OF 75.00 FEET TO THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF DILLARD STREET WITH THE EXISTING NORTH RIGHT OF WAY LINE OF AFORESAID STATE ROAD 50 AS SHOWN ON THE AFORESAID RIGHT OF WAY MAP FOR A POINT OF BEGINNING; THENCE RUN SOUTH 89°58'08" WEST ALONG SAID EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD 50 A DISTANCE OF 35.50 FEET; THENCE DEPARTING SAID EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD 50, RUN NORTH 45°02'17" EAST A DISTANCE OF 31.13 FEET; THENCE RUN THENCE NORTH 00°03'55" EAST PARALLEL WITH THE AFORESAID WEST RIGHT OF WAY LINE OF DILLARD STREET A DISTANCE OF 128.02 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 195.00 FEET OF LOTS 16 AND 17, JOINER-REINERS SUBDIVISION AS RECORDED IN PLAT BOOK Q, PAGE 116 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 89°58'08" EAST ALONG SAID NORTH LINE A DISTANCE OF 13.50 FEET TO A POINT ON THE AFORESAID WEST RIGHT OF WAY LINE OF DILLARD STREET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 00°03'55" WEST ALONG SAID WEST RIGHT OF WAY LINE OF DILLARD STREET A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

Exhibit "B"

# **COVER PAGE**

**DILLARD & 50 PCD**

**DECEMBER 2015**

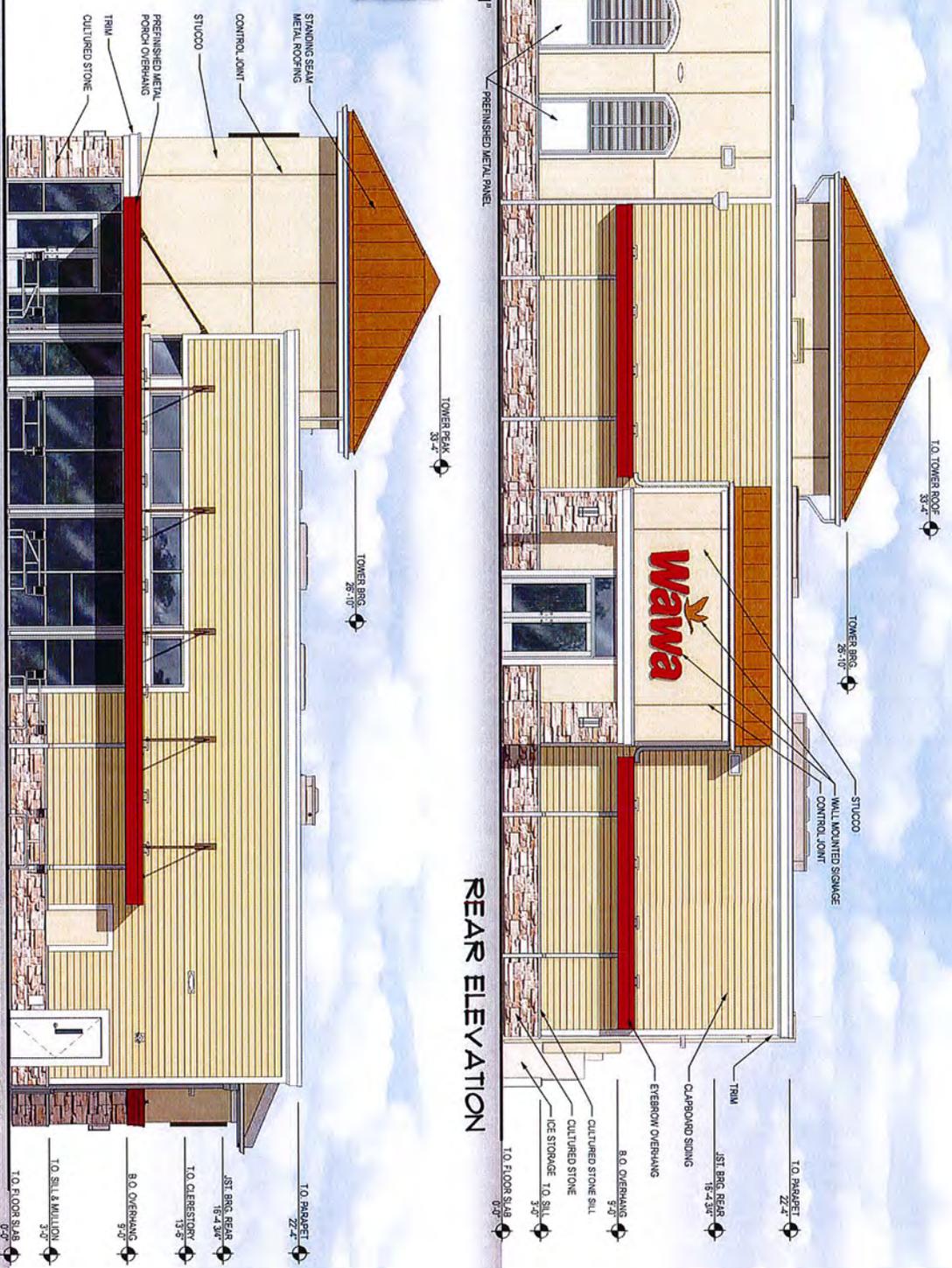
**(8 PAGES - ATTACHED)**





Overall Building Length: 93'-1"

REAR ELEVATION



- Metal Door  
Benjamin Moore  
White Diamond  
BM 2121-60
- Metal Canopy  
Ais #17  
Ella Red
- Fiber Cement Siding  
James Hardie  
Harts Cream
- Trim  
James Hardie  
Arctic White  
JH10-20
- Stucco  
Senery  
Merique #3085

- Metal Roof  
Ais #23  
23 Copperstone
- Ice Storage  
Benjamin Moore  
Natural Wicker  
OC-1
- Exterior Stone  
Cultured Stone  
Sedwies Blend

Overall Building Width: 75'-4"

RIGHT ELEVATION

Planning & Zoning

OCT 30 2015

Project # \_\_\_\_\_

Colonial Drive W & Dillard Street  
SR50 & DILLARD  
**REZONING - 10/30/15**  
o: & c:50 at Dillard, LLC  
23-22-27-4036-00-161, -162, -101, -092, & -130  
AND 23-22-27-0000-00-009 & -011





Wendy's



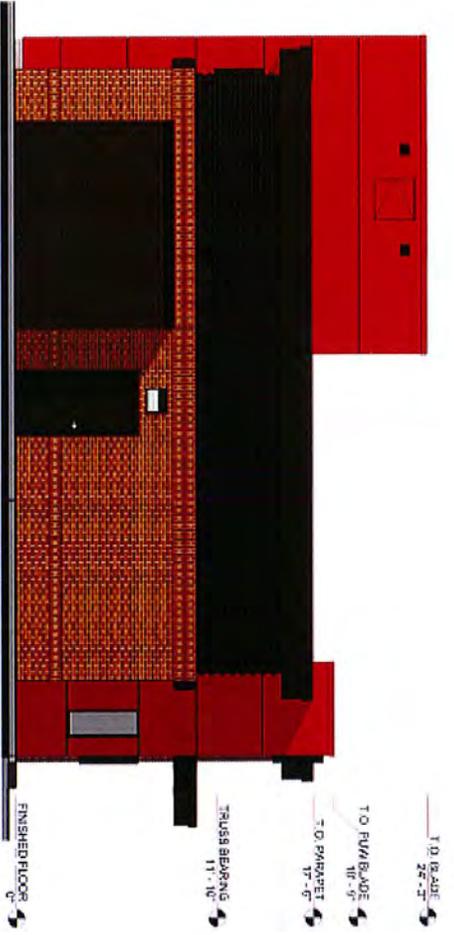
Wendy's



QUALITY IS OUR RECIPE

Wendy's





COLOR Elevation - Rear (2)

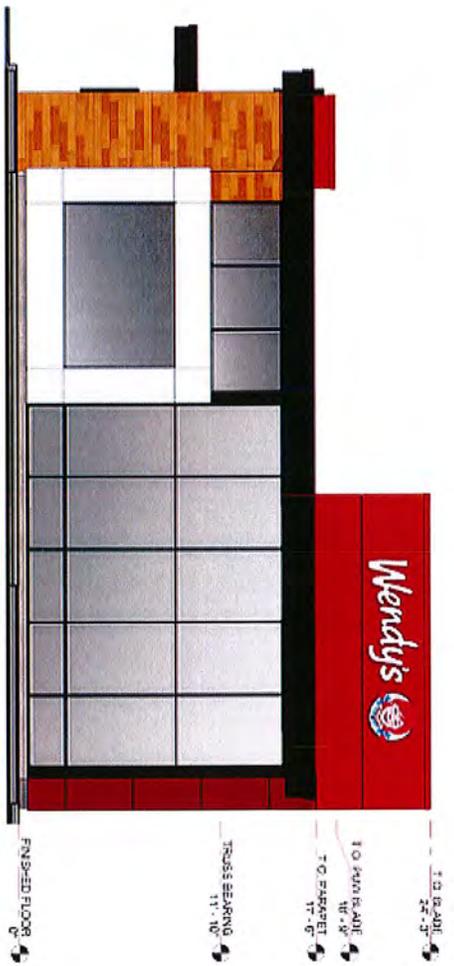
TO BRACE 26'-0"

TO RAIN BLADE 18'-0"

TO PARAPET 17'-0"

TRUSS BEARING 11'-0"

FINISHED FLOOR 0"



COLOR Elevation - Front (1)

TO BRACE 26'-0"

TO RAIN BLADE 18'-0"

TO PARAPET 17'-0"

TRUSS BEARING 11'-0"

FINISHED FLOOR 0"



COLOR Elevation - Drive-Thru (4)

TO BRACE 26'-0"

TO RAIN BLADE 18'-0"

TO PARAPET 17'-0"

TRUSS BEARING 11'-0"

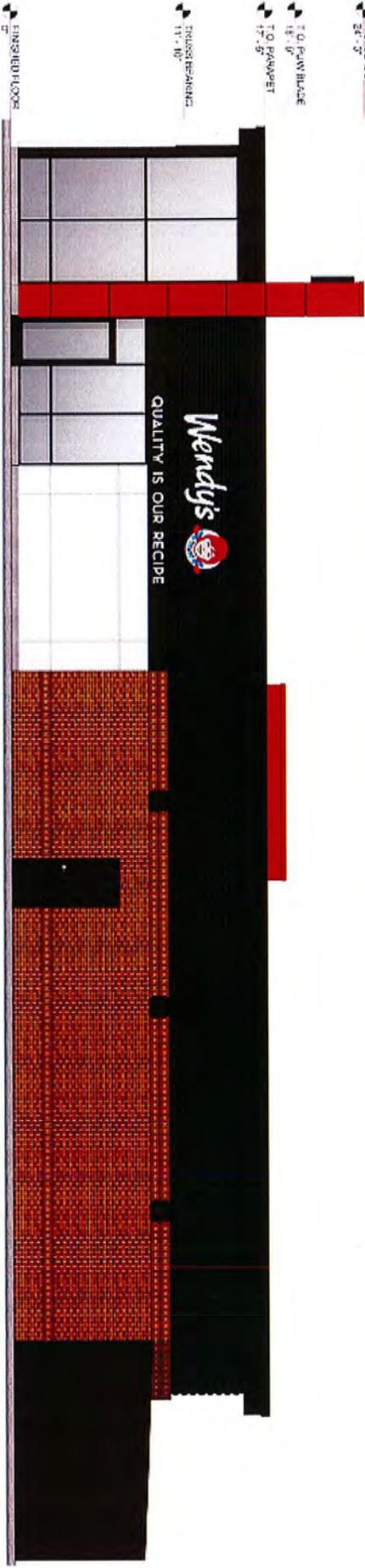
FINISHED FLOOR 0"

TO BRACE 26'-0"

TO RAIN BLADE 18'-0"

TO PARAPET 17'-0"

TRUSS BEARING 11'-0"



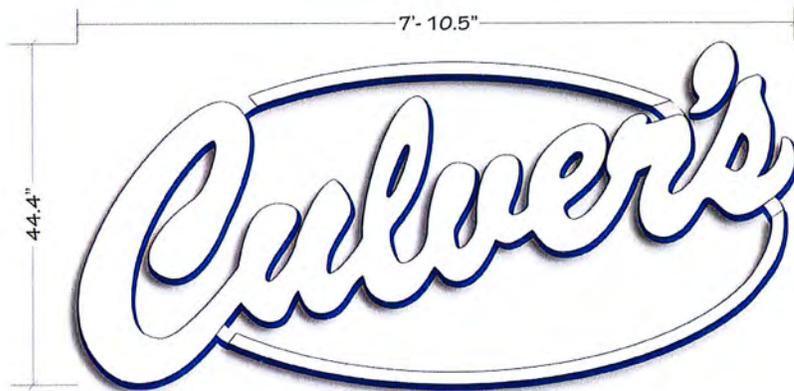
COLOR Elevation - Entry (3)

FINISHED FLOOR 0"



## WALL SIGNS

Illuminated White Script Channel Letters



SCALE: 1/2" = 1'

SL-30

### SL-30

Illuminated White Script Channel Letters

DATE CREATED: 7.22.13

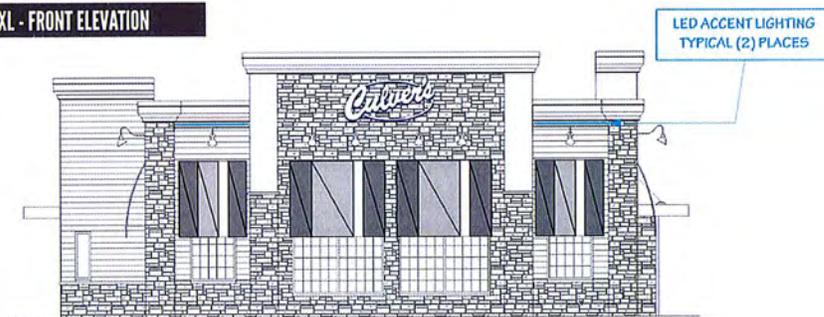
REVISION HISTORY:  
1.13.15

1.14.15 LED LIGHTING

#### NOTES:

- Channel letter fabrication
- One piece back (saddle capped sections)
- LED internal illumination
- White faces, white light, blue returns.

#### METRO XL - FRONT ELEVATION



#### METRO XL - ENTRANCE ELEVATION



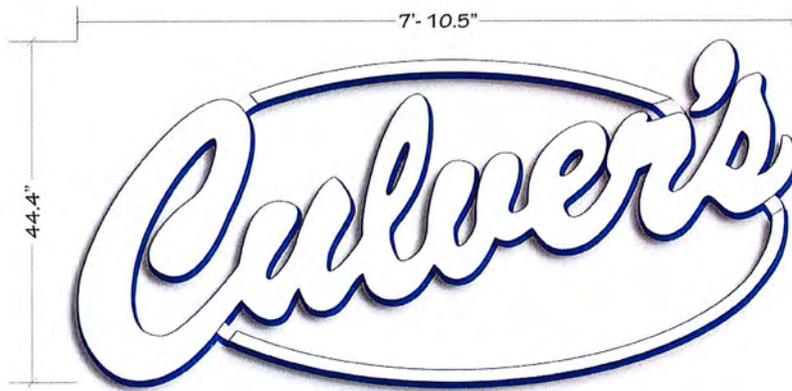
SCALE: 1/16" = 1'

SL-30  
TYPICAL PLACEMENT(S)



## WALL SIGNS

Illuminated White Script Channel Letters



SCALE: 1/2" = 1'

SL-30

### SL-30

Illuminated White Script Channel Letters

DATE CREATED: 7.22.13

REVISION HISTORY:  
1.13.15

#### NOTES:

- Channel letter fabrication
- One piece back (saddle capped sections)
- LED internal illumination
- White faces, white light, blue returns.

#### METRO XL - REAR ELEVATION



#### METRO XL - DRIVE-THRU ELEVATION



SCALE: 1/16" = 1'

SL-30  
TYPICAL PLACEMENT(S)