



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 – **March 7, 2016 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 FEBRUARY 1, 2016 MEETING**

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

4. 14990 W Colonial Drive – Circle K Store # - **Annexation**
Parcel ID #27-22-27-0000-00-096
5. 429 W Plant Street – Jowers Family Enterprises – **FLU Amendment**
Parcel ID #23-22-27-2548-02-110
6. 419 & 429 W Plant Street – Jowers Family Enterprises – **Zoning**
Parcel ID #23-22-27-2548-02-110 & 23-22-27-2548-02-120

PRELIMINARY PLAT / FINAL PLAT / LOT SPLIT

7. 13100 W Colonial Drive – RD Keene – **Preliminary Plat**
Parcel ID #26-22-27-8108-00-060
8. 801 S Dillard Street – Lakeside Realty (Winter Garden Park, LLC) – **Lot Split**
Parcel ID #12-22-27-6496-21-001

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

9. 12348 W Colonial Drive – Beverly Hills Jewelry
Parcel ID #12-22-27-6496-24-013
10. 14120 W Colonial Drive – Gardenia Plaza / Montessori School
Parcel ID #27-22-27-0000-00-060

VARIANCE (PUBLIC HEARING)

11. 50 W Garden Avenue – Mark & Debra Sansing
Parcel ID #14-22-27-9392-02-530
12. 336 Silverdale Avenue – Michael & Kara Abeyta
Parcel ID #13-22-27-1793-00-060

CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)

13. Ordinance 16-25 – PUD Code Revision

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



**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
FEBRUARY 1, 2016**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

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:

Chairman Will Hawthorne, Vice-Chairman David Kassander, and Board Members: Mark DeFuso, Heather Gantt, Chris Lee, and Mark Maciel

MEMBERS ABSENT:

Gerald Jowers (excused)

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Steve Pash, Planner I Jessica Frye, and recording secretary Kathleen Rathel

3. APPROVAL OF MINUTES

Motion by David Kassander to approve the regular meeting minutes of January 4, 2016 and seconded by Will Hawthorne. Motion carried unanimously 6 - 0.

PRELIMINARY PLAT / FINAL PLAT / LOT SPLIT

4. 801 S. Dillard Street – Winter Garden Park LLC, Lakeside Realty (LOT SPLIT)

Community Development Director Pash stated this item was not ready to be presented to the Board so Staff recommended this item be tabled until the March 7, 2016 meeting.

Motion by Chris Lee to table the Lot Split [for 801 S. Dillard Street] to the March 7, 2016 meeting and seconded by Mark DeFuso. Motion carried unanimously 6 - 0.

5. Lake Brim Drive, Tract F-1 – Tim & Mary Keating, Saul & Ann Grimes (LOT SPLIT)

Planner Frye presented a Lot Split request for the property located on Lake Brim Drive, Tract F-1, in the Oakland Park Subdivision Phase 1A-1B. The lot is located on the western side of Tildenville School Road between the applicants' current properties and was purchased to mitigate development. The lot will be split into two lots approximately the same size and will meet the lot size requirements of the Oakland Park PUD zoning designation. There are

currently no plans to develop the two lots, Staff has reviewed the application and recommends approval of the lot split subject to the conditions listed in the Staff Report and memo from DRC.

Board Member Kassander asked what the individual lot sizes would be. Planner Frye replied that each lot would be approximately 111 feet wide by 333 feet deep and 1 acre +/- in size.

Motion by David Kassander to recommend approval of the Lot Split for Lake Brim Drive, Tract F-1 with Staff Recommendations (as provided in the agenda packet) and seconded by Heather Gantt. Motion carried unanimously 6 - 0.

VARIANCE (PUBLIC HEARING)

6. 938 Copenhagen Way – Brian Caravella / Dulando Screen & Awning Inc

Planner Frye presented a Variance request for the property located at 938 Copenhagen Way. The property is zoned PUD and is within the Sterling Pointe Subdivision. The applicant is requesting an 18 foot rear yard setback in lieu of the minimum required 20 foot rear yard setback to allow construction of a screened in patio with a solid roof. The applicant has received HOA approval. Staff has reviewed the application and recommends approval subject to the conditions of the Staff Report.

General discussion ensued regarding rear yard setback variance requests and if a minimum should be established.

Motion by Mark DeFuso to recommend approval of the Variance for 938 Copenhagen Way with Staff Recommendations (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 6 - 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:38 pm.

ATTEST:

APPROVED:

Recording Secretary Kathleen Rathel

Chairman Will Hawthorne

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4 (Public Hearing)

DATE: March 4, 2016 **MEETING DATE:** March 7, 2016

SUBJECT: 14990 W Colonial Drive (Annexation, Future Land Use, Rezoning)
PROJECT NAME Circle K Stores – 14990 W Colonial Drive
PARCEL ID# 27-22-27-0000-00-096

ISSUE: The applicant is requesting Annexation, Future Land Use designation, and Zoning on the property located at 14990 W Colonial Drive.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Circle K Stores, Inc.

CURRENT ZONING: C-1 Retail Commercial District (Orange County)

PROPOSED ZONING: C-2 Arterial Commercial District (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 1.26 ± acre parcel located at 14990 W Colonial Drive. 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 16-22, Ordinance 16-23, and Ordinance 16-24.

NEXT STEP(S):

A public meeting for the first reading of these ordinances is scheduled for the City Commission on March 10, 2016.

ATTACHMENT(S):

Location Map
Staff Report
Ordinance 16-22
Ordinance 16-23
Ordinance 16-24

LOCATION MAP

14990 W Colonial Drive

Annexation, FLU Amendment, Zoning



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

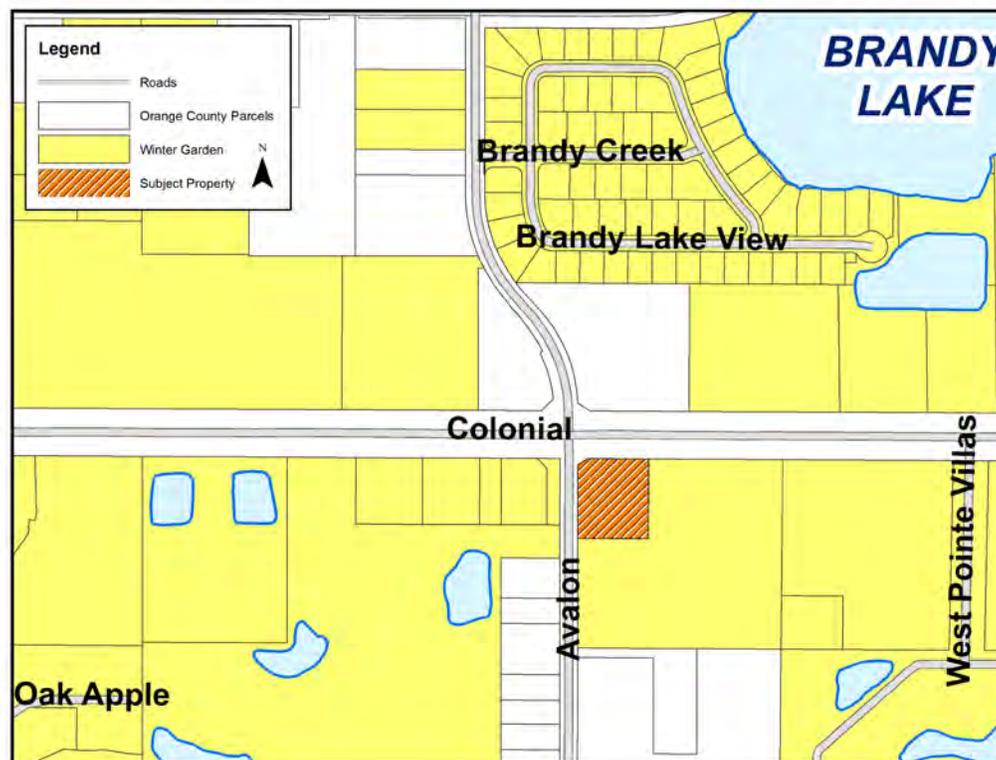
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: MARCH 3, 2016
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
14990 W COLONIAL DRIVE (1.26 +/- ACRES)
PARCEL IDS #: 27-22-27-0000-00-096
APPLICANT: CIRCLE K STORES, 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 14990 W Colonial Drive on the southeast corner of West Colonial Drive and Avalon Road and is approximately 1.26 ± 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 gas pumps and a convenience store.

ADJACENT LAND USE AND ZONING

The property located to the south and east of the subject property consists of vacant commercial land, is zoned C-2 and is located in the City of Winter Garden. The Winter Garden properties located to the west include a State-owned right-of-way parcel zoned C-2, and a portion of a Country Gardens Apartments parcel zoned R-3. The property to the north of the subject property is a vacant commercial parcel, zoned C-1, and located in Unincorporated Orange County.

PROPOSED USE

The applicant intends to annex the subject property in order to provide the existing gas station development with City services.

PUBLIC FACILITY ANALYSIS

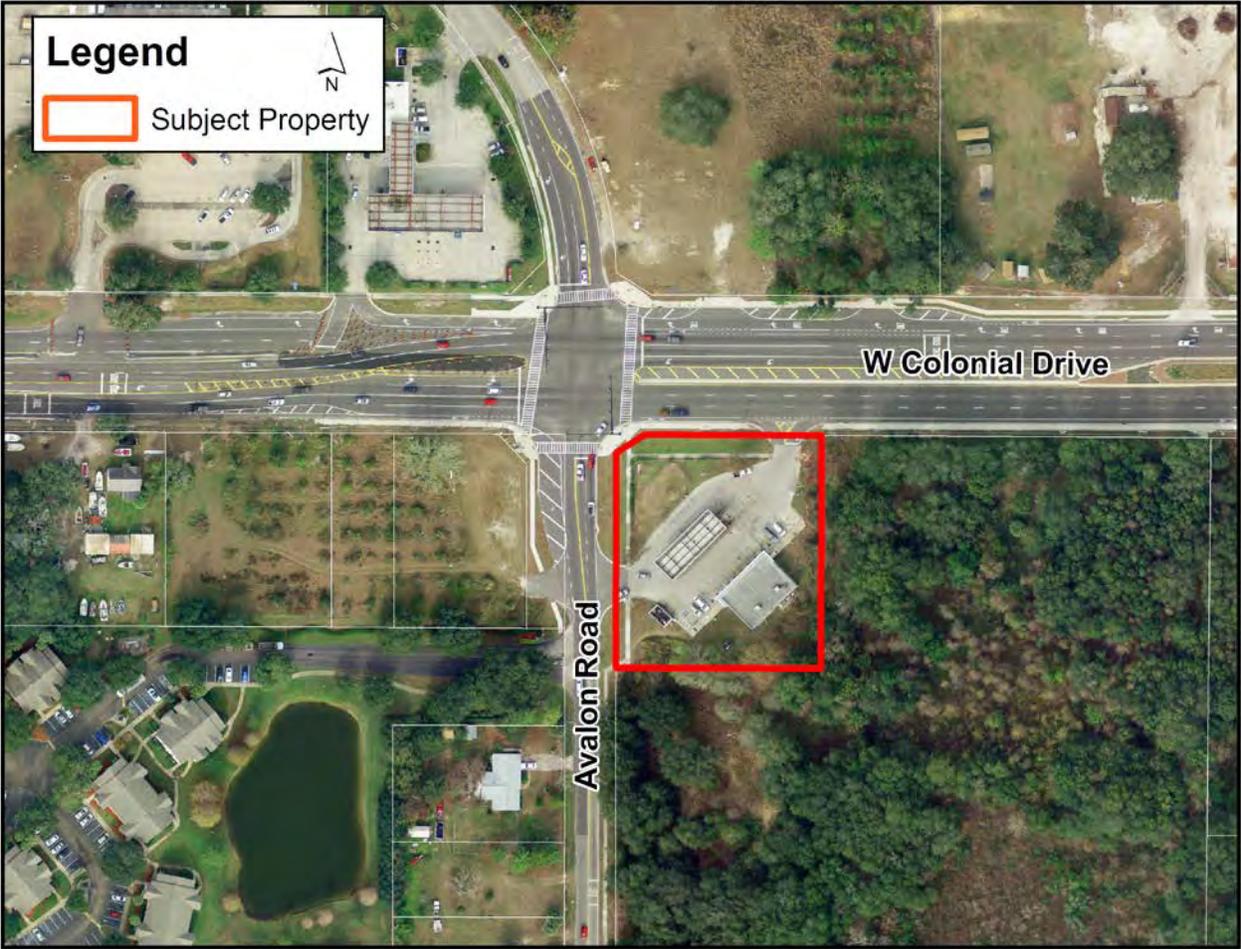
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

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.

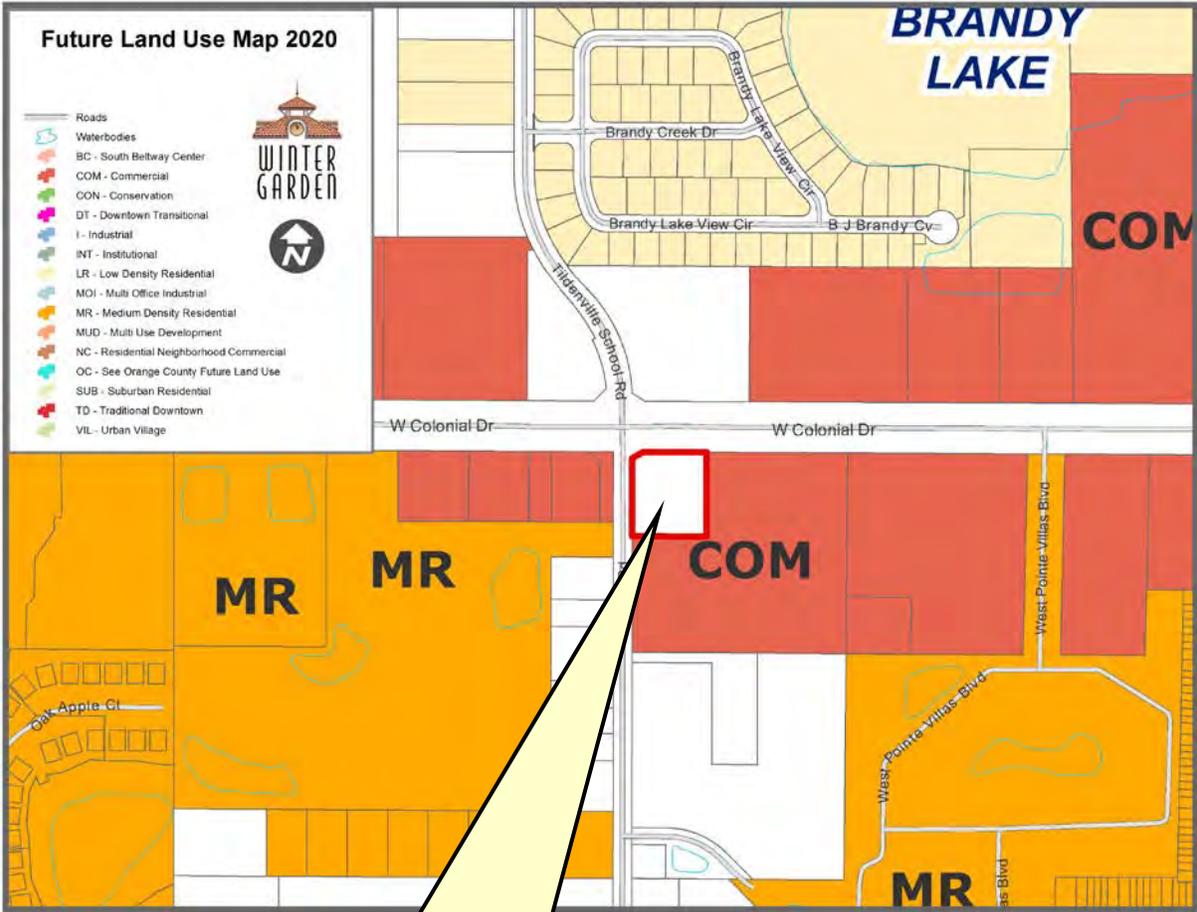
AERIAL PHOTO

14990 W Colonial Drive



FUTURE LAND USE MAP

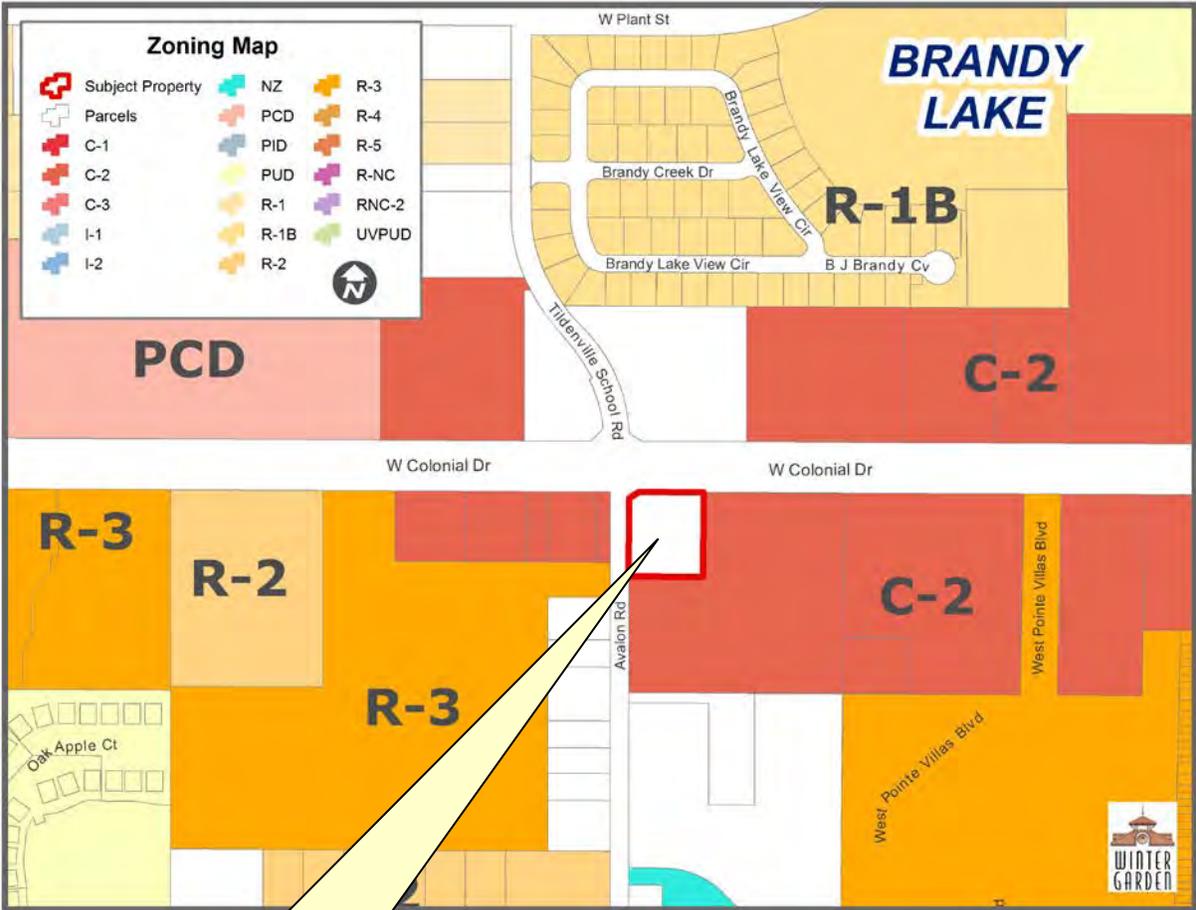
14990 W Colonial Drive



Subject property changed from Orange County Commercial to City Commercial

ZONING MAP

14990 W Colonial Drive



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

END OF STAFF REPORT

ORDINANCE 16-22

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.26 ± ACRES LOCATED AT 14990 WEST COLONIAL DRIVE ON THE SOUTHEAST CORNER OF WEST COLONIAL DRIVE AND AVALON 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 1.26 ± acres located at 14990 West Colonial Drive on the southeast corner of West Colonial Drive and Avalon 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: *Sidewalk Easement.* The City Commission hereby authorizes the City Manager to accept the assignment by the City of Winter Garden of the public sidewalk easement encumbering the property subject to this Ordinance from Orange County subject to terms acceptable to the City Manager.

SECTION 6: *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 7: *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 8: *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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 27-22-27-0000-00-096

DESCRIPTION:

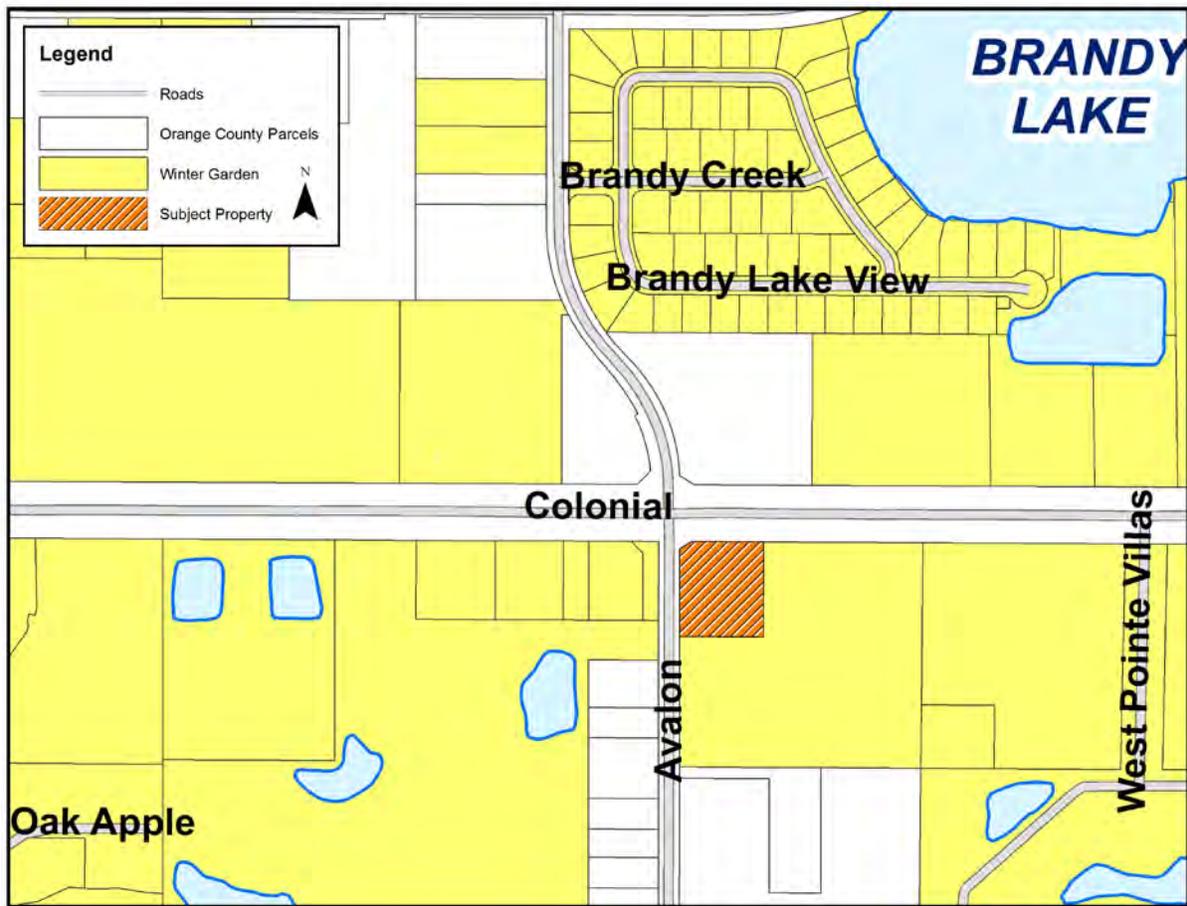
Commence at the Northwest corner of the Northwest 1/4 of Section 27, Township 22 South, Range 27 East, Orange County, Florida; thence run South 89°42'32" East along the North line of said Northwest 1/4, 22.00 feet; thence leaving said North line run South 00°04'03" West 75.00 feet; thence South 89°42'32" East 38.35 feet to the POINT OF BEGINNING, said point being on the South right-of-way line of State Road 50; thence continue South 89°42'32" East along said South right-of-way line, 189.65 feet; thence South 00°04'03" West 250.00 feet; thence North 89°42'32" West 228.00 feet to the East right-of-way line of County Road 545 (Avalon Road); thence North 00°04'03" East along said East right-of-way line, 225.35 feet to aforesaid South right-of-way line of State Road 50; thence North 57°29'33" East 45.51 feet to the POINT OF BEGINNING.

Containing 1.298 acres, more or less.

ATTACHMENT "B"

LOCATION MAP

14990 West Colonial Drive



ORDINANCE 16-23

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 1.26 ± ACRES LOCATED AT 14990 WEST COLONIAL DRIVE ON THE SOUTHEAST CORNER OF WEST COLONIAL DRIVE AND AVALON ROAD FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as approximately 1.26 ± acres located at 14990 West Colonial Drive on the southeast corner of West Colonial Drive and Avalon 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 16-22, 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: _____, 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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 27-22-27-0000-00-096

DESCRIPTION:

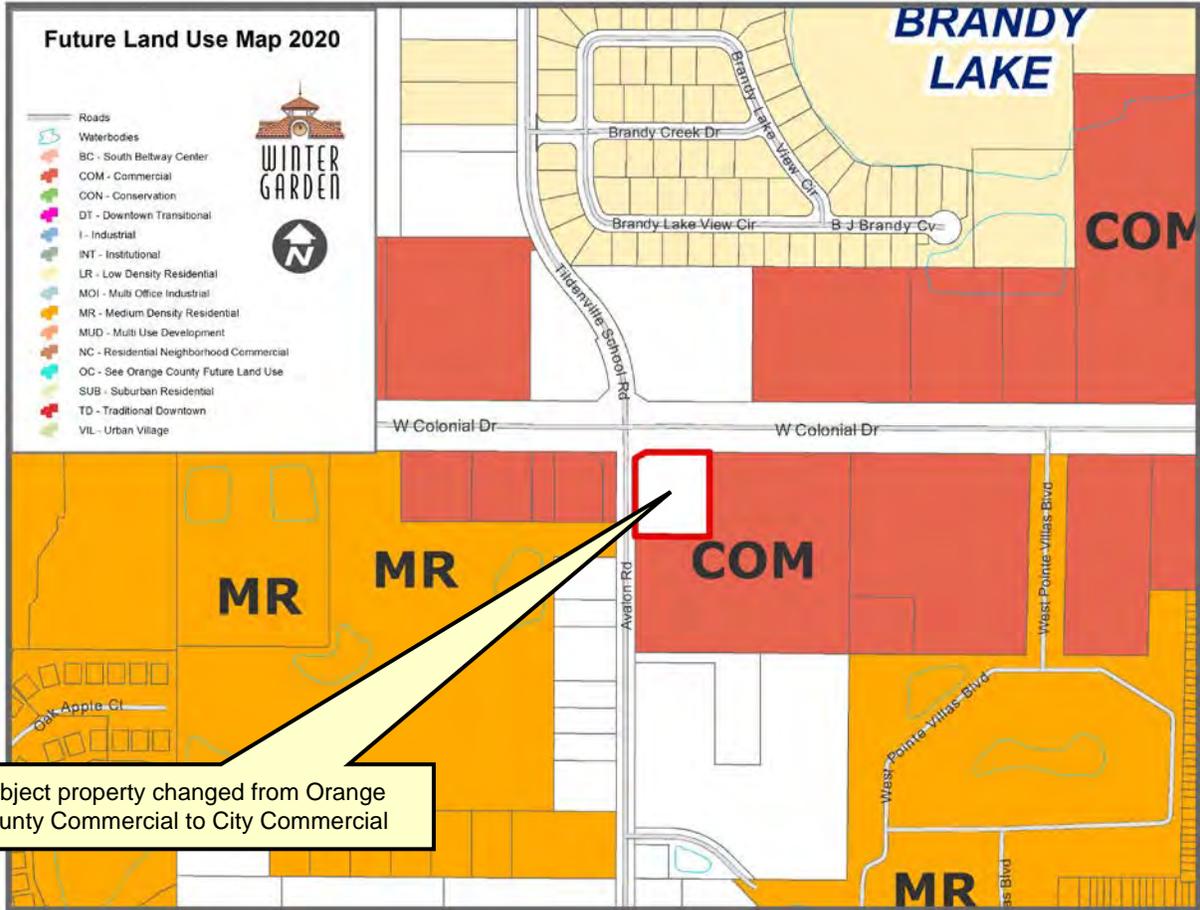
Commence at the Northwest corner of the Northwest 1/4 of Section 27, Township 22 South, Range 27 East, Orange County, Florida; thence run South 89°42'32" East along the North line of said Northwest 1/4, 22.00 feet; thence leaving said North line run South 00°04'03" West 75.00 feet; thence South 89°42'32" East 38.35 feet to the POINT OF BEGINNING, said point being on the South right-of-way line of State Road 50; thence continue South 89°42'32" East along said South right-of-way line, 189.65 feet; thence South 00°04'03" West 250.00 feet; thence North 89°42'32" West 228.00 feet to the East right-of-way line of County Road 545 (Avalon Road); thence North 00°04'03" East along said East right-of-way line, 225.35 feet to aforesaid South right-of-way line of State Road 50; thence North 57°29'33" East 45.51 feet to the POINT OF BEGINNING.

Containing 1.298 acres, more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

14990 West Colonial Drive



ORDINANCE 16-24

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.26 ± ACRES LOCATED AT 14990 WEST COLONIAL DRIVE ON THE SOUTHEAST CORNER OF WEST COLONIAL DRIVE AND AVALON ROAD FROM ORANGE COUNTY C-1 RETAIL 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 1.26 ± acres located at 14990 West Colonial Drive on the southeast corner of West Colonial Drive and Avalon Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County C-1 Retail 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-1 Retail 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 16-23 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: _____, 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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 27-22-27-0000-00-096

DESCRIPTION:

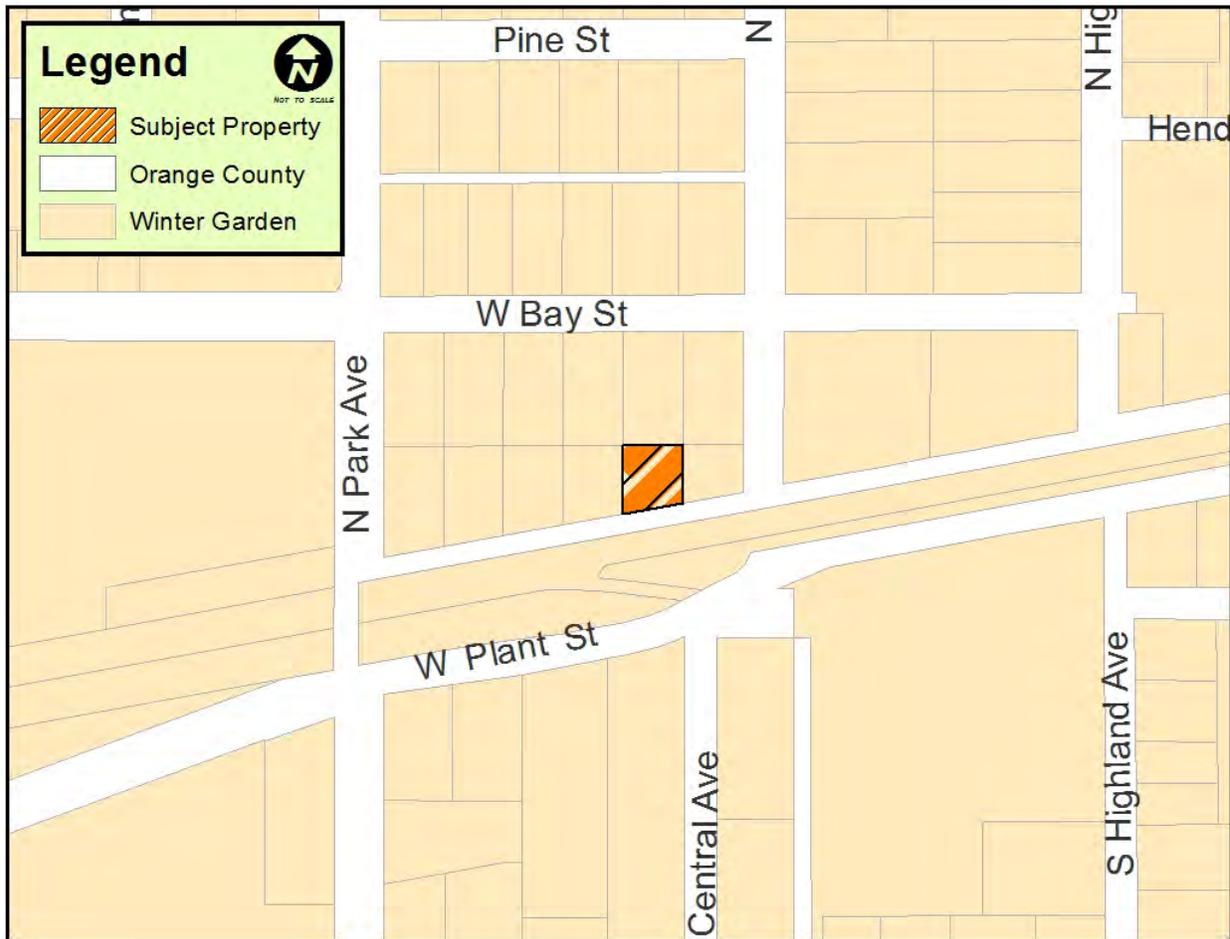
Commence at the Northwest corner of the Northwest 1/4 of Section 27, Township 22 South, Range 27 East, Orange County, Florida; thence run South 89°42'32" East along the North line of said Northwest 1/4, 22.00 feet; thence leaving said North line run South 00°04'03" West 75.00 feet; thence South 89°42'32" East 38.35 feet to the POINT OF BEGINNING, said point being on the South right-of-way line of State Road 50; thence continue South 89°42'32" East along said South right-of-way line, 189.65 feet; thence South 00°04'03" West 250.00 feet; thence North 89°42'32" West 228.00 feet to the East right-of-way line of County Road 545 (Avalon Road); thence North 00°04'03" East along said East right-of-way line, 225.35 feet to aforesaid South right-of-way line of State Road 50; thence North 57°29'33" East 45.51 feet to the POINT OF BEGINNING.

Containing 1.298 acres, more or less.

LOCATION MAP

429 W Plant Street

FLU MAP AMENDMENT



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

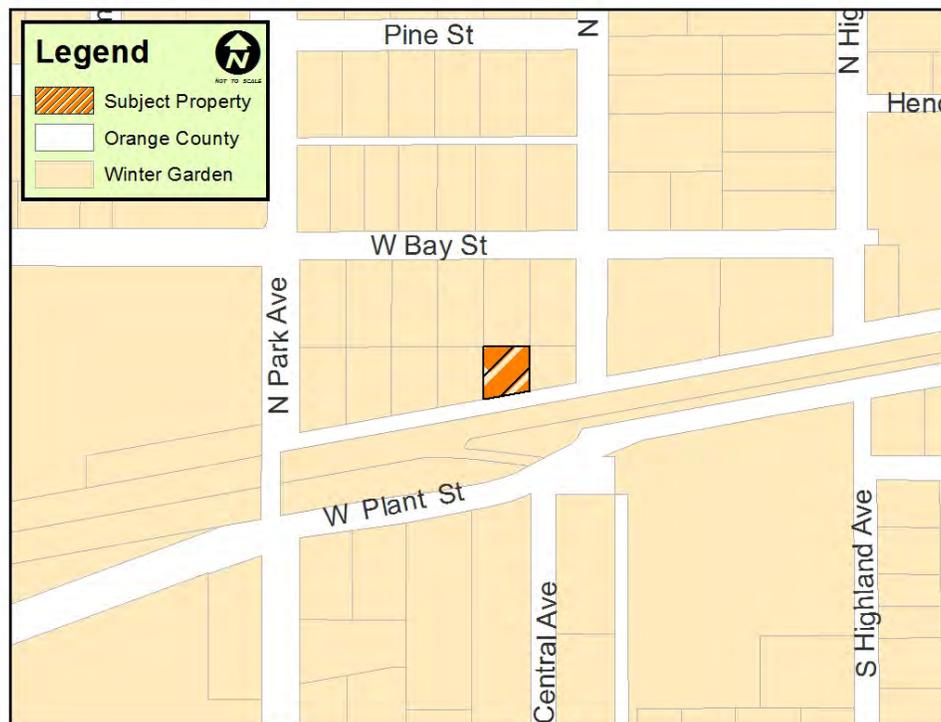
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
DATE: FEBRUARY 29, 2016
SUBJECT: FLU AMENDMENT
429 WEST PLANT (0.23 +/- ACRES)
PARCEL IDS #: 23-22-27-2548-02-110
APPLICANT: JOWERS FAMILY ENTERPRISES, 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 consists of a parcel located at 429 West Plant Street, generally at the southeast corner of West Plant Street and North Central Avenue and is approximately 0.23 ± acres in size. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Traditional Downtown.

In accordance with the City's Comprehensive Plan, properties designated with the Traditional Downtown. Properties designated with the Traditional Downtown land use category are required to be developed at a floor area ratio not greater than 0.75 and up to a floor area ratio of 4.0 by development bonuses. Gross residential density shall be not greater than 25 dwelling units per acre and up to 50 dwelling units per acre by development bonus. Maximum building height is three stories and up to five stories by development bonus in activity centers. This land use is to include a variety of housing types and land uses in the defined downtown area. Any proposed residential development shall only be allowed as part of a mixed-use development with non-residential uses. Developments designed without adequate parking facilities will be required to participate in the downtown parking program. The variety of uses permits educational facilities, civic buildings and commercial establishments to be located within walking distance of private homes. The area is to be served by a network of paths, streets and lanes suitable for pedestrians as well as multimodal transportation alternatives. This provides residents the options of walking, biking or driving to places within the downtown area. Present and future modes of transit are also considered during the planning stages. The Traditional Downtown land use designation shall be allowed only within the Traditional Downtown Activity Center. Development may exceed the stated 0.75 floor area ratio or 25 dwelling units per acre only by development bonus, no development rights are guaranteed at intensities or densities above the stated permitted range. The zoning classifications that are consistent with the Traditional Downtown land use designation include R-NC, RNC-2, C-1, C-2, C-3, C-4, and INT.

EXISTING USE

The subject property is currently vacant.

ADJACENT LAND USE AND ZONING

The properties located to the north and west of the subject property are developed with single-family homes, zoned R-2, and located in the City of Winter Garden. The property located to the east of the subject property is vacant, zoned R-2, located in the City of Winter Garden, and requesting to be rezoned along with this property. The property to the north is vacant land that is part of the Plant Street right-of-way and the West Orange Trail.

PROPOSED USE

The applicant intends to amend the Future Land Use, rezone the property, and develop at a later date. The future development will require Site Plan review and approval from the Development Review Committee and City Commission.

PUBLIC FACILITY ANALYSIS

The City will continue providing 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. All transportation and impact fees will be addressed when the applicant submits for Site Plan review.

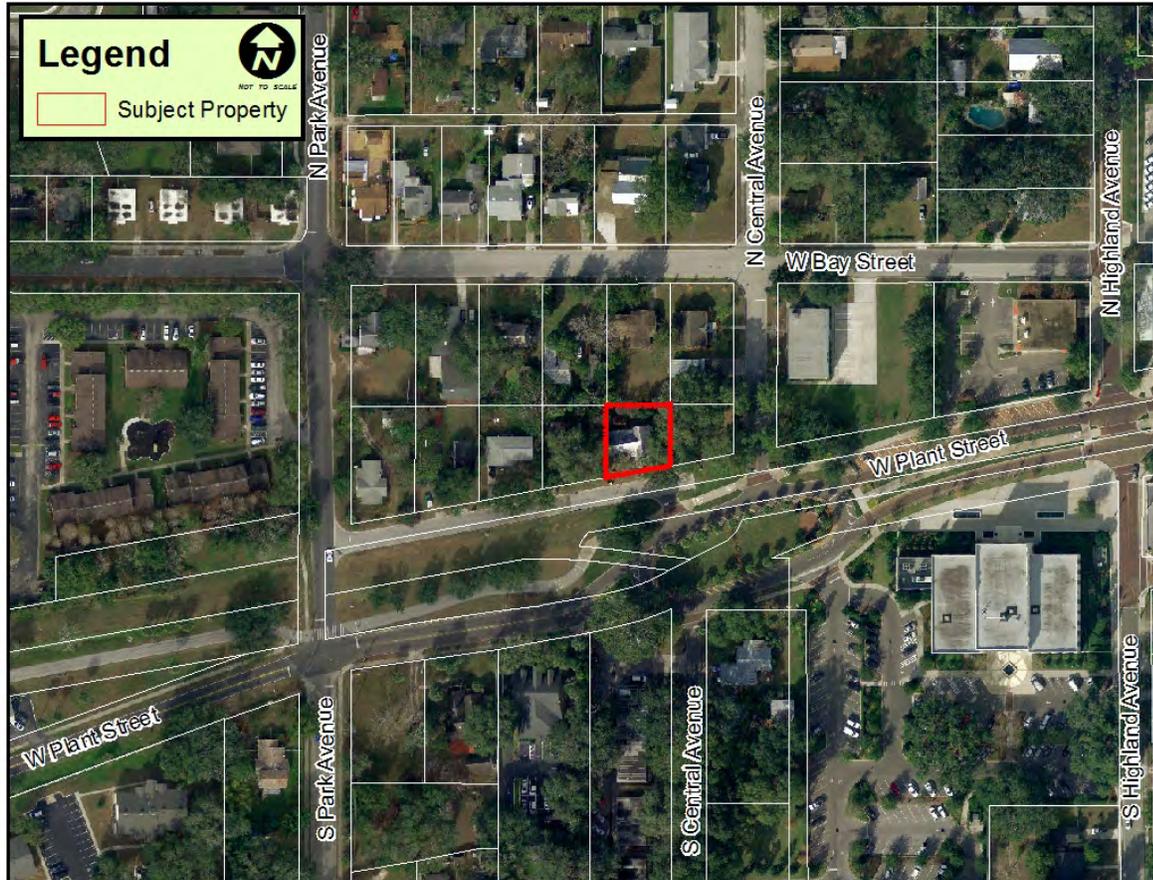
SUMMARY

The proposed FLU Amendment is a reasonable use of this property. Staff believes that this FLU designation will continue the downtown development to Park Avenue and create a transition of the downtown development into the surrounding neighborhood.

Staff recommends approval of the proposed Ordinance to change the Future Land Use Designation to Commercial.

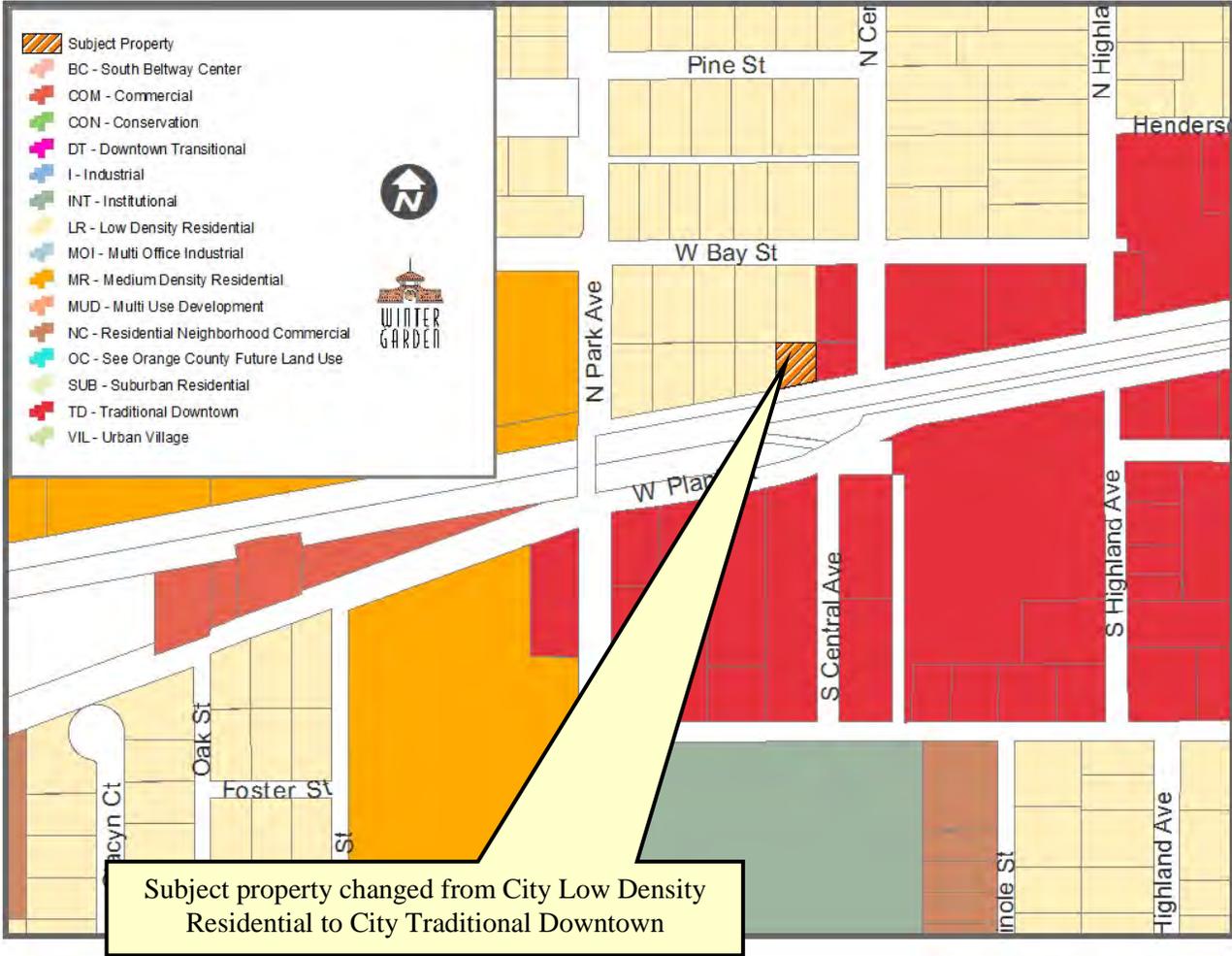
AERIAL PHOTO

429 West Plant Street



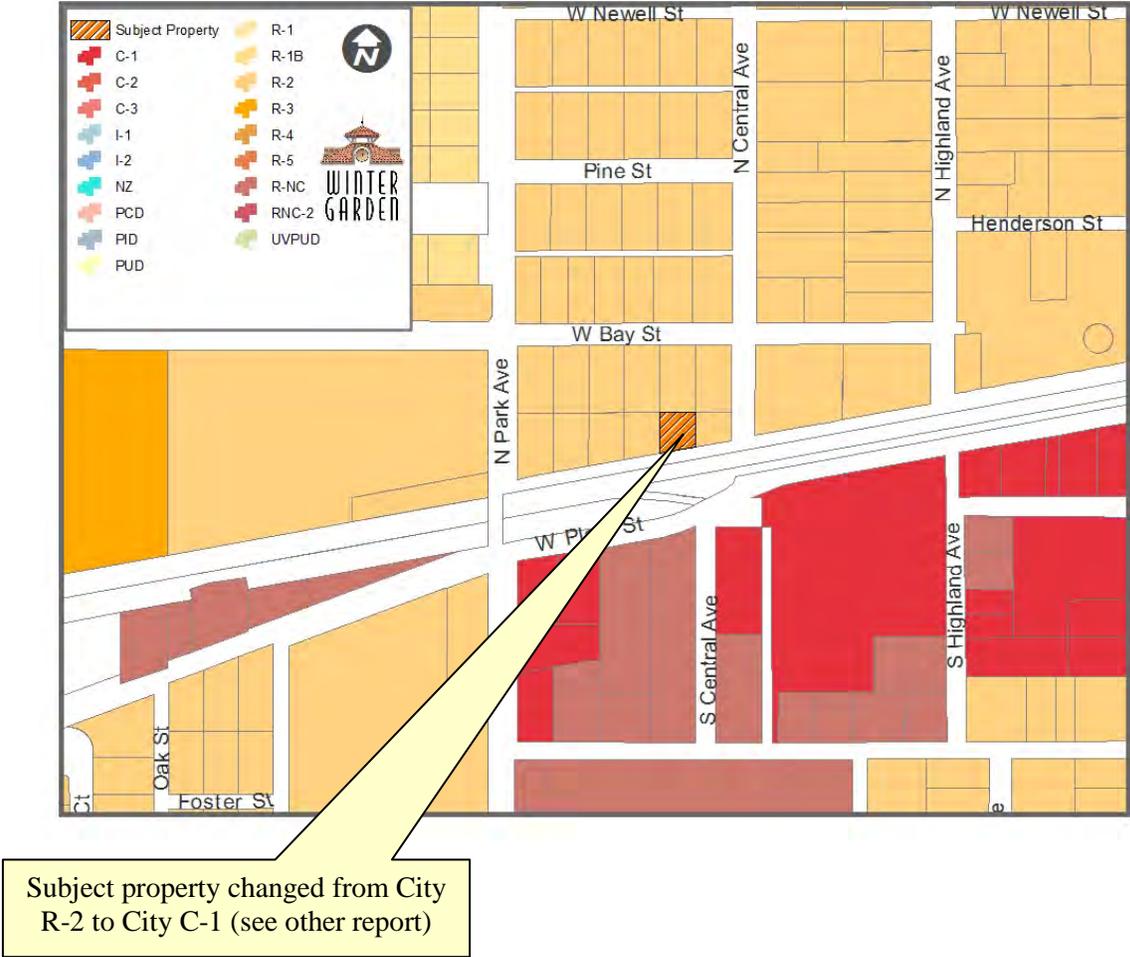
FUTURE LAND USE MAP

429 West Plant Street



ZONING MAP

429 West Plant Street



END OF STAFF REPORT

ORDINANCE 16-19

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 00.13 ± ACRES LOCATED AT 429 WEST PLANT STREET GENERALLY AT THE SOUTHEAST CORNER OF WEST PLANT STREET AND NORTH CENTRAL AVENUE FROM LOW DENSITY RESIDENTIAL TO TRADITIONAL DOWNTOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as 0.13 ± acres located at 429 West Plant Street generally at the southeast corner of West Plant Street and North Central 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 Low Density Residential to Traditional Downtown; 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 Traditional Downtown as set forth in ATTACHMENT "B".

SECTION II. *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 III. *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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-2548-02-110

Lot 11, Block B, EWING'S ADDITION TO WINTER GARDEN, according to the map or plat thereof, as recorded in Plat Book F, Page 42, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Northeast corner of Lot 1, Block B of said EWING'S ADDITION TO WINTER GARDEN; thence run S 00°09'16" E 198.70 feet to the Southeast corner of Lot 12, Block B of said EWING'S ADDITION TO WINTER GARDEN; thence run S 80°05'38" W 74.50 feet to the Southeast corner of said Lot 11 and the POINT OF BEGINNING; thence continue S 80°05'38" W 74.50 feet to the Southwest corner of said Lot 11; thence run N 00°05'28" W 84.33 feet to the Northwest corner of said Lot 11; thence run N 90°00'00" E 73.37 feet to the Northeast corner of said Lot 11; thence run S 00°07'15" E 71.52 feet to the POINT OF BEGINNING.

Containing 0.131 acres, more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

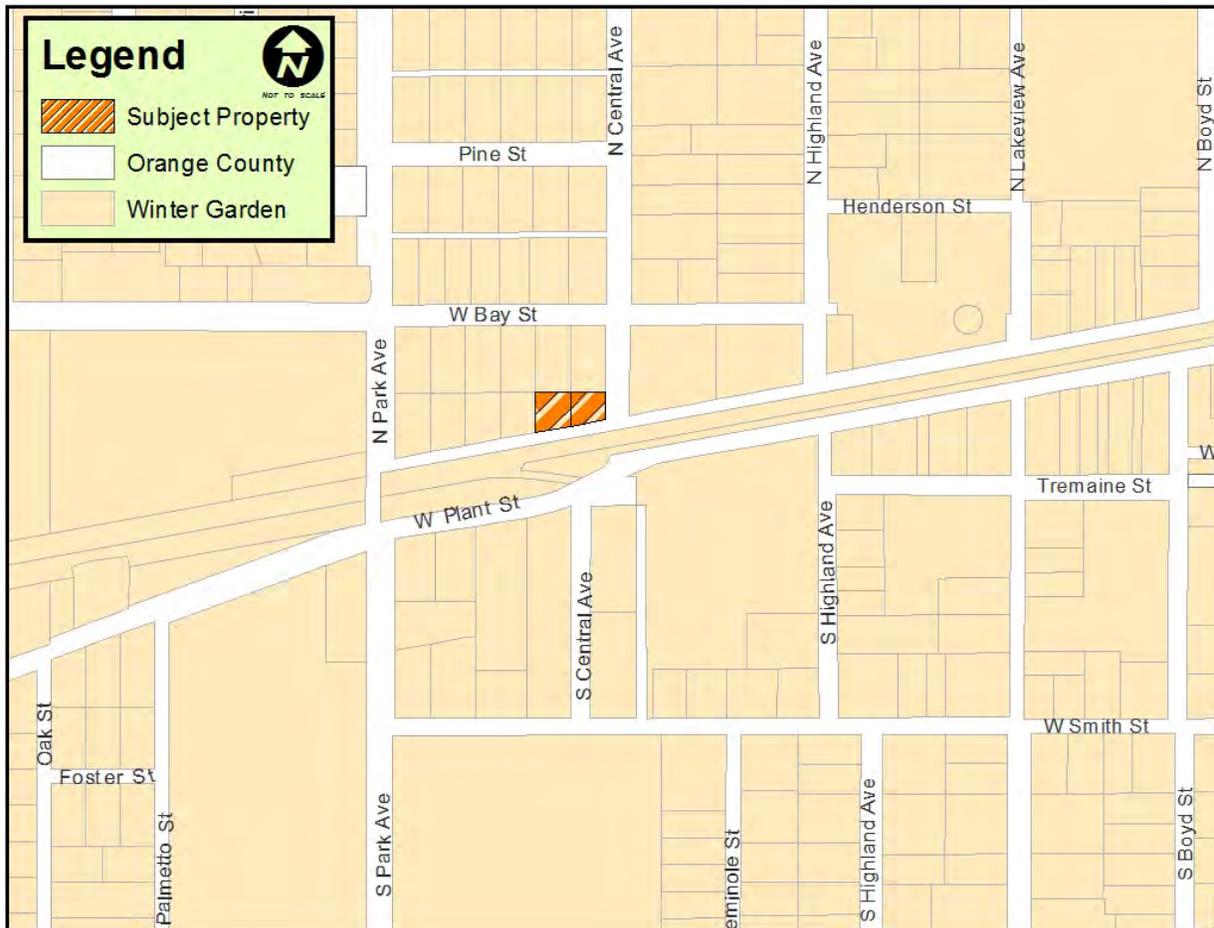
429 West Plant Street



LOCATION MAP

419 and 429 W Plant Street

ZONING



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

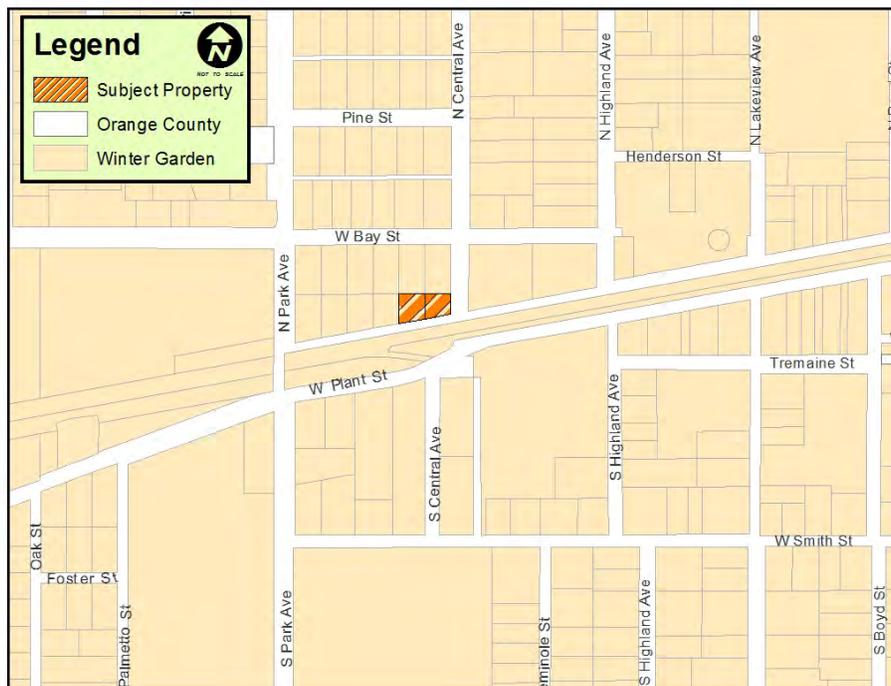
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
DATE: FEBRUARY 24, 2016
SUBJECT: ZONING
419 & 429 WEST PLANT (0.23 +/- ACRES)
PARCEL IDS #: 23-22-27-2548-02-110 & 23-22-27-2548-02-120
APPLICANT: JOWERS FAMILY ENTERPRISES, 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 consists of two parcels located at 419 and 429 West Plant Street, generally at the southeast corner of West Plant Street and North Central Avenue 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 amendment to change the Zoning designation of these properties from R-2 Residential District to C-1 Central Commercial District. The property located at 419 W. Plant Street has a Future Land Use Designation of Traditional Downtown and the applicant is currently requesting to change the FLU on the property located at 429 W. Plant Street to Traditional Downtown.

In accordance with the City's Comprehensive Plan, properties designated with the Traditional Downtown. Properties designated with the Traditional Downtown land use category are required to be developed at a floor area ratio not greater than 0.75 and up to a floor area ratio of 4.0 by development bonuses. Gross residential density shall be not greater than 25 dwelling units per acre and up to 50 dwelling units per acre by development bonus. Maximum building height is three stories and up to five stories by development bonus in activity centers. This land use is to include a variety of housing types and land uses in the defined downtown area. Any proposed residential development shall only be allowed as part of a mixed-use development with non-residential uses. Developments designed without adequate parking facilities will be required to participate in the downtown parking program. The variety of uses permits educational facilities, civic buildings and commercial establishments to be located within walking distance of private homes. The area is to be served by a network of paths, streets and lanes suitable for pedestrians as well as multimodal transportation alternatives. This provides residents the options of walking, biking or driving to places within the downtown area. Present and future modes of transit are also considered during the planning stages. The Traditional Downtown land use designation shall be allowed only within the Traditional Downtown Activity Center. Development may exceed the stated 0.75 floor area ratio or 25 dwelling units per acre only by development bonus, no development rights are guaranteed at intensities or densities above the stated permitted range. The zoning classifications that are consistent with the Traditional Downtown land use designation include R-NC, RNC-2, C-1, C-2, C-3, C-4, and INT.

EXISTING USE

The subject property is currently vacant.

ADJACENT LAND USE AND ZONING

The properties located to the north and west of the subject property are developed with single-family homes, zoned R-2, and located in the City of Winter Garden. The property located to the east of the subject property is developed with a 6,400 square foot Masonic Lodge, zoned C-1, and is located in the City of Winter Garden. The property to the north is vacant land that is part of the Plant Street right-of-way and the West Orange Trail.

PROPOSED USE

The applicant intends to rezone the property and develop the property at a later date. All future development will require Site Plan Review and approval from the Development Review Committee and City Commission.

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. All transportation and impact fees will be addressed when the applicant submits for Site Plan review

SUMMARY

The proposed rezoning is a reasonable use of this property and staff believes that this zoning designation will continue the downtown development to Park Avenue and help create a transition of the downtown development into the surrounding neighborhood.

Staff recommends approval of the proposed Ordinance to rezone these properties to C-1.

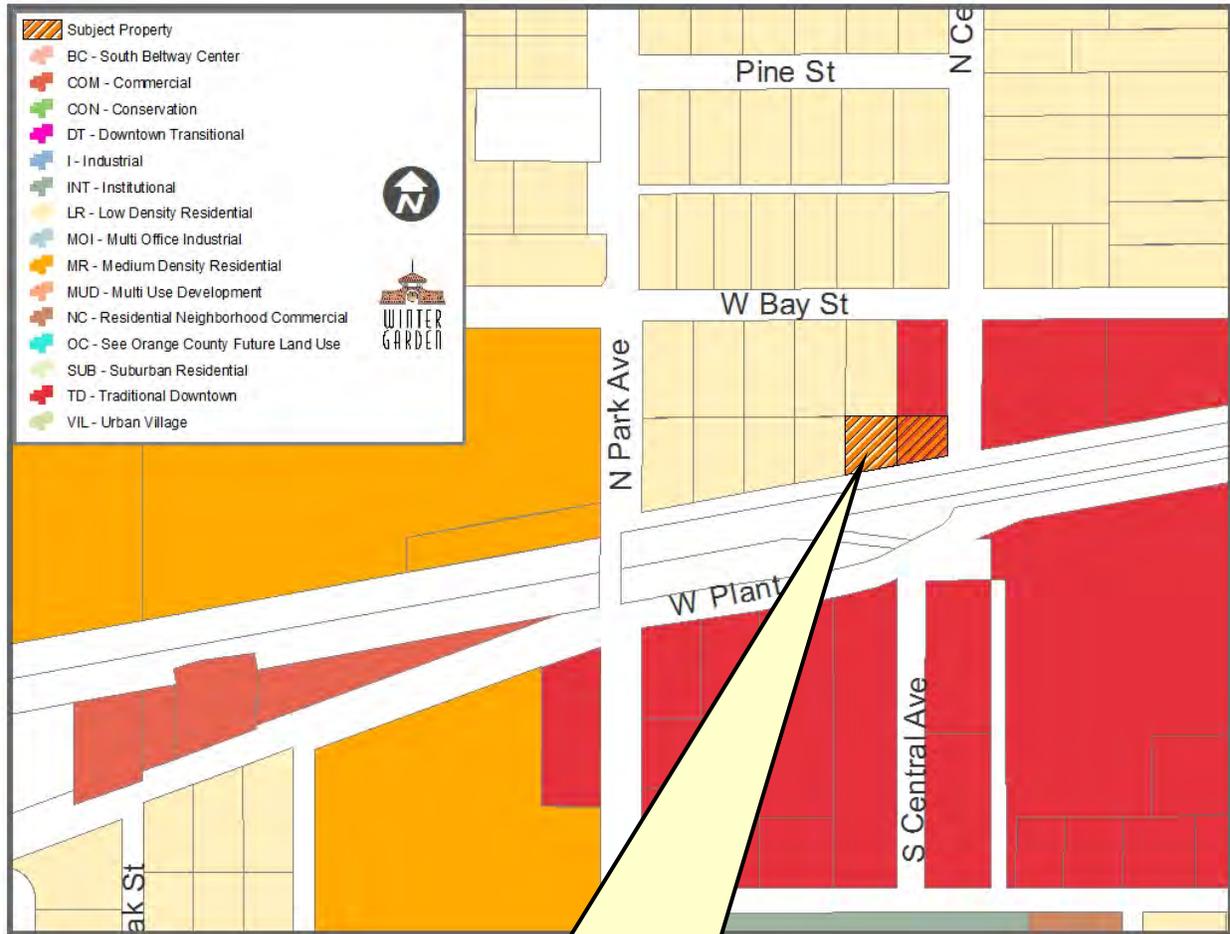
AERIAL PHOTO

419 & 429 West Plant Street



FUTURE LAND USE MAP

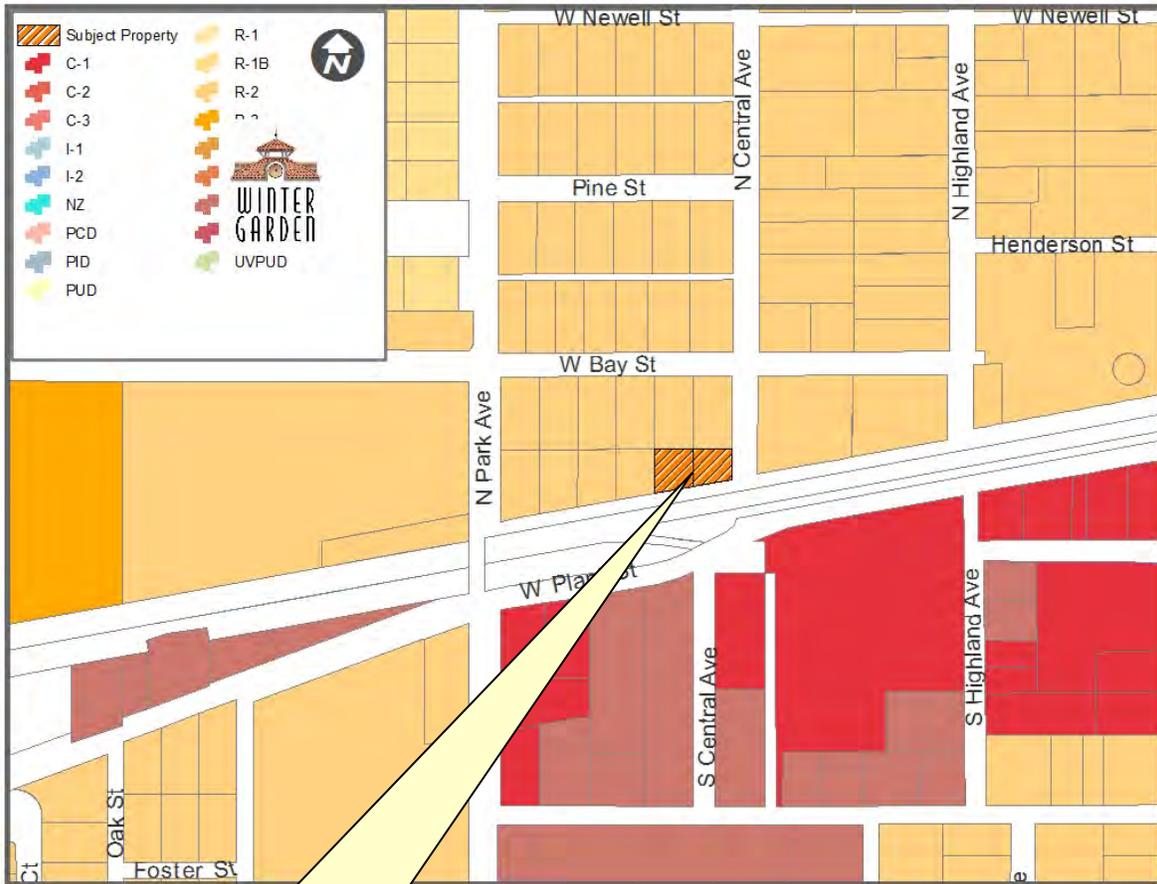
419 & 429 West Plant Street



Subject property with City Downtown Transitional

ZONING MAP

419 & 429 West Plant Street



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

END OF STAFF REPORT

ORDINANCE 16-20

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 419 AND 429 WEST PLANT STREET ON THE SOUTHEAST CORNER OF WEST PLANT STREET AND NORTH CENTRAL AVENUE FROM R-2 RESIDENTIAL DISTRICT TO C-1 CENTRAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.24 ± acres of land generally located on the southeast corner of West Plant Street and North Central Avenue, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from City R-2 Residential District to City C-1 Central 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-1 Central 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 City R-2 Residential District to City C-1 Central 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 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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-2548-02-110 & 23-22-27-2548-02-120

Lot 12, Block B, EWING'S ADDITION TO WINTER GARDEN, according to the map or plat thereof, as recorded in Plat Book F, Page 42, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Northeast corner of Lot 1, Block B of said EWING'S ADDITION TO WINTER GARDEN; thence run S 00°09'16" E 140.00 feet to the Northeast corner of said Lot 12 and the POINT OF BEGINNING; thence continue S 00°09'16" E 58.70 feet to the Southeast corner of said Lot 12; thence run S 80°05'38" W 74.50 feet to the Southwest corner of said Lot 12; thence run N 00°07'15" W 71.52 feet to the Northwest corner of said Lot 12; thence run N 90°00'00" E 73.38 feet to the POINT OF BEGINNING.

Containing 0.110 acres, more or less.

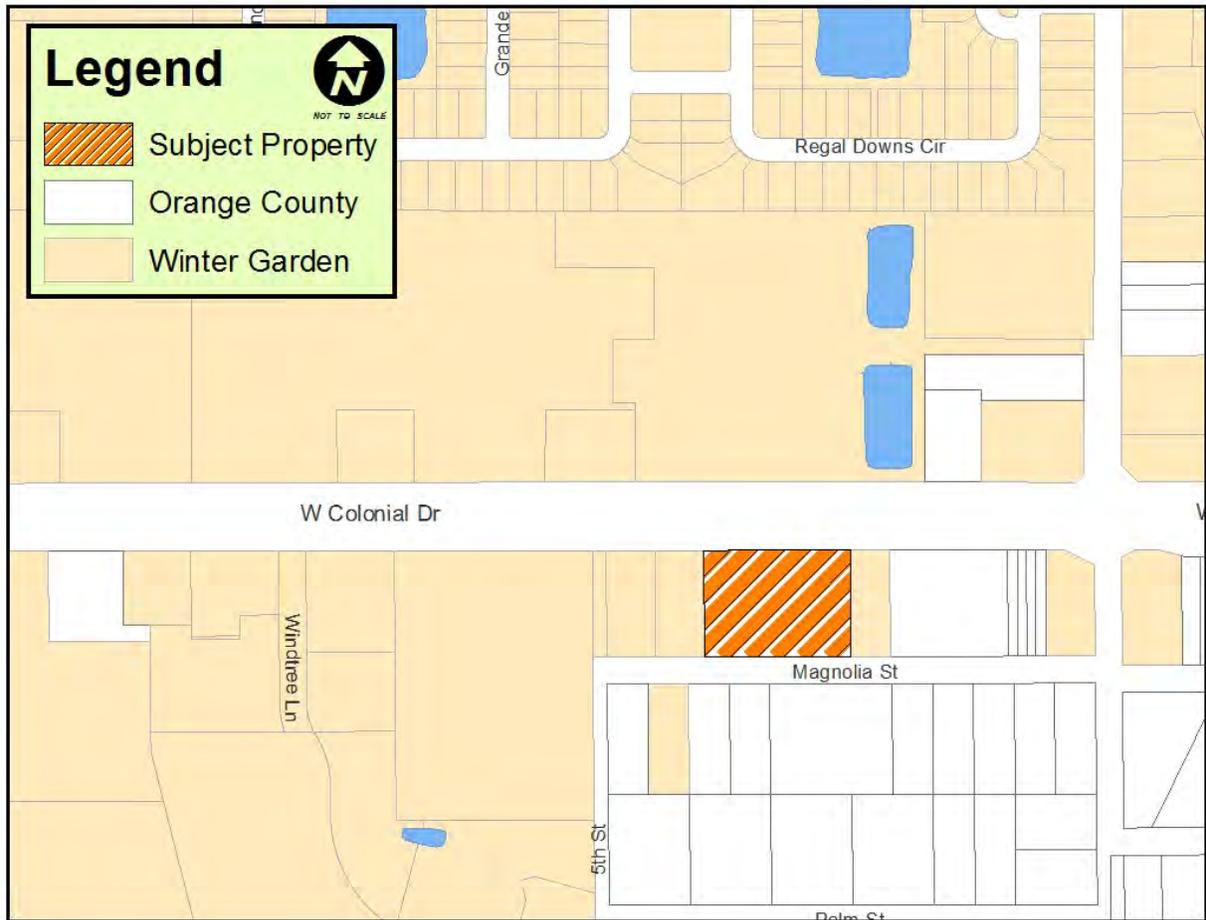
Lot 11, Block B, EWING'S ADDITION TO WINTER GARDEN, according to the map or plat thereof, as recorded in Plat Book F, Page 42, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Northeast corner of Lot 1, Block B of said EWING'S ADDITION TO WINTER GARDEN; thence run S 00°09'16" E 198.70 feet to the Southeast corner of Lot 12, Block B of said EWING'S ADDITION TO WINTER GARDEN; thence run S 80°05'38" W 74.50 feet to the Southeast corner of said Lot 11 and the POINT OF BEGINNING; thence continue S 80°05'38" W 74.50 feet to the Southwest corner of said Lot 11; thence run N 00°05'28" W 84.33 feet to the Northwest corner of said Lot 11; thence run N 90°00'00" E 73.37 feet to the Northeast corner of said Lot 11; thence run S 00°07'15" E 71.52 feet to the POINT OF BEGINNING.

Containing 0.131 acres, more or less.

LOCATION MAP

13100 W Colonial Drive

PRELIMINARY PLAT



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

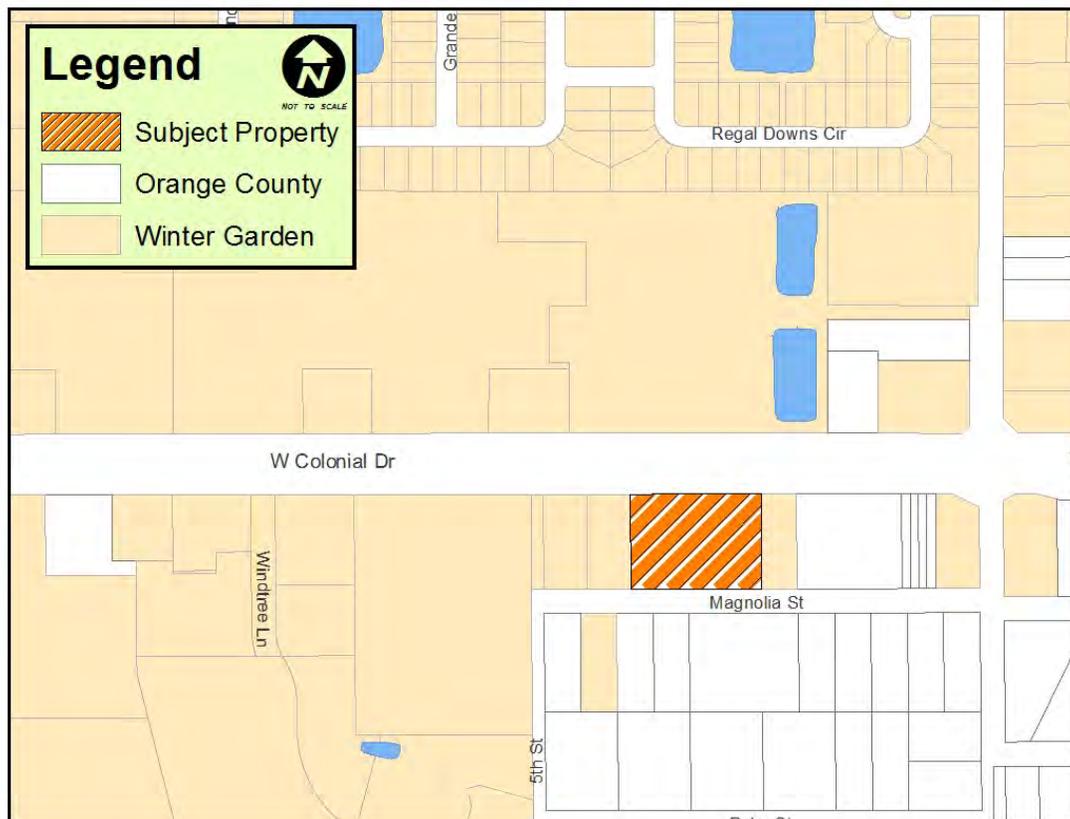
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
DATE: FEBRUARY 18, 2016
SUBJECT: PRELIMINARY PLAT
R.D. KEENE PROPERTY
13100 WEST COLONIAL DRIVE (1.75 +/- ACRES)
PARCEL ID # 26-22-27-8108-00-060

APPLICANT: LAKE BUTLER GROVES, 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 is located at 13100 West Colonial Drive and is approximately 1.75 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



EXISTING USE

The subject property was a packing house for the citrus industry and was recently demolished to allow for future development.

ADJACENT LAND USE AND ZONING

The properties located to the north are developed with a retail/commercial shopping center (Kmart), zoned C-2, and located in the City. The property located to the east is developed with an Animal Hospital and Veterinary Clinic, zoned C-2 and located in the City. The properties to the south are developed with single-family homes, zoned A-1 and located in the County. The property to the west is developed with a commercial building, zoned C-2, and located in the City.

PROPOSED USE

The applicant is requesting preliminary plat approval to create two lots, access easements, cross access, and utility easements to move forward with building permits and the final plat. This plat was required by the City in order to develop the lots and create the proper easements.

A Site Plan has been reviewed by the Development Review Committee and approved by City Commission to develop a +/- 7,628 square foot O'Reilly Auto Parts Store on the eastern lot. Nothing has been proposed for the western lot.

SUMMARY

Staff recommends approval of the Preliminary Plat.

AERIAL PHOTO
13100 WEST COLONIAL DRIVE



ZONING MAP
13100 WEST COLONIAL DRIVE



FUTURE LAND USE MAP
13100 WEST COLONIAL DRIVE



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 8 (Public Hearing)

DATE: March 2, 2016 **MEETING DATE:** March 7, 2016

SUBJECT: 801 S Dillard Street (Lot Split)
PROJECT NAME Medical Office Building Lot Split
PARCEL ID# 12-22-27-6496-21-001

ISSUE: The applicants are requesting to split the lot located at 801 South Dillard Street.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Lakeside Realty (Winter Garden Park, LLC)

CURRENT ZONING: C-2

PROPOSED ZONING: N/A

CURRENT FLU: Commercial

PROPOSED FLU: N/A

SUMMARY:

The applicant requests lot split approval to divide the existing 2.81 acre commercial lot into two commercial parcels. The western parcel will continue to feature the existing bank with associated site development. No development for the eastern parcel is proposed at this time, but the applicant may submit an application for site plan approval to build medical offices in the future.

STAFF RECOMMENDATION(S):

Staff recommends approval of the requested lot split subject to the conditions contained in the attached Staff Report.

NEXT STEP(S):

File with the Orange County Property Appraiser's Office and Office of Public Records.

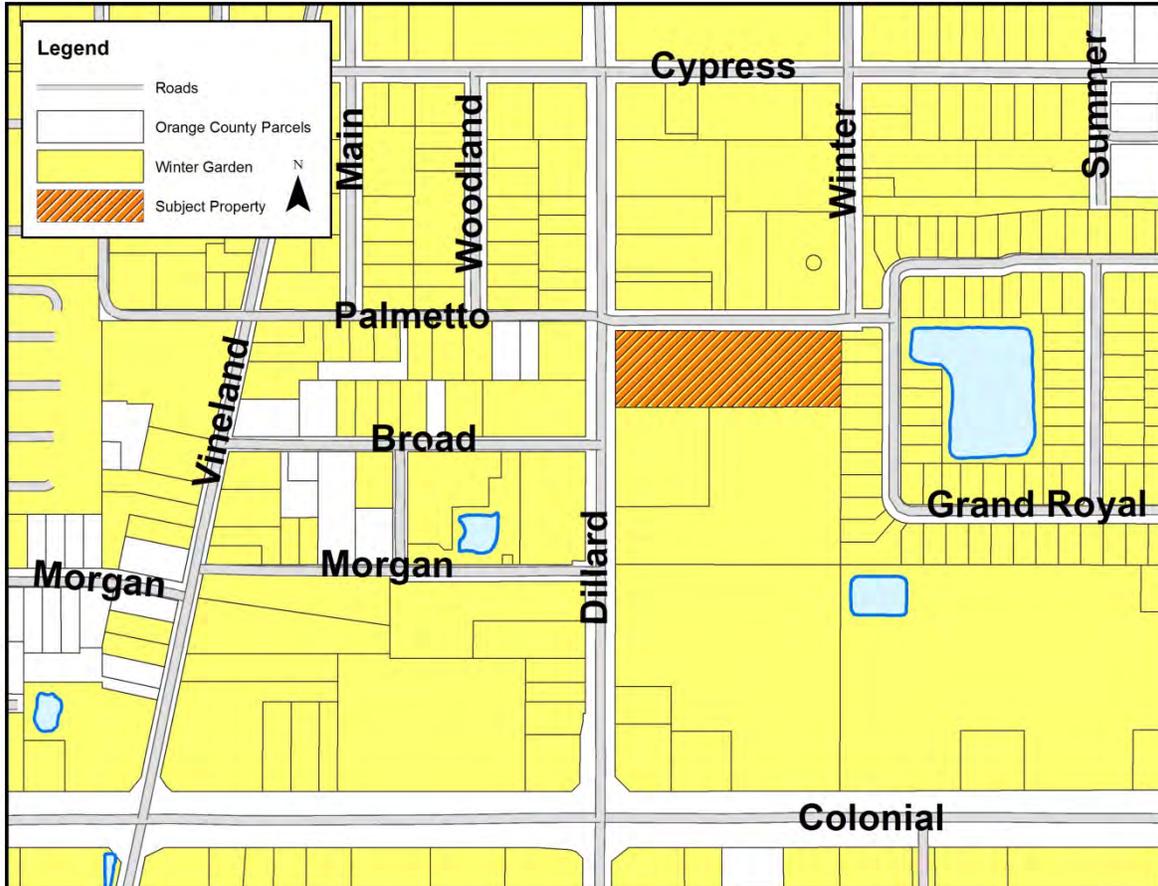
ATTACHMENT(S):

Location Map
Staff Report
Lot Split Surveys

LOCATION MAP

801 S Dillard Street

Lot Split



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

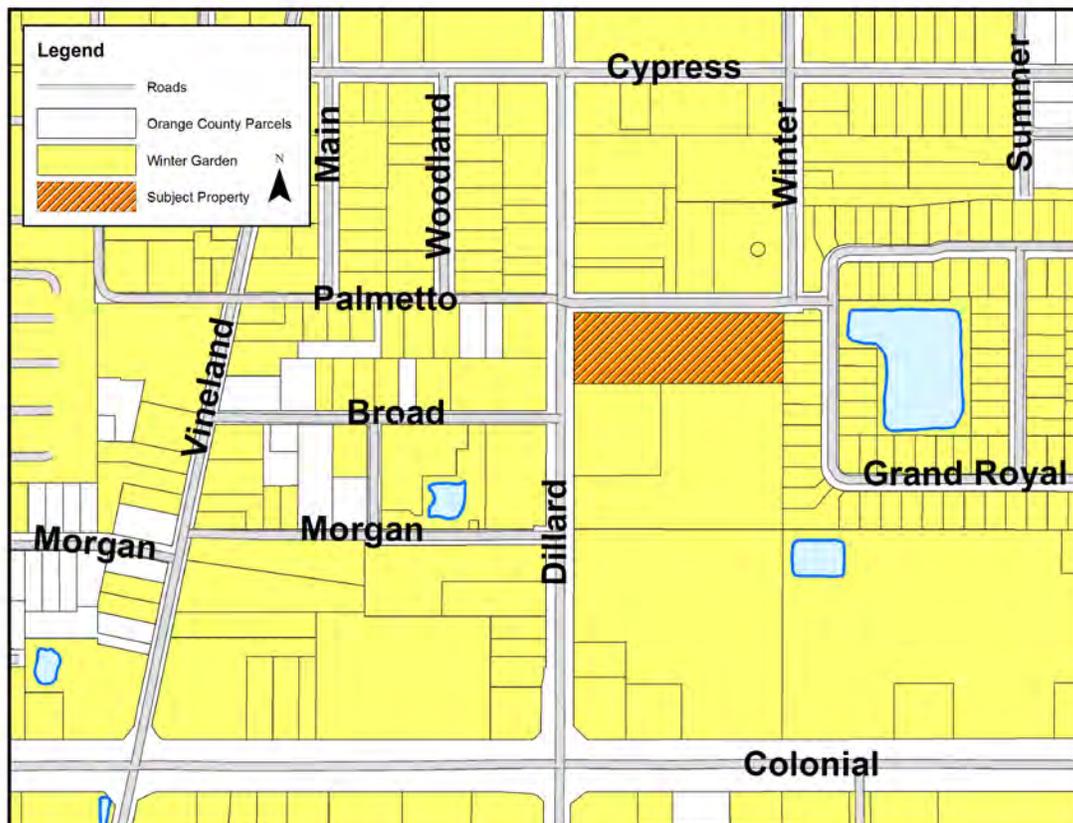
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: MARCH 2, 2016
SUBJECT: LOT SPLIT
801 S DILLARD STREET (2.81+/- ACRES)
PARCEL ID # 12-22-27-6496-21-001

APPLICANT: Lakeside Realty (Winter Garden Park, LLC)

INTRODUCTION

The purpose of this report is to evaluate the request to allow a lot split on property located at 801 S Dillard Street for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property, located at the southeast corner of S Dillard Street and E Palmetto Street is approximately 2.81± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation C-2 (Arterial Commercial District), is designated C (Commercial) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The west side of the subject property presently contains a two-story +/- 14,700 square foot bank building with associated site improvements. The east side of the property currently consists of vacant undeveloped land.

ADJACENT LAND USE AND ZONING

The adjacent properties to the west of the subject property are developed with commercial offices, have a zoning designation of C-2, and are located in the City of Winter Garden. The properties to the east are part of the Regal Pointe subdivision and are developed with single-family houses. These properties are zoned PUD and are located in the City. There are two properties located to the south of the subject property. One is developed with a church and is zoned C-2, while the other consists of vacant land zoned PCD. Both are located in the City. There are four properties located to the north of the subject property. Two of these properties are zoned C-2 and are developed with commercial buildings. The other two are City-owned R-2 zoned properties that house a fire station and water treatment facility. All of these properties are located within the City of Winter Garden.

PROPOSED USE

The applicant requests lot split approval to divide the existing lot into two commercial parcels: the western portion will remain oriented towards S Dillard Street and the eastern parcel will front on E Palmetto Street. After the lot split is complete, the western parcel will continue to feature the existing bank with associated site development. No development for the eastern parcel is proposed at this time, but the applicant may submit an application for site plan approval to build medical offices in the future.

CODE REFERENCE

Sec. 110-96. Proposed subdivision of existing lot.

(a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of complying with division 3 of this article, the subdivider may conform to the procedural requirements set out in this division or he may comply with the procedure for subdivision or resubdivision contained in this chapter at the applicant's option. This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.

(b) A subdivider shall apply to the city manager on an application form, promulgated by the director of planning, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum criteria:

- (1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and

lot dimensions.

- (2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.
- (3) A listing of the names and addresses of the record owners abutting subject property.
- (4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements thereon.

(c) Lot split procedure. Once the application is determined to be complete, the city staff shall review the request for compliance with the code (e.g. compliance with lot dimensions requirements, setbacks for existing buildings etc.).

Upon review by the city staff, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the planning and zoning board at its next regular meeting or session, following action by the city staff, for approval or disapproval. The planning and zoning board may take the following actions:

- (1) Approve the application as recommended by the city staff.
- (2) Approve the application, deleting or supplementing the conditions and restrictions of the city staff.
- (3) Approve the application, adding conditions and restrictions as determined by the planning and zoning board.
- (4) Disapprove the application.

The planning and zoning board shall have the option to take such action as it deems necessary and proper upon one hearing.

SUMMARY

Staff has reviewed the application and has determined that both properties will conform to the minimum lot requirements of the C-2 zoning district and will be consistent with the sizes of other nearby commercial lots.

Staff recommends approval of the lot split subject to the following conditions:

1. Easements for cross access, drainage and utilities between the two parcels may be required at the time of site or building plan approval.
2. A cross access easement shall be granted by one or both of the proposed parcels to the benefit of the parcel immediately to the south to access Palmetto Street; required at the time of site or building plan approval.
3. Approval of the lot split does not constitute any approvals for the site which will have to go through the normal site approval process. No construction is approved with the approval of the lot split.

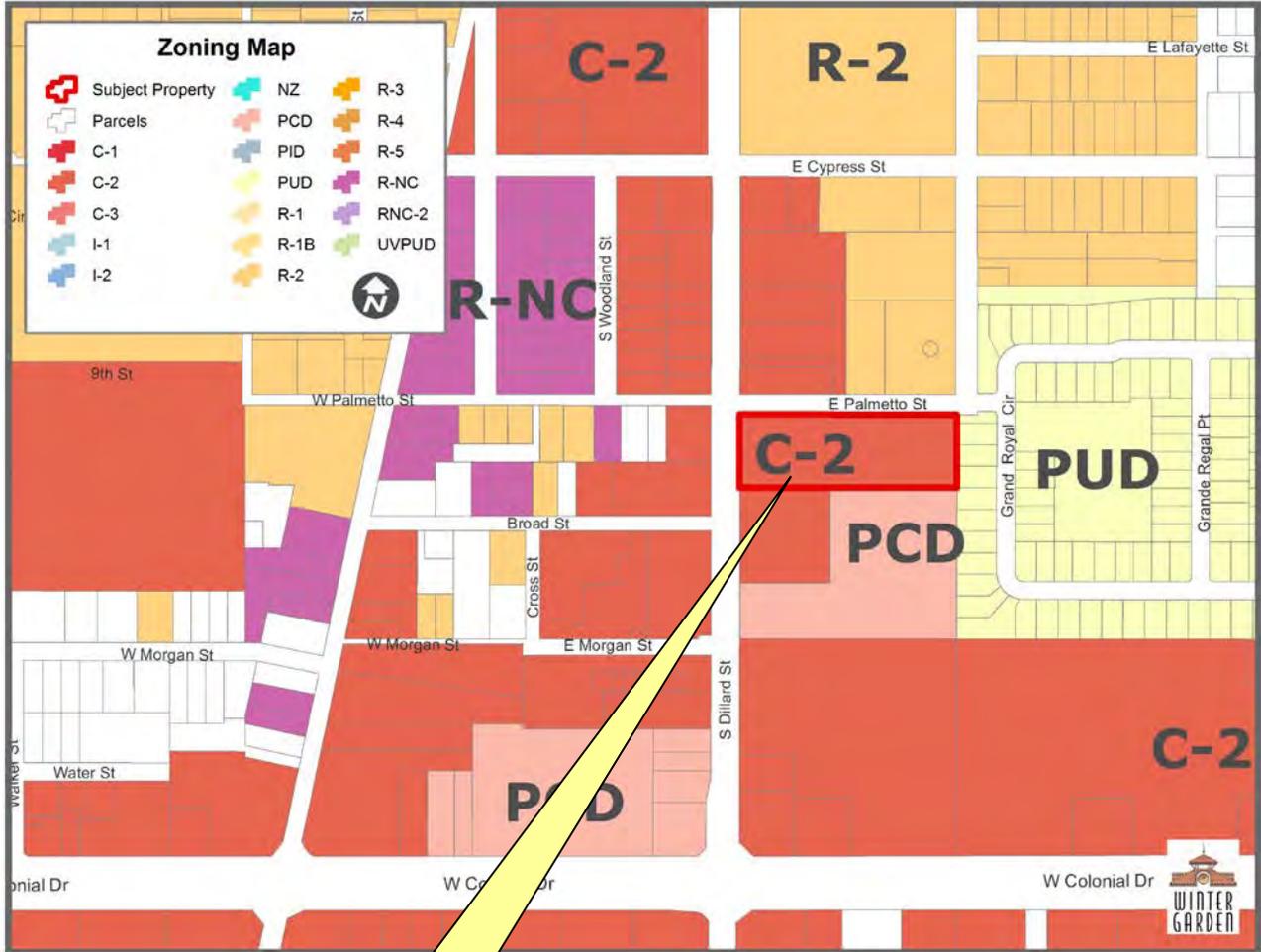
NEXT STEP

If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

AERIAL PHOTO
801 S Dillard Street



ZONING MAP
801 S Dillard Street



Subject Property

SITE PHOTOS
801 S Dillard Street



View looking southwest towards existing Wells Fargo Bank building



View looking southeast towards existing Wells Fargo Bank building & vacant land

END OF STAFF REPORT

V & S SURVEYING, INC.

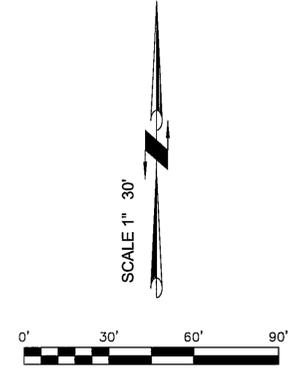
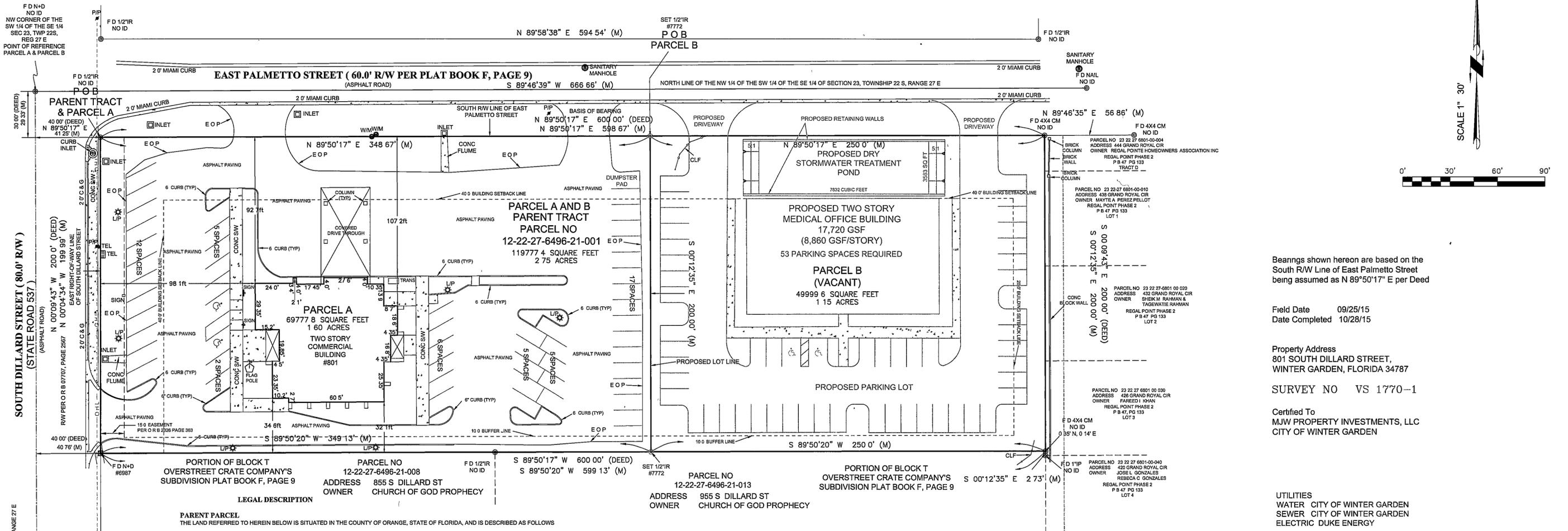
2412 Orsota Circle, Ocoee, Florida 34761.

Tel: 407-342-1510

Fax: 407-656-8365

Email: vssurveying@aol.com

BOUNDARY SURVEY PARENT TRACT



Bearings shown hereon are based on the South R/W Line of East Palmetto Street being assumed as N 89°50'17" E per Deed

Field Date 09/25/15
Date Completed 10/28/15

Property Address
801 SOUTH DILLARD STREET,
WINTER GARDEN, FLORIDA 34787

SURVEY NO VS 1770-1

Certified To
MJW PROPERTY INVESTMENTS, LLC
CITY OF WINTER GARDEN

UTILITIES
WATER CITY OF WINTER GARDEN
SEWER CITY OF WINTER GARDEN
ELECTRIC DUKE ENERGY

PORTION OF BLOCK T
OVERSTREET CRATE COMPANY'S
SUBDIVISION PLAT BOOK F, PAGE 9

PARCEL NO 12-22-27-6496-21-008
ADDRESS 855 S DILLARD ST
OWNER CHURCH OF GOD PROPHECY

PARCEL NO 12-22-27-6496-21-013
ADDRESS 955 S DILLARD ST
OWNER CHURCH OF GOD PROPHECY

LEGAL DESCRIPTION

PARENT PARCEL
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ORANGE, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS

A PORTION OF BLOCK "T" OVERSTREET CRATE COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "F", PAGE 9, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

MORE PARTICULARLY DESCRIBED AS THE NORTH 230 0 FEET OF THE WEST 640 0 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 27 EAST

LESS AND EXCEPT THE WEST 40 0 FEET AND THE NORTH 30 FEET THEREOF FOR STREET RIGHT-OF-WAY AND SUBJECT TO RIGHT-OF-WAY OVER THE EAST 3 2 FEET FOR PLATTED STREET

ALSO DESCRIBED AS FOLLOWS

A TRACT OF LAND SITUATED WITHIN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGIN AT AN IRON PIN LOCATED AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY MARGIN OF EAST PALMETTO STREET AND THE EAST RIGHT-OF-WAY MARGIN OF SOUTH DILLARD STREET, ALSO KNOWN AS STATE ROAD 537, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE RUN NORTH 89°50'17" EAST ALONG THE SOUTH RIGHT-OF-WAY MARGIN OF EAST PALMETTO STREET FOR A DISTANCE OF 600 00 FEET TO AN IRON PIN, THENCE RUN SOUTH 00°09'43" EAST FOR A DISTANCE OF 200 00 FEET TO AN IRON PIN, THENCE RUN NORTH 89°50'17" WEST FOR A DISTANCE OF 800 00 FEET TO A NAIL IN THE EAST RIGHT-OF-WAY MARGIN OF SOUTH DILLARD STREET, THENCE RUN NORTH 00°09'43" WEST ALONG SAID RIGHT-OF-WAY MARGIN FOR A DISTANCE OF 200 00 FEET TO A POINT AND BACK TO THE TRUE POINT OF BEGINNING CONTAINING 2 75 ACRES MORE OR LESS

PARCEL A

FOR A POINT OF REFERENCE BEGIN AT THE NW CORNER OF THE SW 1/4 OF THE SE 1/4 OF SECTION 23, TOWNSHIP 22S, RANGE 27E, RUN THENCE SOUTH 00°12'58" EAST ALONG THE WEST LINE OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 23, TOWNSHIP 22S, RANGE 27E, FOR A DISTANCE OF 29 33 FEET, THENCE RUN NORTH 89°50'17" EAST FOR A DISTANCE OF 41 25 FEET TO AN IRON PIN, LOCATED AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY-LINE OF EAST PALMETTO STREET AND THE EAST RIGHT-OF-WAY-LINE OF SOUTH DILLARD STREET, THENCE FROM THE SAID IRON PIN LOCATED AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY MARGIN OF EAST PALMETTO STREET AND THE EAST RIGHT-OF-WAY MARGIN OF SOUTH DILLARD STREET, ALSO KNOWN AS STATE ROAD 537, SAID POINT BEING THE TRUE POINT OF BEGINNING, AS DESCRIBED IN OFFICIAL RECORD BOOK 10721, PAGE 3020, THENCE RUN NORTH 89°50'17" EAST ALONG THE SOUTH RIGHT-OF-WAY MARGIN OF EAST PALMETTO STREET FOR A DISTANCE OF 348 67 FEET, THENCE RUN SOUTH 00°12'35" EAST FOR A DISTANCE OF 200 00 FEET, THENCE RUN SOUTH 89°50'20" WEST FOR A DISTANCE OF 349 13 FEET TO A NAIL IN THE EAST RIGHT-OF-WAY MARGIN OF SOUTH DILLARD STREET, THENCE RUN NORTH 00°09'43" WEST ALONG SAID RIGHT-OF-WAY MARGIN FOR A DISTANCE OF 200 00 FEET TO A POINT AND BACK TO THE TRUE POINT OF BEGINNING CONTAINING 1 60 ACRES MORE OR LESS

PARCEL B

FOR A POINT OF REFERENCE BEGIN AT THE NW CORNER OF THE SW 1/4 OF THE SE 1/4 OF SECTION 23, TOWNSHIP 22S, RANGE 27E, RUN THENCE SOUTH 00°12'58" EAST ALONG THE WEST LINE OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 23, TOWNSHIP 22S, RANGE 27E, FOR A DISTANCE OF 29 33 FEET, THENCE RUN NORTH 89°50'17" EAST FOR A DISTANCE OF 41 25 FEET TO AN IRON PIN, LOCATED AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY-LINE OF EAST PALMETTO STREET AND THE EAST RIGHT-OF-WAY-LINE OF SOUTH DILLARD STREET, THENCE FROM THE SAID IRON PIN LOCATED AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY MARGIN OF EAST PALMETTO STREET AND THE EAST RIGHT-OF-WAY MARGIN OF SOUTH DILLARD STREET, ALSO KNOWN AS STATE ROAD 537, SAID POINT BEING THE TRUE POINT OF BEGINNING, AS DESCRIBED IN OFFICIAL RECORD BOOK 10721, PAGE 3020, THENCE RUN NORTH 89°50'17" EAST ALONG THE SOUTH RIGHT-OF-WAY MARGIN OF EAST PALMETTO STREET FOR A DISTANCE OF 348 67 FEET, THENCE RUN SOUTH 00°12'35" EAST FOR A DISTANCE OF 200 00 FEET, THENCE RUN SOUTH 89°50'20" WEST FOR A DISTANCE OF 349 13 FEET TO A NAIL IN THE EAST RIGHT-OF-WAY MARGIN OF SOUTH DILLARD STREET, THENCE RUN NORTH 00°09'43" WEST ALONG SAID RIGHT-OF-WAY MARGIN FOR A DISTANCE OF 200 00 FEET TO A POINT AND BACK TO THE TRUE POINT OF BEGINNING CONTAINING 1 15 ACRES MORE OR LESS

LEGEND

CONC	Concrete	TRANS	Transformer	A	Arc Length	PROP	Proposed	B R	Bearing Reference
CLF	Chain Link Fence	E O P	Edge of Pavement	Δ	Delta	D F	Drainfield	D H	Drill Hole
WF	Wood Fence	C/L	Centerline	C M	Concrete Monument	S T	Septic Tank	SW E	Sidewalk Easement
C&G	Curb and Gutter	U E	Utility Easement	N-D	Nail and Disc	O H L	Overhead Lines	L A E	Limited Access Easement
CATV	Cable TV Riser	D E	Drainage Easement	IR	Iron Rod	C B S	Concrete Block Structure	N T S	Not to Scale
TEL	Telephone Riser	P R M	Permanent Reference Marker	IP	Iron Pipe	F F	Finish Floor	O R	Official Record
LIP	Light Pole	P O C	Point of Commencement	F D	Found	P	Plat	O R B	Official Record Book
PIP	Power Pole	P R C	Point of Reverse Curve	R/W	Right of Way	C	Calculated	R O E	Roof Overhang Easement
MH	Manhole	P T	Point of Tangency	B M	Bench Mark	N R	Non Radial	S I R	Set Iron Rod #7772
W/M	Water Meter	P I	Point of Intersection	Pg	Page	R P	Radius Point	T B M	Temporary Bench Mark
FH	Fire Hydrant	P O P	Permanent Control Point	EL	Elevation	N R	Non Radial	T O B	Top of Bank
AC	Air Condition	P O L	Point on Line	F	Field	R	Radius	E O W	Edge of Water
TYP	Typical	C B	Chord Bearing	M	Measured	B S	Building Setback	X 98 50	Spot Elevation
ID	IDENTIFICATION	P C	Point of Curvature	D/W	Driveway	C LEN	Chord Length	NHWE	Normal High Water Elevation
PB	PLAT BOOK	SQ FT	Square Feet	ft	Foot				
		P O B	Point of Beginning						

Surveyor's Notes

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- This Surveyor has not abstracted the land shown hereon for easements rights of way or restrictions of records which may affect the title or use of the land
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- This survey is valid for 90 days from the completed date or revised date shown
- 12 Septic Tanks and drainfield location are approximate and should be verified by the appropriate utility company
- 13 The accuracy of this survey meets or exceeds Florida minimum technical standards according to Chapter 5J-17, Florida Administrative Code

This survey is not valid without the signature and the original raised embossed seal of a Florida licensed Surveyor and Mapper

I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472-027, Florida Statutes

LS 7772
Harry H. Sobhan
Professional Surveyor and Mapper No 5342

V & S SURVEYING, INC.

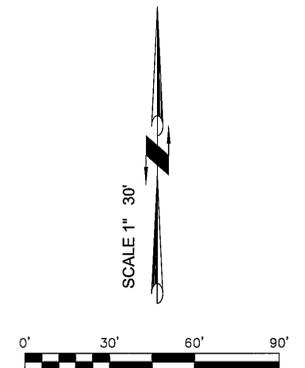
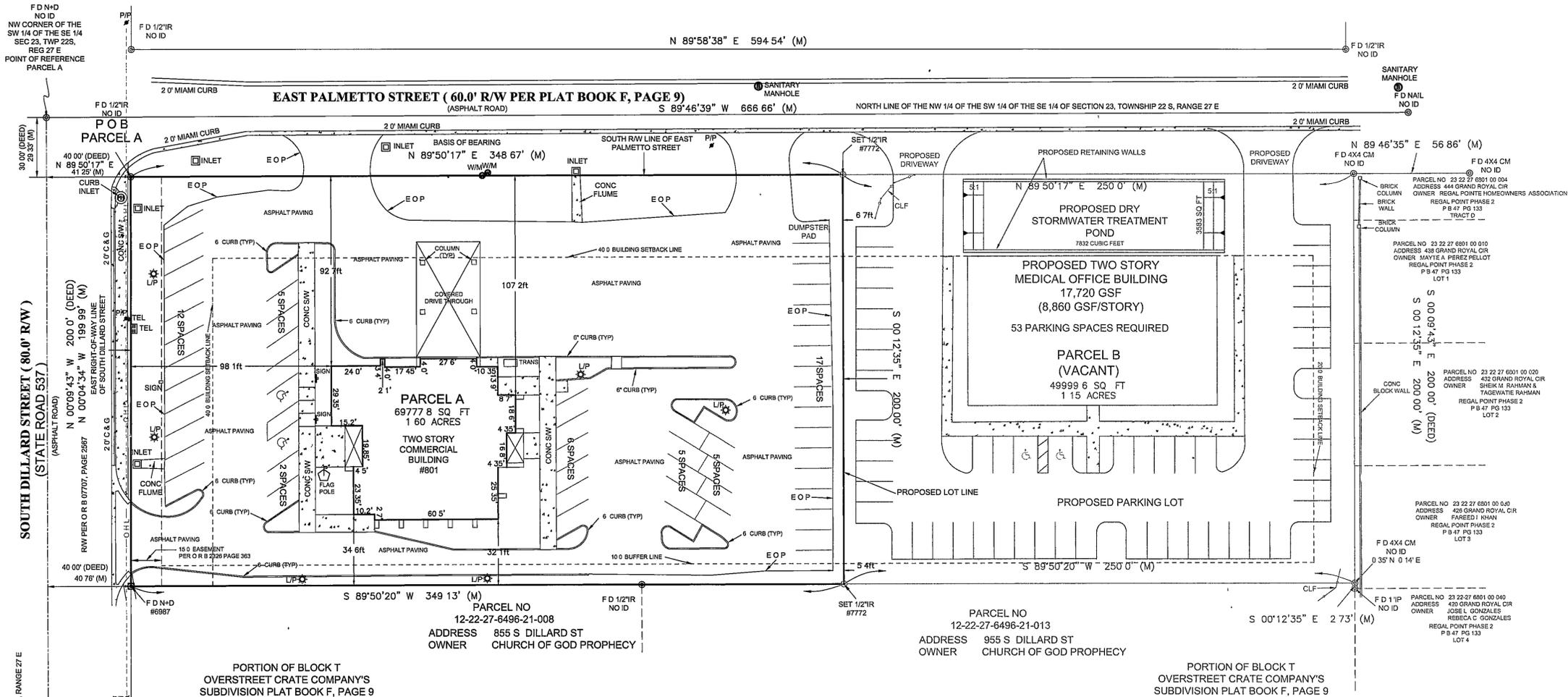
2412 Orsota Circle, Ocoee, Florida 34761.

Tel: 407-342-1510

Fax: 407-656-8365

Email: vssurveying@aol.com

BOUNDARY SURVEY PARCEL A



Bearings shown hereon are based on the South R/W Line of East Palmetto Street being assumed as N 89°50'17" E per deed

Field Date 09/25/15
Date Completed 10/28/15

Property Address
801 SOUTH DILLARD STREET,
WINTER GARDEN, FLORIDA 34787

SURVEY NO VS 1770-2

Certified To
MJW PROPERTY INVESTMENTS, LLC
CITY OF WINTER GARDEN

UTILITIES
WATER - CITY OF WINTER GARDEN
SEWER - CITY OF WINTER GARDEN
ELECTRIC - DUKE ENERGY

LEGAL DESCRIPTION

PARCEL A

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LEGEND

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CLF	Chain Link Fence	E O P	Edge of Pavement	Δ	Delta	D F	Drainfield	D H	Dnll Hole
WF	Wood Fence	C/L	Centerline	C M	Concrete Monument	S T	Septic Tank	SW E	Sidewalk Easement
C&G	Curb and Gutter	U E	Utility Easement	N+D	Nail and Disc	O H L	Overhead Lines	L A E	Limited Access Easement
CATV	Cable TV Riser	D E	Drainage Easement	IR	Iron Rod	C B S	Concrete Block Structure	N T S	Not to Scale
TEL	Telephone Riser	P R M	Permanent Reference Marker	IP	Iron Pipe	F F	Finish Floor	O R	Official Record
L/P	Light Pole	P O C	Point of Commencement	F D	Found	P	Plat	O R B	Official Record Book
P/P	Power Pole	P R C	Point of Reverse Curve	R W	Right of Way	C	Calculated	R O E	Roof Overhang Easement
MH	Manhole	P T	Point of Tangency	B M	Bench Mark	R P	Radius Point	S I R	Set Iron Rod #7772
SW	Sidewalk	P I	Point of Intersection	Pg	Page	N R	Non Radial	T B M	Temporary Bench Mark
WM	Water Meter	P C P	Permanent Control Point	EL	Elevation	RAD	Radial	T O B	Top of Bank
FH	Fire Hydrant	P O L	Point on Line	F	Field	R	Radius	L O W	Edge of Water
A/C	Air Condition	C B	Chord Bearing	M	Measured	B S	Building Setback	X 98 50	Spot Elevation
TYP	Typical	P C	Point of Curvature	D/W	Driveway	C L E N	Chord Length	N H W E	Normal High Water Elevation
ID	Identification	SQ FT	Square Feet	ft	Foot				
PB	Plat Book	P O B	Point of Beginning						

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This survey is not valid without the signature and the original raised embossed seal of a Florida licensed Surveyor and Mapper

I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472-027, Florida Statutes

LB 7772
Harry H. Sobhral
Professional Surveyor and Mapper No 5342

V & S SURVEYING, INC.

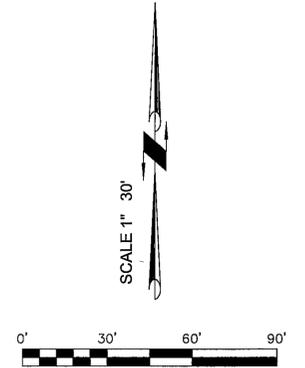
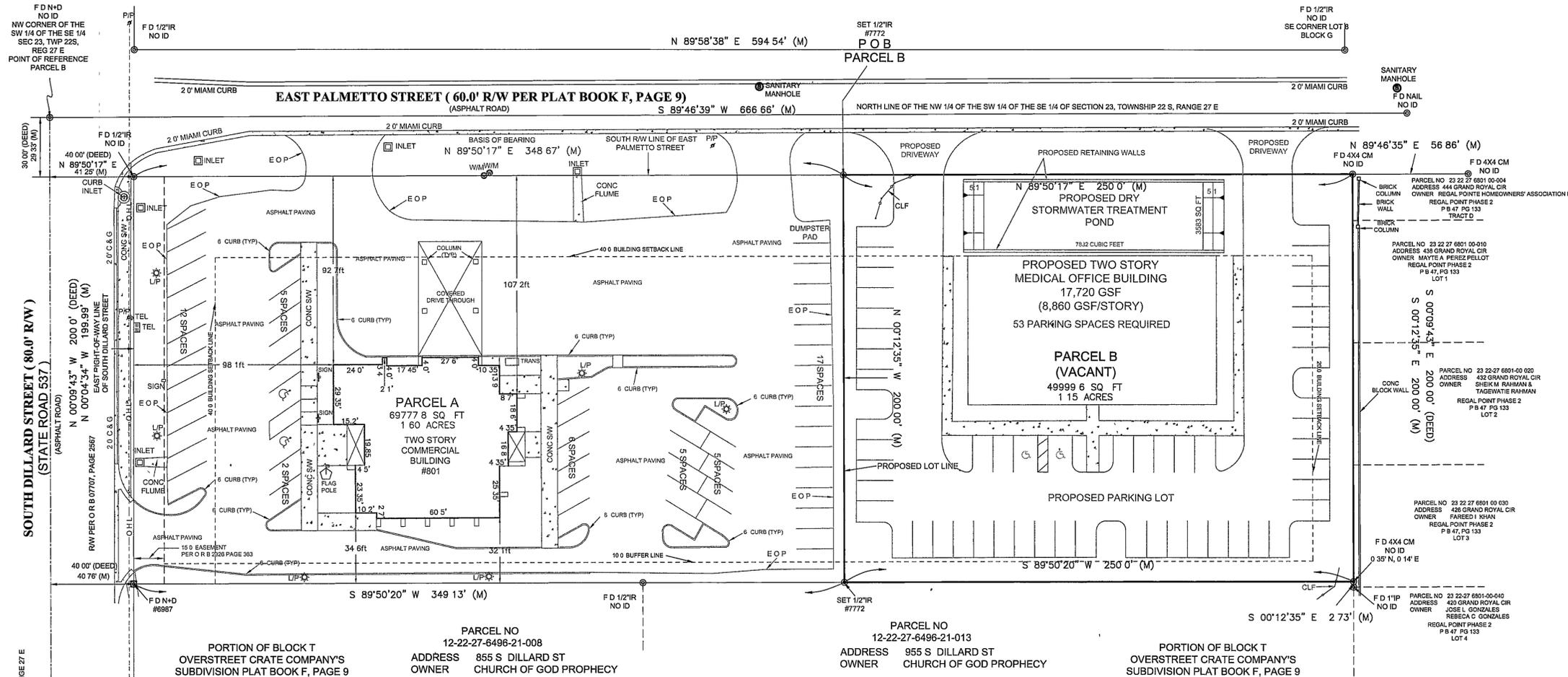
2412 Orsota Circle, Ocoee, Florida 34761.

Tel: 407-342-1510

Fax: 407-656-8365

Email: vssurveying@aol.com

BOUNDARY SURVEY PARCEL B



Bearings shown hereon are based on the South R/W Line of East Palmetto Street being assumed as N 89°50'17" E per Deed

Field Date 09/25/15
Date Completed 10/28/15

Property Address
801 SOUTH DILLARD STREET,
WINTER GARDEN, FLORIDA 34787

SURVEY NO VS 1770-3

Certified To
MJW PROPERTY INVESTMENTS, LLC
CITY OF WINTER GARDEN

PARCEL NO 12-22-27-6496-21-008
ADDRESS 855 S DILLARD ST
OWNER CHURCH OF GOD PROPHECY

PARCEL NO 12-22-27-6496-21-013
ADDRESS 955 S DILLARD ST
OWNER CHURCH OF GOD PROPHECY

PARCEL NO 12-22-27-6496-21-013
ADDRESS 955 S DILLARD ST
OWNER CHURCH OF GOD PROPHECY

LEGAL DESCRIPTION

PARCEL B

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LEGEND

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W/M	Water Meter	P C P	Permanent Control Point	EL	Elevation	RAD	Radial	T O B	Top of Bank
FH	Fire Hydrant	P O L	Point on Line	F	Field	R	Radius	E O W	Edge of Water
A/C	Air Condition	C B	Chord Bearing	M	Measured	B S	Building Setback	X 98 50	Spot Elevation
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LB7772
Harry H. Sobhrat
Professional Surveyor and Mapper No 5342

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 9 (Public Hearing)

DATE: March 4, 2016 **MEETING DATE:** March 7, 2016

SUBJECT: 12348 W Colonial Drive (SPECIAL EXCEPTION PERMIT)
PROJECT NAME Beverly Hills JWL/Motors
PARCEL ID# 12-22-27-6496-24-013

ISSUE: The applicant is requesting a Special Exception Permit to allow vehicle sales at the property located at 12348 W Colonial Drive.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: John Sullivan, Beverly Hills JWL dba Beverly Hills Motors

CURRENT ZONING: C-2 Arterial Commercial District

PROPOSED ZONING: N/A

CURRENT FLU: Commercial

PROPOSED FLU: N/A

SUMMARY:

The applicant is proposing to start selling automobiles at his existing retail pawn shop.

STAFF RECOMMENDATION(S):

Staff recommends approval of the Special Exception Permit subject to the conditions outlined in the staff report.

NEXT STEP(S):

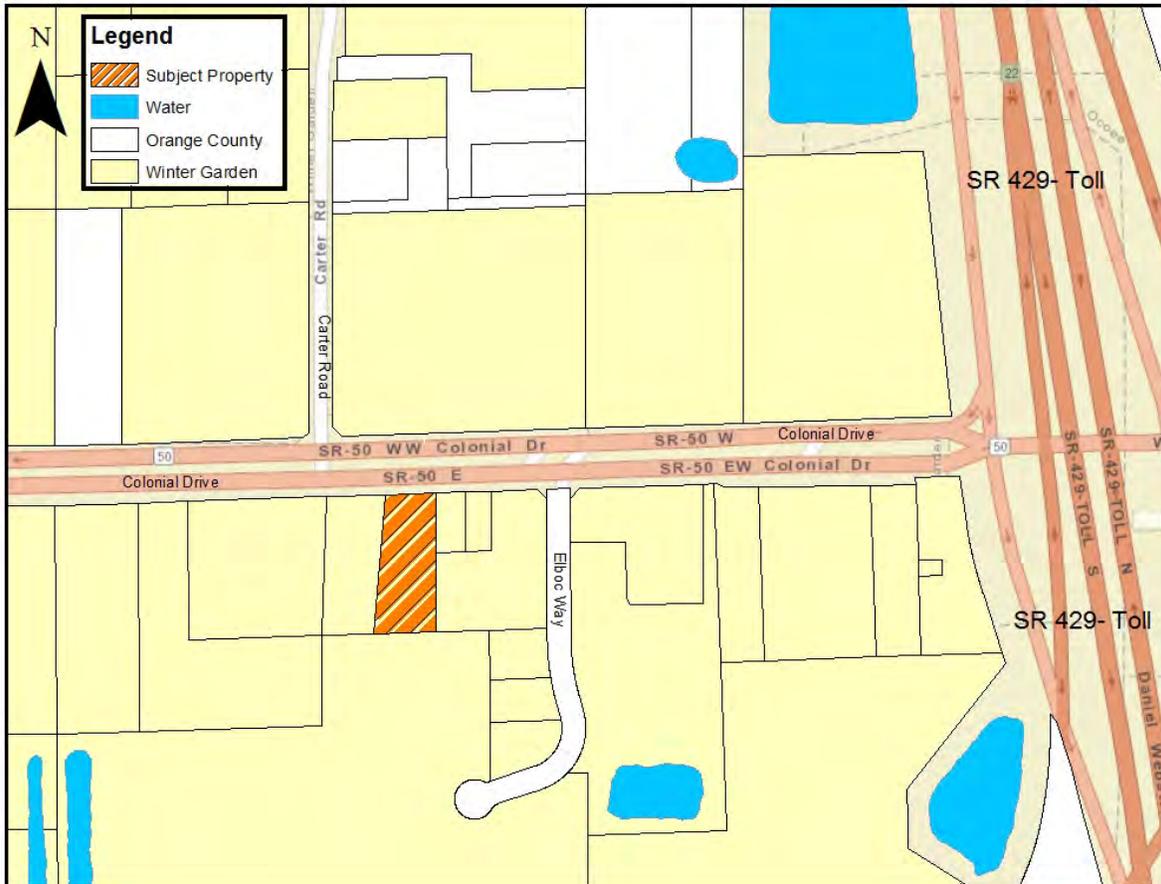
ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

12348 W Colonial Drive

Special Exception



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

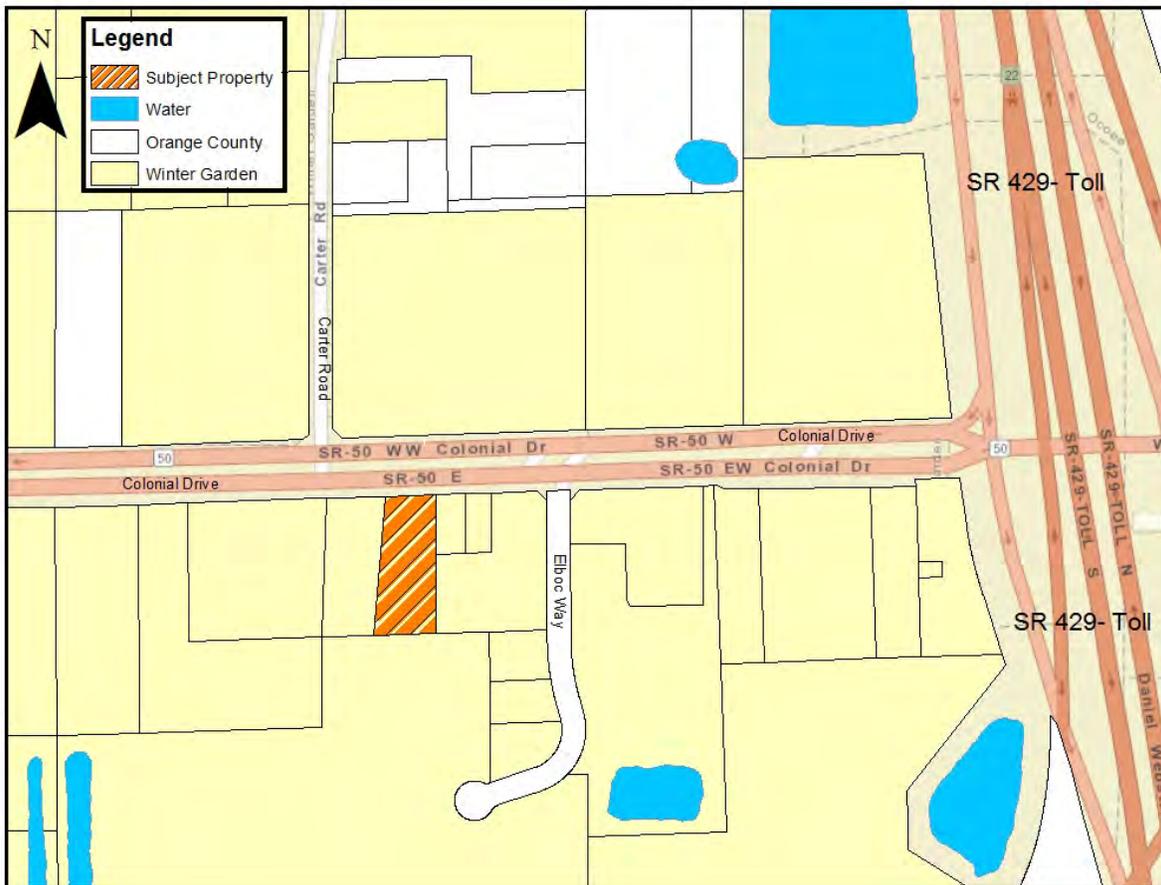
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: JESSICA FRYE, PLANNER I
DATE: MARCH 7, 2016
SUBJECT: SPECIAL EXCEPTION PERMIT
12348 W Colonial Drive, Beverly Hills Jewelers dba Beverly Hills Motors
PARCEL ID # 12-22-27-6496-24-013
APPLICANT: John Sullivan, Business Owner

INTRODUCTION

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

The subject property is located at 12348 W Colonial Drive. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception Permit to allow for the sale of motor vehicles within the Commercial-2 (C-2) Zoning District. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation C-2, and is designated Commercial (COM) on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The property currently contains one commercial building on a ±1.133 acre property. The property is improved with a ± 6,000 square foot building and an asphalt parking lot that provides 52 parking spaces. The applicant currently operates a retail pawn shop at this location. The applicant is requesting to add vehicles to the list of items sold and purchased at this location.

The applicant is proposing to establish the first 5 spaces as auto display and the last 5 spaces on the southeast corner for overflow parking, not having more than 10 vehicles on the property for sale. The applicant will not be altering the handicapped spaces provided at this location. Based on the code regarding parking for retail establishments, the applicant has an excess of approximately 30 spaces and will not impact the parking requirements for the site and use.

ADJACENT LAND USE AND ZONING

The property located to the west is currently undeveloped and zoned C-2. The property located to the north of the subject property is Peoples Plaza and zoned Planned Commercial Development (PCD). The Property to the south is Ranger Construction Industries and is zoned I-2 and the property to the east of the subject property is a Budget Truck Rental zoned C-2. All adjacent properties are within the municipal limits of the City of Winter Garden.

SUMMARY

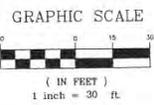
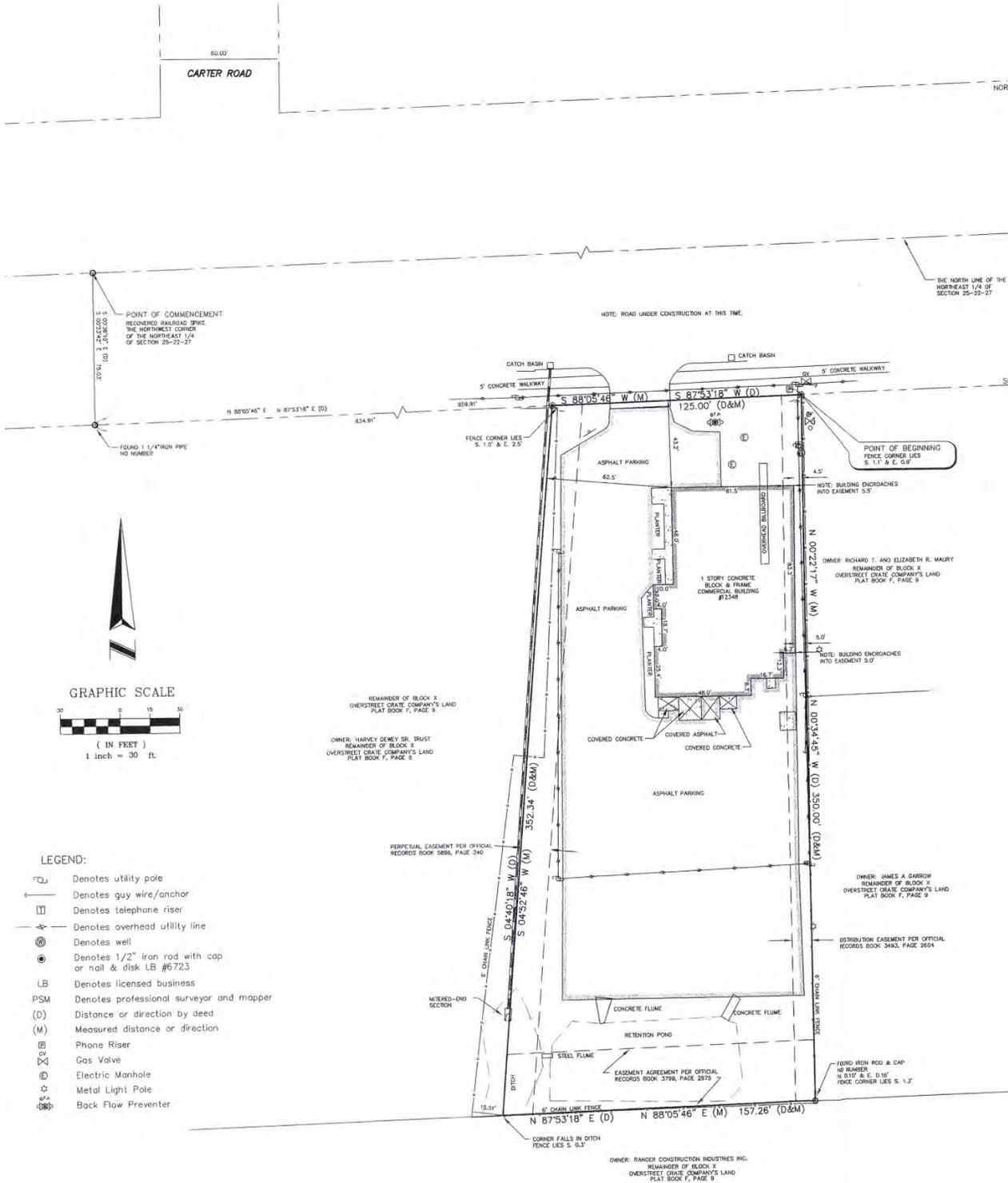
City Staff recommends approval of the Special Exception Permit request to operate automotive sales as part of the pawn shop business operations subject to the following conditions:

1. Automobile sales display area:
 - a. The automobile sales display area shall be limited to the areas proposed and will not exceed 10 vehicles at one time.
 - b. The remaining parking will remain open for employees and customer use only.
2. Signs:
 - a. Signs on vehicles to display price, options, etc. are permitted provided they cannot be read from the road.
 - b. Other signs and/or attention getting devices are prohibited unless otherwise indicated in Chapter 102 of the City of Winter Garden's Code of Ordinances.
3. Parking:
 - a. Vehicles cannot be displayed in any other location than what is stipulated by the plans provided by the applicant to the city and approved through this special exception.
 - i. Cars cannot be placed in the Right-of-Way
 - ii. Cars cannot prevent access to, from, or through the site
4. Vehicle Maintenance:
 - a. All work on vehicles must be done at a separate location. Work cannot be performed in the parking lot.
 - b. Outdoor storage of any materials is not permitted.
 - c. Any vehicles stored outside must have appropriate licensing for motor vehicle sales and be operational at all times.

AERIAL MAP
12348 W Colonial Drive

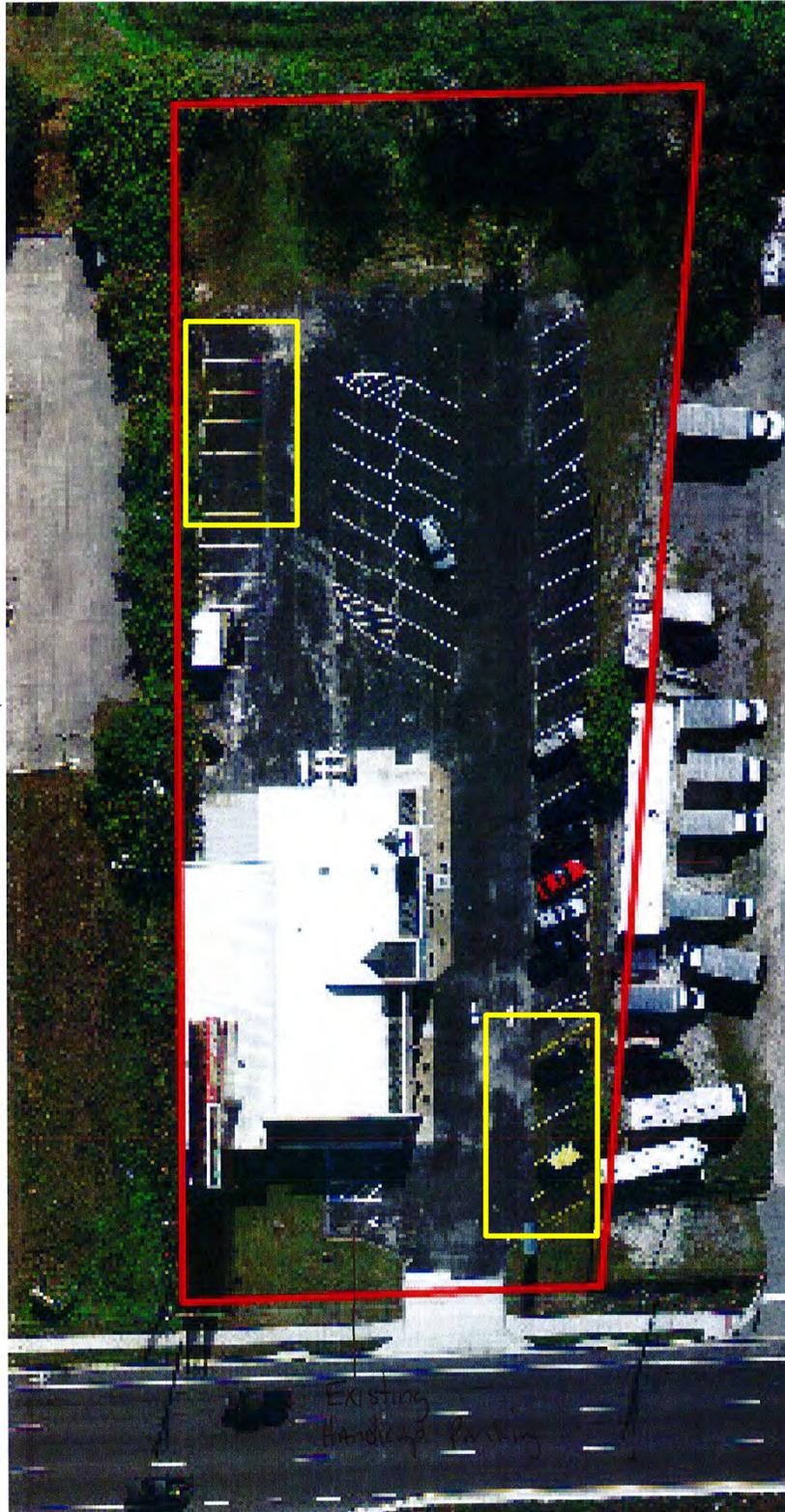


SURVEY
12348 W Colonial Drive



- LEGEND:**
- ⊕ Denotes utility pole
 - Denotes guy wire/anchor
 - ⊞ Denotes telephone riser
 - Denotes overhead utility line
 - ⊙ Denotes well
 - ⊙ Denotes 1/2" iron rod with cap or nail & disk LB #6723
 - LB Denotes licensed business
 - PSM Denotes professional surveyor and mapper
 - (D) Distance or direction by deed
 - (M) Measured distance or direction
 - ⊕ Phone Riser
 - ⊕ Gas Valve
 - ⊕ Electric Manhole
 - ⊕ Metal Light Pole
 - ⊕ Back Flow Preventer

PROPOSED VEHICLE LOCATION
12348 W Colonial Drive



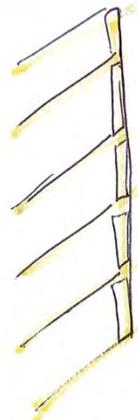
Last 5 spaces
southeast corner
of property
for overflow.

Leaves 42
spaces for
Employee & Client
parking as
currently striped
No changes
to handicap
parking

EXISTING
Handicap parking

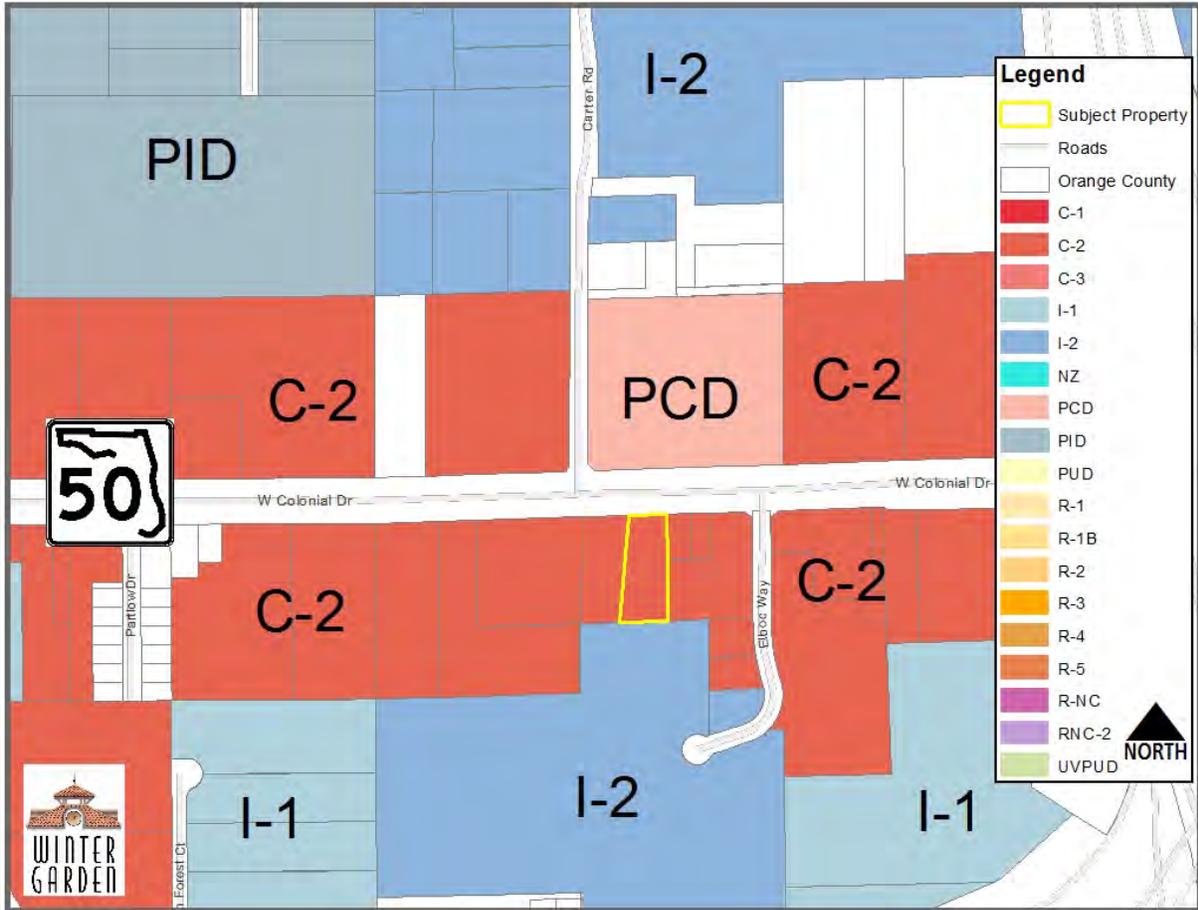
Community Development
Planning & Zoning
JAN 29 2016
Received By: _____
Project # _____

Colonial Drive W - 12348
BEVERLY HILLS JWL / MOTORS
SPECIAL EXCEPTION-01/29/2016
o/c: Beverly Hills JWL dba Beverly Hills Motors
12-22-27-6496-24-013

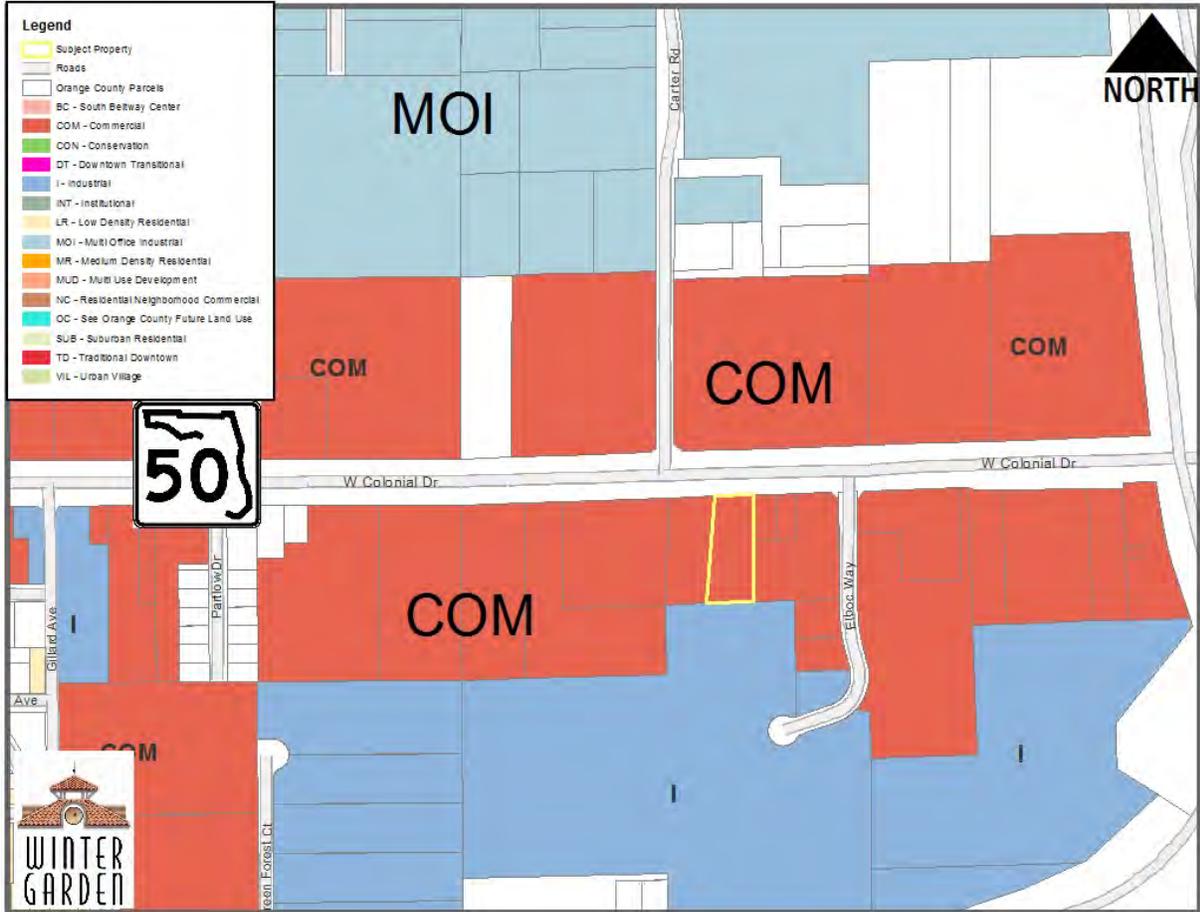


1st 5 parking
spaces Auto
Display

ZONING MAP
12348 W Colonial Drive



FUTURE LAND USE MAP
12348 W Colonial Drive

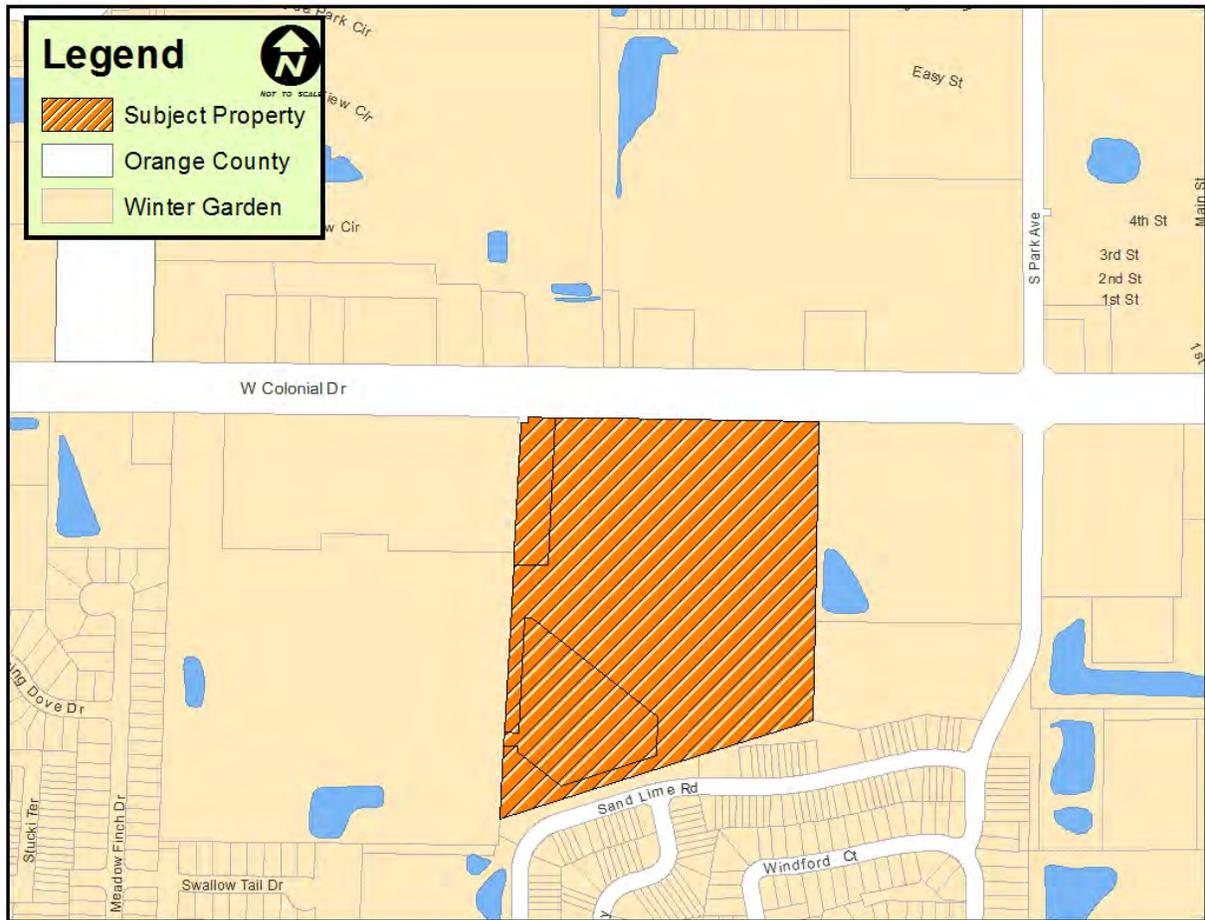


END OF STAFF REPORT

LOCATION MAP

14120 W Colonial Drive

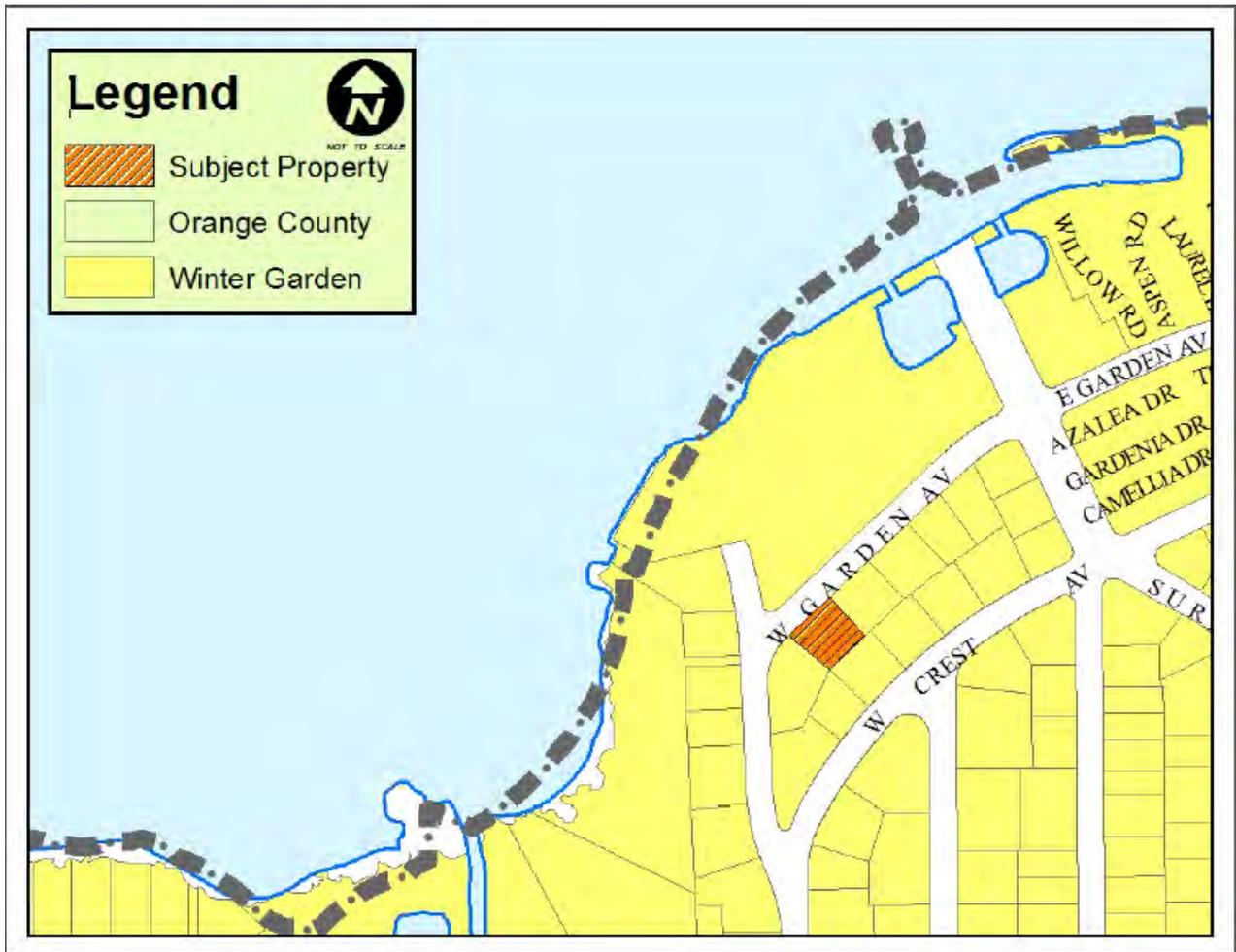
SPECIAL EXCEPTION



LOCATION MAP

50 W Garden Avenue

VARIANCE



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: FEBRUARY 16, 2016
SUBJECT: VARIANCE
50 W. Garden Avenue (0.32+/- ACRES)
PARCEL ID # 14-22-27-9392-02-530

APPLICANT: Mark & Debra Sansing

INTRODUCTION

The purpose of this report is to evaluate the request for a side yard setback variance for property located at 50 W. Garden Avenue in Winter Garden, Florida. The request is for a 7 foot side yard setback in lieu of the minimum required 10 foot side yard setback. If approved, this variance will allow a garage to be added onto the house.

The subject property, located on W. Garden Avenue is approximately a 0.32± acre lot near the intersection of W. Garden Avenue and N. Lakeview Avenue. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation R-1 (Single-Family Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property presently consists of a 2,769 square foot single-family residential home. The owners purchased this property in 2012 and were granted a variance to the side yard (7') and rear yard (10.8') setbacks to build a new house where the old home and screen room were.

ADJACENT LAND USE AND ZONING

The adjacent properties to the south, east and west of the subject property are single-family residential homes, have the zoning designation R-1 (Single-Family Residential District) and the future land use designation of LR (Low Density Residential). The property to the north is Tanner Auditorium and a City of Winter Garden Park.

The property to the east (40 W. Garden Avenue) was granted several variances in 2007 to build an accessory structure with a 5 foot rear yard setback and a 5 foot side yard setback. The property located at 30 W. Garden Avenue, built in 1946 is constructed with a very minor (+/- 2 foot) rear yard setback.

PROPOSED USE

The applicant would like to build a garage addition onto the northeast side of the house that will have the same architecture as the existing house.

CODE REFERENCE

Sec. 118-308 (1) of the City Code of Ordinances addresses minimum yard requirements. This section states in part that the minimum yard requirements in the R-1 Single-Family Residential District are "*front: 30 feet, side: 10 feet each, rear: 20% of depth of lot.*"

The applicant is seeking a variance to the minimum side yard setback to allow the proposed addition to be built with a 7 foot side yard setback. The application for variance does include the removal of a damaged tree on the property.

CODE REQUIREMENTS /CRITERIA

Code Requirements/Criteria:

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

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

The proposed addition located 7 feet from the side property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the neighbors have written a letter supporting the request and many homes along this street are located close to the side property line.

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

The requested variance allowing a 7 foot side yard setback in lieu of the minimum required 10 foot will allow reasonable use of the property. The requested 7 foot side yard setback is in character with other structures located in the surrounding area.

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

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easements.

- (4) *The granting of the variance is consistent with the city's comprehensive plan; and*

The variance is consistent with the provisions of the City's Comprehensive Plan relating to single family residential neighborhood character.

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

The variance requested is the minimum variance that will make reasonable use of the land. The proposed addition is consistent with other properties in this area and denying this variance does not benefit the property owner or the City.

SUMMARY

Staff recommends approval of a variance to Sections 118-308(1)b to allow a 7 foot side yard setback in lieu of the minimum required 10 foot side yard setback to allow the construction of the proposed garage addition.

NEXT STEP

Apply for the appropriate Building Permits.

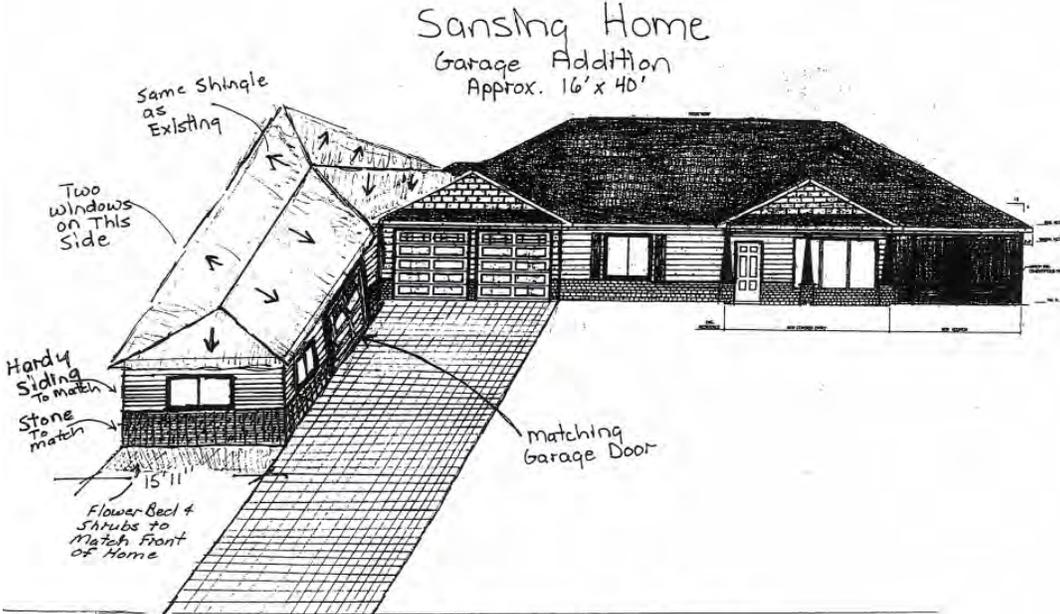
ATTACHMENTS

- Aerial Photos
- Survey
- Site Photos
- Floor Plan
- Elevations

AERIAL PHOTO (2013)
50 W. Garden Avenue

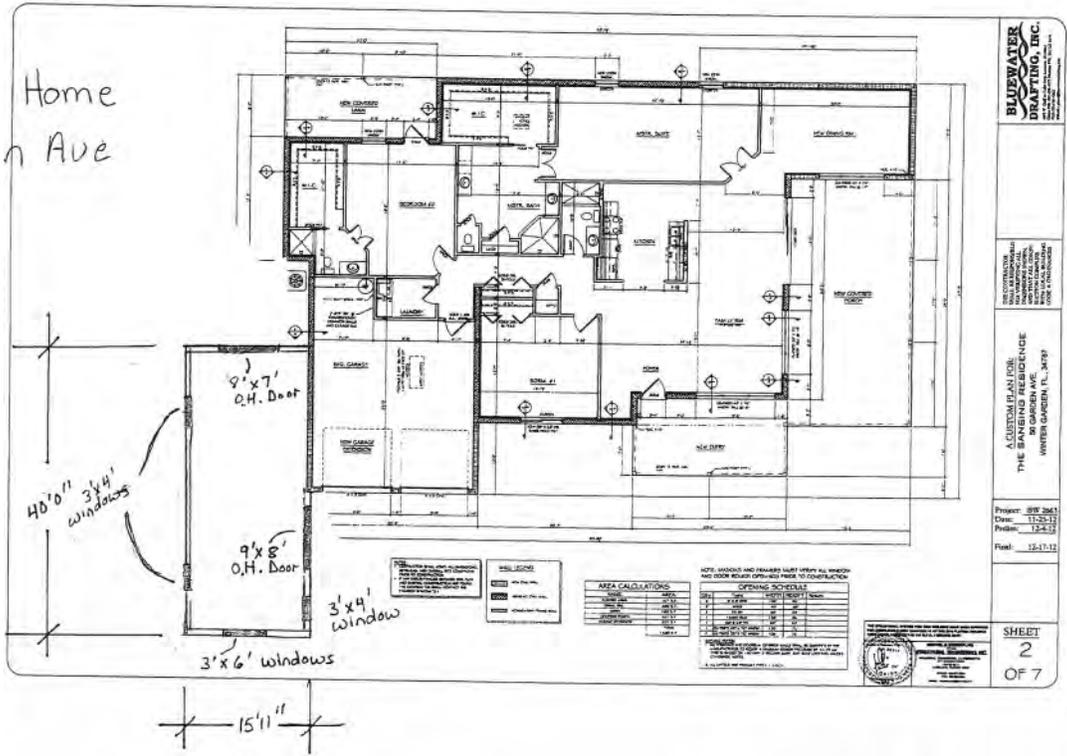


Sketch of proposed addition
50 W. Garden Avenue



50 Garden Ave.

Proposed Floor Plan
50 W. Garden Avenue



BLUWATER
 ARCHITECTURE, INC.
 1000 W. GARDEN AVENUE
 WINTER GARDEN, FL 32789
 (407) 839-1111
 www.bluwaterarch.com

PROJECT: 2016-001
 DATE: 11-25-15
 PERIOD: 12-4-15
 FILE: 15-17-15

PROJECT: 2016-001
 DATE: 11-25-15
 PERIOD: 12-4-15
 FILE: 15-17-15

SHEET
 2
 OF 7

Site Photos (Original House)
50 W. Garden Avenue



Site Photos (New House)
**50 W. Garden
Avenue**



**Site Photos (New House)
50 W. Garden Avenue**



East side of house where garage is proposed



Looking east at proposed garage location



END OF STAFF REPORT

2/6/2016

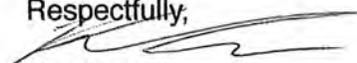
Winter Garden Building and Zoning,

It is my understanding that the residents at 50 Garden Ave. are requesting a side setback variance that would encroach 3'-0" into the allowable side setback toward my property at 40 Garden Ave. I have reviewed the proposed layout with my neighbors and I support their application for the variance with the exception that I have two additional concerns:

1. There is a large tree that is close to the property line that overhangs my driveway and house. I would like to suggest that an Arborist look at the root structure and make a determination of the safe building distance to the tree.
2. I would like to suggest that there be a drainage plan. My concern is that my home has a basement and in years past there has been a lot of run off water that drains between the houses from the upper streets. I have installed water proofing and a foundation drain system but don't want to cause any undo water just in case.

I have talked with Mr. Sansing many times over the last several years. He has done a great job renovating his home and he has always been a great neighbor to have. We seem to share the same ideas regarding the neighborhood and I look forward to seeing his new addition.

Respectfully,



Ken Sumal



Garden Avenue W - 50
**SANSING GARAGE ADDITION
VARIANCE - 02/11/2016**
o & c: Mark & Debra Sansing
14-22-27-9392-02-530

LOCATION MAP

336 Silverdale Avenue

Variance



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: JESSICA FRYE, PLANNER I
DATE: MARCH 7, 2016
SUBJECT: VARIANCE
336 Silverdale Avenue (0.164 +/- ACRES)
PARCEL ID # 13-22-27-1793-00-060
APPLICANT: MICHAEL & KARA ABEYTA

INTRODUCTION

The purpose of this report is to evaluate the request for a rear yard setback variance for the property located at 336 Silverdale Avenue in Winter Garden, Florida. The request is for a 5' rear yard setback in lieu of the minimum required 20' rear yard setback; this addition will also require a variance to the impervious surface ratio for 45% in lieu of the permitted 40% as determined by the subdivisions stormwater management plan. If approved, this variance will allow the construction of a screen room with roof and wood deck with a pergola.

The subject property, located on Silverdale Avenue, is approximately 0.164 ± acre lot in the Covington Chase Subdivision (formally Covington Park). The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation PUD (Ord. 04-39) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

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

ADJACENT LAND USE AND ZONING

The properties immediately adjacent to the subject property are zoned PUD (ord. 04-39) within the Covington Chase Subdivision and are within the City of Winter Garden Municipal limits.

PROPOSED PROJECT

The applicant is proposing to build a new screen room, extending the primary structures roof line. The applicant is also proposing a wood deck with a pergola structure. The new screen room will be approximately 345.4 square feet and the wood deck will be 282.6 square feet.

CODE REFERENCE

Ordinance 04-39. Of the approved Planned Unit Development Ordinance requires the rear yard setbacks to be 20'.

The approved individual lot impervious surface ratio is 40% as determined by the City of Winter Garden and St. Johns River Water Management District.

The applicant is seeking a variance to the minimum required rear yard setback of 20' to allow an addition to the home to be located 5' from the rear property and to exceed the impervious surface ratio 5% from the allowed 40%, having 45% on the lot.

CODE REQUIREMENTS / CRITERIA

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

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

The proposed screen room and wood deck placed 5' from the rear property line and additional 5% of impervious surface should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The lot experiences a heavy slope that abuts up to a dry retention area. Another property within the subdivision received a variance located at 402 Silverdale Avenue, the property received a 9' rear yard setback in May of 2009 for a screen enclosure. In addition, this setback will not negatively impact the standard of living of the citizens of the City and has received approval from the HOA.

(2) The variance will allow a reasonable use of the property, which use is not out of character

with other properties in the same zoning category;

The requested variances allowing a 5' rear yard setback in lieu of the minimum required 20' rear yard setback and 5% additional impervious surface to construct a screen room and wood deck will allow reasonable use of the property that does not hinder the surrounding properties. The proposed structure will help the resident enjoy the rear of the property providing more room for exterior activities. Furthermore, granting the variances will not change the low density residential character of the neighborhood.

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

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easements, and meets all other development regulations of the Winter Garden Code of Ordinances.

- (4) *The granting of the variance is consistent with the city's comprehensive plan; and*

The variances are consistent with the provisions of the City's Comprehensive Plan. The character of the community is not altered by the variances and remains low density residential.

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

The structure will make reasonable use of the land and improve the aesthetics and function of the property. The proposed screen room and wood deck would not negatively impact the neighbors or change the character of the community. The proposed project is consistent with rear yard setbacks and allotted impervious surface enjoyed by other property owners throughout the City. Denying this variance does not benefit the property owner or the City.

SUMMARY

Staff recommends approval of the variances to the PUD (ord. 04-39) to allow a screen room addition to be built at a 5' rear yard setback in lieu of the minimum required 20' rear yard setback and to exceed the impervious surface percentage by 5% providing 45% of impervious on the lot in lieu of the permitted impervious surface ratio per lot of 40% with the following condition:

1. The room cannot be fully enclosed or become an air conditioned space. The space will remain an accessory use for exterior activity and not be converted to an interior space.
2. The wood deck will require gaps between the boards and the area underneath the deck cannot be paved as to meet the criteria as a pervious surface. Building plans will need to be submitted indicating the size of the gap with dimensions and will need further approval from the Planning and Building departments.
3. No part of the structure can encroach the 5' drainage and utility easement, including but not limited to the proposed retaining wall used to bring up the elevation.
4. No additional impervious materials can be added to the lot without removal of existing impervious material.

5. Separate building permits will be required for the proposed building addition, retaining wall, and pergola. When permits are submitted, the tree in the rear that will need to be removed for the addition will need to be replaced with a like kind tree somewhere else on the property and shown on the plans indicating where it will be located.

NEXT STEP

Obtain building permits while following all City of Winter Garden development regulations.

ATTACHMENTS

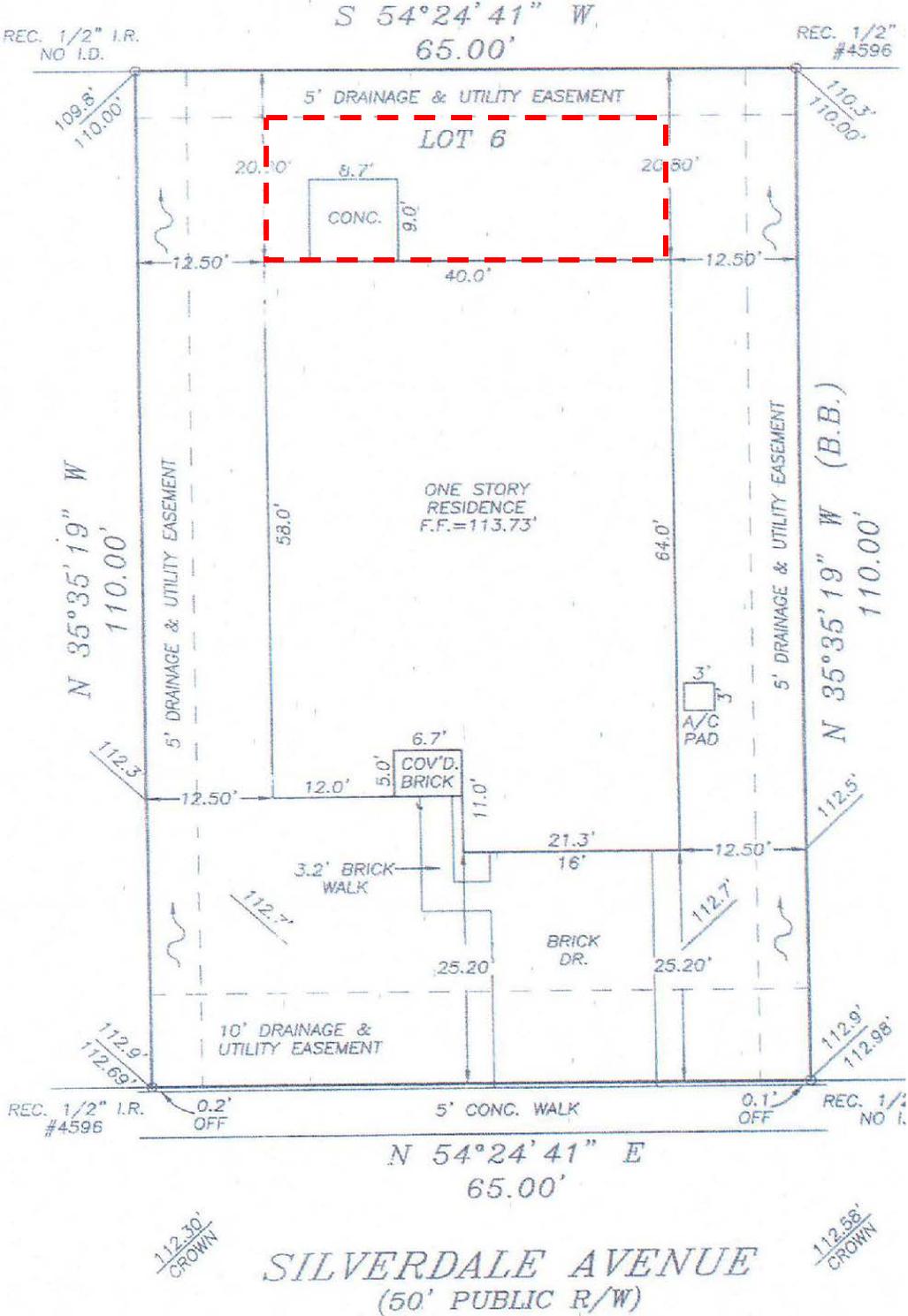
- Aerial Photo
- Survey
- Proposed Site Plan
- Floor Plan
- Elevations
- Site Photos

AERIAL PHOTO
336 Silverdale Avenue

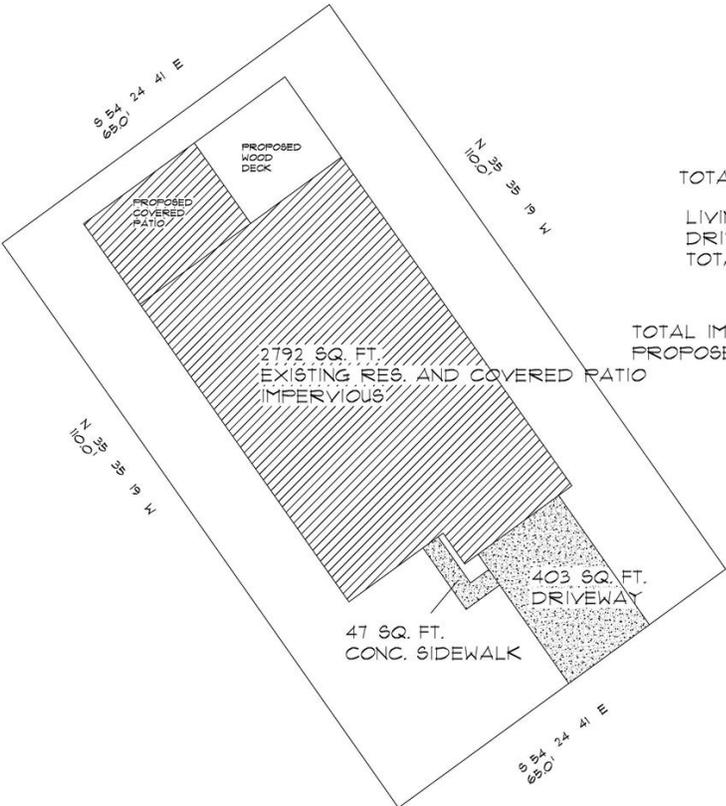
Received a Variance for a 9' rear yard setback on May 4, 2009.



PROPOSED SITE PLAN (on Survey)
336 Silverdale Avenue



PROPOSED SITE PLAN (provided)
336 Silverdale Avenue



TOTAL LOT AREA 7150 SQ. FT.
LIVING AND COVERED PATIO 2792 SQ. FT.
DRIVEWAY AND SIDEWALK 450 SQ. FT.
TOTAL PROPOSED IMPERVIOUS 3242 SQ. FT.

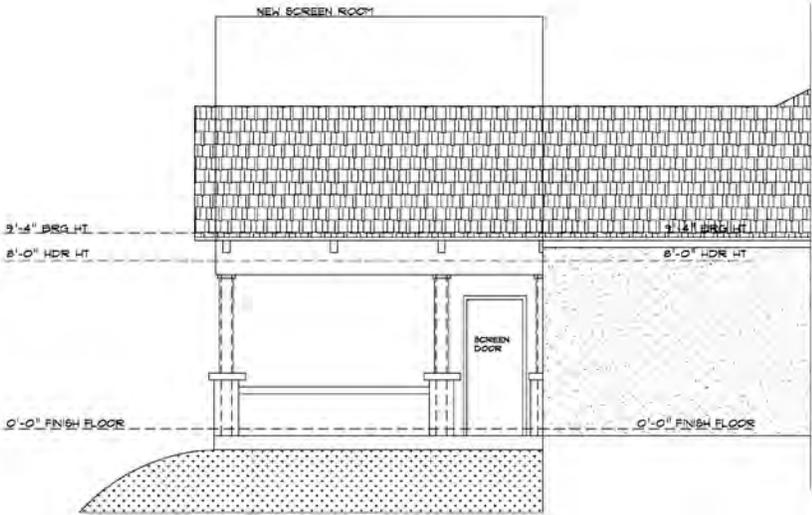
TOTAL IMPERVIOUS NOT TO EXCEED 65% TOTAL LOT AREA
PROPOSED TOTAL IMPERVIOUS IS 45% OF TOTAL LOT AREA

ELEVATIONS
336 Silverdale Avenue



Rear Elevation

VAULT



Left Elevation

VAULT

SITE PHOTOS
336 Silverdale Avenue







END OF STAFF REPORT

ORDINANCE 16-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE V, DIVISION 2 OF CHAPTER 118 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES GOVERNING RESIDENTIAL PLANNED UNIT DEVELOPMENTS; MODIFYING REGULATIONS GOVERNING PLANNED UNIT DEVELOPMENTS WITH PRIMARY RESIDENTIAL USES; PROVIDING FOR AND CREATING PLANNED UNIT DEVELOPMENTS WITH PRIMARY INSTITUTIONAL USES; PROVIDING FOR SECONDARY USES AND PROHIBITED USES WITHIN PLANNED UNIT DEVELOPMENTS WITH PRIMARY RESIDENTIAL AND PRIMARY INSTITUTIONAL USES; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapters 163 & 166, Florida Statutes; and

WHEREAS, there is a need to create a flexible zoning classification to accommodate institutional uses within the City and a planned unit development is proper planning tool and zoning category for such purposes; and

WHEREAS, the City desires to modify the residential planned unit development provisions of Chapter 118, City of Winter Garden Code of Ordinances in order to allow planned unit developments with primary institutional uses subject to certain performance standards as set forth herein; and

WHEREAS, this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, this Ordinance has received a recommendation from the City’s local planning agency, has been properly read and advertised as provided by Florida law and the required meetings and hearings have been conducted on its adoption; and

WHEREAS, the City Commission finds that this Ordinance is in the best interest and welfare of the citizens of the City of Winter Garden.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

SECTION 1: Recitals. The above referenced “Whereas” clauses are true and correct and constitute legislative findings of the City Commission.

SECTION 2: Adoption. Chapter 118, Article V, Division 2 of the City of Winter Garden Code is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not being modified):

DIVISION 2. - ~~RESIDENTIAL~~ PLANNED UNIT DEVELOPMENTS

Subdivision I. - In General

Sec. 118-858. - Permitted uses.

Uses permitted in the ~~residential~~ planned unit development (PUD) may include and shall be limited to the following:

(1) Primary residential uses. Primary residential uses permitted are single-family detached and multifamily residential dwelling units, including apartments, in semidetached, attached, and multistoried structures. The term “residential planned unit development” as used in this article shall mean a planned unit development with primary residential uses and in addition may contain nonresidential uses as provided in subsection (2).

(2) Nonresidential uses with primary residential uses. Nonresidential uses in conjunction with primary residential uses are permitted as follows:

a. Secondary nonresidential uses. Nonresidential uses of religious, public or semipublic, cultural, recreational or commercial character and personal service centers, offices and professional centers providing services to residents of the planned unit development. The nonresidential uses

shall be compatible with and secondary to the primary residential use. No building devoted primarily to a commercial use shall be built or established prior to the primary residential buildings or uses it is designed or intended to serve.

b. Hotels and motels. Hotels and motels may be permitted upon consideration of the following criteria:

1. The total acreage used for the hotel and motel, including necessary parking, support buildings and grounds and appurtenances, shall not be considered common open space and shall be included within the maximum five percent of the total acreage permitted under this division for commercial uses.

2. The proposed streets and traffic flow and the streets, thoroughfares and traffic plan in the area adjacent to the site plan shall be adequate to support the anticipated traffic to be generated by the proposed hotel and motel.

3. The proposed hotel and motel use shall be compatible with the proposed primary residential uses, secondary nonresidential uses, and common open space within the planned unit development.

4. The proposed hotel and motel use shall be compatible with the existing land use classifications in the surrounding vicinity.

5. The area of the hotel and motel use shall be calculated as part of the total commercial acreage permitted, and the density shall not exceed 40 rooms per gross acre as per specific area delineated on the development plan.

c. Communication towers. Communication towers may be permitted upon consideration of the requirements set forth in article II of [chapter 70](#).

(3) Primary institutional uses. Primary public, quasi-public, and institutional uses including government buildings, public works facilities, public safety facilities, utility facilities, libraries, public parks, recreational uses and facilities, sports fields and facilities, and public or private schools.

(4) Secondary uses with primary institutional uses. Residential and commercial uses in conjunction with primary institutional uses are permitted as follows:

a. Commercial uses. No more than twenty-five percent (25%) of the land area within a planned unit development shall be devoted to commercial uses. The commercial uses shall be compatible with the surrounding area.

b. Residential uses. Residential uses within PUD with primary institutional uses shall meet the same development standards as required for residential uses and dwelling units in residential planned unit developments. Residential uses such as school dormitories may be permitted if they are directly related to the primary institutional use.

c. Communication towers. A communication tower may be permitted within a planned unit development upon consideration of the requirements set forth in article II of [chapter 70](#).

(5) Prohibited uses. The following uses shall prohibited within a planned unit development under this division: (i) manufacturing, (ii) industrial uses, (iii) warehouses, (iv) gasoline stations, (v) automobile, motorcycle, recreational vehicle or boat sales, rental, storage, painting, service or repair or any combination thereof; (vi) tattoo or body art establishments, (vii) billboards, (viii) adult entertainment, (ix) adult or pornographic book, magazine, video and novelty stores, (x) nightclubs, (xi) recreational vehicle and mobile home parks, (xii) funeral homes, (xiii) crematorium, (ivx) pawn shop, and (xv) any use not specifically set forth as a permitted use or special exception use in the applicable planned unit development.

Sec. 118-859. - Unified ownership or control.

The title of all land within a proposed site for a ~~residential~~ planned unit development shall be owned in fee simple or controlled by the developer submitting the applications provided for under this division. The term "controlled by" shall mean that the developer shall have the written consent of all owners of property within the proposed site not wholly owned by the developer. The consent shall contain a statement that the developer is authorized to represent the owners in the submission of an application under this division and that the owners shall agree to be bound by the decision of the city commission if the application is approved.

Sec. 118-860. - Common open space.

(a) All common open space in a residential planned unit development shall be preserved for its intended purpose as expressed in the final development plan. The developer shall choose one of the following methods of administering common open space:

(1) Public dedication to the city of the common open space. This method is subject to formal acceptance by the city and in its sole discretion.

(2) Establishment of an association or nonprofit corporation of all individuals or corporations owning property within the planned unit development to ensure the maintenance of all common open space.

(b) All privately owned common open space shall continue to conform to its intended use and remain as expressed in the final development plan through its inclusion in all deeds with appropriate restrictions to ensure that the common open space is permanently preserved. The deed restrictions shall run with the land and shall be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

(c) All common open space and recreational facilities shall be specifically included in the development schedule and shall be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

(d) If the developer elects to administer common open space through an association or nonprofit corporation, the organization shall conform to the following requirements:

- (1) The developer must establish the association or nonprofit corporation prior to the sale of any lots.
- (2) Membership in the association or nonprofit corporation shall be mandatory for all residential property owners within the planned unit development, and the association or corporation shall not discriminate in its members or shareholders.
- (3) The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public; shall provide for the maintenance, administration and operation of the land and any other land within the planned unit development not publicly or privately owned; and shall secure adequate liability insurance on the land.
- (4) If the developer elects an association or nonprofit corporation as a method of administering common open space, the title to all residential property owners shall include an undivided fee simple estate in all common open space.
- (5) Association documents shall be reviewed and approved by the city.

Subdivision II. - Land Use Regulations

Sec. 118-921. - Minimum size; dwelling units.

- (a) There are no minimum acreage requirements for the PUD zoning.
- (b) With commercial uses, there shall be at least 200 dwelling units of primary residential use or a primary institutional use as provided in subsection 118-858(3) in the planned unit development.

Sec. 118-922. - Maximum density.

The average density permitted in each planned unit development shall be established by the city commission upon recommendation of the planning and zoning board. The criteria for establishing an average density shall include existing zoning, adequacy of existing and proposed public facilities and services, site characteristics, and the recommended density of the adopted future land use plan involving the area in question. In no case shall the maximum density permitted exceed ten dwelling units per gross acre unless approved by the city commission as a medium/high density multifamily complex that provides a high degree of amenities such as gated entranceways, pools, passive and active recreational areas for both adults and for children, fitness centers, indoor basketball and/or racquetball courts, covered parking, and has heavily landscaped grounds with semi-mature canopy trees, ~~which may have a maximum of 13 units per acre.~~

Sec. 118-923. - Minimum common recreation and open space.

- (a) For a residential planned unit development, the minimum common recreation and open space shall be 20 percent of gross site acreage. The term "common recreation and open space" shall be defined as the total amount of improved usable area, including outdoor space, permanently set

aside and designated on the site plan as recreational or open space for use by residents of the PUD. Such usable space may be in the form of active or passive recreation areas, including but not limited to playgrounds, golf course, water frontage, nature trails, lakes, and wetland areas.

(b) Common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the PUD. Drainage ditches, if allowed by the city commission, parking areas, road rights-of-way and minimum yards and spacings between dwelling units may not be included in determining usable open space. Water areas including wet bottom retention areas which are aesthetically and functionally designed for active or passive recreational use, wetland areas, and dry retention areas may be considered to partially fulfill open space requirements. In no case, however, shall there be less than five percent of the total developable land area set aside for active, dry-land recreational use.

Sec. 118-924. - Minimum lot area, frontage and setbacks.

(a) No minimum lot size shall be required within a residential planned unit development district.

(b) Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via a private road or other area dedicated to public or private use guaranteeing access. Permitted uses are not required to front on a publicly dedicated road. The city shall be allowed access on privately owned roads, easements and common open space.

(c) The minimum distance between structures and side yards shall be as follows:

(1) For single-family platted lots, side yard requirements shall be as follows:

a. For lot width less than 70 feet: five feet.

b. For lot width 70 feet to 84 feet: 7½ feet.

c. For lot width greater than 84 feet: ten feet.

d. For zero lot line single-family detached development: ten feet.

(2) For townhouses, unplatted residential development, commercial development, and all development other than single-family platted lots, the distance between structures shall be as follows:

a. Between structures of 20 feet in height or less: 15 feet.

b. Between structures of 20 and 30 feet in height: 20 feet.

c. Between structures of 30 feet and 40 feet in height: 25 feet.

d. Between structures over 40 feet in height: 40 feet, plus five feet for each additional ten feet of height or fraction thereof over 40 feet.

e. Between structures of varying heights, the larger distance separation shall be required.

~~(d) A minimum 25-foot yard shall be required from the nearest part of any building wall to the edge of any public right-of-way or private street, and all structures shall have a minimum 20-foot rear yard. A minimum 25-foot yard shall be maintained between the walls of all single family structures and the perimeter of the PUD. A minimum 25-foot yard shall be maintained between the walls or edges of all accessory structures such as screen rooms and any PUD perimeter that is adjacent to a public right-of-way. Additional perimeter yard requirements for multistory buildings shall be figured at five additional feet for each ten feet of height over the first story.~~

(e) Maximum height for single-family residential structures shall be 35 feet and maximum height for all other residential and non-residential structures shall be 50 feet unless approved by special exception by the city commission in addition to a finding by the city commission that height in excess of 50 feet will be compatible with adjacent uses and will substantially further the health, safety or general welfare of the citizens of the city.

(f) Accessory buildings or structures may only be placed in the rear yard according to the requirements of this chapter.

(g) Building setbacks from water areas and lakes shall be 30 feet from the mean high water line.

Sec. 118-925. - Maximum length of structure.

The maximum length of a structure in a residential planned unit development is 200 feet. Units constructed under the zero lot line concept with common walls shall be considered as one structure and shall not exceed 200 feet. There is no maximum length for structures in a PUD that has primary institutional uses.

Sec. 118-926. - Maximum commercial use area.

The maximum commercial area permitted within a residential planned unit development shall be five percent of the total gross acreage of the site. If the PUD contains more than 500 dwelling units, the maximum commercial area may be increased to seven percent of the total gross acreage. The maximum commercial area for a PUD with primary institutional uses shall be as provided in subsection 118-858(4)a. The commercial areas within a PUD shall be situated and buffered so as not to provide any detrimental effect on residential uses.

Sec. 118-927. - Minimum floor area per unit.

In a residential planned unit development, the minimum floor area per unit shall be as follows:

- (1) Single family dwellings, 1,000 square feet.
- (2) Multifamily dwellings including townhouses:

- a. Efficiency, 450 square feet.
 - b. One bedroom, 550 square feet.
 - c. Two bedrooms, 650 square feet.
 - d. Three bedrooms, 800 square feet.
- (3) Hotels and motel units, where permitted, 300 square feet.
- (4) Dormitories, where permitted, 250 square feet.

Sec. 118-928. - Off-street parking.

All uses in a ~~residential~~ planned unit development shall meet the city's parking and landscaping requirements.

Sec. 118-929. - Underground utilities.

Within the ~~residential~~ planned unit development, all utilities including telephone, television cable and electrical systems shall be installed underground unless physical and technical conditions require aboveground installation. Primary facilities providing service to the site of the PUD and city-owned properties with a PUD may be exempted from this section by determination of the city commission. Large transformers shall be placed on the ground, and such transformers and all utilities not installed underground shall be contained within landscaped enclosures or vaults. Any required substations shall be screened by walls resembling a structure which is compatible with the design of the PUD.

Sec. 118-930. - Development standards.

For a ~~residential~~ planned unit development, the minimum construction requirements for streets or roads, sidewalks, sewer and water facilities, drainage and all utilities shall be in compliance with the requirements of chapter 78, chapter 110 and the manual in appendix A to this Code.

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances. Sections of this Ordinance may be renumbered or re-lettered to accomplish the intent of this Ordinance; that the word, “Ordinance” may be changed to “Section,” “Article,” or other appropriate word. The City Clerk is given liberal authority to correct scribes’ errors, such as incorrect code cross references, grammatical, typographical and similar or like errors when codifying this Ordinance.

SECTION 4: Control: In the event of a conflict or conflicts between this Ordinance and other ordinances, this Ordinance controls.

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

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

FIRST READING: _____.

SECOND READING AND PUBLIC HEARING: _____.

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

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk