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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 – **October 3, 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 SEPTEMBER 12, 2016 MEETING**

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

4. 420 W Story Road – Leonel Lopez **Annexation**
Parcel ID #22-22-27-1084-02-010
5. 707 W Plant Street – 707 W Plant St, LLC **Future Land Use Map Amendment**
Parcel ID #22-22-27-0000-00-104
6. 605 E Plant Street & 290 E Newell Street – M.I. Homes of Orlando, LLC **PUD Rezoning**
Parcel ID #14-22-27-0000-00-012 and 14-22-27-5656-01-391
7. 602 E Story Road – Orange County Public Schools **Annex/Rezoning/Future Land Use**
Parcel ID #12-22-27-6496-20-001
8. 14991 W Colonial Drive – 14991 W Colonial LLC **Annexation**
Parcel ID #22-22-27-0000-00-026
9. 15001 W Colonial Drive – 7-Eleven, Inc **Annexation**
Parcel ID #21-22-27-0000-00-038

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

10. 1218 Winter Garden Vineland Road, Ste 100 & 104 – My Gym Children's Fitness Center
Parcel ID #26-22-27-9381-00-010

CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)

11. Ordinance 16-59 (Comp Plan Amendment for Dillard Street Corridor)

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, **November 7, 2016 at 6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.



**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
SEPTEMBER 12, 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: Heather Gantt and Gerald Jowers

MEMBERS ABSENT:

Mark DeFuso (unexcused), Chris Lee (unexcused), and Mark Maciel (excused)

STAFF PRESENT:

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

3. APPROVAL OF MINUTES

Motion by Gerald Jowers to approve the regular meeting minutes of August 1, 2016 and seconded by David Kassander. Motion carried unanimously 4 - 0.

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

4. 462 W. Plant St & 19 S. Park Ave – Park & Plant LLC / Tri3 Civil Engineering Design Studio, Inc (PUD Zoning)

Community Development Director Pash presented a PUD Rezoning request for the 1.15 +/- acre property located at the southeast corner of W. Plant Street and S. Park Avenue. The owners have requested to rezone the property from C-1 Central Commercial District to PUD Planned Unit Development. The proposed PUD will consist of 24 townhomes in five buildings. The buildings will be both two and three-stories with seven of the townhomes fronting on Plant Street. The seven townhomes fronting on Plant Street will be allowed to request a Special Exception to use a portion of the home for office use. All the townhomes will have 2-car garages with the main project entrance off of Smith Street and a one-way exit onto Park Avenue. Staff has reviewed the request and recommends approval of Ordinances 16-58.

Board Member Kassander asked for clarification that the possible Special Exceptions would only be for office use. Mr. Pash stated it would allow for a small home office type use such as an architect or attorney. Board Member Kassander inquired how the open space requirement was being met. Mr. Pash directed their attention to the small open space location shown with a courtyard in the middle of the project and stated the developer would have to pay into the parks fund.

Janice Griffith Morris, resident and owner of 504 W Plant Street, addressed the Board. She began by stating her property is located immediately across the street to the west and her main objection is with the parking. Each unit only has two places to park and it would be in their garage with no place for visitors or the lawn maintenance crews to park. She does not believe the front doors would ever be used as there is no street parking, there are no front yards or driveways, too many dwelling units for the area, and this development would have a negative effect on her property value.

Parking issues were discussed. Community Development Director Pash explained there is a public parking lot directly south of the property at the city-owned ballfields containing approximately 50 spaces for any visitors to park in. There are also plans to add additional parking on Plant Street.

Andrew Sechler with Elite Universal, the design architect for this project, stated the layouts would consist of three-story townhomes with two and three bedroom units and two-story townhomes with two bedrooms and a loft area. Each unit would have a two-car garage and the HOA stipulates there would be no storage in the garage. He believes the townhomes would be a less intense use than a commercial development with retail. The project contains interior hidden parking and no individual driveways to eliminate additional ingress/egress points onto Plant Street and Park Avenue to increase the pedestrian corridor and therefore a much nicer look as a gateway to the downtown core from the west.

Chairman Hawthorne inquired about the current maximum usage for the Future Land Use. Mr. Pash stated it could be developed with a three-story commercial retail/office building. The townhomes meet the code requirements of two spaces per dwelling unit. There is a demand for housing in the downtown area and those tenants typically are more pedestrian-oriented.

Motion by Gerald Jowers to recommend approval of 462 W. Plant Street and 19 S. Park Avenue [Ordinance 16-58] (as provided in the agenda package) and seconded by David Kassander. Motion carried unanimously 4 - 0.

VARIANCE (PUBLIC HEARING)

5. 450 W. Story Road – Maria Rios

Planner Frye presented two variance requests to construct a 24' x 24' carport to the side of the home for the property located at 450 W. Story Road. The property is located on the corner of W. Story Road and Foster Avenue and is zoned R-2. The first variance request, located on Foster Avenue, would allow a 3 foot side yard setback in lieu of the minimum required 10 foot side yard setback and would keep the proposed carport in line with the primary structure. The second variance request would allow a 9.5 foot rear yard setback in lieu of the minimum required 14.8 foot rear yard setback or 20% of the lot depth. Staff has reviewed the requests and recommends approval subject to the conditions outlined in the Staff Report.

Chairman Hawthorne clarified the carport would not extend past the existing dwelling on the side yard setback.

Motion by Heather Gantt to recommend approval of the Variance for 450 W. Story Road with Staff Recommendations (as provided in the agenda package) and seconded by Will Hawthorne. Motion carried unanimously 4 - 0.

6. 1929 Lake Roberts Landing Drive – Daniel Kolenda / ACT Construction LLC

Planner Frye presented four variance requests to construct a dock on the property located at 1929 Lake Roberts Landing Drive in the Lake Roberts Landing Subdivision. As noted in the Staff Report the width of the lot narrows to a point as it enters into Lake Roberts. The applicant is requesting two variances to the side yard setbacks; an 11 foot side yard setback on the east side property line and a 12.5 foot side yard setback on the west property line in lieu of the minimum required 15 foot side yard setbacks. To meet an appropriate water depth the applicant is requesting a third variance to extend the dock walkway 200 feet in lieu of the maximum allowed 100 feet from the normal high water line. The fourth variance request will increase the maximum allowed 1,000 square feet to 1,496 square feet from the normal high water line to allow for the extension of the walkway and the 2nd floor observation deck with stairway. Staff has reviewed the requests and recommends approval of both side yard setback variances and the extension of the walkway subject to the conditions outlined in the Staff Report. Staff recommends denial of the variance to allow the dock to be built at 1,496 square feet in lieu of the maximum required 1,000 square feet. The addition to the second story observation deck with accompanying stairs adds 360 square feet. Staff would support a 1,136 square foot variance in lieu of the maximum required 1,000 square foot to allow the extension.

General discussion ensued on other dock variances allowed in this development and if the dock would still be functional without the added square footage. The dock would be narrower than typical so the second level observation deck was added. Also discussed was the location of the normal high water line.

Rick Arnold, the dock builder with ACT Construction LLC, addressed the Boards questions. He stated without the observation deck there would be no place for recreation and it also serves the purpose as the dock roof. The dock is extended into usable water but will have a railing.

Daniel Kolenda, the owner, stated if the standing area was removed it would reduce the recreation aspect of the dock as it is so far from the house and asked the Board to reconsider as it would make the dock a more enjoyable space.

Motion by Gerald Jowers to recommend approval of all four Variances requested for 1929 Lake Roberts Landing Drive subject to Staff Recommendations for the first three variance requests (as provided in the agenda package) but also approving the fourth variance for a dock size of 1,496 square feet and seconded by David Kassander. Motion carried unanimously 4 - 0

CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)

7. Ordinance 16-46 – Window Security Bars

Community Development Director Pash presented an amended Ordinance 16-46 previously presented to the Board on August 1, 2016 which prohibits the use or installation of security

bars, grills, grates or other security device on windows, doors, breezeways or openings facing or visible from streets or public rights-of-way. The Board stated concern regarding residential areas. The Ordinance has been rewritten to only affect Commercial and Industrial properties. Single family homes would not be included. Staff recommends approval of Ordinance 16-46.

Chairman Hawthorne clarified with Mr. Pash that if a homeowner wanted to install these security features they would have to apply for a building permit and meet all proper codes.

Board Member Kassander brought up some points discussed from the last meeting; decorative grating being used instead of security bars, change the language on openings from 'or' to 'and', and confine the usage to a specific area. Mr. Pash stated as a project is going through site plan review and security elements or architectural features were included it would be reviewed at that time. All security features would have to meet building code. Board Member Kassander wants to allow business owners the ability to protect their businesses without using standard security bars by using decorative security gates or grates. Mr. Pash stated the Board has the authority to add a recommendation that a business owner could request a Special Exception if they wanted to use security features and go through a Planning & Zoning Board hearing. If a commercial property already had security bars that were permitted and built to code at the time of installation they could remain.

Discussion ensued on when existing bars on commercial or industrial buildings would have to come into compliance.

Board Member Kassander recommended to change the wording under Section 1(b) to read "...opening which faces any street or public right-of-way and which would be visible.." and terminology that would allow decorative security grates.

Motion by David Kassander to approve Ordinance 16-46 with amendments to change Section 1(b) to read 'and which would be visible' and add an amortization provision to provide for removal of existing bars within a period of five years or upon pulling a building permit for work that meets a threshold of 10% of the building value. Motion seconded by Heather Gantt and carried unanimously 4 - 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:32 p.m.

ATTEST:

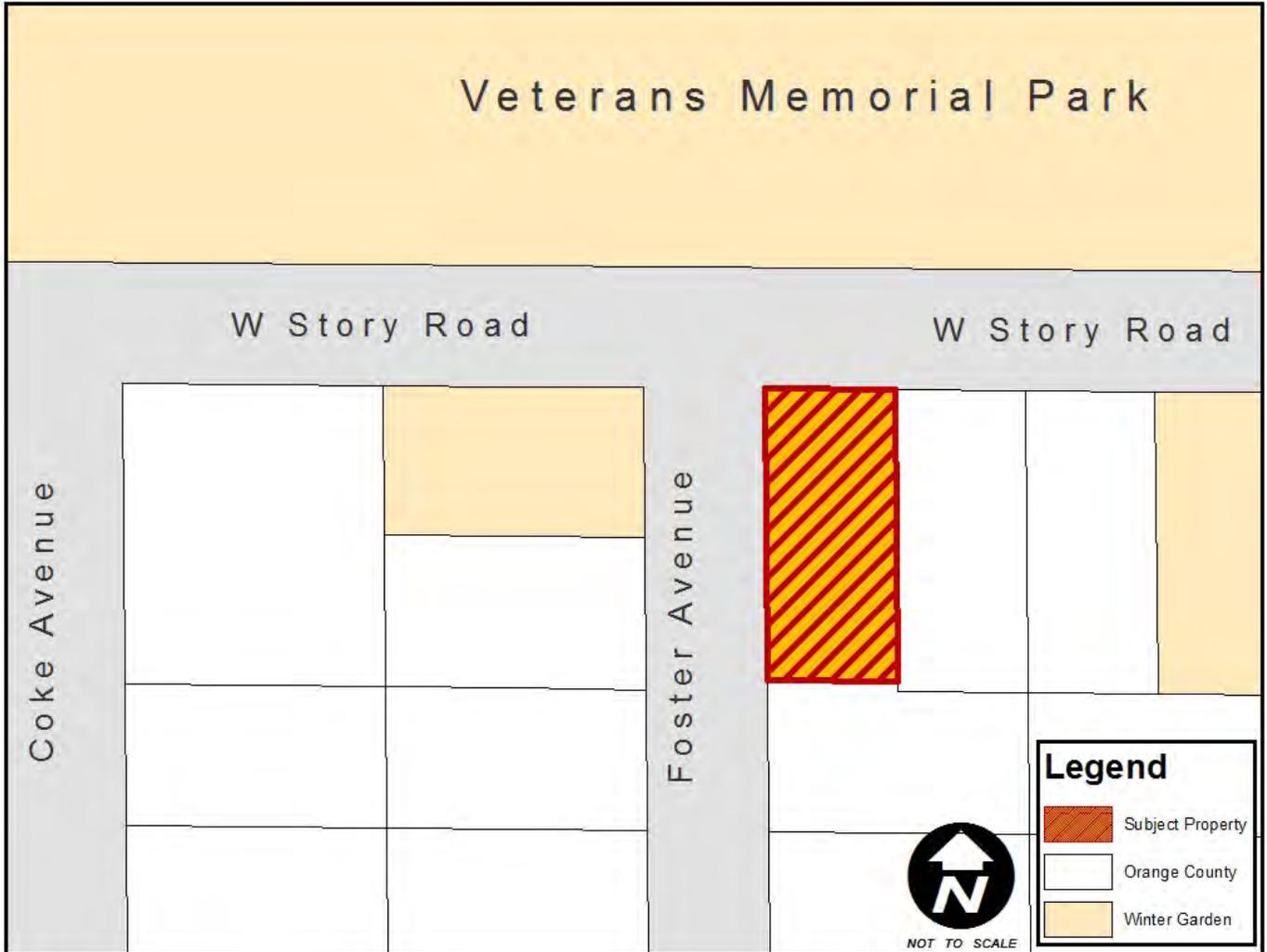
APPROVED:

Recording Secretary Kathleen Rathel

Chairman Will Hawthorne

Location Map

420 W. Story Road



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

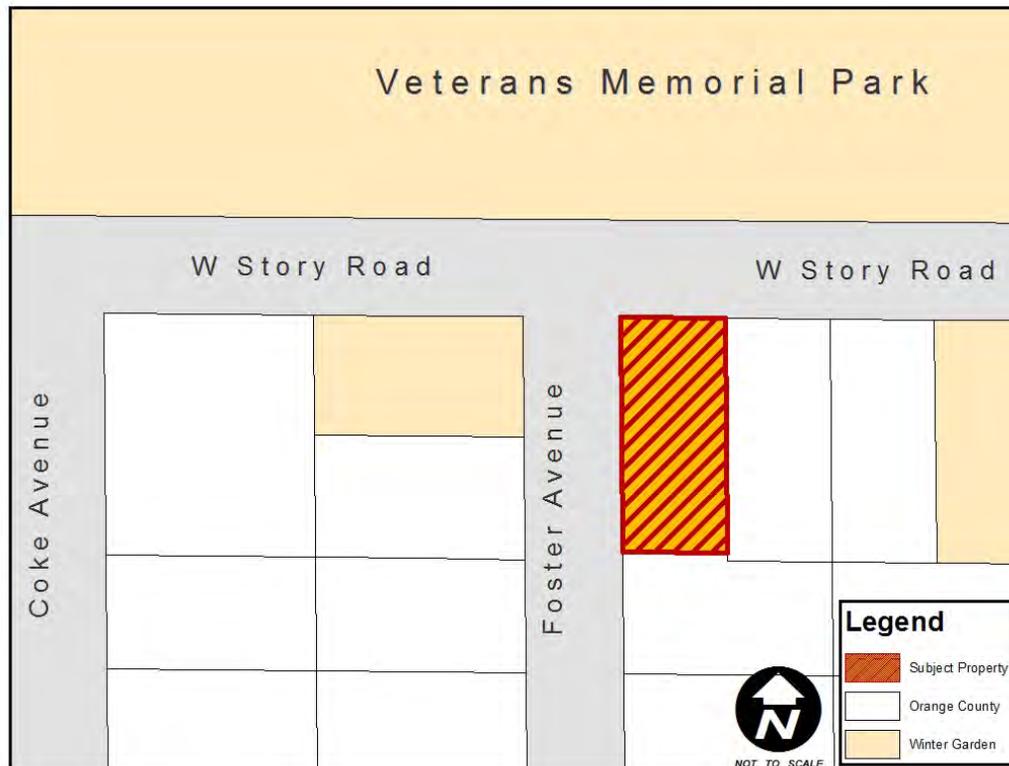
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: JESSICA FRYE, PLANNER I
DATE: SEPTEMBER 30, 2016
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
420 WEST STORY ROAD (0.21 +/- ACRES)
PARCEL ID #: 22-22-27-1084-02-010
APPLICANT: LEONEL LOPEZ

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 420 West Story Road and is approximately 0.21 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to the R-2 Residential District.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include single family homes, churches, and schools. The zoning classifications that are consistent with the Low Density Residential land use designation include PUD, R-1A, R-1, R-2, R-1B, and INT.

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

EXISTING USE

The subject property is currently developed with a single-family house.

ADJACENT LAND USE AND ZONING

The property located to the north is a City Park (Veterans Park), zoned C-2 and located in the City. The property to the west is developed with a single family home and is zoned R-2 and located in the City. The properties located to the east and south are developed with single family homes, zoned R-2 and located in Orange County.

PROPOSED USE

The applicant is proposing to remove the existing structures and rebuild another single-family house.

PUBLIC FACILITY ANALYSIS

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

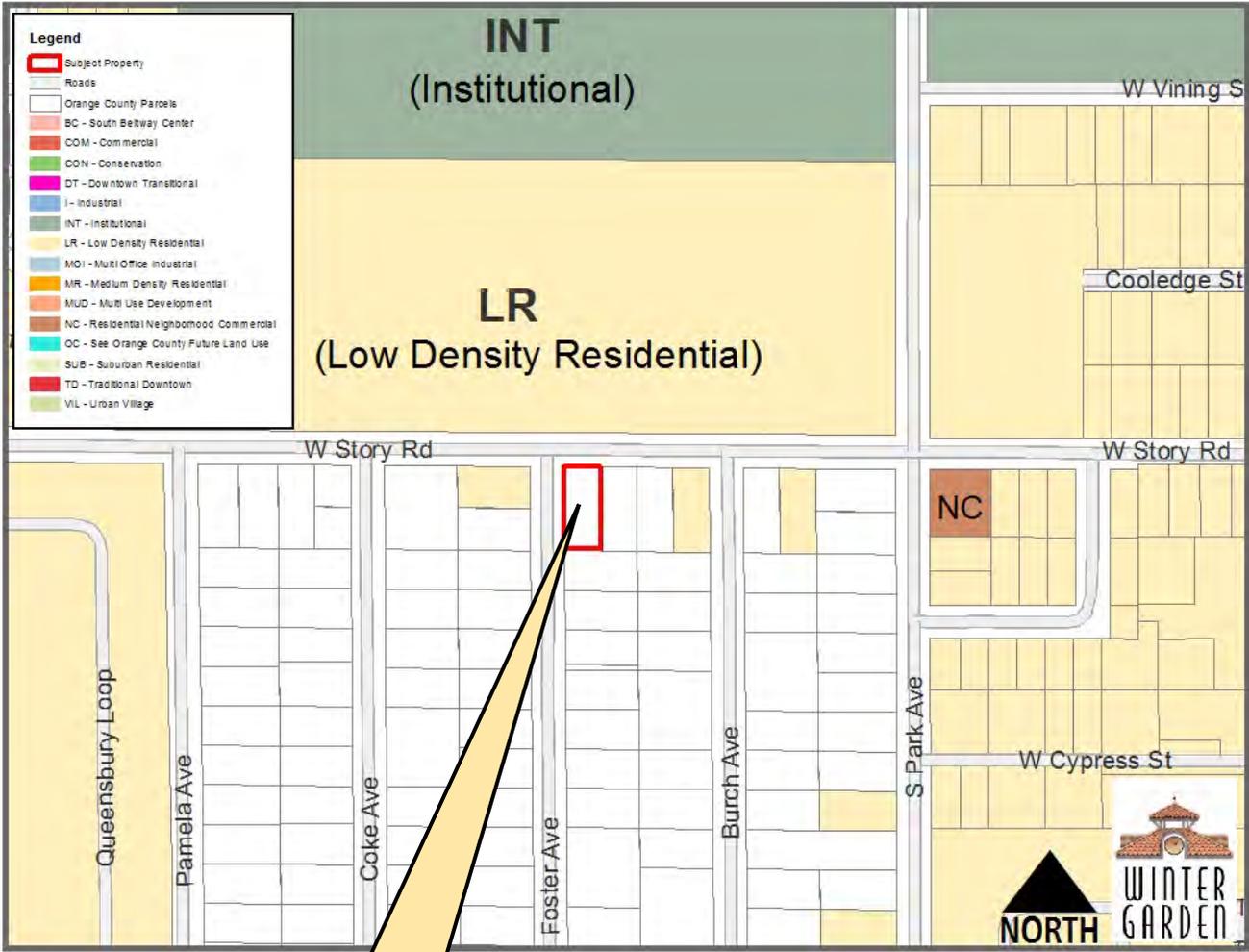
SUMMARY

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

MAPS
AERIAL PHOTO
420 West Story Road

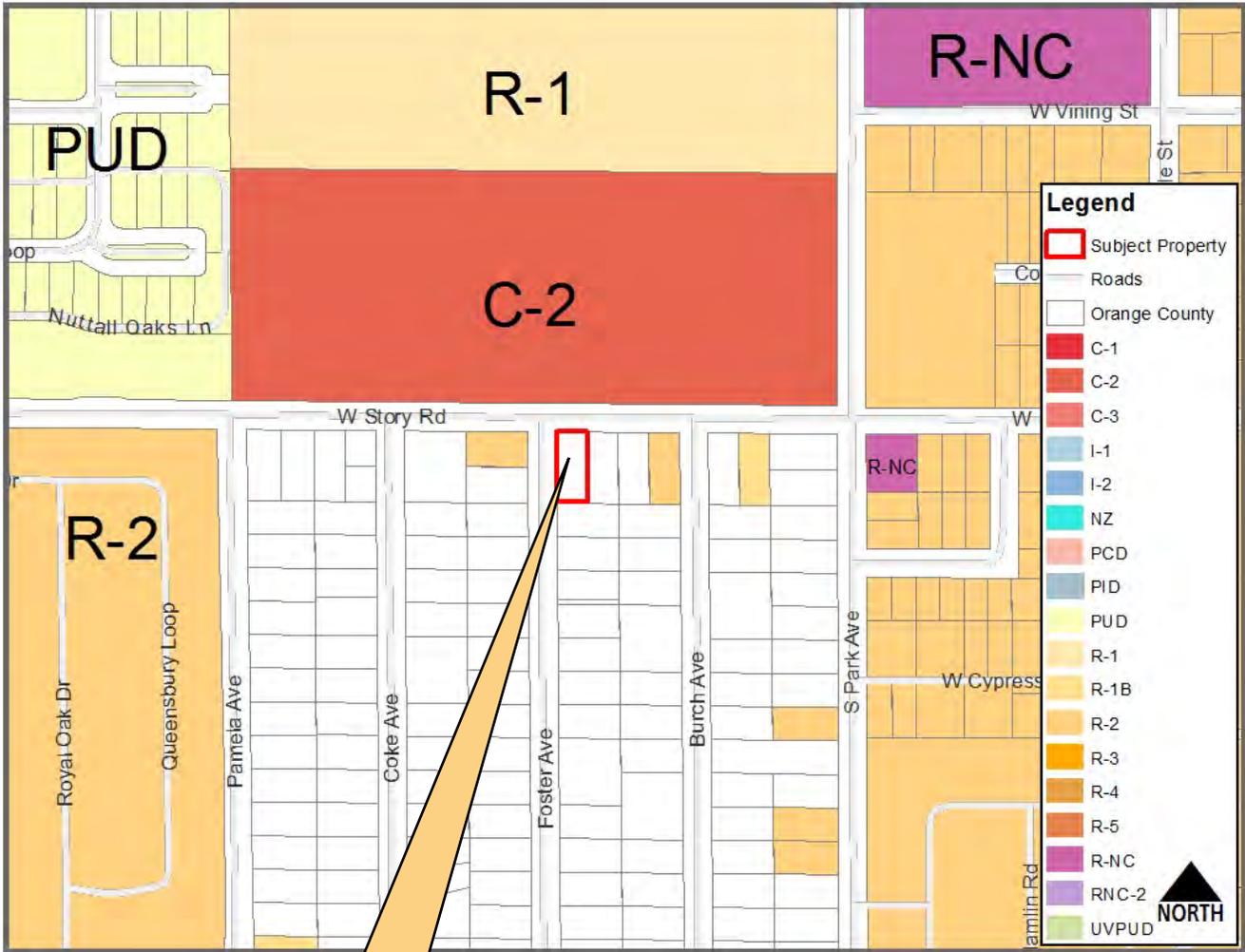


FUTURE LAND USE MAP
450 West Story Road



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

ZONING MAP
450 West Story Road



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

END OF STAFF REPORT

ORDINANCE 16-62

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.21 ± ACRES LOCATED AT 420 WEST STORY ROAD ON THE SOUTHEAST CORNER OF WEST STORY ROAD AND FOSTER AVENUE INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE..

WHEREAS, the owner of the land, generally described as approximately 0.21 ± acres located at 420 West Story Road, at the southeast corner of West Story Road and Foster Avenue and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

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

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 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#: 22-22-27-1084-02-010

Lot 1, Block B, (less the South 5 feet) BURCHSHIRE, according to the map or plat thereof, as recorded in Plat Book Q, Page 138, of the Public Records of Orange County, Florida, being more particularly described as follows: Begin at the Northwest corner of Lot 1, Block B, BURCHSHIRE, according to the map or plat thereof, as recorded in Plat Book Q, Page 138, of the Public Records of Orange County, Florida; thence South 89°33'53" East 65.00 feet to the Northeast corner of said Lot 1; thence run along the East line of said Lot 1, South 00°27'45" East 144.74 feet to a point 5.00 feet North of the Southeast corner of said Lot 1; thence North 89°26'29" West 65.00 feet to a point lying on the West line of said Lot 1 and being 5.00 feet North of the Southwest corner of said Lot 1; thence run along said West line North 00°27'45" West 144.60 feet to the POINT OF BEGINNING.

Containing 0.216 acres, more or less.

ORDINANCE 16-63

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 0.21 ± ACRES LOCATED AT 420 WEST STORY ROAD ON THE SOUTHEAST CORNER OF WEST STORY ROAD AND FOSTER AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL (LR); 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 0.21 ± acres of land located at 420 West Story Road at the southeast corner of West Story Road and Foster Avenue, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

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

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

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

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 16-62, 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#: 22-22-27-1084-02-010

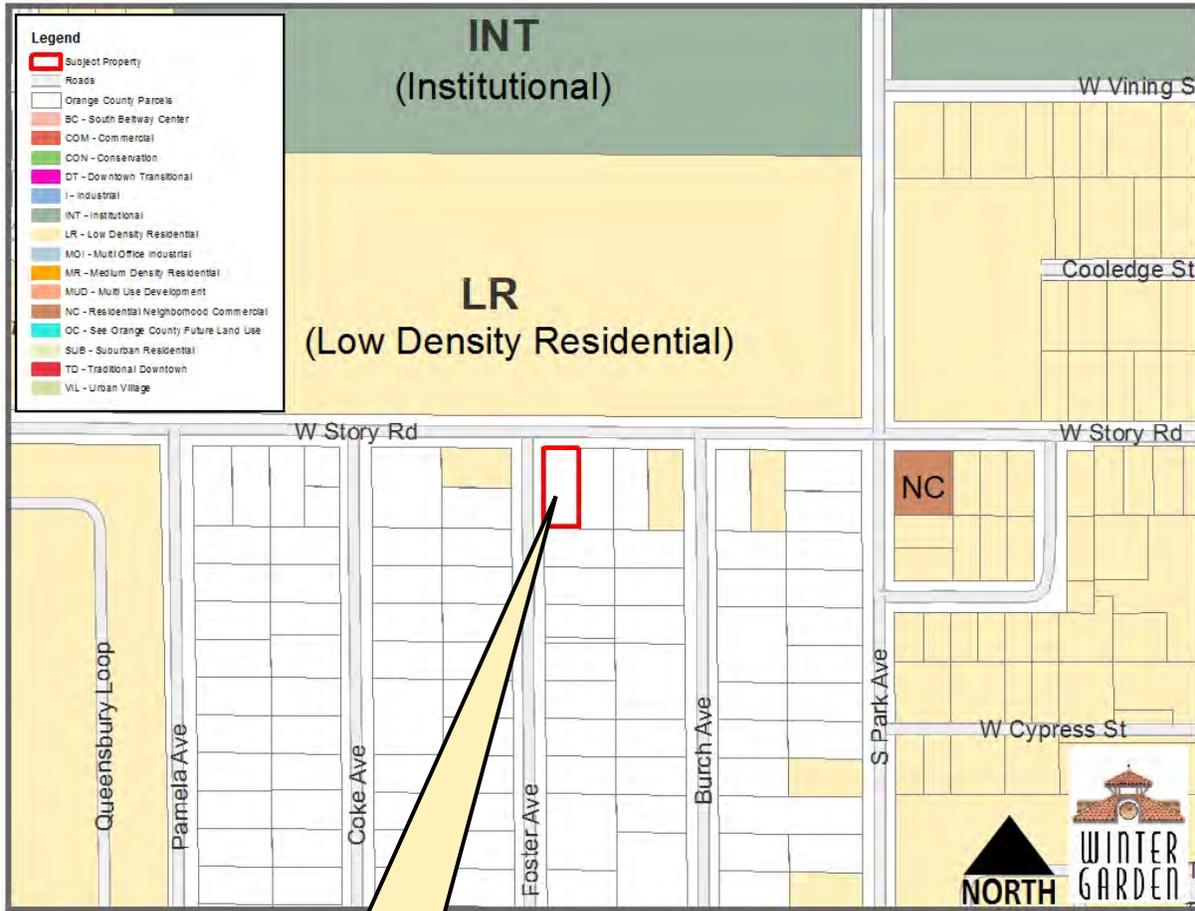
Lot 1, Block B, (less the South 5 feet) BURCHSHIRE, according to the map or plat thereof, as recorded in Plat Book Q, Page 138, of the Public Records of Orange County, Florida, being more particularly described as follows: Begin at the Northwest corner of Lot 1, Block B, BURCHSHIRE, according to the map or plat thereof, as recorded in Plat Book Q, Page 138, of the Public Records of Orange County, Florida; thence South 89°33'53" East 65.00 feet to the Northeast corner of said Lot 1; thence run along the East line of said Lot 1, South 00°27'45" East 144.74 feet to a point 5.00 feet North of the Southeast corner of said Lot 1; thence North 89°26'29" West 65.00 feet to a point lying on the West line of said Lot 1 and being 5.00 feet North of the Southwest corner of said Lot 1; thence run along said West line North 00°27'45" West 144.60 feet to the POINT OF BEGINNING.

Containing 0.216 acres, more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

420 WEST STORY ROAD



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

ORDINANCE 16-64

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.21 ± ACRES LOCATED AT 420 WEST STORY ROAD ON THE SOUTHEAST CORNER OF WEST STORY ROAD AND FOSTER AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.21 ± acres of land located at 420 West Story Road at the southeast corner of West Story Road and Foster Avenue, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City’s R-2 Residential District zoning classification, therefore;

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

SECTION 1: Rezoning. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County R-2 Residential District to City R-2 Residential District in the City of Winter Garden, Florida.

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

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

SECTION 4: Effective Date. This Ordinance shall become effective simultaneously upon the effective date of Ordinance 16-63 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#: 22-22-27-9188-01-031

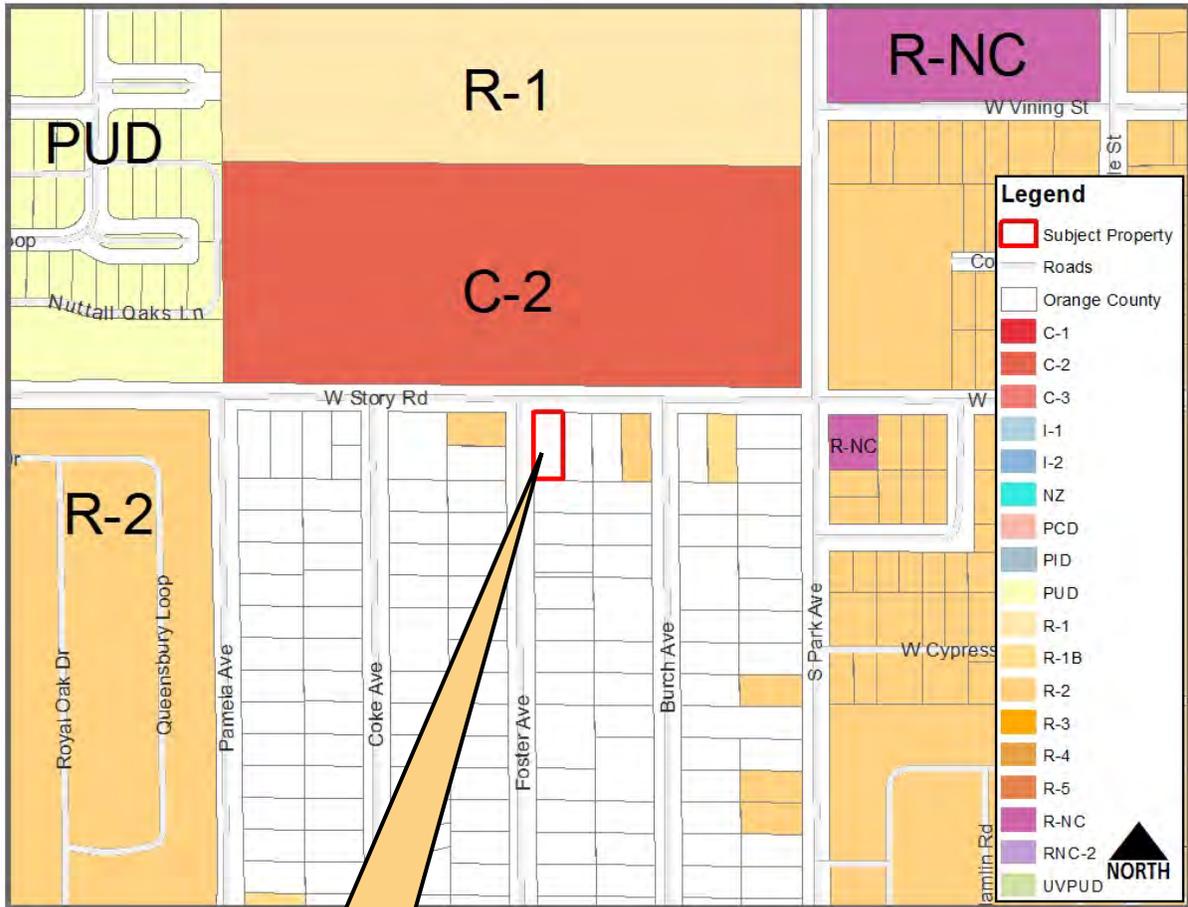
Lot 1, Block B, (less the South 5 feet) BURCHSHIRE, according to the map or plat thereof, as recorded in Plat Book Q, Page 138, of the Public Records of Orange County, Florida, being more particularly described as follows: Begin at the Northwest corner of Lot 1, Block B, BURCHSHIRE, according to the map or plat thereof, as recorded in Plat Book Q, Page 138, of the Public Records of Orange County, Florida; thence South 89°33'53" East 65.00 feet to the Northeast corner of said Lot 1; thence run along the East line of said Lot 1, South 00°27'45" East 144.74 feet to a point 5.00 feet North of the Southeast corner of said Lot 1; thence North 89°26'29" West 65.00 feet to a point lying on the West line of said Lot 1 and being 5.00 feet North of the Southwest corner of said Lot 1; thence run along said West line North 00°27'45" West 144.60 feet to the POINT OF BEGINNING.

Containing 0.216 acres, more or less.

ATTACHMENT "B"

ZONING MAP

420 WEST STORY ROAD



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

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 5 (Public Hearing)

DATE: September 30, 2016 **MEETING DATE:** October 3, 2016

SUBJECT: 707 W Plant Street – (FLU AMENDMENT)
PROJECT NAME Garden West FLU Amendment
PARCEL ID# 22-22-27-0000-00-104

ISSUE: The applicant is requesting to amend the Future Land Use designation on property located at 707 W Plant Street.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: 707 W Plant St, LLC // Ryan Hinricher

CURRENT ZONING: R-2 Residential

PROPOSED ZONING: N/A

CURRENT FLU: NC Residential-Neighborhood Commercial

PROPOSED FLU: LR Low Density Residential

SUMMARY:

City Staff recommends approval of the proposed Ordinance. Changing the Future Land Use designation of the property from Residential-Neighborhood Commercial to Low Density Residential is consistent with the Code of Ordinances, the City's Comprehensive Plan, and the surrounding property uses. (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 16-71.

NEXT STEP(S):

First reading by City Commission is scheduled for October 13, 2016, with second reading and adoption anticipated to be on October 27, 2016.

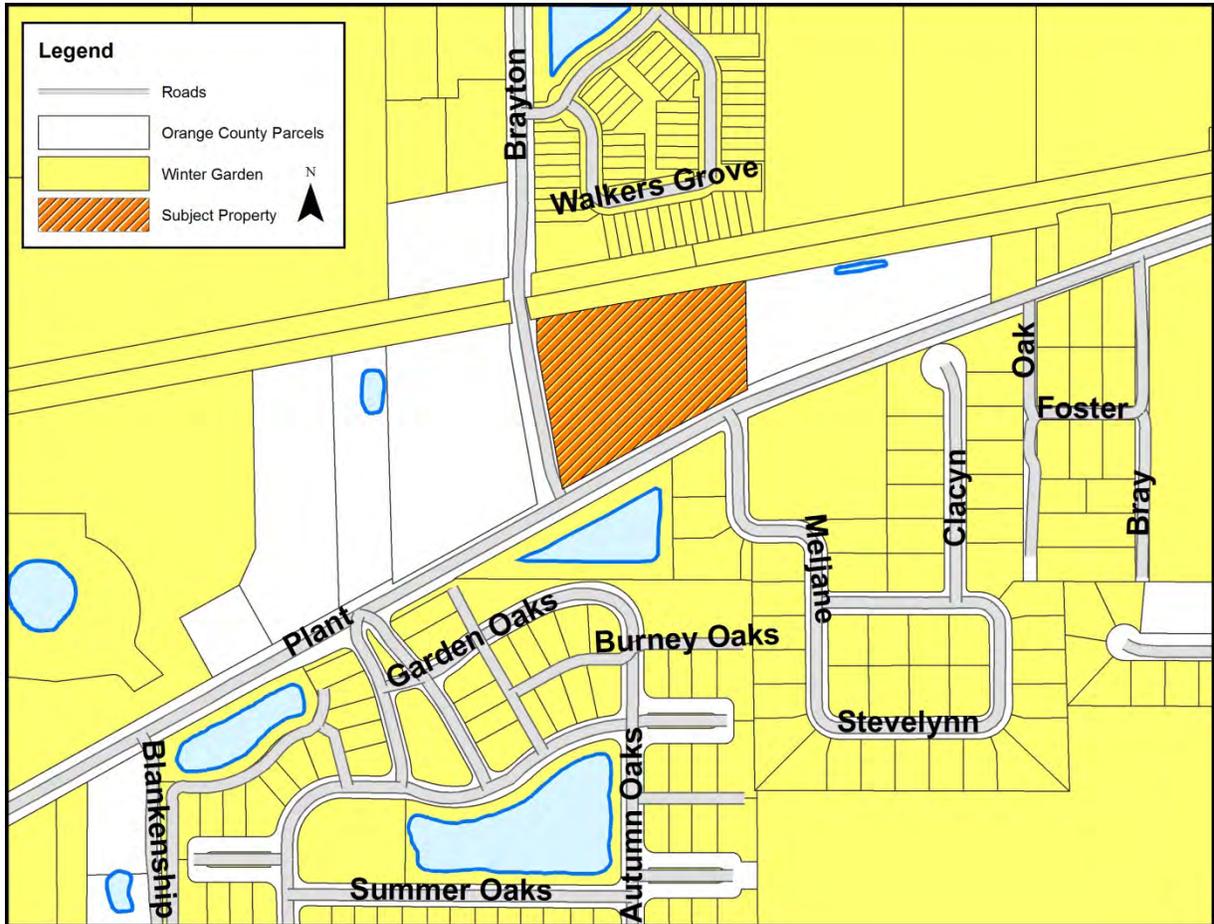
ATTACHMENT(S):

Location Map
Staff Report
Ordinance 16-71

LOCATION MAP

707 W Plant Street

FLU Amendment



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

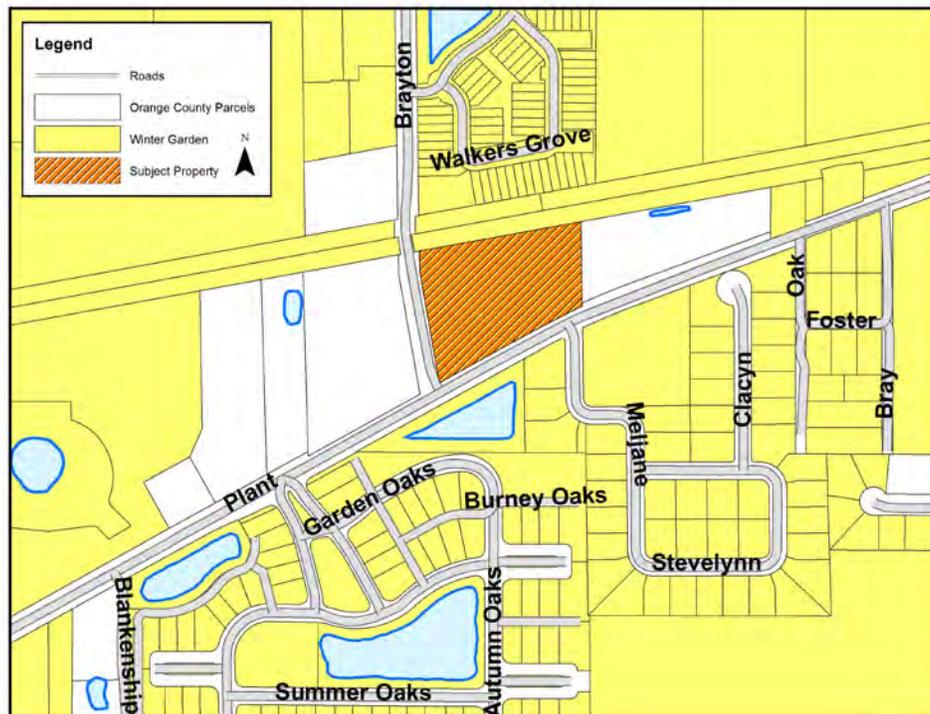
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: September 30, 2016
SUBJECT: FUTURE LAND USE AMENDMENT (ORDINANCE 16-71)
707 W Plant Street (3.07 +/- ACRES)
Parcel ID# 22-22-27-0000-00-104

APPLICANT: 707 W Plant St, LLC // Ryan Hinricher

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations, Comprehensive Plan, and Future Land Use Map. The subject property is located on the northeast corner of West Plant Street and Brayton Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property is located within the City of Winter Garden municipal limits and carries the zoning designation R-2 (Residential District). The subject property is designated NC (Residential-Neighborhood Commercial) on the Future Land Use Map of the Comprehensive Plan. The applicant is requesting to amend the future land use designation for the 3.07 ± acre property from NC (Residential-Neighborhood Commercial) to LR (Low Density Residential).

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

EXISTING USE

The subject property is currently vacant. There are a number of significantly-sized oak trees located on the property.

ADJACENT LAND USE AND ZONING

The adjacent properties include a vacant parcel to the west of the subject property at 735 West Plant Street, which is zoned A-1 and is located in Unincorporated Orange County. Also located in Orange County is the property to the east of the subject property at 681 West Plant Street, which is zoned M-1/A-1 and contains a number of warehouse buildings associated with communication utilities (Centurylink). To the north of the subject property, across the West Orange Trail, is the Walkers Grove townhome subdivision. These properties are zoned R-3 and are located in the City of Winter Garden. To the south of the subject property is the Oak Park single-family residential neighborhood. These properties are zoned R-2 and are located in Winter Garden.

PROPOSED USE

The applicant intends to amend the Future Land Use designation in order to allow the property to be rezoned to Planned Unit Development at a later date to develop a single-family neighborhood. The current Future Land Use designation of NC (Residential-Neighborhood Commercial) does not include PUD as a consistent zoning designation. The future development will require PUD rezoning approval from the Development Review Committee, and the PUD rezoning ordinance will need to be approved by the Planning & Zoning Board and adopted by City Commission.

PUBLIC FACILITY ANALYSIS

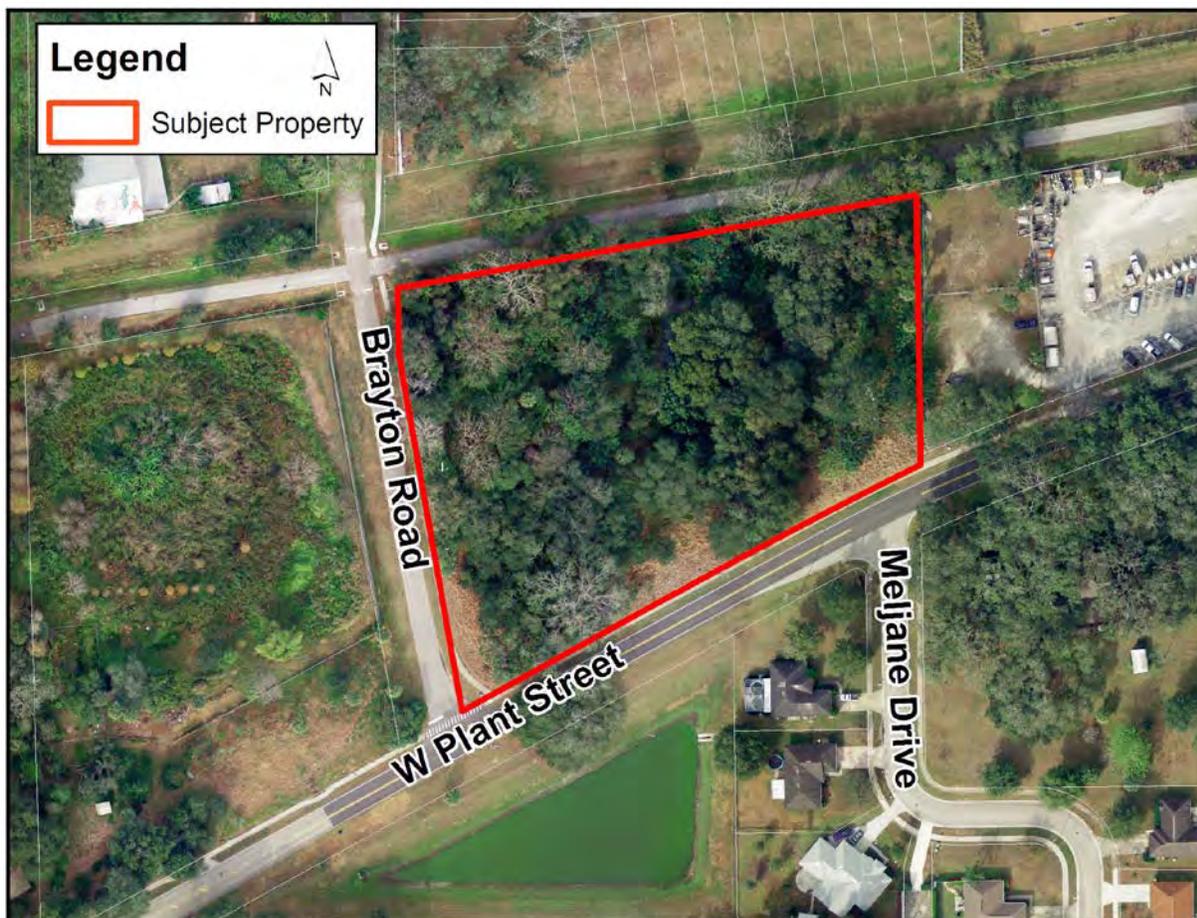
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. The property will be served by both Orange County

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 Planned Unit Development rezoning and/or Final Engineering.

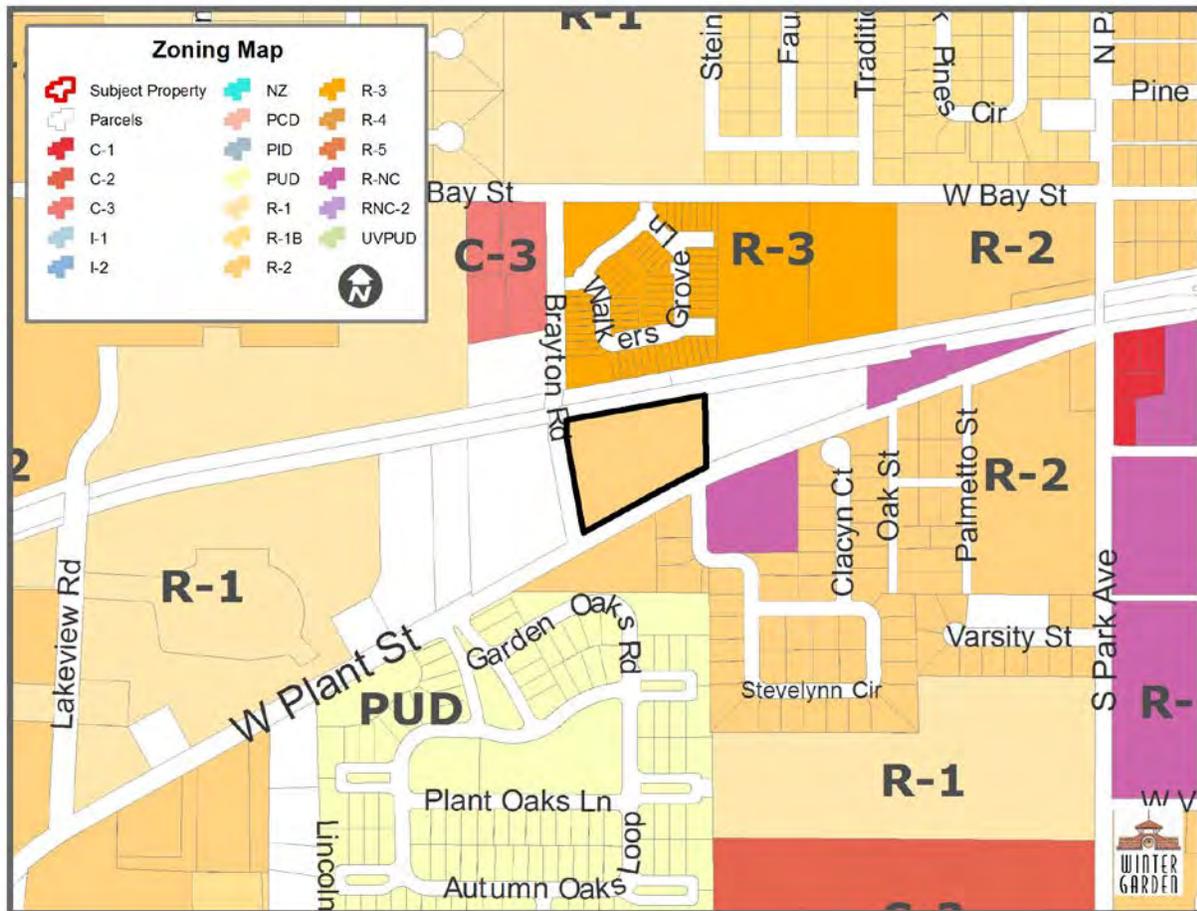
SUMMARY

Staff recommends approval of the proposed Ordinance to change the Future Land Use Designation to Low Density Residential. The Low Density Residential Future Land Use Designation would allow the applicant to develop the property in a way that is consistent with the surrounding residential uses.

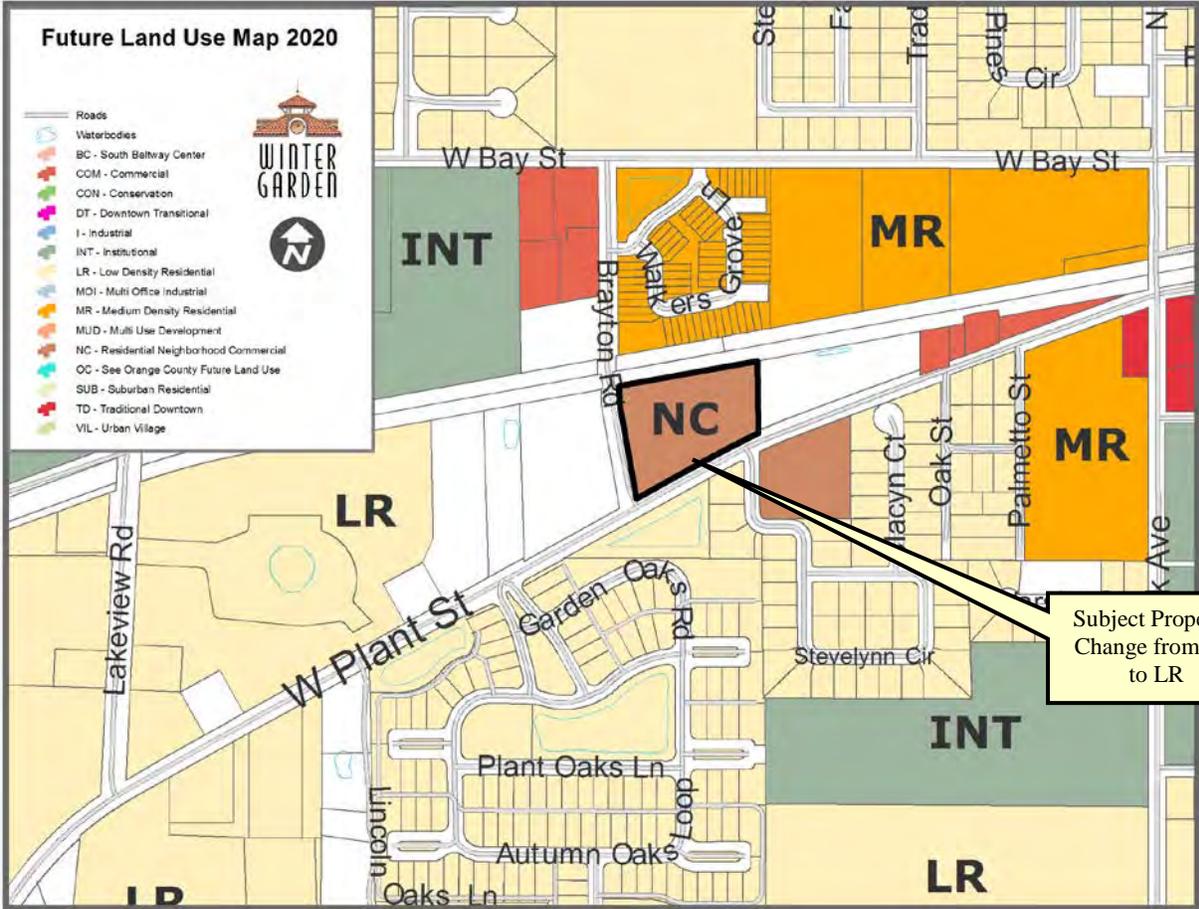
AERIAL PHOTO **707 W Plant Street**



ZONING MAP
707 W Plant Street



FUTURE LAND USE MAP
707 W Plant Street



END OF STAFF REPORT

ORDINANCE 16-71

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 3.07 ± ACRES LOCATED AT 707 WEST PLANT STREET ON THE NORTHEAST CORNER OF WEST PLANT STREET AND BRAYTON ROAD FROM CITY RESIDENTIAL-NEIGHBORHOOD COMMERCIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as 3.07 ± acres located at 707 West Plant Street located on the northeast corner of West Plant Street and Brayton 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 Residential-Neighborhood Commercial to Low Density Residential; and

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

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to Low Density Residential 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#: 22-22-27-0000-00-104

LEGAL DESCRIPTION: (PARCEL B)

That part of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 lying between railroad and paved road (Less West 523.2 feet and less packing house lot and less part thereof included in Right of Way to County, per Official Record Book 68, Page 35, Public Records of Orange County, Florida, said Right of Way described as 30 feet on each side of the following: Begin 833.74 feet East of the North 1/4 corner of Section 22, Township 22 South, Range 27 East run South 817.16 feet; thence South 10' East 357.52 feet to Highway 22 9/438 (Less part outside Winter Garden City Limits). Containing 2.25 acres ±

ALONG WITH:

(PARCEL A)

That portion of the following described property:

From the North 1/4 corner of Section 22, Township 22 South, Range 27 East, Orange County, Florida, run East 832.8 feet; thence South at right angles to said line 736.4 feet to a Point of Beginning; thence North 79°38' East along the South line of said Tavares and Gulf Railroad 250 feet; thence S10° 22' East at right angles to said railroad 100 feet; thence South 79°38' West parallel to South line of said railroad 150 feet; thence South 10°19' East 277.2 feet to State Road #22; thence South 75°44' West along said State Road 100 feet; thence North 10°22' West at right angles to said railroad 384 feet to the Point of Beginning. Less road rights-of-way. Containing 0.82 acres ±

All being more particularly described as follows:

COMMENCING at the North 1/4 corner of Section 22, Township 22 South, Range 27 East, Orange County, Florida, run East along the North line of said Section 22 for a distance of 833.74 feet to a point on the centerline of Brayton Road; thence run South 00°58'00" East along said centerline of Brayton Road for a distance of 760.92 feet; thence departing said centerline run North 79°35'15" East for a distance of 30.41 feet to a point on the Easterly right-of-way line of said Brayton Road and the Southerly right-of-way line of Former CSX Railroad and the POINT OF BEGINNING; thence continue North 79°35'15" East along the said Southerly right-of-way line of Railroad for a distance of 210.42 feet; thence run North 79°35'27" East along said Southerly right-of-way line of Railroad for a distance of 254.89 feet; thence departing said Southerly right-of-way line run South 00°58'08" East for a distance of 232.09 feet to a point on the Northerly right-of-way line of Plant Street(State Road 438), said point being on a curve concave Southeasterly having a radius of 2395.35 feet; thence run South westerly along said curve and right-of-way line through a central angle of 03° 42'16" an arc length of 154.87 feet for a point of tangency; thence run South 60°56'30" West along said Northerly right-of-way line of Plant Street(State Road 438) for a distance of 231.03 feet; thence continue South 60°56'30" West along said Northerly right-of-way line of Plant Street(State Road 438) for a distance of 73.49 feet to a point on the aforesaid East right-of-way line of Brayton Road; thence run North 10°22'00" West along said East right-of-way line for a distance of 312.33 feet; thence run North 00°58'00" West along said East right-of-way of Brayton Road for a distance of 587.74 feet to the aforesaid Southerly right-of-way line of Former CSX Railroad and the POINT OF BEGINNING. Containing 3.07 acres, more or less.

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: September 30, 2016 **MEETING DATE:** October 3, 2016

SUBJECT: 605 & 755 E. Plant Street & 290 E. Newell Street – (PUD REZONING)
PROJECT NAME Heritage at Plant Street PUD
PARCEL ID# 14-22-27-0000-00-012; 14-22-27-0000-00-016;
14-22-27-5656-01-391

ISSUE: Applicant is requesting to rezone 16.66 +/- acres of land at 605 & 755 E. Plant Street & 290 E. Newell Street to Planned Unit Development.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: M.I. Homes of Orlando, LLC

CURRENT ZONING: R-1 Single-Family Residential & R-2 Residential

PROPOSED ZONING: PUD Planned Unit Development

CURRENT FLU: DT Downtown Transitional

PROPOSED FLU: N/A

SUMMARY:

City Staff recommends approval of the proposed Ordinance. Rezoning the subject property from City R-1 & R-2 to City PUD is consistent with the Code of Ordinances, the Future Land Use Map, the City's Comprehensive Plan, and the surrounding property uses. (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 16-72, rezoning 16.66 +/- acres located at 605 & 755 E. Plant Street & 290 E. Newell Street from City R-1 & R-2 to City PUD.

NEXT STEP(S):

First reading by City Commission is scheduled for October 13, 2016, with second reading and adoption anticipated to be on October 27, 2016.

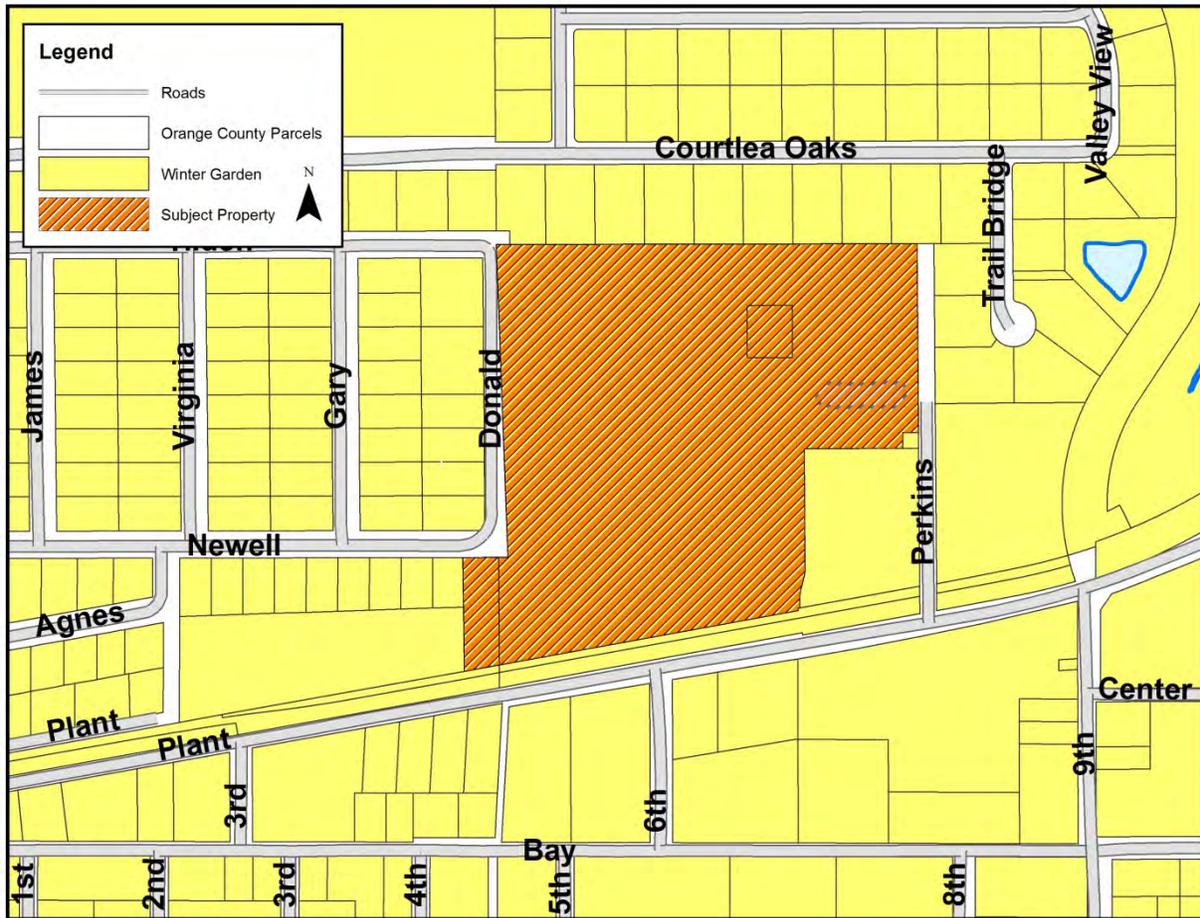
ATTACHMENT(S):

Location Map
Staff Report
Ordinance 16-72

LOCATION MAP

Heritage at Plant Street
605 E Plant St

PUD REZONING



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

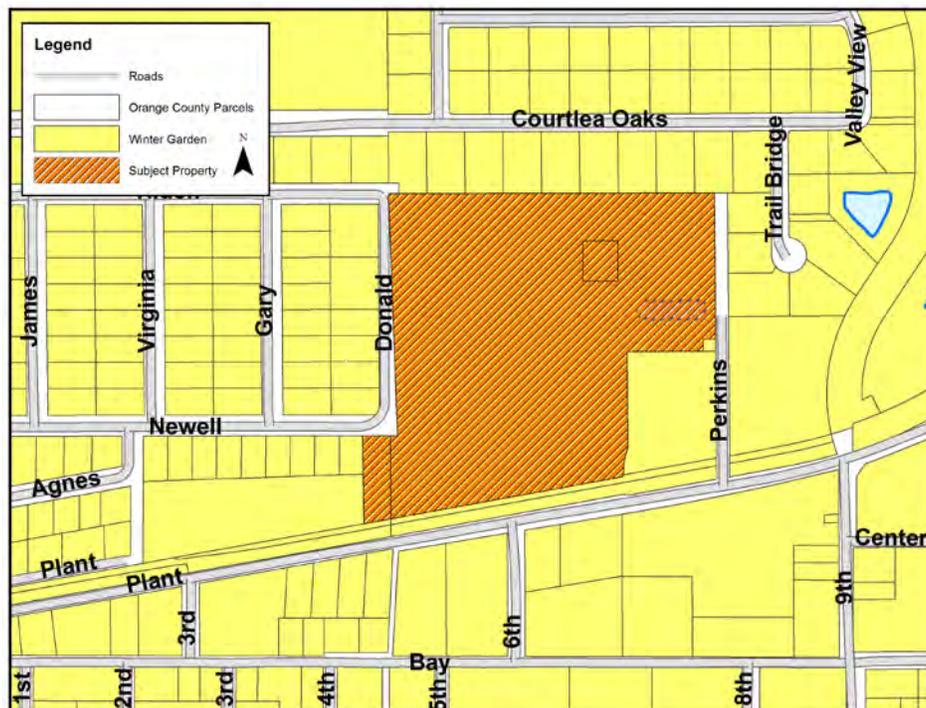
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: September 29, 2016
SUBJECT: PLANNED UNIT DEVELOPMENT REZONING (ORDINANCE 16-72)
605 & 755 E. Plant Street & 290 E. Newell Street (16.66 +/- ACRES)
Parcel ID# 14-22-27-0000-00-012; 14-22-27-0000-00-016;
14-22-27-5656-01-391

APPLICANT: M.I. Homes of Orlando, LLC

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations, Comprehensive Plan, and Future Land Use Map. The subject property, located north of East Plant Street, east of Donald Drive, and west of Perkins Street and is approximately 16.66 ± acres in size. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property is located within the City of Winter Garden municipal limits and carries the zoning designation R-1 (Single Family Residential District) and R-2 (Residential District). The subject property is designated DT (Downtown Transitional) on the Future Land Use Map of the Comprehensive Plan. The applicant is requesting to rezone the 16.66 ± acre property to PUD (Planned Unit Development).

EXISTING USE

The subject property currently contains several structures that remain from when the land was used for citrus production. There are several metal buildings located on site with associated parking areas and utility infrastructure. The remaining property contains remnant citrus groves, which are in poor condition. There is also an existing drainage pond on the property, which is currently utilized by both the subject property and the library parcel to the west.

ADJACENT LAND USE AND ZONING

The adjacent properties include a parcel to the east of the subject property at 805 East Plant Street, which is zoned R-1 and contains the Winter Garden branch of the Orange County library system. To the north of the subject property are a series of single-family residential lots that are part of the Courtlea Oaks subdivision, which are zoned R-1. There are also a series of single-family residential properties located to the west of the subject property across from Donald Drive, which are zoned R-2. There is also a West Orange Trail facility and recreation area property located to the west at 455 East Plant Street. This property is also zoned R-2. To the south of the subject property are four parcels zoned I-2 and located at 606, 640, 646, and 730 East Plant Street. The contents of these parcels include office buildings and a metal warehouse building. There is also a vacant City-owned property zoned C-2 located to the south at 848 East Plant Street. All of the adjacent properties are located within the City of Winter Garden's jurisdictional limits.

PROPOSED USE

The developer intends to purchase the subject property and construct 43 new townhomes and 41 single family residences. A portion of the townhomes (25 out of the proposed 43) will be permitted to build a granny flat above the detached garage. The project will include associated streets and vehicular alleys, pedestrian walks, entrance design features, a centrally-located recreation area with a swimming pool, a golf cart access path, retention ponds with fountain features, perimeter fencing, and other site improvements.

COMMUNITY MEETINGS

There have been two community meetings held in the City Commission Chambers to discuss the proposed PUD rezoning with surrounding property owners. In the first meeting, held on January 20, 2016, one of the major concerns voiced by attendees was the appropriateness of building an all-townhome development when the surrounding properties to the north and west of the subject property contain single-family residences, some of which are situated on large lots. The neighbors were concerned that the development would be much denser than surrounding uses – the original proposal included 108 townhome units - and they were also curious about how the development would affect their property values. Buffering options were discussed, as was the

additional traffic that the development would bring to East Plant Street.

In the second community meeting, held on March 29, 2016, the developer presented a revised plan that eliminated more than half of the proposed townhomes and replaced them with single-family residences on the north side of the subject property. The plan showed 50 single family lots at the meeting, and this number was ultimately reduced further to 41 single family lots. The south side of the property, which is closer to the mixed commercial and industrial uses located across East Plant Street, continued to feature townhome units (43 total units). A new enhanced buffer – 30' wide landscape area with a solid perimeter wall- was added to the north side of the property to buffer the large-lot residential properties from the development. Additionally, the east and west boundaries received landscape buffering along with a perimeter fence. The revised plan was received more positively by the attendees, and the developer reassured the residents that any future design decisions would emphasize the goal of not negatively impacting the surrounding residential properties.

APPROVAL CRITERIA

In accordance with the City's Comprehensive Plan and Land Development Regulations, a proposed planned unit development and its associated preliminary development plan may be approved only after competent, substantial evidence has been presented which allows the following determinations to be made: (staff conclusions/findings are underlined)

- (1) The proposed PUD is consistent with the land development regulations, comprehensive plan and the future land use map;

The proposed PUD is consistent with the City's land development regulations, comprehensive plan, and the future land use map. See other portions of this report concerning consistency with the land development regulations. PUD Zoning is permitted within the Downtown Transitional (DT) Future Land Use Designation.

- (2) The proposed PUD will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;

The proposed PUD project will not deprive or prevent adjacent property owners of any rights or abilities to enjoy or continue existing uses of their property or to develop their property in accordance with the city's land development regulations and comprehensive plan goals, objectives, and policies. Further, in accordance with land development regulations and the comprehensive plan, where appropriate, the proposed PUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of both landscaping and perimeter walls/fencing to create a visual screen or block views into the development completely. The buffer to the north of the subject property, adjacent to the Courtlea Oaks residential subdivision, will consist of a 30' dense landscape screen in front of an opaque perimeter wall that runs the length of the northern property line. The east and west PUD boundaries will have a 10' wide landscape screen with a 6' tall aluminum fence. The south property line, adjacent to East Plant Street, will have an ornamental 4' high aluminum fence with a series of pedestrian gates for townhome owners to access their front doors.

- (3) Adequate public infrastructure facilities and water and sewer service to support the development of the proposed PUD are available or an agreement or binding conditions have

been established that will provide these facilities, improvements and services in a reasonable time frame;

The existing potable water flow pressure of the City's utility system within the surrounding area is sufficient to support the development of the subject property. The property is not currently a utility customer of the City of Winter Garden, although potable water and wastewater lines are available to serve the property. At such time that the property is developed, additional utility connections may need to be made to serve the new townhomes and single family buildings. All extension and connection costs shall be borne by the property owner. In addition, although reclaimed water service is not currently available for the property, the developer must make provisions to allow the residents to easily hook up to the City's reclaimed service in the future once it becomes available.

Prior to any board approvals, a Developer's Agreement detailing the obligations of the developer associated with the proposed PUD may be required. The requirement for a Developer's Agreement will be determined during the Final Engineering review.

- (4) The proposed PUD will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area;

The proposed PUD project is consistent with the comprehensive plan's goals, objectives and policies for the Downtown Transitional future land use designation; the PUD zoning criteria; and the City's land development regulations. The proposed PUD project features a density of +/- 5.04 dwelling units per acre (+/- 6.54 including the 25 optional granny flat units) which is lower than the maximum density of 10 dwelling units per acre permitted within the Downtown Transitional future land use designation.

The proposed PUD is not premature or presently out of character in relationship to the surrounding area. The subject property is located on East Plant Street, less than a quarter mile from the City's Historic Downtown, which features a range of uses- commercial, residential, institutional, mixed-use, etc. – all of which are located within close proximity to each other. The subject property itself is surrounded by a broad range of different building types and land uses - residential to the north and west, institutional to the east, and mixed commercial & industrial to the south. To reflect the diversity of the area and the policies contained in the Comprehensive Plan, the development will include higher density residential townhomes, (with optional above-garage granny flat for those townhome units that front on East Plant Street) fronting East Plant Street to the south in order to incorporate features similar to the attributes and characteristics in the historic downtown. The northern portion will feature single-family residential homes on +/- 50' wide lots, which will help the area transition seamlessly into the larger single-family residential neighborhoods found to the north of the subject property.

- (5) The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment; and

The zoning designations permitted within the Downtown Transitional future land use designation include Planned Unit Development. Further, in accordance with land development regulations and the comprehensive plan, where appropriate, the proposed PUD will provide for adequate buffering against adjoining properties and rights-of-way

in the form of both landscaping and perimeter walls/fencing to create a visual screen or block views into the development completely (please see response #2 for more details). The new development should not interfere with the adjacent property owner's reasonable expectation of use or enjoyment.

- (6) There is availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed PUD and the surrounding area, or an agreement or binding conditions have been established that will provide such transportation facilities to support said traffic in a reasonable time frame.

The adjacent street- East Plant Street – has sufficient capacity to support the traffic generated by the development. In order to minimize potential traffic conflicts, the property will have right and left turn exiting lanes with 12' minimum pavement width. The developer will also provide new sidewalk connections to East Plant Street, as well as a new golf cart path that connects to Donald Drive. The subject property is also located directly north of the West Orange Trail, to which recreational trail users in the development will have direct access.

- (7) The degree of departure or conformity of the proposed PUD with surrounding areas in terms of character and density.

The proposed PUD project is consistent with the comprehensive plan's goals, objectives and policies for the Downtown Transitional future land use designation, the PUD zoning criteria, and land development regulations. As stated above, the proposed PUD features a density of +/- 5.04 dwelling units per acre (+/- 6.54 including the 25 optional granny flat units), which is lower than the maximum density of 10 dwelling units per acre permitted within the Downtown Transitional future land use designation. This is consistent with the Comprehensive Plan policy for the Downtown Transitional FLU.

- (8) Compatibility of uses and improvements within the PUD and the relationship with surrounding existing or proposed developments.

The proposed PUD project integrates several elements that provide for cohesion between existing and proposed uses surrounding the property. The project includes connections to the existing sidewalk along East Plant Street as well as the West Orange Trail. The subdivision's entrance will feature two plaza areas with vine-covered arbors, which can be used by passing pedestrians and bikers to enjoy and momentarily escape the sun. The project will also include the preservation of open space areas in accordance with City Code requirements for common open space. Overall, the PUD features residential uses that are consistent with the eclectic, mixed-use character that can be found in this downtown-adjacent area. The townhomes that front on East Plant Street feature pedestrian connections to the adjacent sidewalk, which encourages pedestrian activity and increases the vibrancy of the area.

- (9) Prevention of erosion and degrading or enhancement of the surrounding areas.

The proposed PUD project will not erode or degrade the environmental quality of the surrounding area. To the greatest extent possible, stormwater management features will be designed as landscape amenities. Proper erosion and sedimentation control measures will be taken during the construction process.

- (10) Provision for recreation facilities, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

The PUD must comply with the open space requirements of City Code as well as any recreation requirements for residential developments. The project currently complies both with the City's open space requirements and recreation requirements. The development will include a 1.176 acre recreation area with a swimming pool and community gathering space, which will encompass 7.06% of the total site area (5% is required). Additionally, there will be a combined 5.845 acres of total shared open space, which will encompass 35.08% of the total site area (20% is required).

Stormwater management for the proposed PUD project will be provided in on-site stormwater management areas to satisfy the City of Winter Garden, St. John's Water Management District and strict requirements of the Wekiva Study Area criteria.

- (11) The nature, intent and compatibility of any common open space, including the proposed method for the maintenance and conservation of the common open space.

The proposed PUD project will comply with the City's requirements for open space (20% per code section 118-923). The open spaces will be designated as platted tracts dedicated to the Heritage at Plant Street Homeowners Association, which will own and maintain them.

- (12) The feasibility and compatibility of the specified stage(s) or phase(s) contained in the preliminary development plan to exist as an independent development.

The PUD is anticipated to be built in one phase. However, if the developer decides to phase the project, each phase of development of the proposed PUD project must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.

- (13) The availability of existing or planned reclaimed water service to support the proposed PUD.

Reclaimed water capacity is not currently available to serve the property on which the PUD is proposed to be developed. The project must make provisions for connecting to reclaimed lines at a later time when they are available to serve the property. All utility lines that are presently available (water and sewer) will be connected to serve the development, and all connection costs shall be borne by the property owner.

- (14) The benefits within the proposed PUD development and to the general public to justify the requested departure from standard land use requirements inherent in a PUD classification.

The proposed PUD includes the requirement that the architecture meet a certain level of design and material quality, as well as exhibit aesthetic harmony with surrounding properties. The project will provide much-needed residential space to a downtown-adjacent area, increasing the diversity of housing types. The townhomes will provide new dwelling options that emphasize walkability and pedestrian activity, which will help create a more vibrant downtown-adjacent area.

- (15) The conformity and compatibility of the proposed common open space, residential and/or nonresidential uses within the proposed PUD.

As stated previously, the proposed PUD project will comply with the City's requirements for open space (20% per code section 118-923). The proposed residential uses will exist harmoniously within the context of the Winter Garden transitional downtown area.

(16) Architectural characteristics of proposed residential and/or nonresidential development.

A variety of architectural requirements have been incorporated into the residential building standards in the proposed PUD project including requirements for architectural character, varying building massing, recessing garages and incorporating front porches, separating similar single-family building models, building articulation and theming, entry features, and signage.

(17) A listing of the specific types of nonresidential uses to be allowed.

No nonresidential uses are permitted in this development.

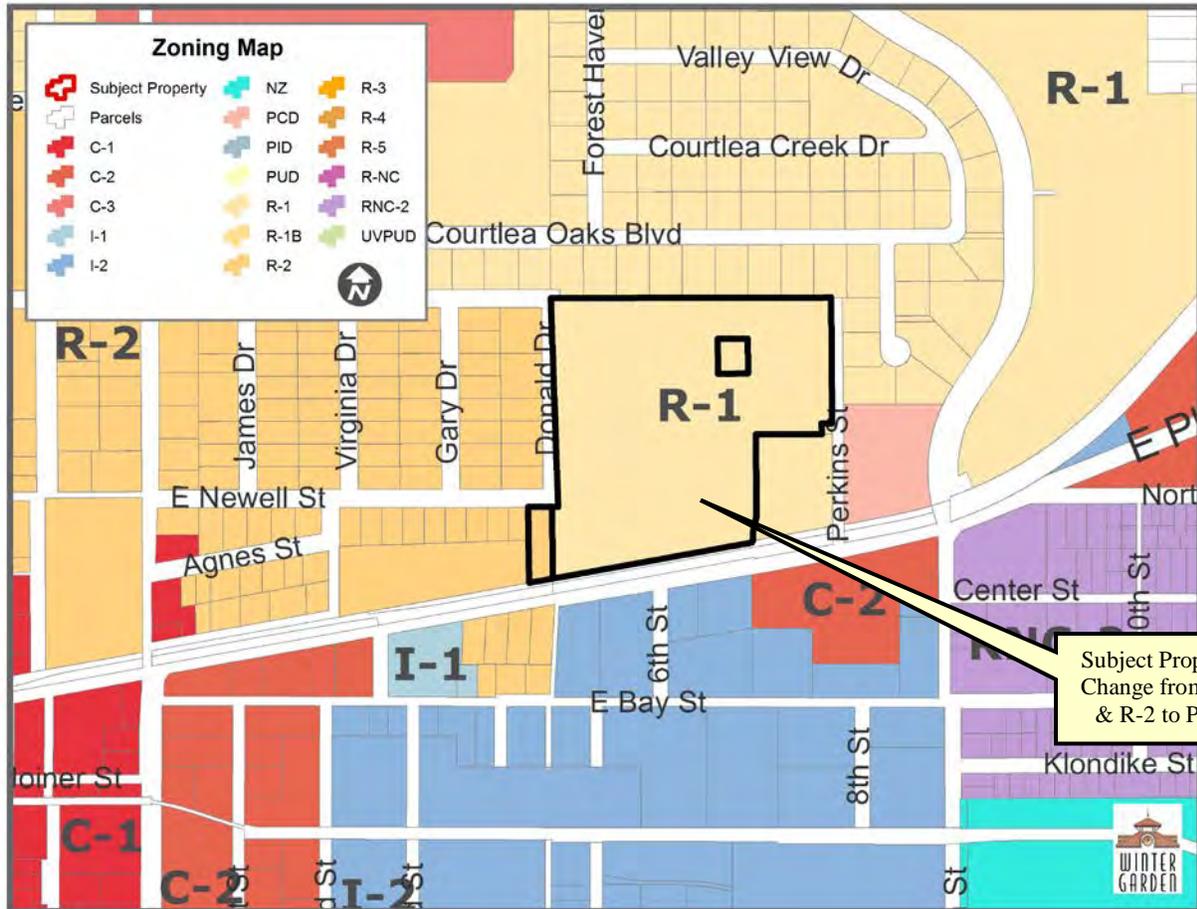
SUMMARY

City Staff recommend approval of the proposed Ordinance 16-72. Rezoning the subject property from City R-1 & R-2 to City PUD is consistent with the City's Comprehensive Plan, Future Land Use Map and land development regulations, and is consistent with the trend of development in the area.

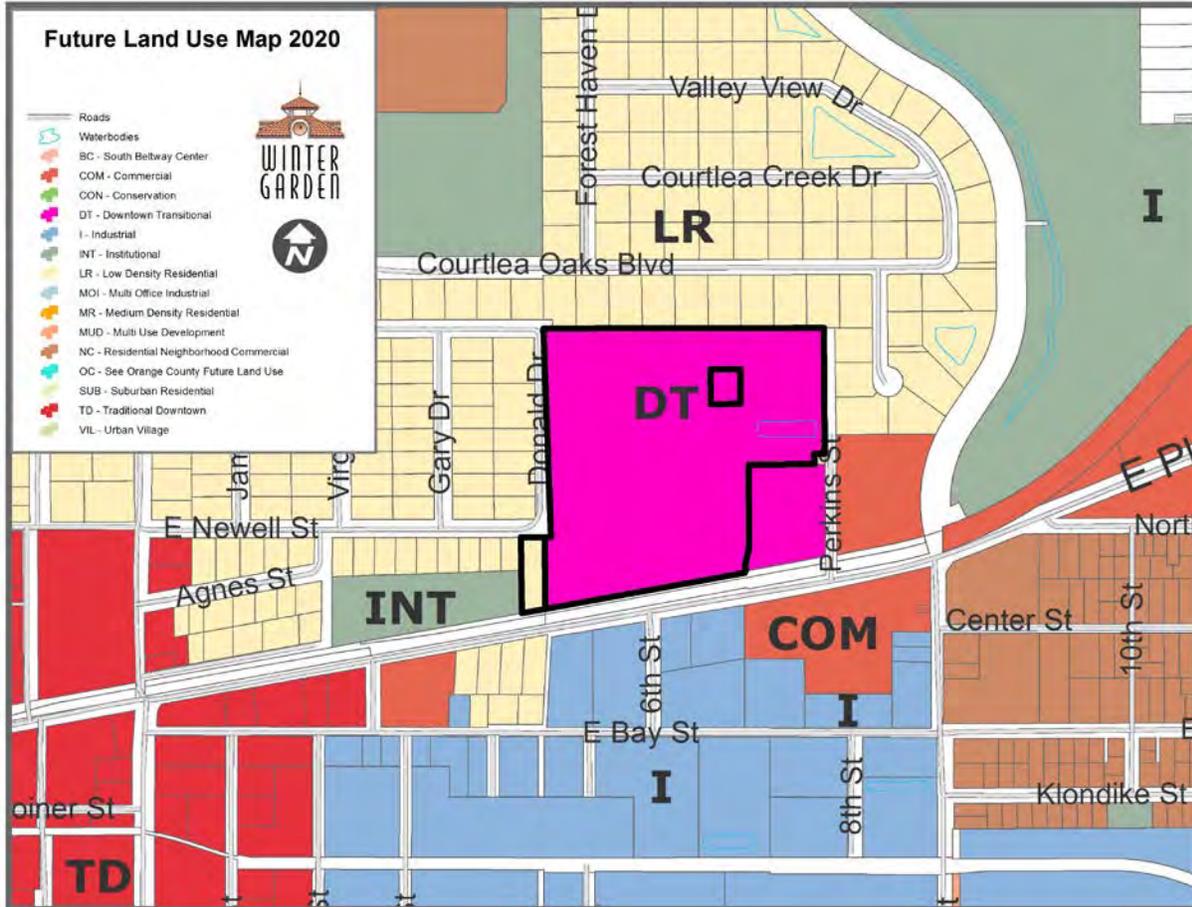
AERIAL PHOTO
605 & 755 E. Plant Street & 290 E. Newell Street



ZONING MAP
605 & 755 E. Plant Street & 290 E. Newell Street



FUTURE LAND USE MAP
605 & 755 E. Plant Street & 290 E. Newell Street



END OF STAFF REPORT

ORDINANCE 16-72

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 16.66 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST PLANT STREET, EAST OF DONALD DRIVE, AND WEST OF PERKINS STREET AT 605 & 755 EAST PLANT STREET AND 290 EAST NEWELL STREET, FROM R-1 (SINGLE-FAMILY RESIDENTIAL) AND R-2 (RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE HERITAGE AT PLANT STREET PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner(s) of real property generally described as approximately 16.66 ± acres of certain real property generally located north of East Plant Street, east of Donald Drive, and west of Perkins Street in Winter Garden, Florida, being more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from R-1 (Single-Family Residential) and R-2 (Residential) to PUD (Planned Unit Development), and

WHEREAS, the Planning and Zoning Board has considered this Ordinance and made a recommendation to the City Commission concerning its adoption; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, and the land development regulations set forth in the City of Winter Garden Code of Ordinances; and

WHEREAS, based on competent substantial evidence in the record, the requested rezoning set forth in this Ordinance meets all applicable criteria specified in the City of Winter Garden Comprehensive Plan and the Code of Ordinances; Now therefore;

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

SECTION 1: Rezoning. After due notice and public hearing, the zoning classification of the Property, as described in Exhibit “A” attached hereto, is hereby rezoned from R-1 (Single-Family Residential) and R-2 (Residential) to PUD (Planned Unit Development) in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

- a. **Conceptual Plan-** All development on the Property must substantially

conform to the requirements identified in the Heritage at Plant Street Planned Unit Development Plan attached hereto as Exhibit "B." Should any conflict be found between this Ordinance and the Heritage at Plant Street Planned Unit Development Plan attached hereto as Exhibit "B", then the standards and conditions established by this Ordinance shall control.

- b. Zoning-** Unless specifically noted elsewhere in Exhibit "B" attached hereto, or expressly provided for herein, all development on the Property must comply with the general zoning requirements of the Planned Unit Development zoning district as they pertain to properties that have primary residential uses. These requirements include any approval procedures of the Planned Unit Development zoning district.
- c. Permitted Uses-** The permitted uses for the subject property are as follows:

 - 1. Permitted primary structures and uses:

 - a) Townhomes.
 - b) Single-family residences.
 - 2. Permitted accessory structures and uses:

 - a) Detached garages for townhome units, with or without second-story granny flats. Only the 25 townhome units that front on East Plant Street are permitted to build above-garage granny flats. All of these units must be constructed at the same time as the original primary structure, and the units must comply with all Fire and Building Codes.
- d. Special Exception Uses-** There are no special exception uses for the subject property.
- e. Prohibited Uses-** The prohibited uses for all areas of the subject property are as follows:

 - 1. All uses prohibited by Sec. 118-858(5), City of Winter Garden Code of Ordinances.
 - 2. All uses not specifically permitted in this Ordinance; any use not in keeping with a transitional downtown neighborhood character
 - 3. Other than those listed as permitted above, accessory buildings and structures are not permitted for individual residential lots, unless the improvement is a driveway, bird bath, decorative pond, or at-grade patio.
- f. Design Criteria/Architectural Standards-**

 - 1. **Architectural Standards-**

 - a) All development on the Property must maintain the same

general design criteria and architectural characteristics as the images attached hereto as Exhibit "C".

- b) The rear and side elevations must have the same façade features as the front.
 - c) Two versions of the same single family house model may not be located next to and/or directly across the street from one another.
2. **Maximum Building Height-** The maximum building height shall not exceed 35 feet or two stories, except for lots 53 and 73, which are limited to a single story building.
3. **Minimum Living Area-** Minimum living area for each primary residential unit shall be 1,000 square feet.
4. **Signage-** All signage shall be reviewed and permitted by the City of Winter Garden, subject to the requirements of Chapter 102.
5. **Setbacks and Required Yards-** The minimum setback distances are as follows:
- a) Townhome Units:
 - Front: 15'
 - Side: 0'
 - Rear: 4'
 - PUD Boundary: 25'
 - Distance between townhome buildings: 20'
 - b) Single Family Residential:
 - Front: 20'
 - Front Porch: 12.5'
 - Side: 5'
 - Side Street: 15'
 - Rear: 10' (5' for lots 44 & 45 only)
 - PUD Boundary: 25'
6. **Impervious Surface Area Ratio-** The maximum impervious surface area ratio for the Property shall be consistent with the overall maximum impervious surface area ratio that the Planned Unit Development is permitted by Saint John's River Water Management District.
- g. **Staff Conditions-** All development on the Property must comply with the following staff conditions:
- 1. The entrance on Plant Street shall have right and left turn exiting lanes – 12' minimum pavement width.

2. Tree removal shall adhere to the City's Tree Protection Ordinance – separate review, approval, and permit is required. Additional landscaping and tree replacement will be required to be included with the final engineering set.
3. Walls and landscaping shall be located within a landscape and wall tract, to be maintained by the HOA.
4. Streets shall be public, with the alleys owned and maintained by the HOA.
5. Five foot wide side building setbacks will only be allowed provided that no obstructions of any kind are allowed within the 5 foot setback area. Five foot wide drainage and utility easements on side and rear lot lines and 10' drainage, utility & sidewalk encroachment easement are required adjacent to rights-of-way.
6. A Right-of-Way maintenance agreement for landscaping, irrigation, medians, signs, special pavements, etc. within City rights-of-way will be required if any of these improvements are within City Right-of-Way.
7. The existing lift station and discharge force main shall be examined/analyzed for capacity with the new development. Any upgrades required will be at the Developer's expense.
8. Existing utility and access easements shown on the Boundary Survey shall be vacated or extinguished prior to final plat recording.
9. West Orange Trail Right-of-Way is owned by the City of Winter Garden with an easement to Orange County for the Trail. Orange County Parks & Recreation shall review and approve the crossing over the Trail, prior to construction. Additional details shall be provided on the final construction plans to prevent vehicular access to the Trail; signage; etc.
10. Turn lanes, etc. will be reviewed further during the preliminary plat and final construction plan phases.
11. Utilities: Minimum 8" potable water (internal), 8" reuse water, and minimum 6" sanitary force main are required. All water lines shall be looped.
12. More detailed soil borings in roadway and pond are required to be submitted with Final Engineering.
13. All broken, cracked or damaged curbs, sidewalks or pavement along the perimeter of the project shall be inspected at the final inspection and replaced as necessary by the Developer/Contractor.
14. Streetlighting both internally and on all street frontages is required pursuant to City Code – dark skies lighting is required.

15. The applicant is required to pay for the undergrounding of the overhead utility lines along East Plant Street.
16. The Owner Design Engineer and Contractor are responsible for meeting all provisions of ADA and Florida Accessibility Code.
17. All work shall conform to City of Winter Garden standards and specifications.
18. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
19. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others, including by way of any development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
20. Final engineered plans shall be submitted, reviewed and approved by the City prior to construction. Approval by the Planning & Zoning Board (Re-zoning; Pre-plat) and City Commission will be required prior to issuance of site or building permit(s)
21. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of 2.25% of the cost of all site improvements shall be paid prior to issuance of the building permit.

SECTION 2: *General Requirements.*

- a. **Development Agreement-** If deemed necessary by City Staff, a Development Agreement shall be drafted, approval obtained and recorded prior to approval of any site or building permits for the Property.

- b. **Stand Alone Clause-** Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.
- c. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.
- d. **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.
- e. **Expiration/Extension-** Expiration of this PUD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

SECTION 3: 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 4: Non-Severability. Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 5: Effective Date. This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2016.

SECOND READING AND PUBLIC HEARING: _____, 2016.

ADOPTED this _____ day of _____, 2016, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Exhibit "A"

PARCEL ID(s): 14-22-27-0000-00-012; 14-22-27-0000-00-016; 14-22-27-5656-01-391

LEGAL DESCRIPTION:

PARCEL NO. 14-22-27-0000-00-012 & PARCEL NO. 14-22-27-0000-00-016

PARCEL 1:

That part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township 22 South, Range 27 East, lying North of the Atlantic Coast Line Railroad right-of-way LESS the East 393.75 feet thereof, Also less and except the following description: Begin at the Southwest corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section Fourteen (14) aforesaid; run North 1326.3/4 feet to Northwest corner of Southeast Quarter (SE 1/4) of Southeast Quarter (SE 1/4) of said Section Fourteen (14). Return to the same beginning point; run Northeasterly 406 feet to a point 24 feet East of the West line of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section Fourteen (14) aforesaid; thence North 264 feet to a point which is 670 feet from the Point of Beginning and is 21.5 feet East of the West line of Southeast Quarter (SE 1/4) of Southeast Quarter (SE 1/4) of said Section Fourteen (14) aforesaid; thence Northwesterly 659 feet to the Northwest corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section Fourteen (14).

LESS THAT PART DEEDED TO THE ORANGE COUNTY LIBRARY DISTRICT IN DEED RECORDED JANUARY 31, 2002 IN BOOK 6446, PAGE 4902;

LESS THAT PART DEEDED TO CITY OF WINTER GARDEN FOR LIFT STATION IN DEED RECORDED FEBRUARY 6, 2006 IN BOOK 8466, PAGE 366.

PARCEL 2:

That part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township 22 South, Range 27 East, described as follows: Begin 671 feet West and 136.4 feet South of the Northeast corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Fourteen (14) aforesaid; run West 100 feet; thence South 115.6 feet; thence East 100 feet; thence North 115.6 feet to the Point of Beginning.

Together with all right, title and interest in a certain easement and right-of-way (contained in a certain Deed dated February 17, 1953, recorded February 19, 1953, in Deed Book 932, Page 456, Public Records of Orange County, Florida) for ingress and egress over and across a strip of land Twenty (20) . feet in width which is more particularly described as follows:

From the Northeast Corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township 22 South, Range 27 East, run thence West 671 feet, South 252 feet; thence West 65 feet for a point of beginning; from said Point of Beginning run due South to the North right-of-way line of the Atlantic Coast Line Railroad; commence again at the Point of Beginning; run West 20 feet; thence due South to the Northern right-of-way line of the Atlantic Coast Line Railroad.

PARCEL NO. 14-22-27-5656-01-391

PARCEL 3:

Begin 24 feet, Easterly along North right of way line of Atlantic Coast line R.R. from West line of SE 1/4 of SE1/4 of Section 14, Township 22 South, Range 27 East, run North 0 Deg, 32 minutes, West 250 feet, to Point 669.5 feet, South of North line of SE 1/4 of SE 1/4, thence West 100 feet, thence 0 Deg, 32 minutes, East to Atlantic Coast line R.R. right of way, thence Easterly 100 feet to the Point of Beginning.

Exhibit "B"

COVER PAGE

HERITAGE AT PLANT STREET PUD PLAN

(11 PAGES - ATTACHED)



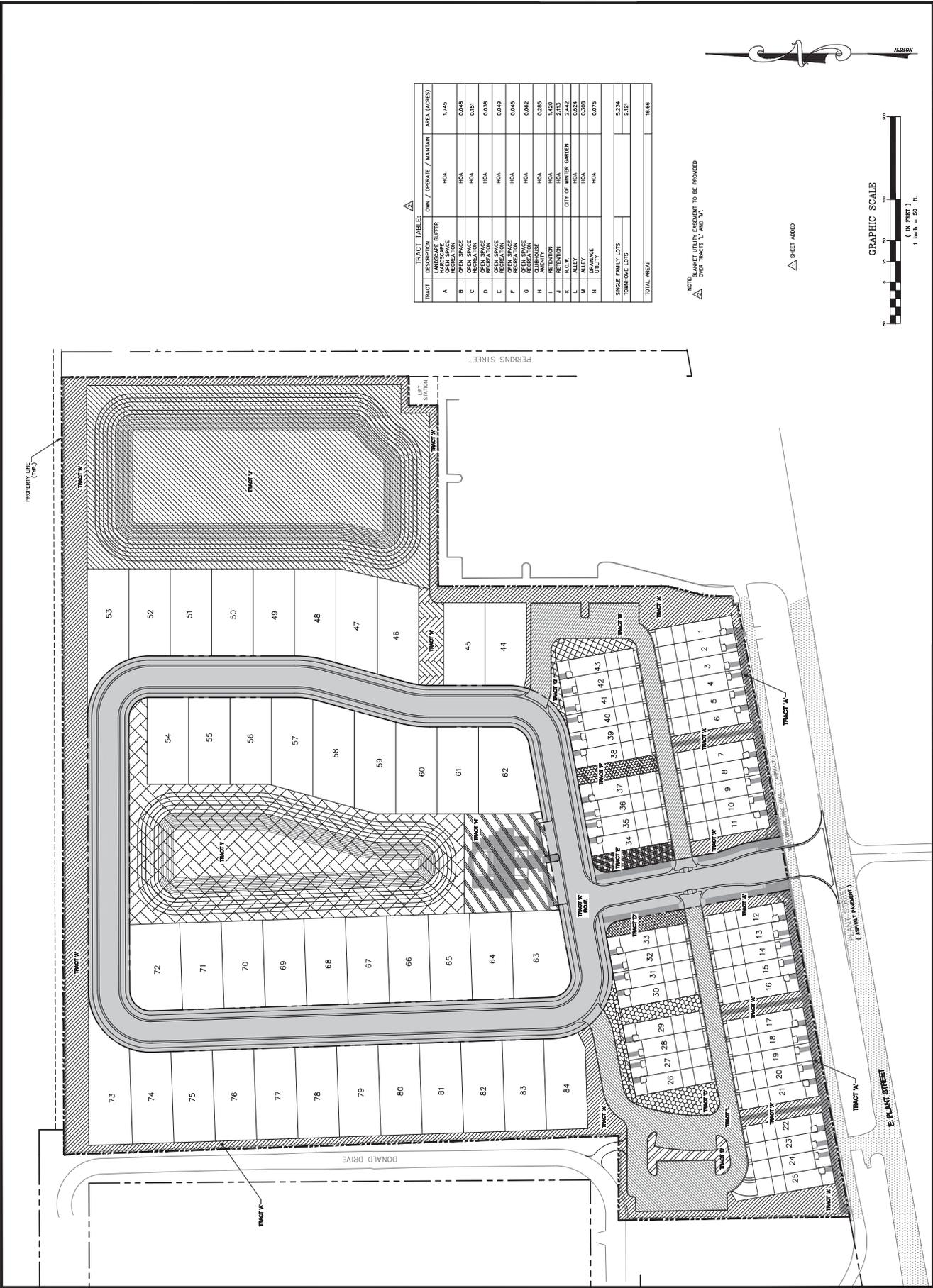
TRACT DESIGNATION PLAN
FOR
HERITAGE AT PLANT STREET
FLORIDA
WINTER GARDEN

M. I. HOMES OF ORLANDO, LLC
400 INTERNATIONAL PARK, SUITE 470
ORLANDO, FL 32809
(407) 551-5133



DATE: 07/20/18
SCALE: 1" = 60'
DRAWN BY: JLS
APPROVED BY: CHL

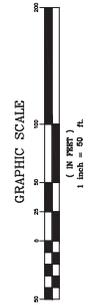
TD-1



TRACT	DESCRIPTION	OWN / OPERATE / MAINTAIN	AREA (ACRES)
A	MANICURE BUFFER	HOA	1.745
B	HANDICAPED PARKING	HOA	0.048
C	OPEN SPACE	HOA	0.151
D	OPEN SPACE	HOA	0.038
E	OPEN SPACE	HOA	0.049
F	OPEN SPACE	HOA	0.045
G	RECREATION	HOA	0.082
H	RECREATION	HOA	0.285
I	RETENTION	HOA	1.400
J	RETENTION	HOA	2.442
K	ALLEY	CITY OF WINTER GARDEN	0.524
L	ALLEY	HOA	0.308
M	UTILITY	HOA	0.075
N	UTILITY	HOA	0.075
SINGLE FAMILY LOTS			5,224
TOWNSHIP LOTS			2,121
TOTAL AREA:			16.66

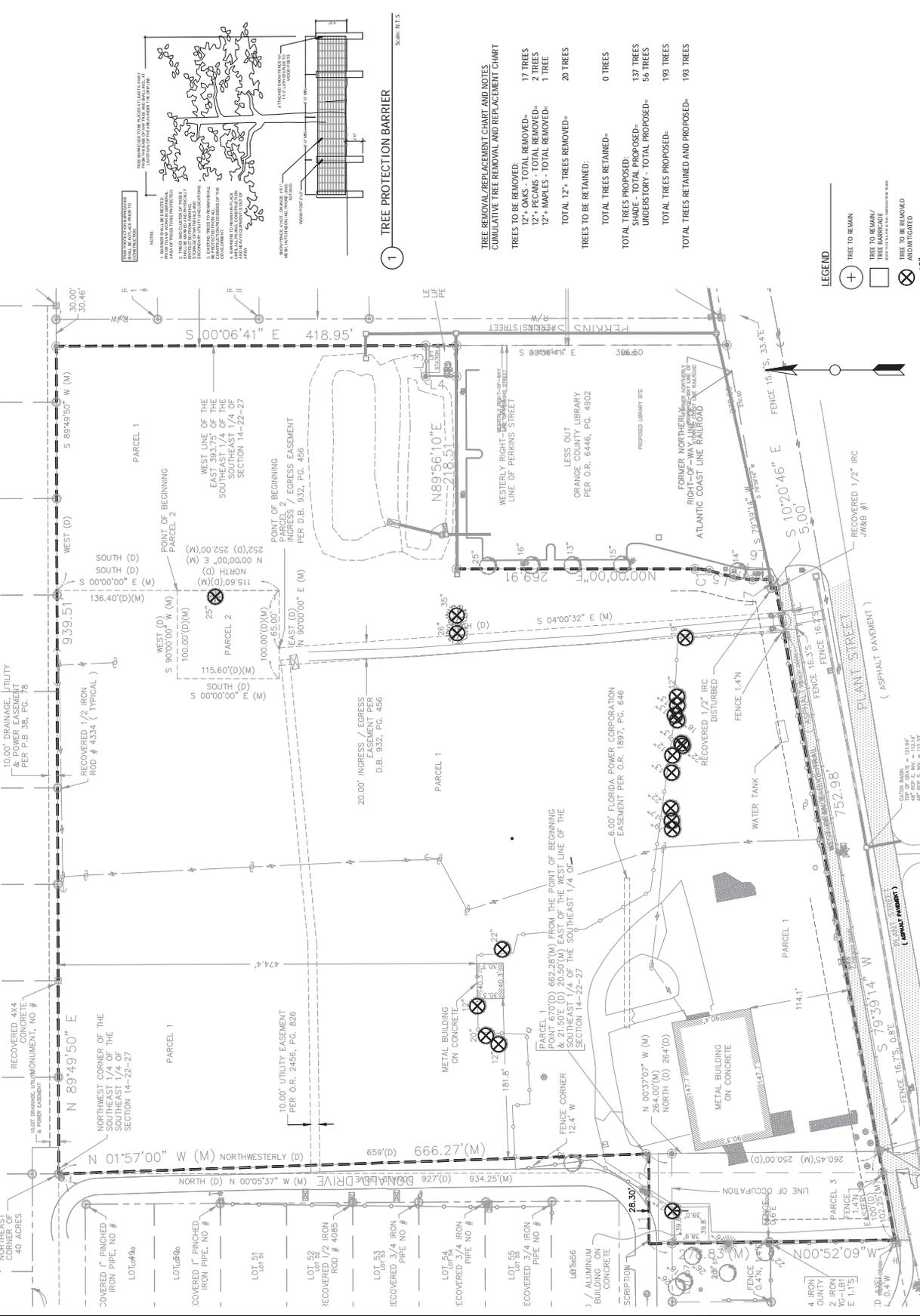
NOTE: UTILITY ALIGNMENT TO BE PROVIDED
OWN TRACTS L, AND M.

△ SHEET ADDED



HERITAGE AT PLANT STREET

WINTER GARDEN, FLORIDA



Copyright 2016, Magley Design. All notes and designs indicated or represented by this drawing remain the property of and are the instruments of service of Magley Design and were developed for use with this specific project. These notes, designs, and plans are not to be used, reproduced, altered or transferred in any manner known by the drawings. Shop details must be submitted to this office for approval prior to fabrication unless otherwise provided for under the specific construction agreement between the landscape architect and the client. The engineer will be responsible for all dimensions and conditions indicated on the drawings. Shop details must be submitted to this office for approval prior to fabrication unless otherwise provided for under the specific construction agreement between the landscape architect and the client.

Exhibit "C"

COVER PAGE

HERITAGE AT PLANT STREET

Design Standards

(10 PAGES - ATTACHED)

Heritage at Plant Street PUD - Entry Concept





Heritage at Plant Street PUD – Buffer Concept



Buffer along north PUD boundary



Buffer along east and west PUD boundaries

Heritage at Plant Street PUD – Single-Family Elevations







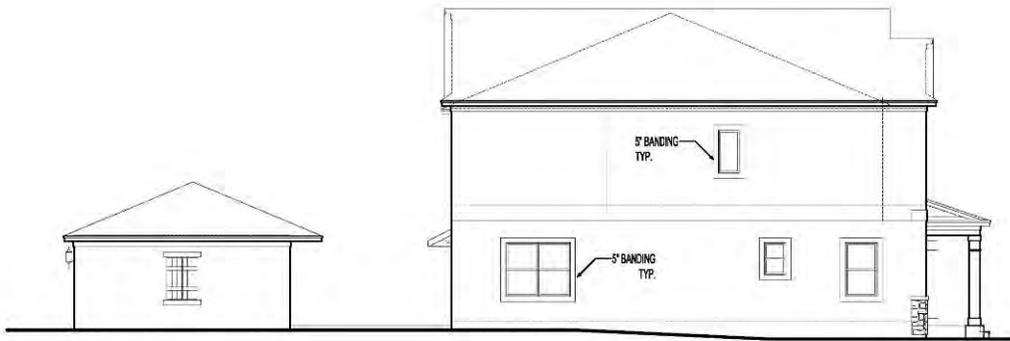




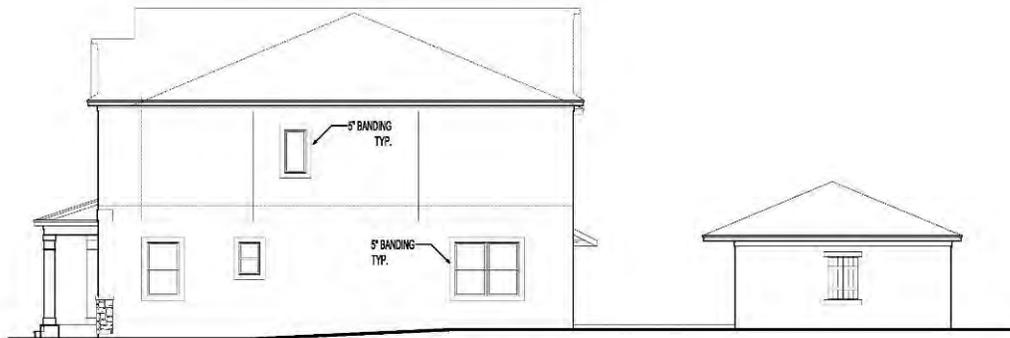
Heritage at Plant Street PUD – Townhome Elevations



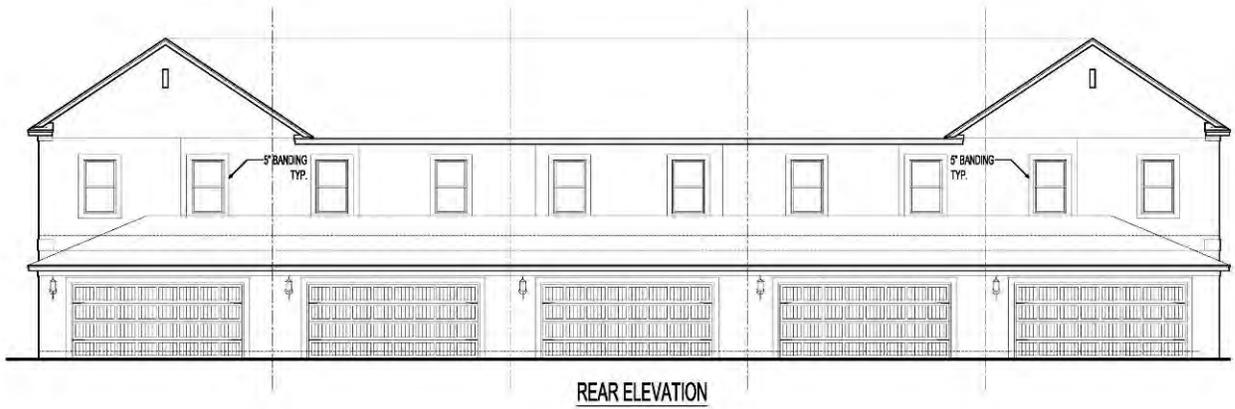
FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

DATE: September 29, 2016 **MEETING DATE:** October 3, 2016

SUBJECT: 602 East Story Road – (ANNEXATION, FLU, ZONING)
PROJECT NAME OCPS Annexation
PARCEL ID# 12-22-27-6496-20-001

ISSUE: The applicant is requesting Annexation, Zoning, and Future Lands Use designation on property located at 602 East Story Road.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Kimberlee Rose and Shirley Smith/Orange County Public Schools

CURRENT ZONING: R-2 (Orange County)

PROPOSED ZONING: R-2

CURRENT FLU: Low Density Residential (Orange County)

PROPOSED FLU: Low Density Residential (City)

SUMMARY:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 8.82 ± acre enclave located at the southwest corner of East Story Road and 9th Street. The applicant has requested Annexation into the City, Initial Zoning of R-2, and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 16-68, Ordinance 16-69, and Ordinance 16-70.

NEXT STEP(S):

A public meeting for the first reading of the ordinances is scheduled for the City Commission on Thursday, October 13, 2016.

ATTACHMENT(S):

Location Map
Staff Report
Ordinance 16-68
Ordinance 16-69
Ordinance 16-70

LOCATION MAP

602 E. Story Road

ANNEXATION, FLU MAP AMENDMENT, REZONING



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

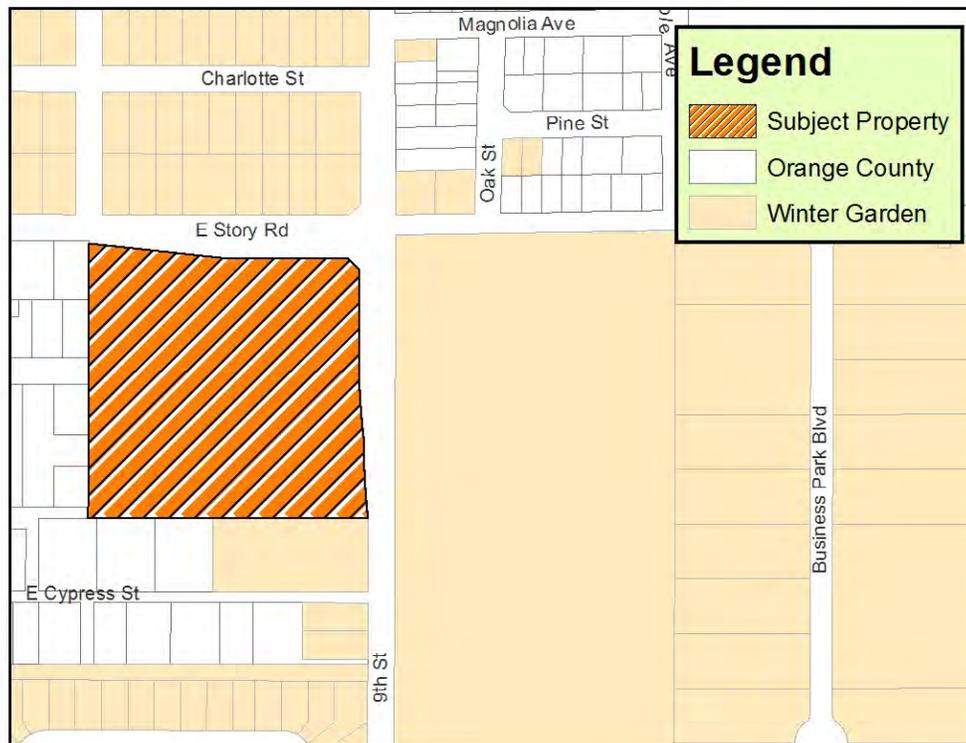
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
DATE: September 29, 2016
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
602 EAST STORY ROAD (8.82 +/- ACRES)
PARCEL ID #: 12-22-27-6496-20-001
APPLICANT: ORANGE COUNTY PUBLIC SCHOOLS

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 602 East Story Road, at the southwest corner of East Story Road and 9th Street and is approximately 8.82 ± acres. The map below depicts the proximity of the subject property to the City’s jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City’s Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-2 Residential District.

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

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

EXISTING USE

The subject property is currently vacant.

ADJACENT LAND USE AND ZONING

The properties located to the north are single-family houses, zoned R-2, and located in Winter Garden. The property located to the east is vacant commercial property, zoned C-2, and located in Winter Garden. The property to the south is commercial property, zoned C-2, developed with the American Legion, and located in Winter Garden. The properties to the west are developed with the single-family homes, zoned R-2, and located in unincorporated Orange County.

PROPOSED USE

The applicant intends to annex the property and develop the property with a new elementary school.

PUBLIC FACILITY ANALYSIS

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

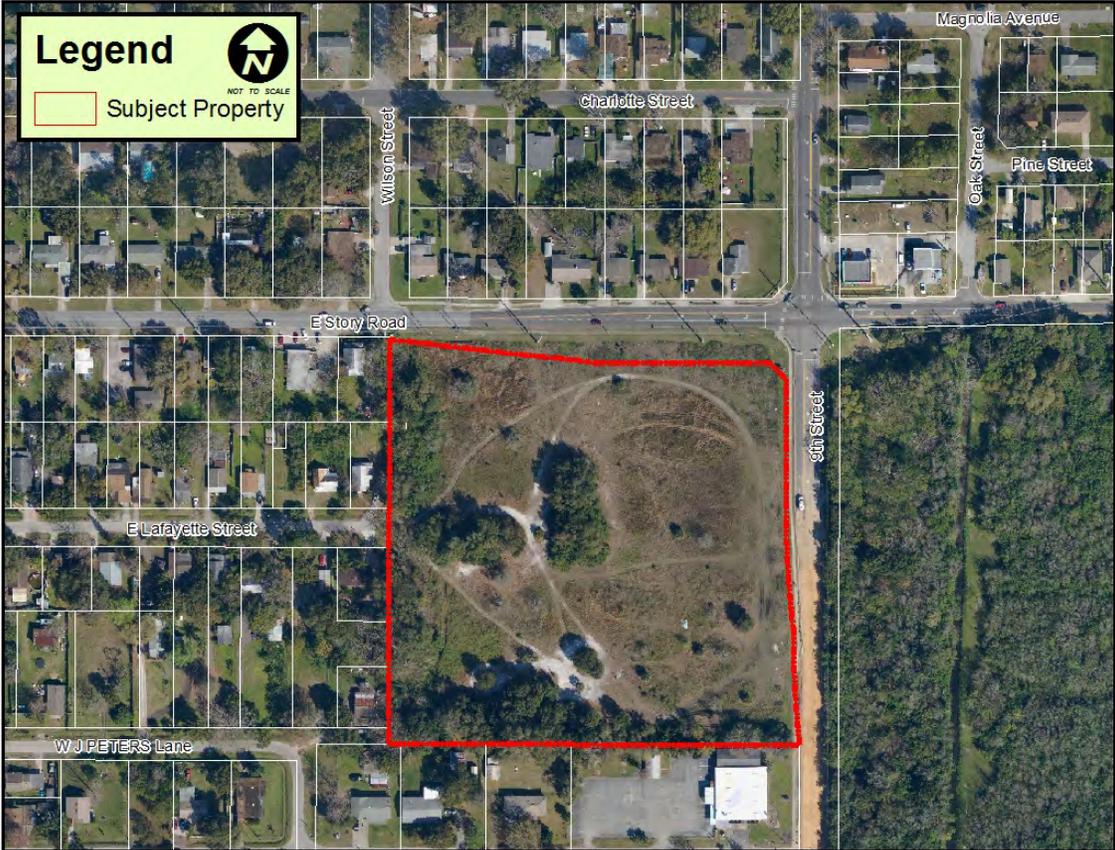
SUMMARY

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.

MAPS

AERIAL PHOTO

602 East Story Road



FUTURE LAND USE MAP
602 East Story Road



ZONING MAP
602 East Story Road



END OF STAFF REPORT

ORDINANCE 16-68

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 8.82 ± ACRES LOCATED AT 602 EAST STORY ROAD AT THE SOUTHWEST CORNER OF EAST STORY ROAD AND 9th STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 8.82 ± acres located at 602 East Story Road at the southwest corner of East Story Road and 9th Street 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 on the attached map shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

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

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 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#: 12-22-27-6496-20-001

NE 1/4 OF BLOCK "S", OVERSTREET CRATE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "F", PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, IN SECTION 23, TOWNSHIP 22, RANGE 27 EAST, LESS AND EXCEPT THAT PORTION TRANSFERRED IN BOOK 8408, PAGE 386 OF SAID PUBLIC RECORDS

ORDINANCE 16-69

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 8.82 ± ACRES LOCATED AT 602 EAST STORY ROAD AT THE SOUTHWEST CORNER OF EAST STORY ROAD AND 9th STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as approximately 8.82 ± acres located at 602 East Story Road at the southwest corner of East Story Road and 9th Street, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County 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 Low Density Residential as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 16-68, 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#: 21-22-27-0000-00-038

DESCRIPTION:

NE 1/4 OF BLOCK "S", OVERSTREET CRATE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "F", PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, IN SECTION 23, TOWNSHIP 22, RANGE 27 EAST, LESS AND EXCEPT THAT PORTION TRANSFERRED IN BOOK 8408, PAGE 386 OF SAID PUBLIC RECORDS

ATTACHMENT "B"

FUTURE LAND USE MAP

602 East Story Road



ORDINANCE 16-70

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 8.82 ± ACRES LOCATED AT 602 EAST STORY ROAD AT THE SOUTHWEST CORNER OF EAST STORY ROAD AND 9th STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 8.82 ± acres located at 602 East Story Road at the southwest corner of East Story Road and 9th Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City’s R-2 Residential District zoning classification, therefore; and

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

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to R-2 Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

SECTION 1: *Rezoning.* The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County R-2 Residential District to City R-2 Residential District in the City of Winter Garden, Florida.

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

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

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 16-69 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#: 12-22-27-6496-20-001

DESCRIPTION:

NE 1/4 OF BLOCK "S", OVERSTREET CRATE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "F", PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, IN SECTION 23, TOWNSHIP 22, RANGE 27 EAST, LESS AND EXCEPT THAT PORTION TRANSFERRED IN BOOK 8408, PAGE 386 OF SAID PUBLIC RECORDS

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 8 (Public Hearing)

DATE: September 29, 2016 **MEETING DATE:** October 3, 2016

SUBJECT: 14991 West Colonial Drive – (ANNEXATION, FLU, ZONING)
PROJECT NAME 14991 W. COLONIAL, LLC
PARCEL ID# 22-22-27-0000-00-026

ISSUE: The applicant is requesting Annexation, Zoning, and Future Lands Use designation on property located at 14991 West Colonial Drive.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: 14991 W. COLONIAL, LLC

CURRENT ZONING: C-1 (Orange County)

PROPOSED ZONING: C-2

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 3.74 ± acre enclave located at the northeast corner of West Colonial Drive and Tildenville School Road. The applicant has requested Annexation into the City, Initial Zoning of C-2, and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Commercial (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 16-65, Ordinance 16-66, and Ordinance 16-67.

NEXT STEP(S):

A public meeting for the first reading of the ordinances is scheduled for the City Commission on Thursday, October 13, 2016.

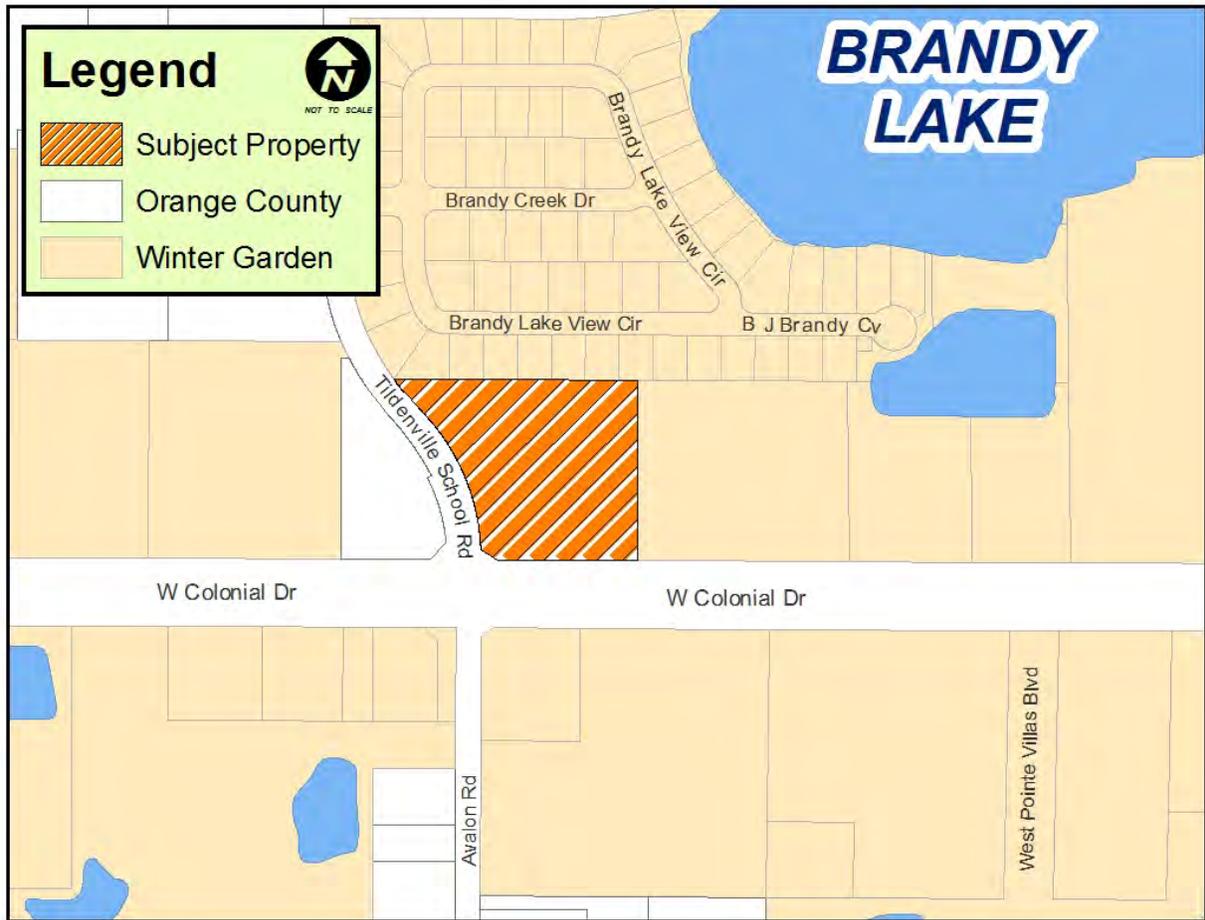
ATTACHMENT(S):

Location Map
Staff Report
Ordinance 16-65
Ordinance 16-66
Ordinance 16-67

LOCATION MAP

14991 W Colonial Drive

ANNEXATION, FLU MAP AMENDMENT, REZONING



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
DATE: September 27, 2016
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
14991 WEST COLONIALDRIVE (3.74 +/- ACRES)
PARCEL ID #: 22-22-27-0000-00-026
APPLICANT: 14991 W. COLONIAL, LLC

INTRODUCTION

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

The subject property is located at 14991 West Colonial Drive, at the northeast corner of West Colonial Drive and Tildenville School Road and is approximately 3.74 ± acres. 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. This property is also within the West State Road 50 Overlay, which has additional development standards.

The subject property is located within the West State Road 50 Commercial Activity Center which allows for the following land use categories: Commercial, Medium Density Residential, Industrial, and Multi Use Development. The majority of the properties located within the West State Road 50 Commercial Activity Center are designated Commercial on the Future Land Use Map, with the only exceptions being several apartment complexes and a senior living facility on the south side of the road at the western edge of the city limits which are designated Medium Density Residential on the Future Land Use Map and total about 35 acres of land.

In accordance with the City's Comprehensive Plan, permitted uses within the Commercial land use include retail, service, and professional activities. The zoning classifications that are consistent with the Commercial land use designation include C-1, C-2, C-3, C-4, PCD, and INT.

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

EXISTING USE

The subject property is currently vacant and the owner plans to develop the property in the future.

ADJACENT LAND USE AND ZONING

The property located to the north is developed with a single-family neighborhood (Brandy Creek), zoned R-1B, and located in the City of Winter Garden. The property located to the east is vacant commercial property, zoned C-2, and located in Winter Garden. The property to the south is developed with a Circle K convenience store and gas station, zoned C-2, and located in Winter Garden. The property to the west is developed with a 7-Eleven and has applied for annexation into the City of Winter Garden.

PROPOSED USE

The applicant intends to annex the property and develop the property in the future.

PUBLIC FACILITY ANALYSIS

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

under the First Response System.

SUMMARY

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.

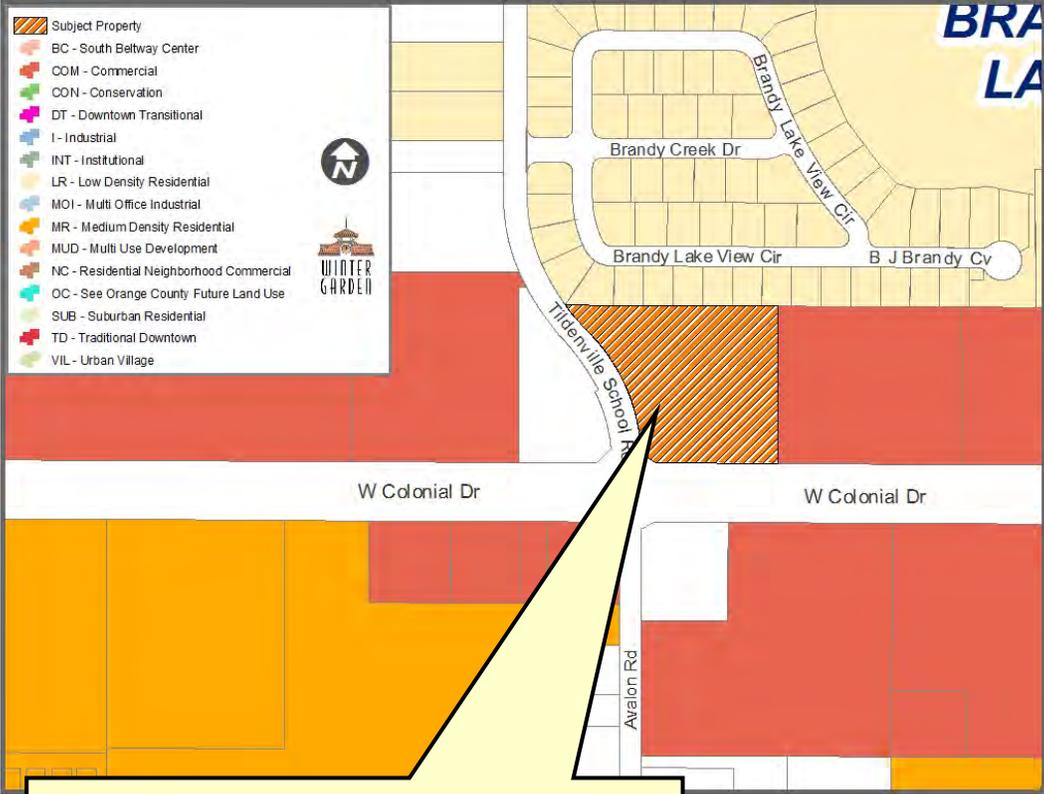
MAPS

AERIAL PHOTO

14991 West Colonial Drive

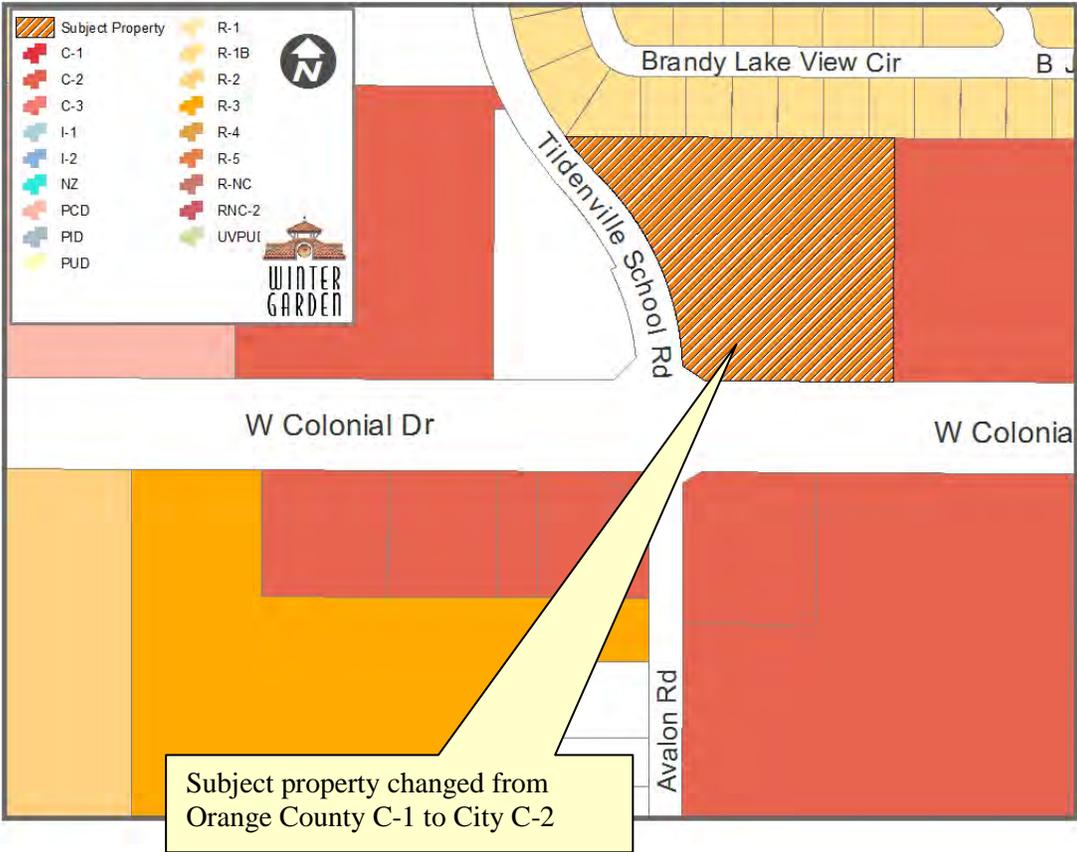


FUTURE LAND USE MAP
14991 West Colonial Drive



Subject property changed from Orange County Commercial to City Commercial

ZONING MAP
14991 West Colonial Drive



END OF STAFF REPORT

ORDINANCE 16-65

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 3.74 ± ACRES LOCATED AT 14991 WEST COLONIAL DRIVE AT THE NORTHEAST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL 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 3.74 ± acres located at 14991 West Colonial Drive at the northeast corner of West Colonial Drive and Tildenville School 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 on the attached map shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

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

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 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#: 22-22-27-0000-00-026

DESCRIPTION:

Begin at a point 75 feet North and 30 feet East of the Southwest Corner of Section 22, Township 22 South, Range 27 East, said point being at the intersection of the North right of way line of State Road 50 and the East right of way line of the Tildenville Road, run thence East 146.39 feet along said North right of way line of State Road 50, thence North 92.0 feet parallel, to the West line of the Section, thence West parallel to the North right of way line of said State Road, 156.39 feet to the Easterly right of way line of the Tildenville Road, thence Southerly along the East right of way line of the Tildenville Road, a curve length of 92.72 feet to the point of beginning; all lying in and being in Orange County, Florida;

AND

From the Southwest Corner of Section 22, Township 22 South, Range 27 East, run North, along the section line 75.0 feet, thence North 89°48' East 176.39 feet for a point of beginning; run thence North 89°48' East 200.00 feet, thence North 400.00 feet, thence South 89°48' West 540.35 feet to the Easterly right of way line of the Tildenville Road, thence Southeasterly along the arc of a curve to the left having a radius of 219.34 feet and an intersection angle of 9°48'17" an arc distance of 37.53 feet, thence South 46°00' East 46.11 feet to the P.C. of a curve to the right having a radius of 462.27 feet and an intersection angle of 34°30'41", thence along the arc of said curve 278.44 feet, thence North 89°48' East 155.62 feet, thence South 92.0 feet to the point of beginning; all lying and being in Orange County, Florida;

LESS AND EXCEPT that portion described in the Stipulated Order of Taking recorded in O.R. Book 8912, Page 1890, Public Records of Orange County, being more particularly described as follows:

Commence at a 6-inch by 6-inch concrete monument with 1-inch iron pipe without identification approximately 1 foot above ground as shown on Florida Department of Natural Resources Certified Corner Record Document No. 070971 marking the Northwest corner of the Southwest 1/4 of Section 22, Township 22 South, Range 27 East, Orange County, Florida; thence run South 00°06' 53" West along the West line of the Southwest 1/4 of said Section 22 a distance of 2653.67 feet to the Southwest corner of said Southwest 1/4 of Section 22, said point also being a point on the Centerline of Survey of State Road

50 as shown on Florida Department of Transportation Right of Way Map Section 75050, Financial Project No.410983 1; thence departing said West line, run South 89°42'32" East along said Centerline of Survey and the South line of said Southwest 1/4 of Section 22 a distance of 29.77 feet; thence departing said Centerline of Survey and said South line, run North 00°17'28" East a distance of 75.00 feet to the intersection of the Easterly right of way line of Tildenville School Road with existing North right of way line of aforesaid State Road 50 as shown on the aforesaid Right of Way Map for a Point of Beginning, said point also being the point of curvature of a non-tangent curve concave Westerly having a radius of 462.27 feet and a chord bearing of North 01°47'36" West; thence from a tangent bearing of North 00°20'25" West, run Northerly along said Easterly right of way line of Tildenville School Road and the arc of said curve through a central angle of 02°54'23" a distance of 23.45 feet to a point on said curve; thence departing said Easterly right of way line of Tildenville School Road and said curve, run South 57°35'19" East a distance of 44.07 feet to the aforesaid existing North right of way line of State Road 50; thence North 89°42'32" West along said existing North right of way line of State Road 50 a distance of 36.47 feet to the Point of Beginning.

ORDINANCE 16-66

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 3.74 ± ACRES LOCATED AT 14991 WEST COLONIAL DRIVE AT THE NORTHEAST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL 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 3.74 ± acres located at 14991 West Colonial Drive at the northeast corner of West Colonial Drive and Tildenville School 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 16-65, 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#: 22-22-27-0000-00-026

DESCRIPTION:

Begin at a point 75 feet North and 30 feet East of the Southwest Corner of Section 22, Township 22 South, Range 27 East, said point being at the intersection of the North right of way line of State Road 50 and the East right of way line of the Tildenville Road, run thence East 146.39 feet along said North right of way line of State Road 50, thence North 92.0 feet parallel, to the West line of the Section, thence West parallel to the North right of way line of said State Road, 156.39 feet to the Easterly right of way line of the Tildenville Road, thence Southerly along the East right of way line of the Tildenville Road, a curve length of 92.72 feet to the point of beginning; all lying in and being in Orange County, Florida;

AND

From the Southwest Corner of Section 22, Township 22 South, Range 27 East, run North, along the section line 75.0 feet, thence North 89°48' East 176.39 feet for a point of beginning; run thence North 89°48' East 200.00 feet, thence North 400.00 feet, thence South 89°48' West 540.35 feet to the Easterly right of way line of the Tildenville Road, thence Southeasterly along the arc of a curve to the left having a radius of 219.34 feet and an intersection angle of 9°48'17" an arc distance of 37.53 feet, thence South 46°00' East 46.11 feet to the P.C. of a curve to the right having a radius of 462.27 feet and an intersection angle of 34°30'41", thence along the arc of said curve 278.44 feet, thence North 89°48' East 155.62 feet, thence South 92.0 feet to the point of beginning; all lying and being in Orange County, Florida;

LESS AND EXCEPT that portion described in the Stipulated Order of Taking recorded in O.R. Book 8912, Page 1890, Public Records of Orange County, being more particularly described as follows:

Commence at a 6-inch by 6-inch concrete monument with 1-inch iron pipe without identification approximately 1 foot above ground as shown on Florida Department of Natural Resources Certified Corner Record Document No. 070971 marking the Northwest corner of the Southwest 1/4 of Section 22, Township 22 South, Range 27 East, Orange County, Florida; thence run South 00°06' 53" West along the West line of the Southwest 1/4 of said Section 22 a distance of 2653.67 feet to the Southwest

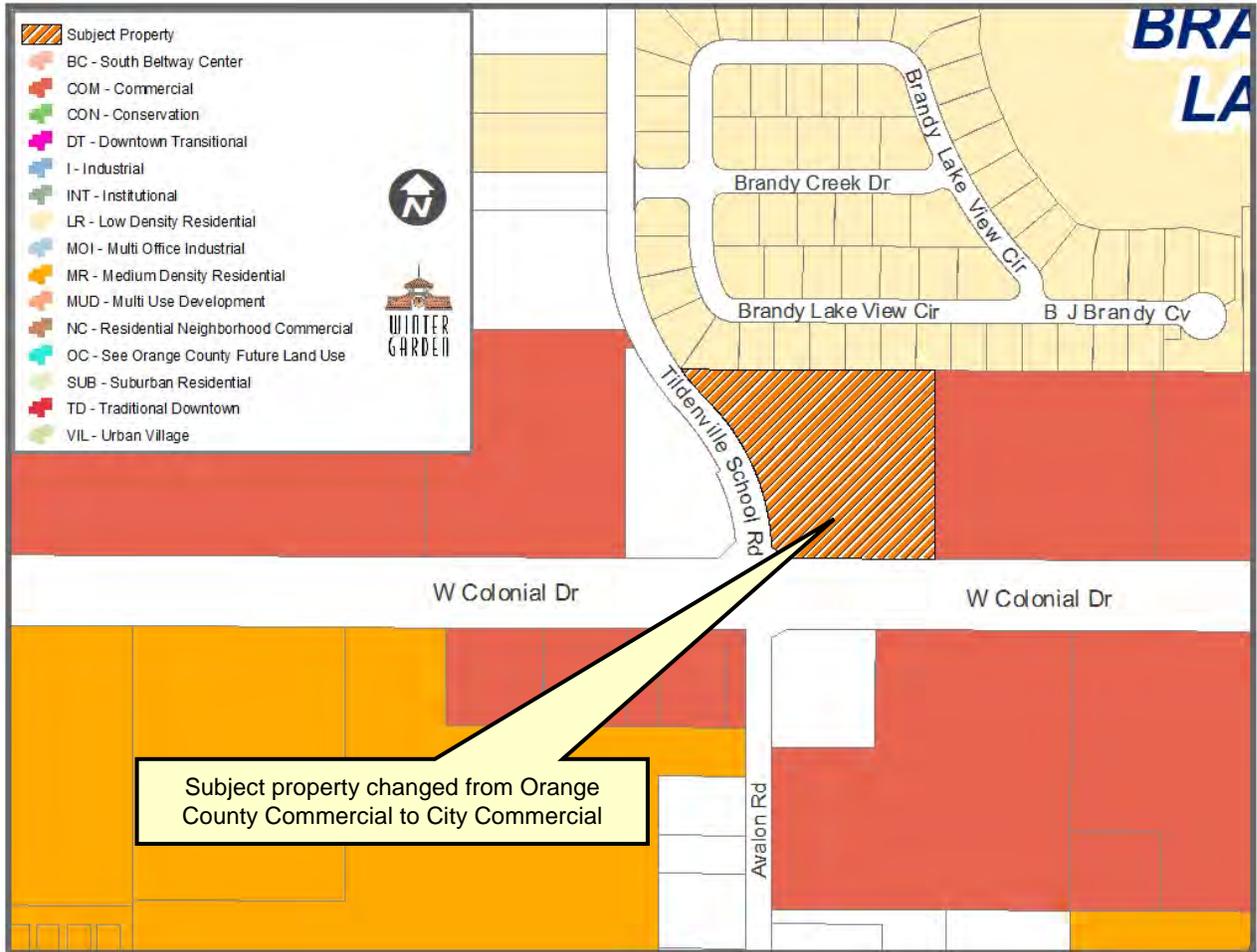
corner of said Southwest 1/4 of Section 22, said point also being a point on the Centerline of Survey of State Road

50 as shown on Florida Department of Transportation Right of Way Map Section 75050, Financial Project No.410983 1; thence departing said West line, run South 89°42'32" East along said Centerline of Survey and the South line of said Southwest 1/4 of Section 22 a distance of 29.77 feet; thence departing said Centerline of Survey and said South line, run North 00°17'28" East a distance of 75.00 feet to the intersection of the Easterly right of way line of Tildenville School Road with existing North right of way line of aforesaid State Road 50 as shown on the aforesaid Right of Way Map for a Point of Beginning, said point also being the point of curvature of a non-tangent curve concave Westerly having a radius of 462.27 feet and a chord bearing of North 01°47'36" West; thence from a tangent bearing of North 00°20'25" West, run Northerly along said Easterly right of way line of Tildenville School Road and the arc of said curve through a central angle of 02°54'23" a distance of 23.45 feet to a point on said curve; thence departing said Easterly right of way line of Tildenville School Road and said curve, run South 57°35'19" East a distance of 44.07 feet to the aforesaid existing North right of way line of State Road 50; thence North 89°42'32" West along said existing North right of way line of State Road 50 a distance of 36.47 feet to the Point of Beginning.

ATTACHMENT "B"

FUTURE LAND USE MAP

14991 West Colonial Drive



ORDINANCE 16-67

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 3.74 ± ACRES LOCATED AT 14991 WEST COLONIAL DRIVE AT THE NORTHEAST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY C-1 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 3.74 ± acres located at 14991 West Colonial Drive at the northeast corner of West Colonial Drive and Tildenville School Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County C-1 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 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 16-66 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#: 22-22-27-0000-00-026

DESCRIPTION:

Begin at a point 75 feet North and 30 feet East of the Southwest Corner of Section 22, Township 22 South, Range 27 East, said point being at the intersection of the North right of way line of State Road 50 and the East right of way line of the Tildenville Road, run thence East 146.39 feet along said North right of way line of State Road 50, thence North 92.0 feet parallel, to the West line of the Section, thence West parallel to the North right of way line of said State Road, 156.39 feet to the Easterly right of way line of the Tildenville Road, thence Southerly along the East right of way line of the Tildenville Road, a curve length of 92.72 feet to the point of beginning; all lying in and being in Orange County, Florida;

AND

From the Southwest Corner of Section 22, Township 22 South, Range 27 East, run North, along the section line 75.0 feet, thence North 89°48' East 176.39 feet for a point of beginning; run thence North 89°48' East 200.00 feet, thence North 400.00 feet, thence South 89°48' West 540.35 feet to the Easterly right of way line of the Tildenville Road, thence Southeasterly along the arc of a curve to the left having a radius of 219.34 feet and an intersection angle of 9°48'17" an arc distance of 37.53 feet, thence South 46°00' East 46.11 feet to the P.C. of a curve to the right having a radius of 462.27 feet and an intersection angle of 34°30'41", thence along the arc of said curve 278.44 feet, thence North 89°48' East 155.62 feet, thence South 92.0 feet to the point of beginning; all lying and being in Orange County, Florida;

LESS AND EXCEPT that portion described in the Stipulated Order of Taking recorded in O.R. Book 8912, Page 1890, Public Records of Orange County, being more particularly described as follows:

Commence at a 6-inch by 6-inch concrete monument with 1-inch iron pipe without identification approximately 1 foot above ground as shown on Florida Department of Natural Resources Certified Corner Record Document No. 070971 marking the Northwest corner of the Southwest 1/4 of Section 22, Township 22 South, Range 27 East, Orange County, Florida; thence run South 00°06' 53" West along the West line of the Southwest 1/4 of said Section 22 a distance of 2653.67 feet to the Southwest

corner of said Southwest 1/4 of Section 22, said point also being a point on the Centerline of Survey of State Road

50 as shown on Florida Department of Transportation Right of Way Map Section 75050, Financial Project No.410983 I; thence departing said West line, run South 89°42'32" East along said Centerline of Survey and the South line of said Southwest 1/4 of Section 22 a distance of 29.77 feet; thence departing said Centerline of Survey and said South line, run North 00°17'28" East a distance of 75.00 feet to the intersection of the Easterly right of way line of Tildenville School Road with existing North right of way line of aforesaid State Road 50 as shown on the aforesaid Right of Way Map for a Point of Beginning, said point also being the point of curvature of a non-tangent curve concave Westerly having a radius of 462.27 feet and a chord bearing of North 01°47'36" West; thence from a tangent bearing of North 00°20'25" West, run Northerly along said Easterly right of way line of Tildenville School Road and the arc of said curve through a central angle of 02°54'23" a distance of 23.45 feet to a point on said curve; thence departing said Easterly right of way line of Tildenville School Road and said curve, run South 57°35'19" East a distance of 44.07 feet to the aforesaid existing North right of way line of State Road 50; thence North 89°42'32" West along said existing North right of way line of State Road 50 a distance of 36.47 feet to the Point of Beginning.

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 9 (Public Hearing)

DATE: September 29, 2016 **MEETING DATE:** October 3, 2016

SUBJECT: 15001 West Colonial Drive – (ANNEXATION, FLU, ZONING)
PROJECT NAME 7-Eleven
PARCEL ID# 21-22-27-0000-00-038

ISSUE: The applicant is requesting Annexation, Zoning, and Future Lands Use designation on property located at 15001 West Colonial Drive.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: 7-Eleven, Inc.
CURRENT ZONING: C-2 (Orange County)
PROPOSED ZONING: C-2
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 1.58 ± acre enclave located at the northwest corner of West Colonial Drive and Tildenville School Road. The applicant has requested Annexation into the City, Initial Zoning of C-2, and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Commercial (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 16-55, Ordinance 16-56, and Ordinance 16-57.

NEXT STEP(S):

A public meeting for the first reading of the ordinances is scheduled for the City Commission on Thursday, October 13, 2016.

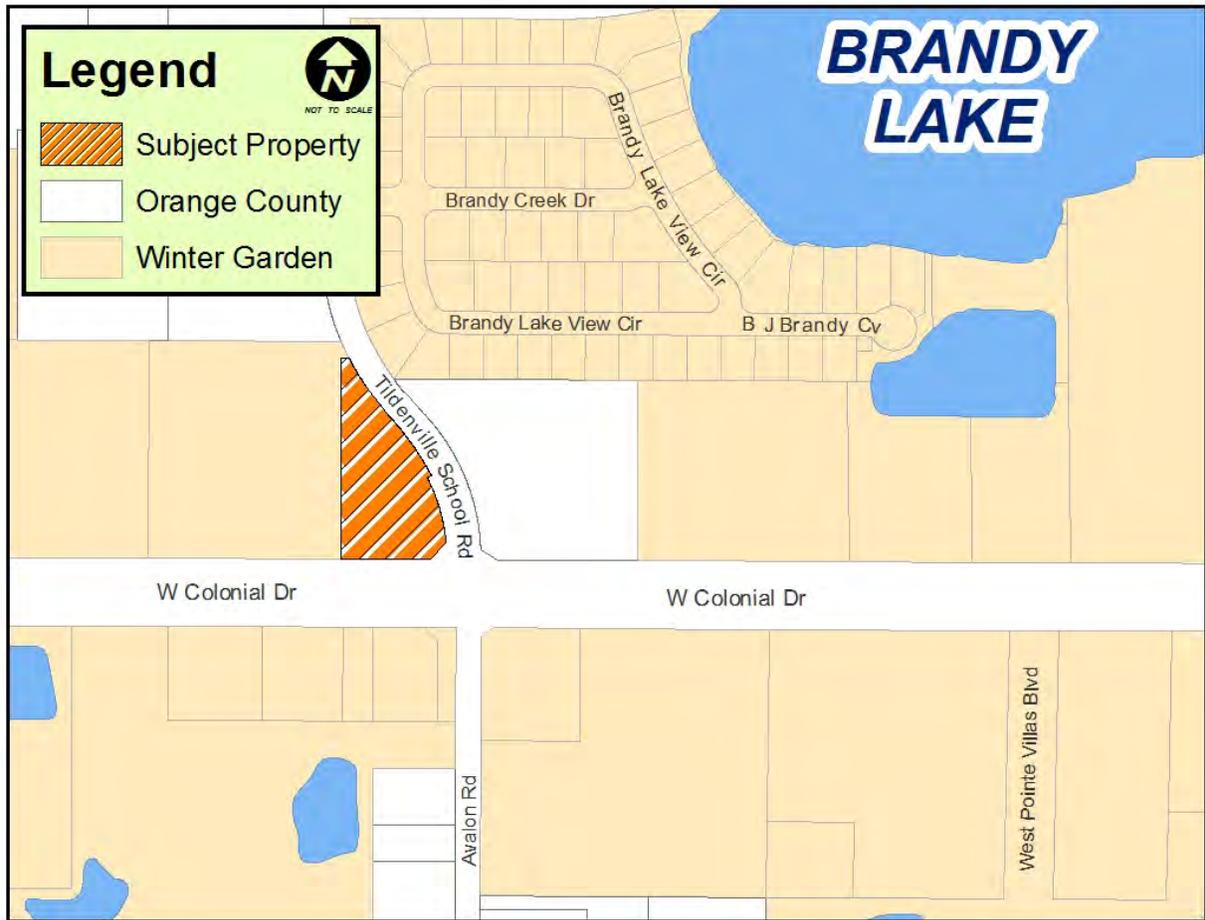
ATTACHMENT(S):

Location Map
Staff Report
Ordinance 16-55
Ordinance 16-56
Ordinance 16-57

LOCATION MAP

15001 W Colonial Drive

ANNEXATION, FLU MAP AMENDMENT, REZONING



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
DATE: September 27, 2016
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
15001 WEST COLONIAL DRIVE (1.58 +/- ACRES)
PARCEL ID #: 21-22-27-0000-00-038
APPLICANT: 7-ELEVEN, 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 15001 West Colonial Drive, at the northwest corner of West Colonial Drive and Tildenville School Road and is approximately 1.58 ± acres. 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. This property is also within the West State Road 50 Overlay, which has additional development standards.

The subject property is located within the West State Road 50 Commercial Activity Center which allows for the following land use categories: Commercial, Medium Density Residential, Industrial, and Multi Use Development. The majority of the properties located within the West State Road 50 Commercial Activity Center are designated Commercial on the Future Land Use Map, with the only exceptions being several apartment complexes and a senior living facility on the south side of the road at the western edge of the city limits which are designated Medium Density Residential on the Future Land Use Map and total about 35 acres of land.

In accordance with the City's Comprehensive Plan, permitted uses within the Commercial land use include retail, service, and professional activities. The zoning classifications that are consistent with the Commercial land use designation include 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 currently contains a 3,176 square foot convenience store and gas station (7-Eleven).

ADJACENT LAND USE AND ZONING

The property located to the north is a single-family house, zoned A-1, and located in unincorporated Orange County. The property located to the east is vacant commercial property and has applied for annexation into the City of Winter Garden. The property to the south is vacant commercial property, zoned C-2, and located in Winter Garden. The property to the west is developed with the Winter Garden Post Office, zoned C-2, and located in Winter Garden.

PROPOSED USE

The applicant intends to annex the property and develop the property in the future.

PUBLIC FACILITY ANALYSIS

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

SUMMARY

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.

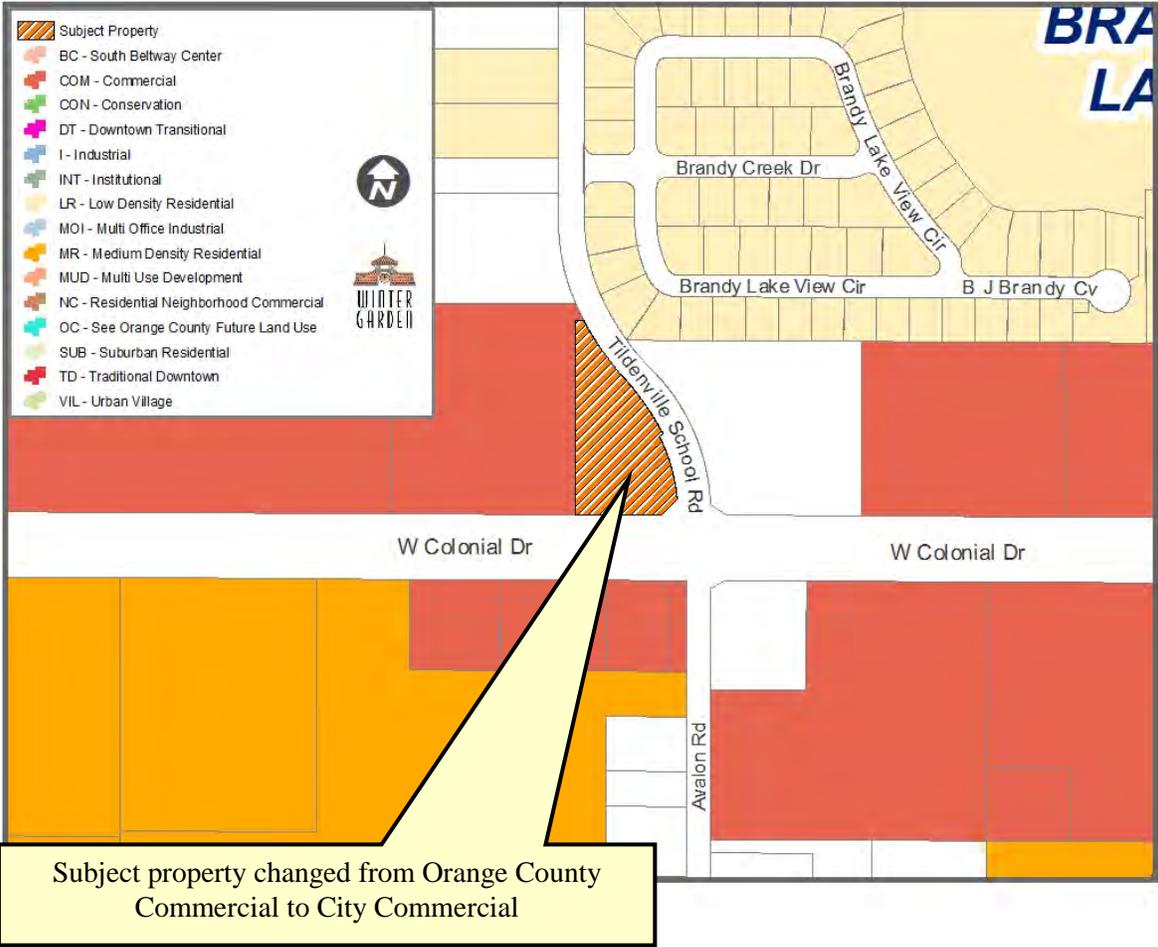
MAPS

AERIAL PHOTO

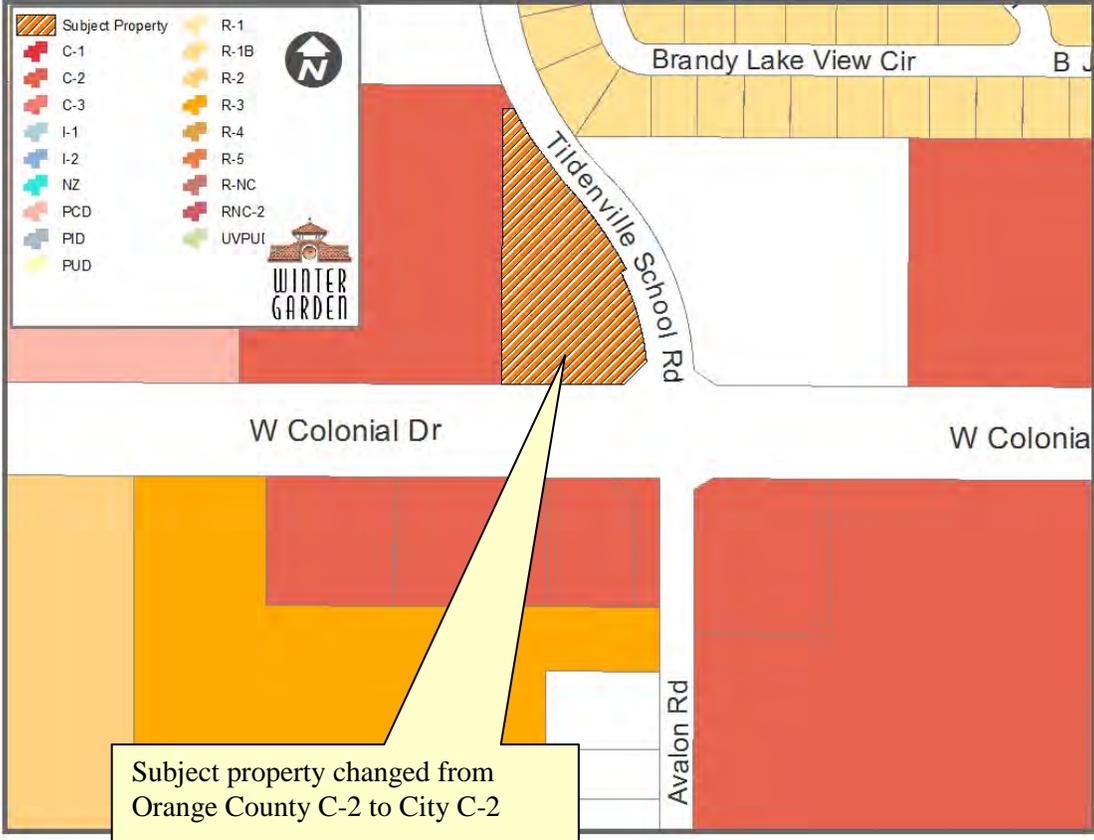
15001 West Colonial Drive



FUTURE LAND USE MAP
15001 West Colonial Drive



ZONING MAP
15001 West Colonial Drive



END OF STAFF REPORT

ORDINANCE 16-55

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.58 ± ACRES LOCATED AT 15001 WEST COLONIAL DRIVE AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL 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 1.58 ± acres located at 15001 West Colonial Drive at the northwest corner of West Colonial Drive and Tildenville School 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 on the attached map shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

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

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 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#: 21-22-27-0000-00-038

Description:

Commence at the Southeast corner of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida; thence run North 89°43'10" West along the South line of said Southeast 1/4, 82.79 feet; thence North 00°16'50" East 75.00 feet to the North right of way line of State Road 50 and the POINT OF BEGINNING; thence North 89°43'10" West along said north right of way line, 197.42 feet to the West line of the East 280.00 feet of the Southeast 1/4 of said Section 21; thence North 00°06'59" East 445.00 feet; thence South 89°43'10" East 18.11 feet to the Westerly right of way line of Tildenville School Road, being a point on a non-tangent curve concave to the Northeast having a radius of 614.00 feet and a chord bearing of South 30°49'26" East; thence run along the arc of said curve and said Westerly right of way line, through a central angle of 6°45'34" an arc length of 72.44 feet to a point of non-tangency; thence South 37°44'35" East 76.12 feet to a beginning of a non-tangent curve concave to the Southwest having a radius of 655.99 feet and a chord bearing of South 35°28'15" East; thence run along the arc of said curve through a central angle of 14°47'53" an arc length of 169.42 feet to a point of non-tangency; thence South 61°55'28" West 10.12 feet to the beginning of a non-tangent curve concave to the West having a radius of 402.00 feet and a chord bearing of South 15°58'24" East; thence run along the arc of said curve through a central angle of 21°34'17", an arc length of 151.35 feet to a point of non-tangency; thence South 44°26'26" West 51.13 feet to the POINT OF BEGINNING.

ORDINANCE 16-56

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 1.58 ± ACRES LOCATED AT 15001 WEST COLONIAL DRIVE AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL 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 1.58 ± acres located at 15001 West Colonial Drive at the northwest corner of West Colonial Drive and Tildenville School 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 16-55, 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#: 21-22-27-0000-00-038

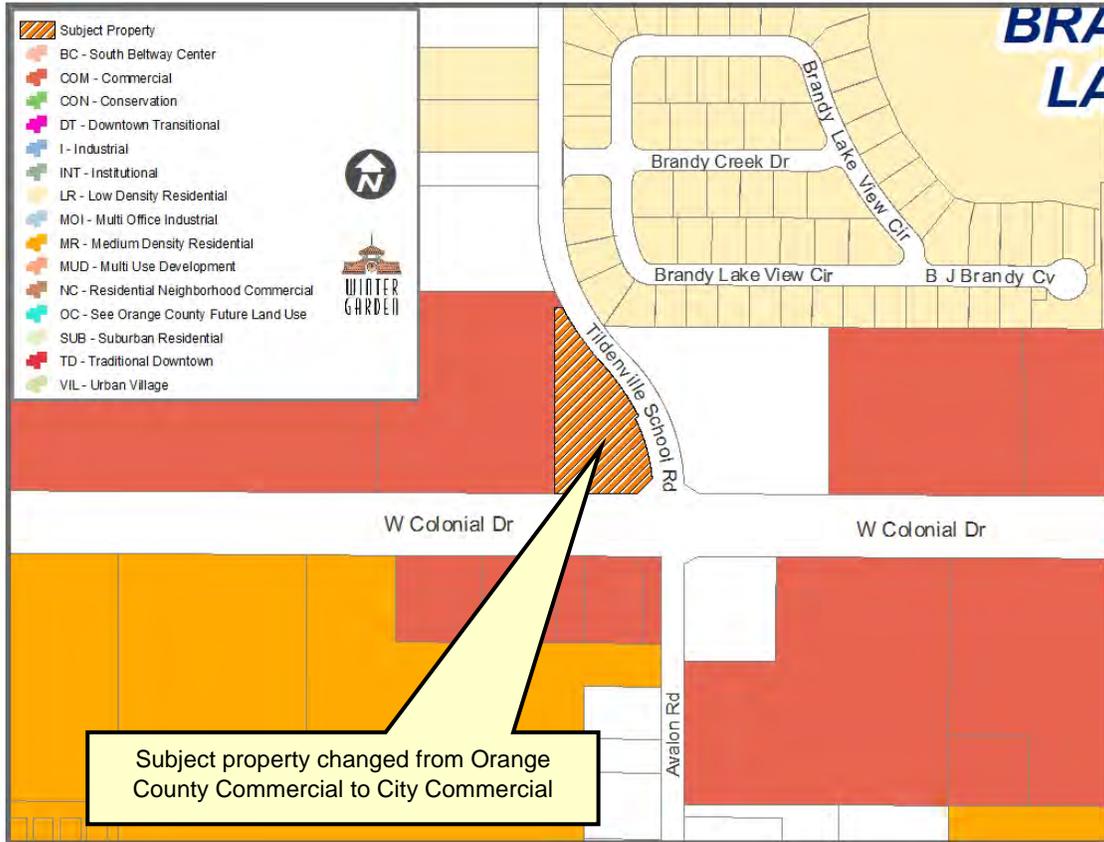
Description:

Commence at the Southeast corner of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida; thence run North 89°43'10" West along the South line of said Southeast 1/4, 82.79 feet; thence North 00°16'50" East 75.00 feet to the North right of way line of State Road 50 and the POINT OF BEGINNING; thence North 89°43'10" West along said north right of way line, 197.42 feet to the West line of the East 280.00 feet of the Southeast 1/4 of said Section 21; thence North 00°06'59" East 445.00 feet; thence South 89°43'10" East 18.11 feet to the Westerly right of way line of Tildenville School Road, being a point on a non-tangent curve concave to the Northeast having a radius of 614.00 feet and a chord bearing of South 30°49'26" East; thence run along the arc of said curve and said Westerly right of way line, through a central angle of 6°45'34" an arc length of 72.44 feet to a point of non-tangency; thence South 37°44'35" East 76.12 feet to a beginning of a non-tangent curve concave to the Southwest having a radius of 655.99 feet and a chord bearing of South 35°28'15" East; thence run along the arc of said curve through a central angle of 14°47'53" an arc length of 169.42 feet to a point of non-tangency; thence South 61°55'28" West 10.12 feet to the beginning of a non-tangent curve concave to the West having a radius of 402.00 feet and a chord bearing of South 15°58'24" East; thence run along the arc of said curve through a central angle of 21°34'17", an arc length of 151.35 feet to a point of non-tangency; thence South 44°26'26" West 51.13 feet to the POINT OF BEGINNING.

ATTACHMENT "B"

FUTURE LAND USE MAP

15001 West Colonial Drive



ORDINANCE 16-57

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.58 ± ACRES LOCATED AT 15001 WEST COLONIAL DRIVE AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY C-2 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 1.58 ± acres located at 15001 West Colonial Drive at the northwest corner of West Colonial Drive and Tildenville School Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County C-2 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-2 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 16-56 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"

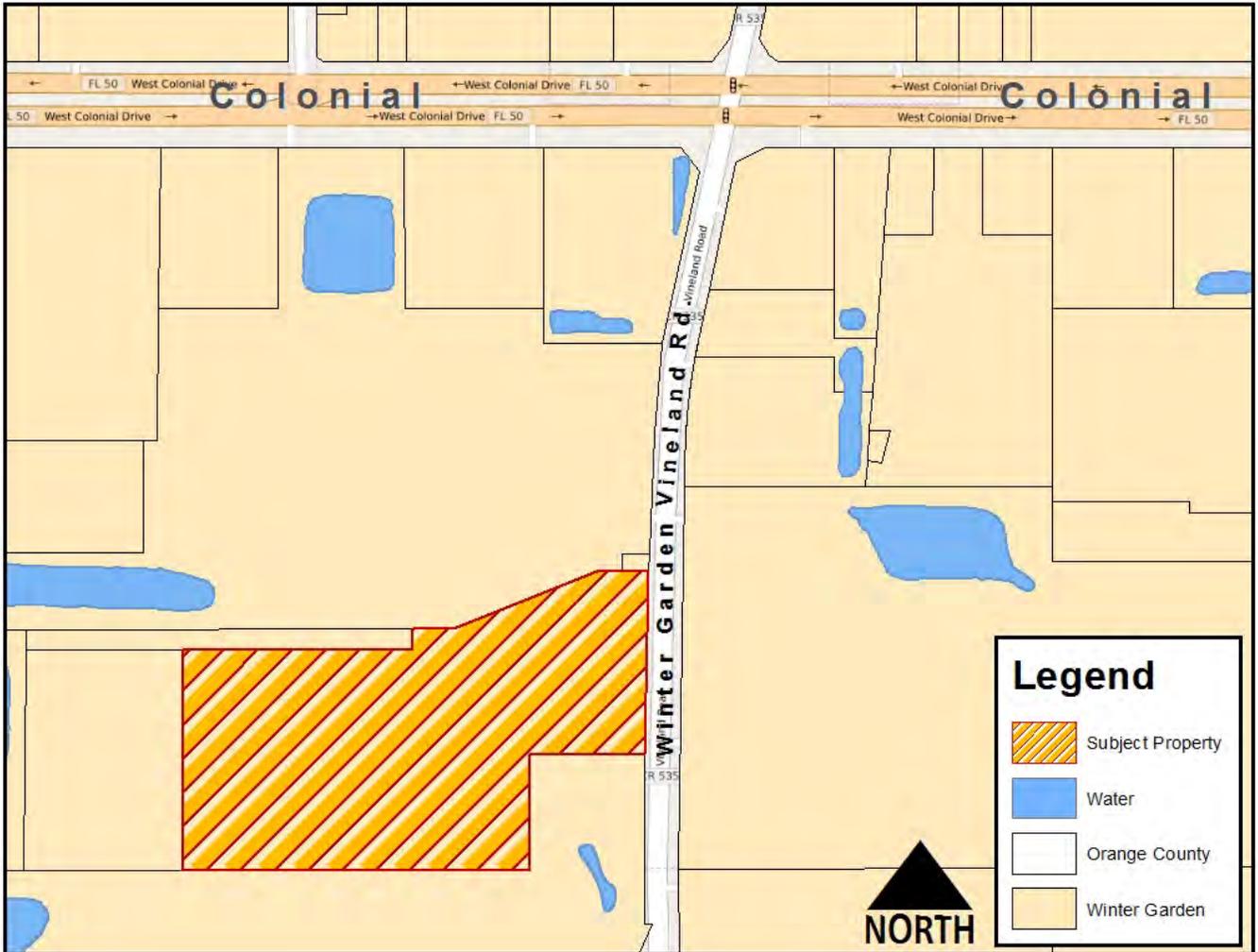
LEGAL DESCRIPTION

PARCEL ID#: 21-22-27-0000-00-038

Description:

Commence at the Southeast corner of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida; thence run North 89°43'10" West along the South line of said Southeast 1/4, 82.79 feet; thence North 00°16'50" East 75.00 feet to the North right of way line of State Road 50 and the POINT OF BEGINNING; thence North 89°43'10" West along said north right of way line, 197.42 feet to the West line of the East 280.00 feet of the Southeast 1/4 of said Section 21; thence North 00°06'59" East 445.00 feet; thence South 89°43'10" East 18.11 feet to the Westerly right of way line of Tildenville School Road, being a point on a non-tangent curve concave to the Northeast having a radius of 614.00 feet and a chord bearing of South 30°49'26" East; thence run along the arc of said curve and said Westerly right of way line, through a central angle of 6°45'34" an arc length of 72.44 feet to a point of non-tangency; thence South 37°44'35" East 76.12 feet to a beginning of a non-tangent curve concave to the Southwest having a radius of 655.99 feet and a chord bearing of South 35°28'15" East; thence run along the arc of said curve through a central angle of 14°47'53" an arc length of 169.42 feet to a point of non-tangency; thence South 61°55'28" West 10.12 feet to the beginning of a non-tangent curve concave to the West having a radius of 402.00 feet and a chord bearing of South 15°58'24" East; thence run along the arc of said curve through a central angle of 21°34'17", an arc length of 151.35 feet to a point of non-tangency; thence South 44°26'26" West 51.13 feet to the POINT OF BEGINNING.

Location Map



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: JESSICA FRYE, PLANNER I
DATE: SEPTEMBER 30, 2016
SUBJECT: SPECIAL EXCEPTION PERMIT
1218 Winter Garden Vineland Road
(My Gym Children's Fitness Center)
Winter Garden Business Park
PARCEL ID # 26-22-27-9381-00-010

APPLICANT: Bill Parkes

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 1218 Winter Garden Vineland Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation (PCD). The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

The applicant is requesting a Special Exception Permit to allow for suite numbers 100 and 104 (3,005 square feet) in Building #1 of the subject property to be used for a children's fitness center with associated child care programs, such as, fitness classes for various age groups, day camps, and Parent's Night Out events, and children's parties.

The applicant has informed staff that the proposed use does not fall under the requirements of a day care center as determined by State criteria. Since the use is not defined in our code and has characteristics of a day care /child care facility, staff has determined the use will still have similar impacts to the development and roads. As such, based on the Planned Commercial Development (PCD), Ordinance 04-22, staff determined the use requires a Special Exception Permit. The Ordinance permits physical fitness centers in Building #1, but does not permit child care uses. Under the Special Exception Uses for Building #1 the PCD ordinance states "Other uses which the planning and zoning board determines are of the type and intensity of activity desired in the PCD district."

EXISTING USE

The property consists of eight one-story commercial buildings, which total to ±91,645 square feet; each building is divided into multiple tenant spaces. The current businesses in Building #1 are China Wok Restaurant, TD Collectables Retail Store, Cookies by Design, TLC Nail & Spa, and Massage Therapy. Building #2 which is directly behind Building #1 includes Hill Printing, Colonial House Press, and Wired Technologies Group. The other eight buildings contain DaVita Dialysis Center, Metamorphosis Therapy Center, Cole & Associates Accounting Firm, Home Team Pest Control, Trinity Sports Fitness Training Center, Tag Aero, CB&I, Fur and Feathers Pet Resort, and other retail/office uses.

ADJACENT LAND USE AND ZONING

The subject property is bordered by Winter Garden Vineland Road to the east. Properties located north of the subject property are a retail strip center with Publix Supermarket and other retail stores and restaurants, zoned C-2 within the City of Winter Garden. The property located to the west of the subject property is a storage facility/mini-warehousing which is part of the same PCD. The property located to the south of the subject property is Promenade Apartments, zoned R-3, and in the City of Winter Garden.

PROPOSED USE

The applicant proposes to open a children's fitness center with associated child care programs including day camps, Parents' Night Out, and children's parties. General fitness classes are held from 9:00 am to 7:00 pm, with seven fitness classes per day on Tuesday through Thursday, and three to four fitness classes from Friday to Monday with only one fitness class conducted at a time. Camp hours range from 2:30 pm through 5:30 pm, and Parents' Night Out events are held on Friday's, every three to four weeks between 6:00 pm through 9:30 pm. Parties are scheduled between Fridays through Sunday and are held in the afternoon or evenings. Typical enrollment provided by the applicant is 25 children enrolled per scheduled fitness class with Parents' Night Out events reaching up to 32 children enrolled. All equipment and activities are kept within the tenant space. Playground/recreational facility offers equipment, such as, a rock climbing wall, zip line, and other recreation amenities.

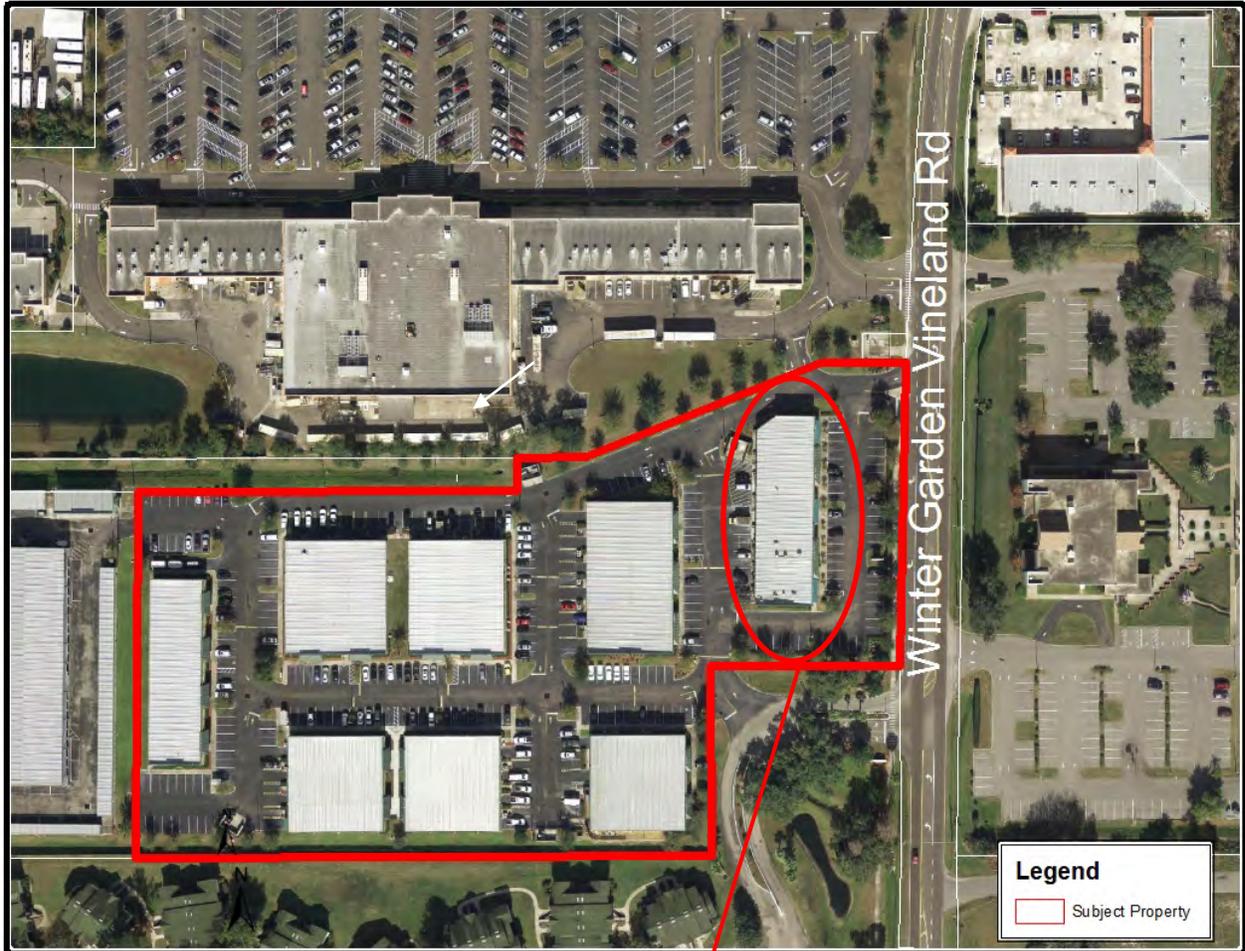
SUMMARY

City Staff recommends approval of the request for the Special Exception Permit to allow the operation of

an indoor children's fitness center with associated child care programs with the following conditions:

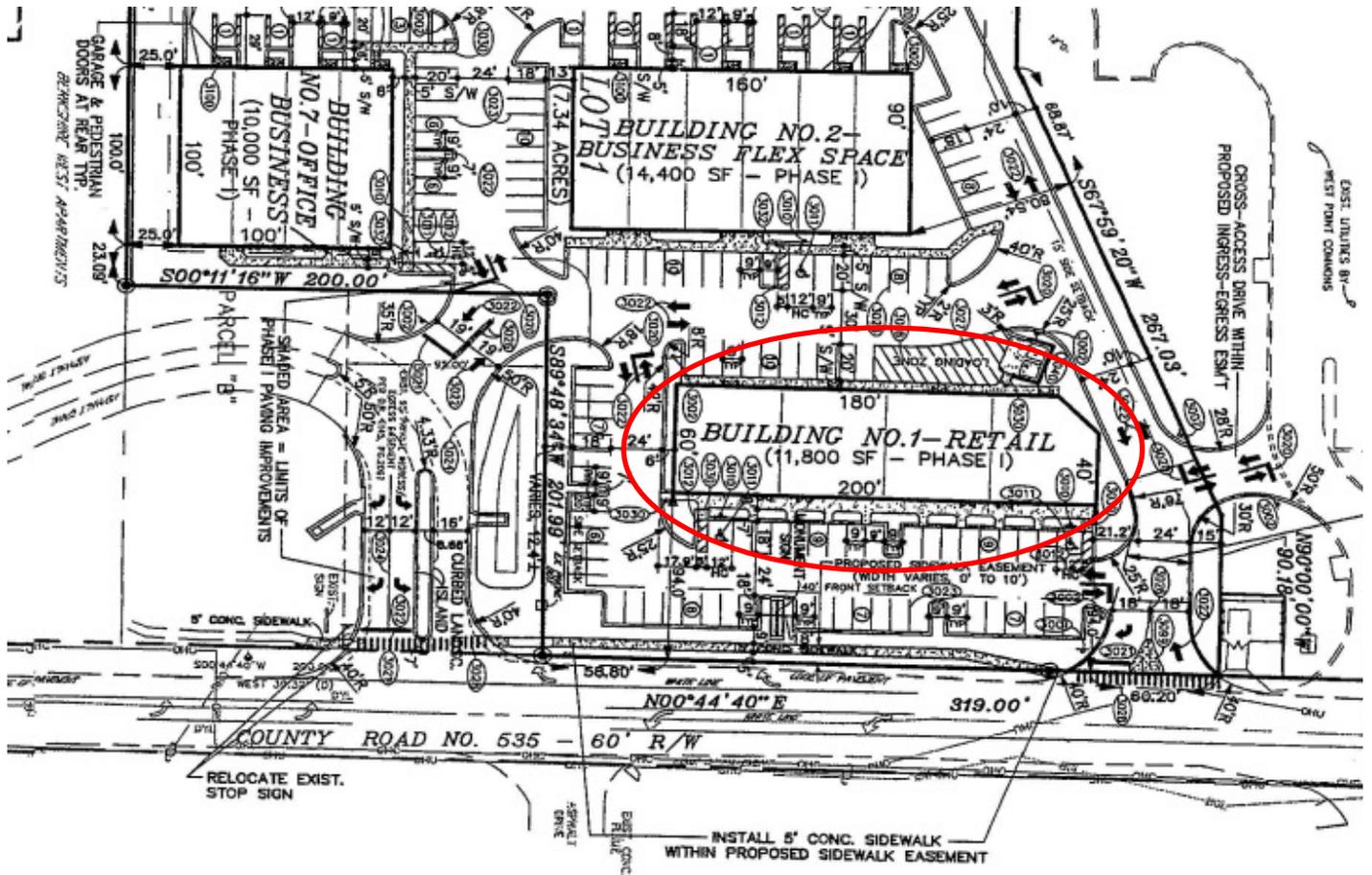
- Classes must be staggered to maintain appropriate traffic flow within the development.
- As proposed, the maximum enrollment for all provided fitness classes/programs shall be 30 children.
- All activities and equipment must be kept within the building.
- Interior Buildout of space requires Building Permits and has not been approved by this Special Exception Permit.

AERIAL PHOTO



Building #1

SITE GEOMETRY PLAN - BUILDING #1



SITE PHOTOS



Front of Building #1; Suites 100 and 104





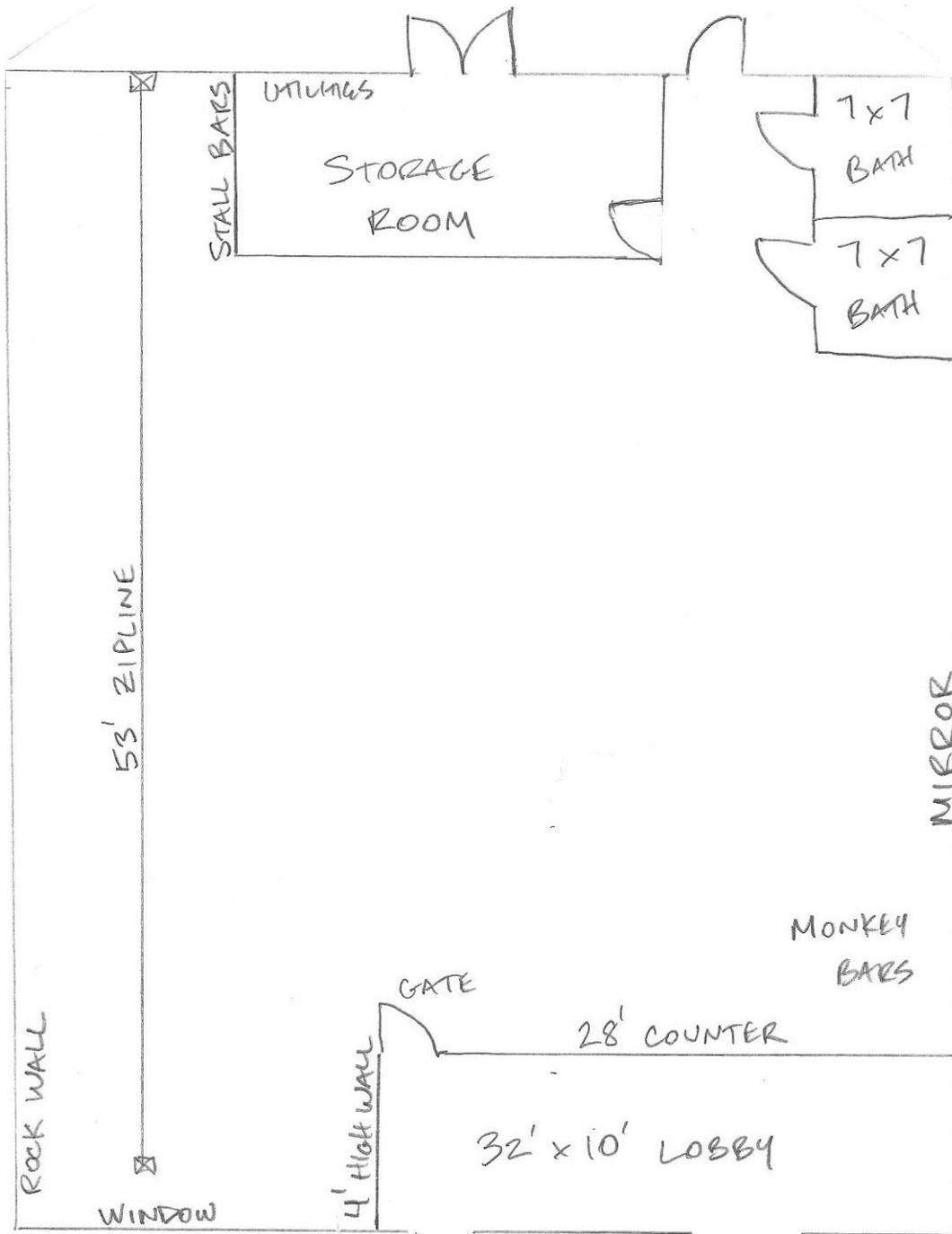


Side of Building #1 and additional parking



Rear of the Building #1 and additional parking

FLOOR PLAN



EXAMPLES OF INTERIOR SPACE



END OF STAFF REPORT

ORDINANCE 16-59

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING POLICY 2-1.1.5 AND ADDING POLICY 2-1.1.15 OF THE MULTIMODAL TRANSPORTATION ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN TO INCLUDE POLICIES PERTAINING TO THE DILLARD STREET CORRIDOR PROJECT; 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; and

WHEREAS, the City of Winter Garden desires to update the Multimodal Transportation Element of said plan to include policies pertaining to the Dillard Street Corridor project; 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. *Multimodal Transportation Amendment.*

- a) Policy 2-1.1.5 of the Multimodal Transportation Element of the Winter Garden Comprehensive Plan is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Policy 2-1.1.5: Pedestrian and Bicycle. The City shall continue to implement the Bicycle and Pedestrian Master Plan developed in conjunction with FDOT in 2002 as an alternative means of transportation around the City and to further reduce greenhouse gas emissions. The City shall also continue to plan for the implementation of a multimodal road realignment project along the Dillard Street Corridor from SR 50 to E Plant Street to improve pedestrian and bicycle connections.

- b) Policy 2-1.1.15 of the Multimodal Transportation Element of the Winter Garden

Comprehensive Plan is hereby added to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Policy 2-1.1.15: Dillard Street Corridor. The City has identified the need to improve the one-mile segment of Dillard Street from E Plant Street south to SR 50 in order to foster better outcomes economically, socially, recreationally, functionally, and aesthetically. Elements of the proposed project shall include creating a living street by reducing the street travel lanes; providing roundabouts at key intersections in lieu of traffic signals; installing wide sidewalks and street parking; installing a 10' wide two-way bike lane; burying a segment of the existing overhead utilities and updating old lines; and providing new landscaping and pedestrian amenities. The City will support the development of the Dillard Street Corridor project by engaging in continued analysis and detailed design of the corridor, as well as procuring the needed right-of-way in order to commence construction activities. The City shall also continue to explore various funding opportunities for the project such as grants and ad valorem taxes.

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

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

FIRST READING AND PUBLIC HEARING: _____, 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