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PLANNING & ZONING BOARD AGENDA

BOARD MEMBERS: Chairman Will Hawthorne, Vice-Chairman Steve Ambielli and board members: Linda Bennett, Myron Brown, Jimmy Dunn, Jeff Ewing and Mark Hide.

OTHER ATTENDEES: City Manager Jon C. Williams, City Attorney Kurt Ardaman, City Attorney Dan Langley, Planning Consultant Ed Williams, Planning Director Kelly Carson, Planning Supervisor Shane Friedman, Senior Planner Yvonne Conatser, Planner I Amber McDonald and Recording Secretary Colene Rivera/Ellen King.

Agenda for February 3, 2025 at 6:30 PM
City Hall Commission Chambers
300 W. Plant Street, Winter Garden, Florida

- 1. CALL TO ORDER**
Determination of Quorum, Moment of Silence and Pledge of Allegiance
- 2. APPROVAL OF MINUTES FROM THE JANUARY 6, 2025 MEETING**

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

- 3. 1144 E Plant Street (GIL Inc Property) CAPUD REZONING**
Parcel ID #13-22-27-0000-00-061

VARIANCE (PUBLIC HEARING)

- 4. 165 E Tilden Street (Sharp Residence) VARIANCE**
Parcel ID #14-22-27-0000-00-013
- 5. 228 S Lakeview Avenue (Scharich Residence) VARIANCE**
Parcel ID #23-22-27-8100-00-120
- 6. 703 Vineland Road (Pan Roof Cover) VARIANCE**
Parcel ID #23-22-27-6504-05-012
- 7. 342 E Smith Street (Smith Lot Variance) VARIANCE**
Parcel ID #23-22-27-4042-12-090

PRELIMINARY PLAT / FINAL PLAT / LOT SPLIT

- 8. 342 E Smith Street (342 E Smith Street Lot Split) LOT SPLIT**
Parcel ID #23-22-27-4042-12-090

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, **March 3, 2025** at **6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida.

POSTED: JANUARY 27, 2025

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTES 286.0105: ANY PERSON WHO DESIRES TO APPEAL ANY DECISION AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THIS PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED, WHICH SUCH WRITTEN RECORD IS NOT PROVIDED BY THE CITY OF WINTER GARDEN.

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTE 286.26: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT COLENE RIVERA, 300 WEST PLANT STREET, WINTER GARDEN, FL 34787, (407) 656-4111, EXT 2021 - 48 HOURS IN ADVANCE OF THE MEETING.



**Planning and Zoning Board
Regular Meeting Minutes
January 6, 2025**

1. CALL TO ORDER

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. Quorum was declared present.

Present: Chairman Will Hawthorne, Co-Chairman Steve Ambielli and Board Members, Linda Bennett, Myron Brown, Jimmy Dunn, Jeff Ewing, and Mark Hide.

Staff Present: City Attorney Kurt Ardaman, Planning Director Kelly Carson, Planning Supervisor Shane Friedman, Senior Planner Yvonne Conatser, Planner I Amber McDonald and Recording Secretary Ellen King.

Attendees: Laura & John Jones of 916 Marsh Reed Drive, Jacob Salas of 232 North Street, Tyler Suddeth of Suddeth Civil, Wilson McDowell of Park Industrial LLC, Dane Sutherland of 529 S Lakeview Avenue, Beverly Jefferson of 1790 Christopher Street, April Grimes of 301 E Gulley Avenue, Oakland; Geraldine Saintville of 517 Maxey Avenue, and Spencer Edwards of 1184 Maxey Drive.

2. APPROVAL OF MINUTES

Motion by Board Member Dunn to approve the regular meeting minutes of December 2, 2024. Seconded by Board Member Ewing and carried unanimously 7 – 0.

VARIANCE (PUBLIC HEARING)

**3. 529 S Lakeview Avenue (Sutherland Variance) VARIANCE
Parcel ID #23-22-27-2468-00-760**

Senior Planner Conatser presented a request for a Variance for the property located at 529 S Lakeview Avenue to expand the existing front porch. The front setback to the house is considered legal nonconforming but any expansion of the legal nonconforming setbacks requires a variance. Staff recommended approval of the variance subject to staff conditions.

Board Members inquired about why the variance was requested if the setback is not changing? City staff stated any expansion of use requires a variance.

Public did not have any comments or questions for this item.

Motion by Board Member Hide to approve the Variance at the location of 529 S Lakeview Avenue subject to staff conditions. Seconded by Board Member Ambielli and carried unanimously 7 – 0.

4. 916 Marsh Reed Drive (Jones Screen Room) VARIANCE
Parcel ID #28-22-27-4025-01-830

Planner McDonald presented a request for a Variance for the property located at 916 Marsh Reed Drive to allow a rear yard setback of 13.7' to construct a 12'x16' screen enclosure with an insulated roof. Staff recommended approval of the variance subject to staff conditions.

Board Members inquired if applicant received HOA approval and height of the proposed screen room roof? City staff stated HOA approval is no longer required by the city and attached screen room could be same height as the second story, but the applicants plan to construct height equal to first-floor level.

Public did not have any comments or questions for this item.

Motion by Board Member Hawthorne to approve the Variance at the location of 916 Marsh Reed Drive subject to staff conditions. Seconded by Board Member Brown and carried unanimously 7 – 0.

5. 321 N Hennis Road (321 N Hennis Road) VARIANCE
Parcel ID #13-22-27-0000-00-032

Planner McDonald presented a request for a Variance for the property located at 321 N Hennis Road to allow a 6-foot-tall PVC fence in the front yard of the property. Staff recommended approval of the variance subject to staff conditions.

Board Members inquired about the approval process of Variance (Item #5) before the Special Exception (Item #6) on the agenda, questioned the opaque screening called out in the code for Item #6, if front yard landscaping is proposed, if sightline for cars at driveway may be compromised with a fence around retention pond and if a brick wall was an option? City staff explained the order of Variance prior to Special Exception was to discuss the front yard fence since it faces Hennis Road and city staff require additional screening for outside storage, and opaque screening is required by code but

does not reference a 6-foot opaque fence in the front yard therefore a variance is needed, enhanced landscaping will be required in the front yard, the sight triangle and visibility will be reviewed during Site Plan review, a brick wall is not required and city staff is working with the applicant asking for a 6-foot fence to clean up of the site, landscaping, storage restrictions, new sidewalk, and new fence for property improvements.

Public did not have any comments or questions for this item.

Motion by Board Member Bennett to approve the Variance at the location of 321 N Hennis Road subject to staff conditions. Seconded by Board Member Hide and carried 6 – 1 with Board Member Hawthorne opposing.

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

6. 321 N Hennis Road (Park Industrial New Office) **SPECIAL EXCEPTION**
Parcel ID #13-22-27-0000-00-032

Planner McDonald presented a request to approve a Special Exception at the location of 321 N Hennis Road to allow outdoor storage of equipment and materials and with the approval of the requested Variance for a 6-foot-tall fence to screen outside storage from Hennis Road (Agenda Item #5). Staff recommends approval of the Special Exception Permit subject to the conditions outlined in the Staff Report.

Board Members inquired about height restrictions of equipment above 6-feet in Zone A, height restriction in I-2 zoning, community meeting discussions, hours of operations in I-2 zoning, if opaque fencing would be consistent through the site, what is height of stackable items? City staff stated equipment is required to be lowered and resting at lowest height in Zone A & B, the tallest equipment in their resting position must be stored in the rear of the property and equipment should descend in height with the smallest equipment at the front of the property. City staff stated I-2 zoning height restriction is 40-feet for structures, the community expressed no concerns at the community meeting, no cap on hours of operation in I-2 zoning and the hours of operation for this site has been voluntary, the site currently has chain-link fence around the entire site as it is heavy industrial, and all loose material stored outside cannot be stacked higher than 6-feet.

Public did not have any comments or questions for this item.

Board Members expressed concern with the height of the cranes stored and the Special Exception carries with the property. The Applicant informed the board he was not sure of the current tenant and most likely not a crane operator, but probably an equipment company or building materials company.

Motion by Board Member Hawthorne to approve the Special Exception at the location of 321 N Hennis Road to amend staff conditions to include equipment must be at its lowest possible position when at resting position. Seconded by Board Member Hide and carried unanimously 7 – 0.

COMPREHENSIVE PLAN ORDINANCES (PUBLIC HEARING)

Planning Director Carson presented Ordinances 25-04, 25-05 and 25-06 together as they are interlinked and related. She clarified all three ordinances do not change land development regulations nor will change what residents can or cannot build on their properties. Staff have been working on these changes to incorporate a design overlay affecting some of the development regulations for East Winter Garden. However, those aspects are not being reviewed at this time. The three proposed ordinances are to change the comprehensive plan which would allow for code changes to occur in the future. The City has initiated an update to the Winter Garden Comprehensive Plan to incorporate goals and policies that are consistent with the City's East Winter Garden Plan and East Winter Garden Plan Update, which were adopted in 2018 and 2022, respectively, and to be consistent with the forthcoming change to the City's Land Development Code to establish a new Historic East Winter Garden Neighborhood Overlay District. Ordinances 25-04, 25-05 and 25-06 are being proposed to add two new future land use categories to the comprehensive plan and would apply to two specific areas within the Historic East Winter Garden Neighborhood.

7. Ordinance 25-04 Comprehensive Plan Amendment – New Future Land Use Designations for the Historic East Winter Garden Neighborhood

Planning Director Carson presented Ordinance 25-04 requesting to add Policy 1-1.2.19 and Policy 1-1.2.20 of the Future Land Use element of the Winter Garden Comprehensive Plan to add two new policies to the future land use element: Neighborhood Residential and Neighborhood Mixed-Use. Staff recommends approval of Ordinance 25-04, requesting staff be allowed to transmit the Comprehensive Plan Amendment to the State Land Planning Agency.

8. Ordinance 25-05 Future Land Use Amendment - Neighborhood Residential

Planning Director Carson presented Ordinance 25-05 to request to amend the Future Land Use designation of the 100.5 ± acres subject property from Low Density Residential and Residential Neighborhood Commercial to Neighborhood Residential. Staff recommended approval of Ordinance 25-05, to allow staff to transmit the Comprehensive Plan Amendment to the State Land Planning Agency, amending the Future Land Use Map from Low Density Residential and Residential Neighborhood Commercial to Neighborhood Residential.

9. Ordinance 25-06 Future Land Use Amendment – Neighborhood Mixed-Use

Planning Director Carson presented Ordinance 25-06 to amend the Future Land Use designation of the 22.8 ± acre subject property from Residential Neighborhood Commercial & Institutional to Neighborhood Mixed-Use. Staff recommended approval of Ordinance 25-06 and requested staff be allowed to transmit the Comprehensive Plan Amendment to the State Land Planning Agency, amending the Future Land Use Map by changing the Future Land Use designation.

These ordinance items were opened to the Board Members for questions or comments. Board Members inquired about this code change, the definitions of Work Force Housing and Neighborhood-Oriented Architecture and if it is a part of the code update, what is density bonus, would a Site Plan with a density bonus require City Commission approval, if there is a timeline for code approval, limits to the change of Neighborhood Residential and why MUD zoning to the east and southeast are not included? City staff is currently working on these code changes and have a very specific matrix to evaluate the properties that would be eligible to qualify for the density bonuses and these details will be included in the code change. Density bonus is density added to a base density that is adjusted by certain qualifiers and there will be a process in awarding density bonuses, but no specific criteria is detailed at this time. City Commission will review/approve projects applying for density bonuses and city staff will have a draft code update in approximately a month to bring to the Planning & Zoning Board. The Future Land Use is being processed first since it will need to go through the State of Florida approvals and there is a time limit, the southeast property is within Orange County and the MUD Future Land Use properties are owned by the City of Winter Garden.

These ordinance items were opened in a Public Hearing for comments. Jack Salas of 232 North Street, inquired about how many units per acre are planned and express he is not in favor of duplexes? City staff stated in this area ten dwelling units per acre is the maximum but unlikely all ten units would be able to conform due to required setbacks of the property (such as stormwater, parking, etc.). Beverly Jefferson of 1790 Christopher Street expressed concerns with the areas on Christopher Street, Trumbo Street and E Bay Street, and does not want the 100 acres to be broken up allowing more density and asked the city not to open up the road at the end of these streets as a through street to E Plant Street. She also expressed she is not interested in the option of offering a density bonus. City staff stated the referred to area has the same base density of 2 - 6 dwelling units per acre and up to 10 dwelling units max. The code will state specifically the types of units that will be allowed for a single-family neighborhood but will allow more flexibility as requested for the East Winter Garden Plan. A canal is located at the end of Christopher Street, Trumbo Street and E Bay Street and would not be feasible or proposed anytime soon for a road connecting to E Plant Street.

Ordinance 25-04

Motion by Board Member Dunn to approve Ordinance 25-04. Seconded by Board Member Brown and carried unanimously 7 – 0.

Ordinance 25-05

Motion by Board Member Hawthorne to approve Ordinance 25-05. Seconded by Board Member Ewing and carried unanimously 7 – 0.

Ordinance 25-06

Motion by Board Member Ambielli to approve Ordinance 25-06. Seconded by Board Member Ewing and carried unanimously 7 – 0.

Chairman Will Hawthorne adjourned the meeting at 7:40 pm. Adjourned to the regular Planning and Zoning Board meeting on Monday, February 3, 2025 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida.

ATTEST:

APPROVED:

Recording Secretary Ellen King

Chairman Will Hawthorne

**THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM #3**

Public Hearing

Date: January 27, 2025 **Meeting Date:** February 3, 2025
Subject: 1144 E Plant Street (CAPUD Rezoning)
Project Name: 1144 E Plant Street CAPUD
Parcel ID: 13-22-27-0000-00-061 (Ords 25-07)
Issue: For the property located at 1144 E Plant St, the applicant is requesting to rezone the property to CAPUD (Character Area Planned Unit Development).

Supplemental Material / Analysis:

Owner / Applicant: GIL, Inc. / Doug Laman
Current Zoning: C-2
Proposed Zoning: CAPUD
Current FLU: COM Commercial
Proposed FLU: NA

Summary: The applicant is requesting to rezone a 0.25± acre property to CAPUD to permit the development of the parcel with a single-story 1,831 sf commercial office/retail building and a two-story 1,848 sf live/work building. The project also has associated site improvements such as parking, a 12' wide pedestrian sidewalk, and landscaping (See Staff Report). The proposed CAPUD rezoning is consistent with the City's Comprehensive Plan and the City's Code of Ordinances.

Staff Recommendation(s):

Staff recommends approval of Ordinances 25-07.

Next Step(s):

The first reading at City Commission is scheduled for February 13, 2025 with the second reading and adoption hearing anticipated to be on February 27, 2025.

Attachment(s):

Location Map
Staff Report
Ordinances 25-07

LOCATION MAP

1144 E Plant Street

CAPUD Rezoning



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

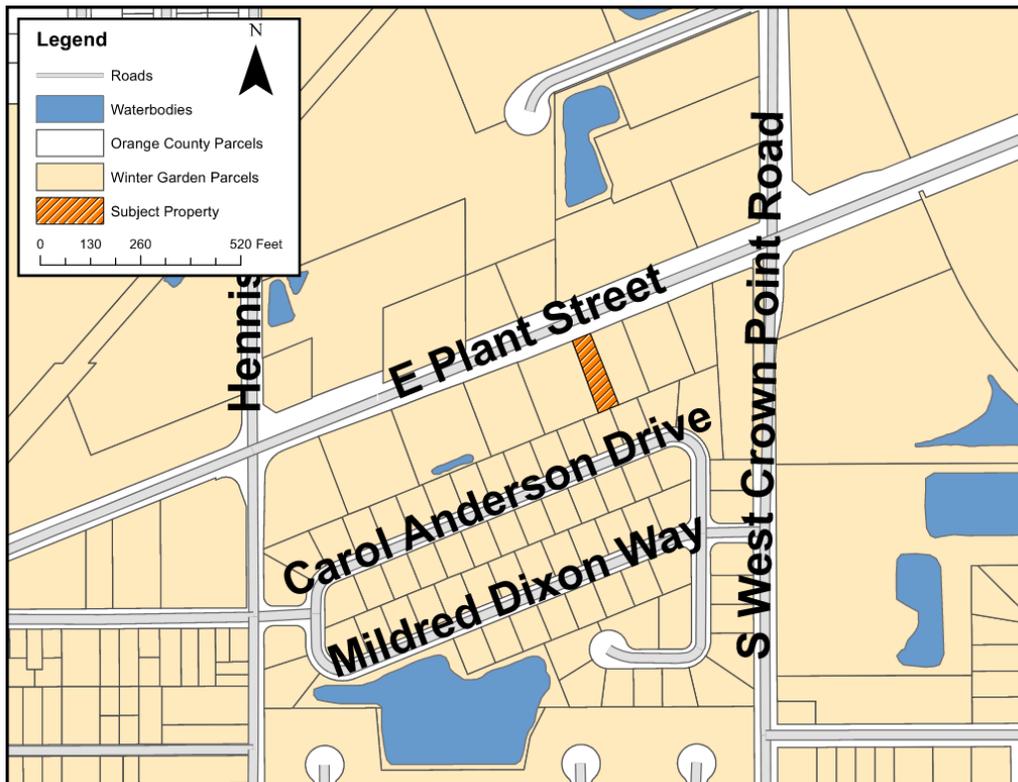
TO: PLANNING AND ZONING BOARD
PREPARED BY: SHANE FRIEDMAN, PLANNING SUPERVISOR
DATE: FEBRUARY 3, 2025
SUBJECT: CAPUD REZONING (ORDS 25-07)
1144 E Plant St (0.25 +/- ACRES)
Parcel ID# 13-22-27-0000-00-061

APPLICANT: GIL, Inc. // Doug Laman

INTRODUCTION

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

The subject property, located at the southeast corner of E Plant Street, is approximately 0.25 ± 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’s municipal limits, and currently carries the zoning designation C-2 (Arterial Commercial District). The subject property is designated (COM) Commercial on the Future Land Use Map of the Comprehensive Plan. The applicant is requesting to rezone 0.25 ± acres of land to CAPUD (Character Area Planned Unit Development).

The subject property is located within the East Plant District of the Plant Street Character Area overlay. The Character Area Planned Unit Development zoning district was established by Ordinance 17-06 and was adopted by City Commission on June 22, 2017.

EXISTING USE

The property is currently undeveloped. The property is one of seven that the applicant owns between 11th Street and S West Crown Point Road on the south side of E Plant Street. Although undeveloped the property does have an existing right-in/right-out entry from Plant Street that exists.

ADJACENT LAND USE AND ZONING

The properties to the north of the subject property are developed with commercial warehouse/retail buildings, are zoned I-1, and are within the City’s municipal limits. The property to the east is developed with a single-story office/retail building, operating as a church, and is within the City’s municipal limits. The property to the west is undeveloped, zoned C-2, and is within the City’s municipal limits. The properties to the south are developed with single-family homes, are zoned R-2, and are within the City’s municipal limits.

PROPOSED USE

The applicant is requesting CAPUD rezoning to permit the redevelopment of the 0.25 ± acre site, which will consist of two buildings. Building 1 will abut E Plant Street and be composed of two commercial office/retail suites totaling 1,831 square feet. Building 2 will be in the rear of the site and will be composed of a two-story live/work building.

The residential (live/work) component of Building 2 will be 500-sf of commercial on the first floor, which includes a garage and carport, and around 840 square of living space on the second floor (see floor plan Exhibit “C” of Ordinance). Parking is situated between the two buildings with a future dumpster location southwest of Building 2 in the rear of the property. The garage and interior carport are strictly intended for the used of the live/work building. The project has been designed to meet the pedestrian-oriented design and architectural requirements of the Plant Street Character Area Overlay.

COMMUNITY MEETING

On January 22, 2025, a community meeting was held in the City Commission Chambers to discuss the proposed CAPUD rezoning with surrounding property owners. The meeting only had two attendees who inquired about the permitted uses. Staff explained that the permitted uses were those found in C-2 zoning district, however the prohibited uses were more robust.

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 CAPUD is consistent with the land development regulations, comprehensive plan, and the future land use map. See other portions of this report concerning consistency with the land development regulations.

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

The proposed CAPUD 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. The proposed CAPUD was designed according to the Plant Street Character Area Overlay standards with the intent to maintain and enhance property values.

- (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;

All necessary utility lines (water, sewer, and reclaimed water) will be extended and connections made to serve the development of the property, all extension and connection costs shall be borne by the property owner. Utility lines are available along E Plant Street and accessible to the property owner. Any Developer's Agreement detailing the obligations of the developer associated with the proposed CAPUD that may be required will be determined during Site Plan 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 CAPUD project is consistent with the comprehensive plan's goals, objectives and policies for the Commercial future land use designation; the CAPUD zoning criteria; and the City's land development regulations. The proposed buildings will not cause the project to have a floor area ratio that exceeds 0.35, which is consistent with the Comprehensive Plan policy for the Commercial FLU. Furthermore, the proposed buildings are only 25 feet in height. Comparatively speaking the abutting residential R-2 single-family zoning district allows 30 feet in height.

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

In accordance with the City's comprehensive plan, the zoning designations permitted within the Commercial future land use designation include Planned Development zoning

designations. Further, in accordance with land development regulations and the comprehensive plan, the proposed CAPUD will provide for adequate buffering against adjoining properties and rights-of-way. There is an existing 6-foot-tall concrete panel wall that was installed several years ago. The wall along with a ten-foot landscape buffer should provide screening.

- (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 property has access off E Plant Street. The roadway segment of E Plant Street between SR-429 and Dillard Street is considered an arterial roadway by the City's Multimodal Transportation Map which is an appropriate location for mixed use development. Also, during the improvements to E Plant Street by the City, which saw the road widened and turn lanes created, the installation of a right-in/right-out access was provided. This included a sidewalk and proper crosswalk striping.

All driveway improvements will be constructed at the owner's expense and in compliance with City concurrency standards for transportation.

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

The proposed CAPUD project is consistent with the comprehensive plan's goals, objectives and policies for the Commercial future land use designation and the CAPUD zoning criteria and land development regulations. Except for the live/work unit, only commercial uses such as office and retail will be permitted, and the property will not have a floor area ratio that exceeds 0.35. The property will have a single dwelling unit provided as a live-work apartment above the commercial space in the rear of the property making the density negligible in terms of impacts. This is consistent with the Comprehensive Plan policy for the Commercial FLU.

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

The proposed CAPUD project will include pedestrian improvements, especially along E Plant Street, which includes a wide 12' +/- multi-modal sidewalk with street tree plantings. This new sidewalk ties into the existing concrete sidewalks located within the adjacent rights-of-way. These improvements will enhance pedestrian and bicycle circulation in the area.

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

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 subject property complies with the impervious surface maximum requirements of the

Land Development Code (80%). Stormwater management for the proposed CAPUD project will be required to satisfy the City of Winter Garden's requirements and the St. John's Water Management District. At 0.25 ± acres in size the project is exempt from the park area requirement in the Overlay for new development. Although a park is not provided, given its size, the property will still have 30% open space with landscaping.

- (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.

There are no current or future plans to develop the designated open space areas – they will remain open in perpetuity under single ownership.

- (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 proposed project will be completed in one phase.

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

Reclaimed water service is not currently available to serve the property on which the CAPUD is proposed to be developed. However, Staff will require that the property be set up to easily connect to reclaimed water service once it becomes available in the area. All other necessary utility lines (water, sanitary sewer, etc.) will be connected to serve the development of the property, 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 CAPUD includes requirements regarding specific development and architectural standards, as outlined in an exhibit that is part of the CAPUD ordinance. The building architecture must adhere to the rendering exhibited with the CAPUD ordinance, and the site must be developed in a way that is consistent with the exhibited site plan. Staff has worked closely with the applicant to ensure the project achieves pedestrian-oriented design, architectural quality, adequate buffering, streetscape amenities, and aesthetic harmony with surrounding properties.

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

The project is small at 0.25 ± acres in size and will not have a common open space aside from the 12' wide sidewalk required along the frontage.

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

Staff has coordinated closely with the applicant to ensure the building exhibits quality architectural design and will fit in harmoniously with the character of surrounding properties and the architectural standards of the Plant Street Character Area overlay. The building is required to be consistent with the rendering exhibited in the CAPUD. The live/work building was designed to have interior stairs and function as a typical residential apartment above the commercial component without the need to enter through an exterior access.

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

The permitted uses in the proposed CAPUD include office, retail/mercantile, food service such as cafes or coffee shops, personal services, and medical offices (excluding laboratories). The property has a Commercial Future Land Use designation which permits “...retail, service, and professional activities”. Furthermore, the CAPUD zoning designation and overlay standards permits commercial uses.

PLANT STREET CHARACTER AREA REQUIREMENTS

In addition to the rezoning criteria, when considering a rezoning to character area planned unit development that incorporates deviations from the development standards of City of Winter Garden Code Chapter 118, Article XIV, the city shall consider the extent to which the proposed development, taken as a whole (staff conclusions/findings are underlined):

(1) Advances the stated vision and principles of the character area, including:

- a. Promotes modes of transportation other than the automobile, including walking and transit;

The project includes streetscape improvements along E Plant Street including a wide 12'+/- multi-use sidewalk and street trees where permissible. The proposed pedestrian improvements will tie into other existing adjacent pedestrian and bicycle facilities. The parking area is located between the buildings away from the street, providing screening and deemphasizing the automobile as the sole transportation option. The live/work building promotes a reduction in the need to travel by the tenants by allowing them to work and receive customers at their home/office.

- b. Creates a built environment that is in scale with pedestrian-oriented activities and provides visual interest and orientation for pedestrians; and

The look and feel of the buildings are a traditional mercantile design emphasizing storefronts and awnings on the first floor and single hung windows on the second floor. The maximum height of 25'(two-stories) provides a more pedestrian scale presence along the frontage and sidewalks.

- c. Contributes to a mix of uses in the area that are compatible with each other and work together to support the stated vision.

The proposed development will attract high-quality commercial businesses, which will fit in well among the other existing and proposed uses in the area, which includes a mix of residential, commercial and industrial buildings. The addition of the live/work building further promotes a mix of uses that are compatible and pedestrian oriented.

(2) Is consistent with the intent of the standards applicable to the sub-district and district in which it is located.

The proposed development is consistent with the standards and overall vision of the East Plant District.

(3) Is physically and functionally integrated with the built environment in which it is located;

and

The proposed development will integrate seamlessly with the built environment, responding to the existing street alignment by pushing the building closer to the roads than the building does currently and providing an outward-facing community-oriented space.

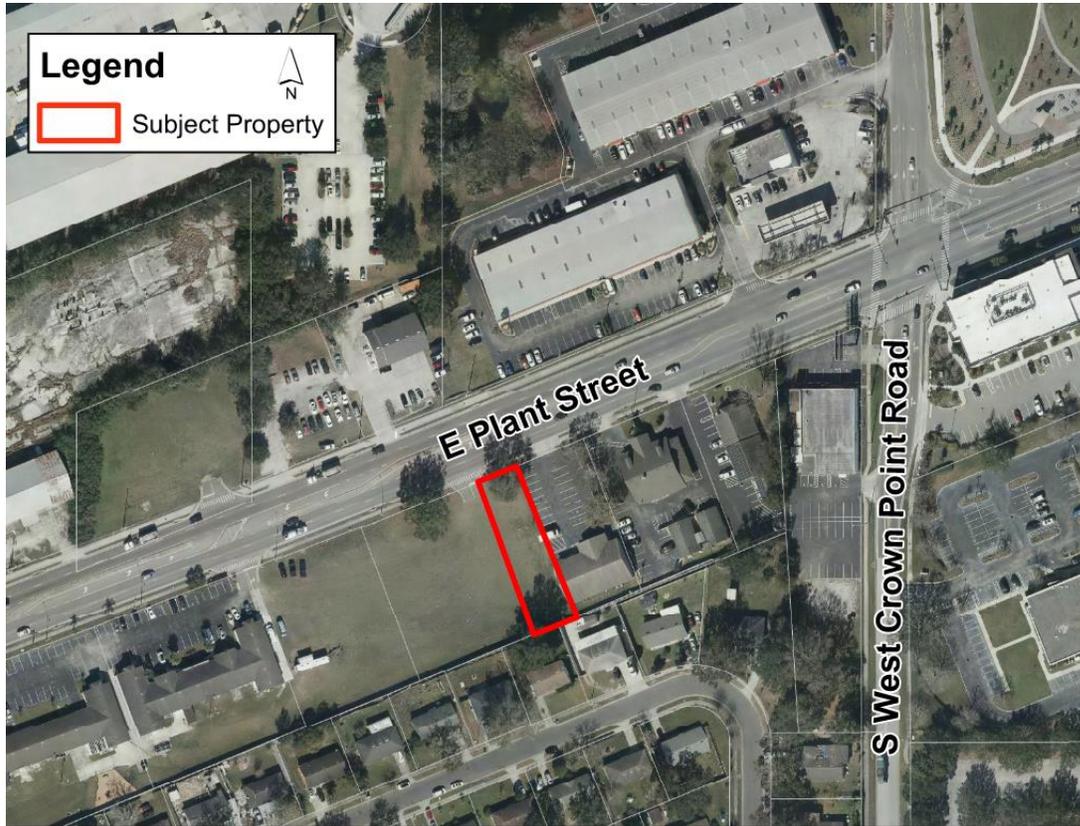
- (4) The potential impacts of the proposed deviation on surrounding properties and the extent to which any adverse impacts from such deviation can be mitigated.

No adverse impacts to surrounding properties are anticipated to be created by the proposed development.

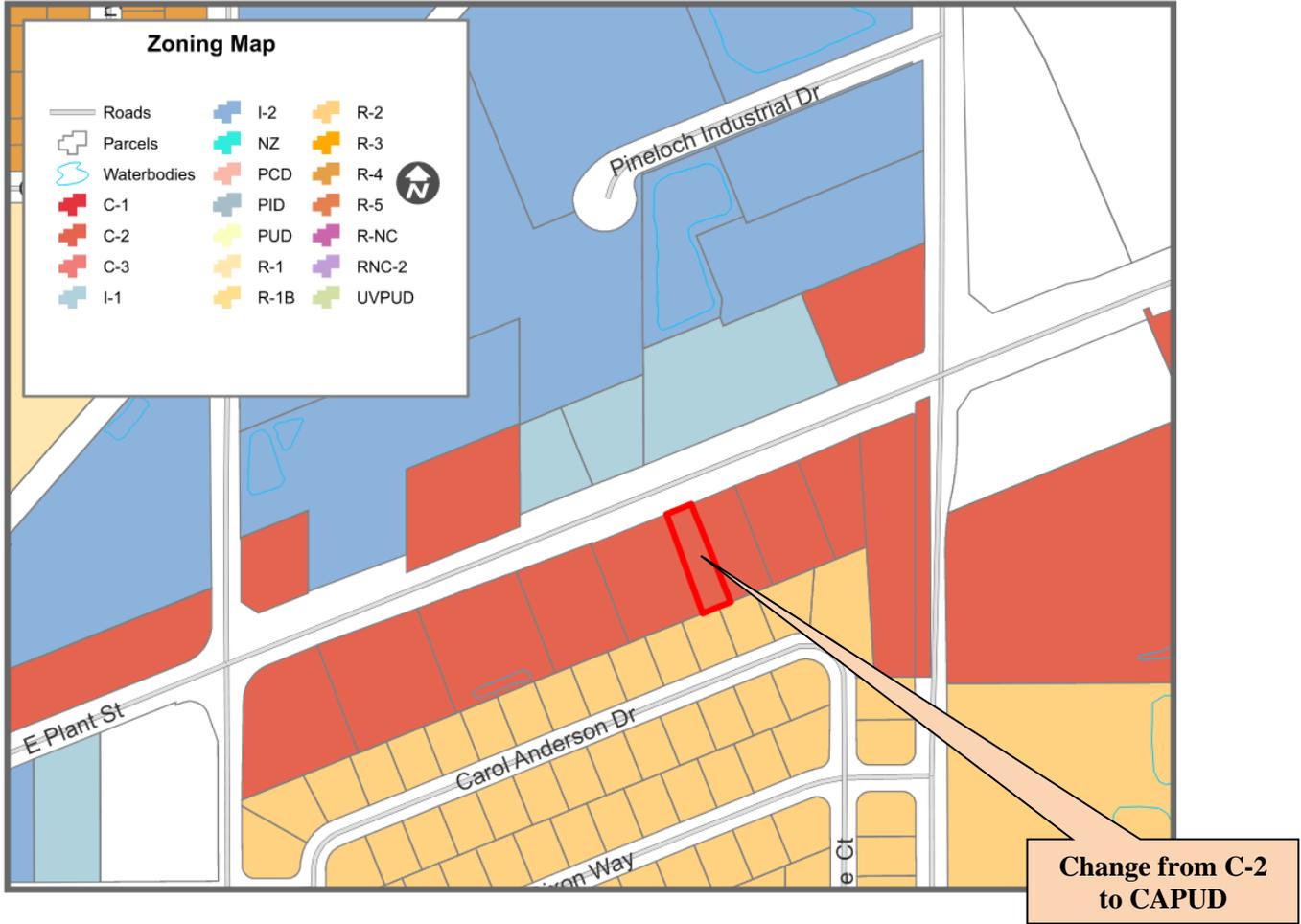
SUMMARY

City Staff recommends approval of the proposed Ordinance 25-07. Rezoning the subject property from C-2 to CAPUD is consistent with the City's Comprehensive Plan, Future Land Use Map, land development regulations, Plant Street Character Area Design Criteria, and is consistent with the trend of development in the area.

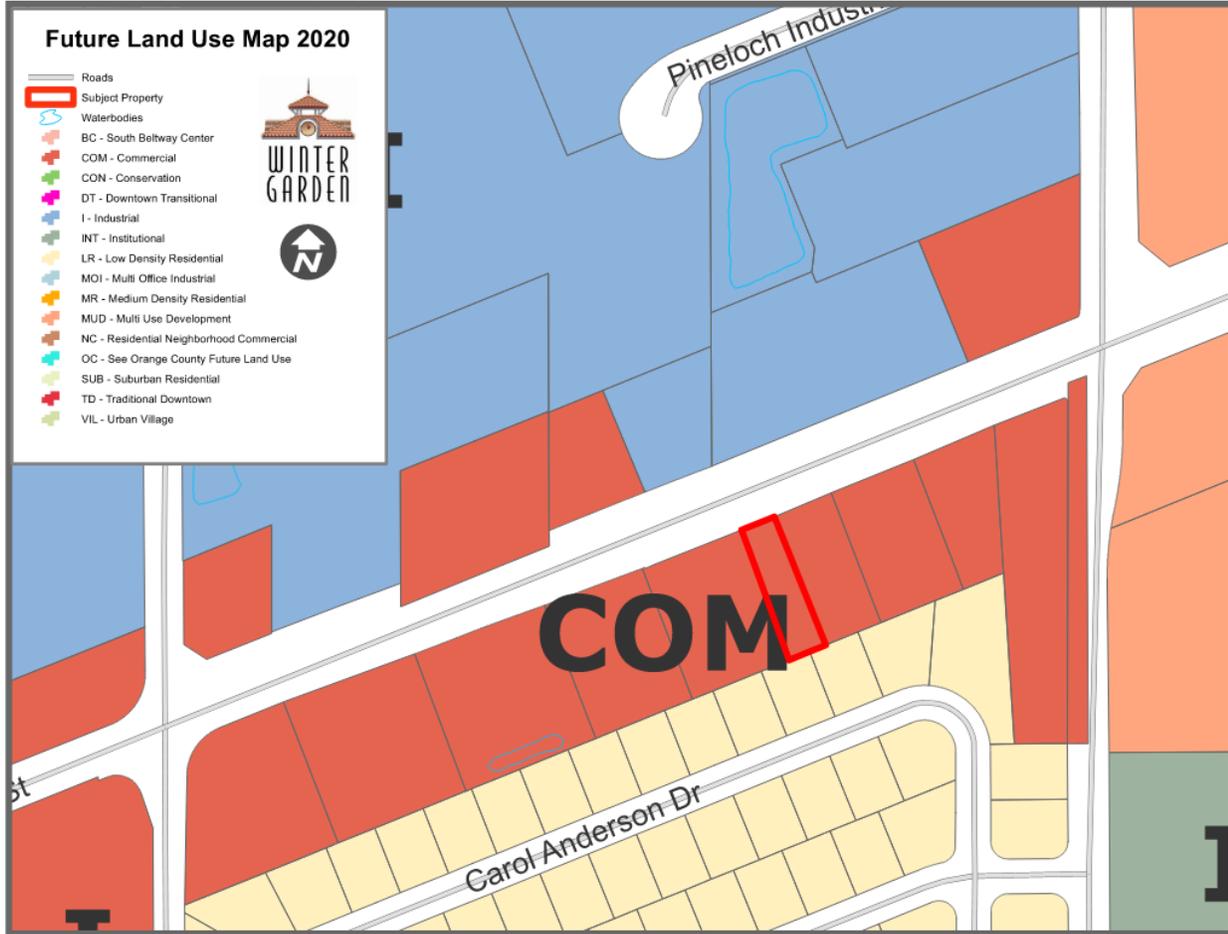
AERIAL PHOTO
1144 E Plant Street



ZONING MAP
1144 E Plant Street



FUTURE LAND USE MAP
1144 E Plant Street



END OF STAFF REPORT

ORDINANCE 25-07

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.25 +/- ACRES OF LAND GENERALLY LOCATED AT 1144 E PLANT STREET, SOUTH OF E PLANT STREET, NORTH OF CAROL ANDERSON DRIVE, WEST OF S WEST CROWN POINT ROAD, AND EAST OF 11TH STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO CAPUD (CHARACTER AREA PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN CAPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE 1144 E PLANT STREET CAPUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner(s) of real property generally described as approximately 0.25 ± acres of certain real property located at 1144 E Plant Street, generally located south of E Plant Street, north of Carol Anderson Drive, west of S West Crown Point Road, and east of 11th Street in Winter Garden, Florida, being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"), desire to rezone their property from C-2 (Arterial Commercial District) to CAPUD (Character Area Planned Unit Development"); and

WHEREAS, recently adopted Ordinance 17-06 amended Chapter 118 of the City of Winter Garden Code to add a new Article XIV to establish the East Plant Street Character Area, and to add a new Division 5 of Article V to establish the Character Area Planned Unit Development zoning district; 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 C-2 to CAPUD 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 1144 E Plant Street Character Area Planned Unit Development Plan attached hereto as Exhibit "B." Should any conflict be found between this Ordinance and the 1144 E Plant Street Character Area 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 Character Area Planned Unit Development zoning district and the development standards of the East Plant Street Character Area and its East Plant District overlay area. These requirements include any approval procedures of the Planned Unit Development zoning district.
- c. **Permitted Uses-** The permitted uses for the Property are as follows:
 1. Live/Work (only where shown Exhibit B)
 - a. Upper story residential only; maximum 1 dwelling unit
 - b. Lower story (less the garage) may be used for the non-residential permitted uses and special exception uses allowed by this ordinance.
 - c. The garage and driveway are counted towards the parking requirement for live/work. At no time can the garage be enclosed or converted to commercial space.
 2. Professional Offices.
 3. Medical Offices.
 4. Retail.
 5. Personal Services.
 6. Food and beverage service such as cafes, coffee shops, etc.
 7. Customary accessory uses and structures clearly incidental and subordinate to a principal use.

Provided however, if a specific use is prohibited by subsection e., it shall not be permitted. Subsection e. shall control in the event of a conflict between subsection c. and subsection e. Further, subsection e. shall control in the event of a conflict between subsection d. and subsection e. Uses should be consistent with the structures and areas intended for such uses as shown on the concept plan attached as Exhibit B.

- d. **Special Exception Uses-** The special exception uses for the Property are as follows:
1. Daycares
 2. Other uses which the Planning and Zoning Board determines are of the type and intensity of activity similar to and compatible with the East Plant Street Character Area.
- e. **Prohibited Uses-** The prohibited uses for all areas of the Property are as follows:
1. Any use prohibited in the C-2 Zoning Districts not specifically outlined under the Permitted or Special Exception Uses.
 2. Laboratories or Medical Screening as a primary use.
 3. Automobile, motorcycle, recreational vehicle or boat sales, rental, storage, painting, service or repair or any combination thereof.
 4. Mini / Self Storage Facilities.
 5. Pawn Shops.
 6. Billboards.
 7. Body Art Establishments.
 8. Adult entertainment establishments or pornographic book, magazine, video and novelty stores or sales.
 9. Any building with a drive-in, drive-thru, or pick-up window.
 10. Any use that requires outdoor storage of materials.
 11. All uses not specifically or provisionally permitted in this Ordinance; any use not in keeping with a pedestrian-oriented commercial character.
- f. **Design Criteria/Architectural Standards-**
1. **Architectural Standards-** Any new proposed buildings or structures on the property shall adhere to the aesthetic character and design quality of the proposed architectural renderings, attached hereto as Exhibit "B". The live/work building shall conform to the general layout of the proposed floor plan attached hereto as Exhibit "C". The interior walls and layout may change however, at no time can the commercial space be greater than 500 square feet.
 2. **Maximum Building Height-** The maximum building height shall not exceed 40 feet.
 3. **Landscape Design-** The property shall be required to adhere to the landscape design standards outlined in the Plant Street Character

Area Design Plan and in accordance with Chapter 118, Article XIV of the City of Winter Garden Code of Ordinances.

4. **Site Design-** Bicycle racks, benches, and trash receptacles are required to be provided on site.
 5. **Setbacks and Required Yards-** All buildings and accessory structures shall adhere to the setbacks outlined in the Plant Street Character Area Design Plan and its East Plant District and in accordance with Chapter 118, Article XIV of the City of Winter Garden Code of Ordinances.
 6. **Outdoor Storage-** Outdoor storage of materials or equipment is prohibited.
 7. **Signage-** All signage proposed for the Property shall comply with the Plant Street Character Area sign standards in accordance with the Plant Street Character Area Design Plan and Chapter 118, Article XIV. The signage shall be reviewed at time of Site Plan Review.
 8. **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 Character Area Planned Unit Development is permitted by Saint John's River Water Management District.
 9. **Lighting-** all exterior lighting shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles.
 - a) **Street Lighting:** All lighting provided along public streets shall comply with the requirements pertaining to construction and installation of public improvements in accordance with Appendix A, Article II, Section 2.
 - b) **Site Lighting:** Vehicular, building, and pedestrian site lighting shall be designed as dark skies lighting in a consistent and coordinated manner for the entire project in compliance with the requirements of Chapter 118, Article X, Division 4 of the City Code of Ordinances. During the site plan review, a photometric lighting plan will be required.
- g. Staff Conditions-** All development on the Property must comply with the following staff conditions:
1. The design of the area where the existing sidewalk meets the new proposed sidewalk will be reviewed in further detail during the Site

Plan review.

2. 100% of the water/sewer impact fees shall be paid prior to site or building permit issuance or execution of FDEP permit applications by the City. Sanitary laterals and pipes shall be SDR 26 per City standards. Use City Standard Detail Sheets for utilities and public works. All on-site utilities shall be privately owned and maintained.
3. All dumpsters shall be enclosed and shall provide 12' minimum inside clearance (each way inside of bollards), and access by solid waste vehicles.
4. Permits or exemptions shall be required from SJRWMD (stormwater) and FDEP for water and sewer and FDEP NPDES NOI as may be applicable.
5. Any screen walls or retaining walls shall require a separate permit from the Building Department.
6. All utilities shall conform to Chapter 78 of the City Code. Impact fees will be required for any utility connections and shall be paid prior to issuance of building permit and City execution of FDEP permit applications. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer. 100% of all required water, irrigation and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.
7. If thermoplastic pipe is being specified, it shall meet all City material and installation requirements as specified in the City's Standards & Specifications including Class I bedding, HP polypropylene pipe, laser profiling, installation per ASTM D2321, etc. (see under on-line forms on website).
8. Site lighting will be required as well as street lighting on all street frontages if not existing; all lighting shall meet dark skies requirements per City Code.
9. Minimum 5' wide concrete sidewalks shall be constructed along all street frontages pursuant to City Code, except along E Plant Street where the minimum sidewalk width shall be 12'. Existing sidewalks, curbs, & pavement will be checked at completion and any damaged sections shall be replaced.
10. Internal sidewalks shall connect to the public sidewalks in the right-of-way per ADA.
11. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.

12. All work shall conform to City of Winter Garden standards and specifications.
13. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
14. 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.
15. 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 CAPUD 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: _____, 2025.

SECOND READING AND PUBLIC HEARING: _____, 2025.

ADOPTED this _____ day of _____, 2025, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

ANGELA GRIMMAGE, City Clerk

Exhibit "A"

PARCEL ID#: 13-22-27-0000-00-061

LEGAL DESCRIPTION:

COMMENCE AT THE S.W. CORNER OF THE S.E. 1/4 OF THE S.W. 1/4 OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE N89°59'59"E, 30.00' TO THE EAST RIGHT-OF-WAY LINE OF HENNIS ROAD (11TH STREET); THENCE ALONG SAID RIGHT-OF-WAY LINE N00°05'32"E, 1034.41' TO A TANGENT CURVE; THENCE ALONG SAID RIGHT-OF-WAY AND CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 75.00', A LENGTH OF 89.11' A CENTRAL ANGLE OF 68°04'35" TO THE TANGENT SOUTH RIGHT-OF-WAY LINE OF PLANT STREET (OCOE-WINTER GARDEN ROAD); THENCE ALONG SAID RIGHT-OF-WAY N68°10'07"E, 99.34'; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY S20°28'46"E, 0.54' TO A NON-TANGENT CURVE; THENCE ALONG SAID RIGHT-OF-WAY AND CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 9150.00', A LENGTH OF 200.75', A CENTRAL ANGLE OF 01°15'25", WITH A CHORD BEARING AND DISTANCE OF N69°25'12"E, 200.75'; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY AND CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 9150.00', A LENGTH OF 100.99' A CENTRAL ANGLE OF 00°37'57" WITH A CHORD BEARING AND DISTANCE OF N70°21'53"E, 100.99', TO A POINT OF REVERSE CURVE; THENCE ALONG SAID RIGHT-OF-WAY AND CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 9250.001, A LENGTH OF 98.18' A CENTRAL ANGLE OF 00°36'29" WITH A CHORD BEARING AND DISTANCE OF N70°22'37"E, 98.17' TO A NON-TANGENT LINE; THENCE ALONG SAID RIGHT-OF-WAY AND NON-TANGENT LINE N69°36'39"E, 146.28'; THENCE ALONG SAID RIGHT-OF-WAY N69°36'38"E, 4.06'; THENCE ALONG SAID RIGHT-OF-WAY S21°50'25"E, 1.29'; THENCE ALONG SAID RIGHT-OF-WAY N68°12'42"E, 149.44' TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY N68°12'42"E, 50.56'; THENCE DEPARTING SAID RIGHT-OF-WAY S21°49'53"E, 200.00' TO THE NORTH LINE OF HORIZON OAKS PLAT BOOK 26, PAGE 96 AS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE ALONG SAID PLAT LINE S68°10'07"W, 56.89'; THENCE DEPARTING SAID PLAT LINE N20°01'09"W, 200.14' TO THE POINT OF BEGINNING.

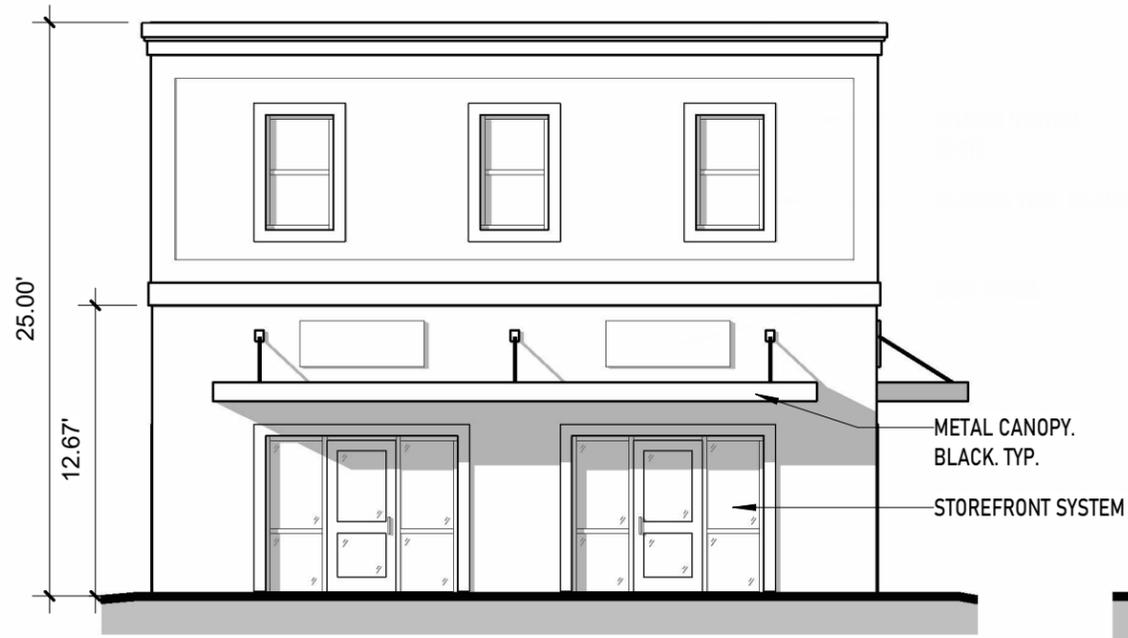
CONTAINING 0.25 ACRES, MORE OR LESS.

Exhibit "B"

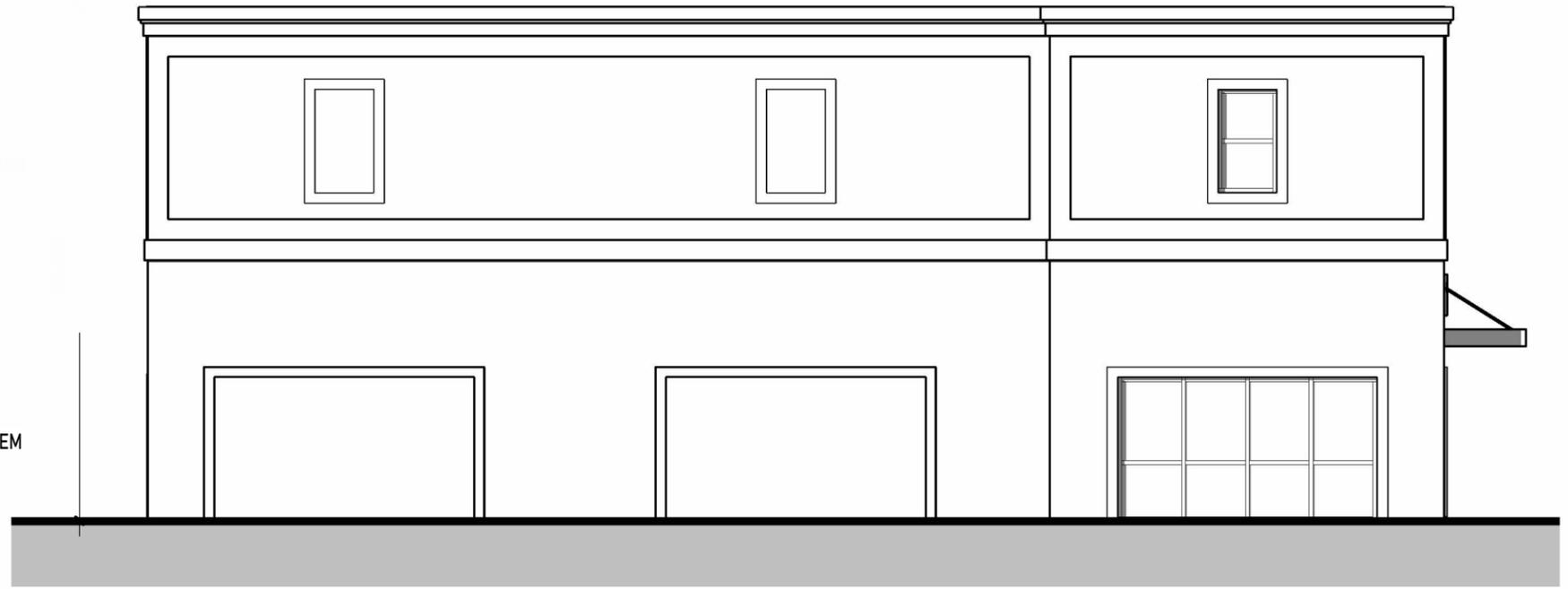
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**1144 E Plant Street
CAPUD PLAN**

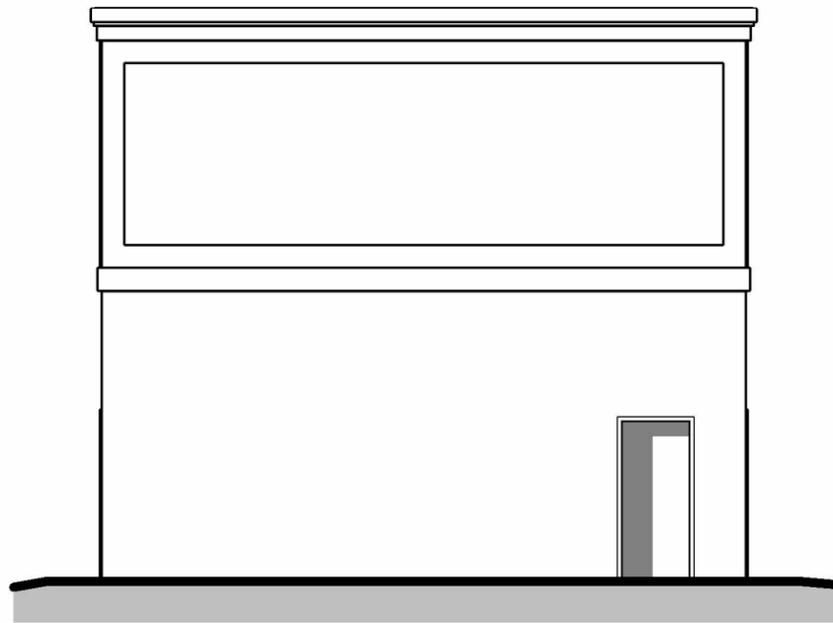
(5 PAGES - ATTACHED)



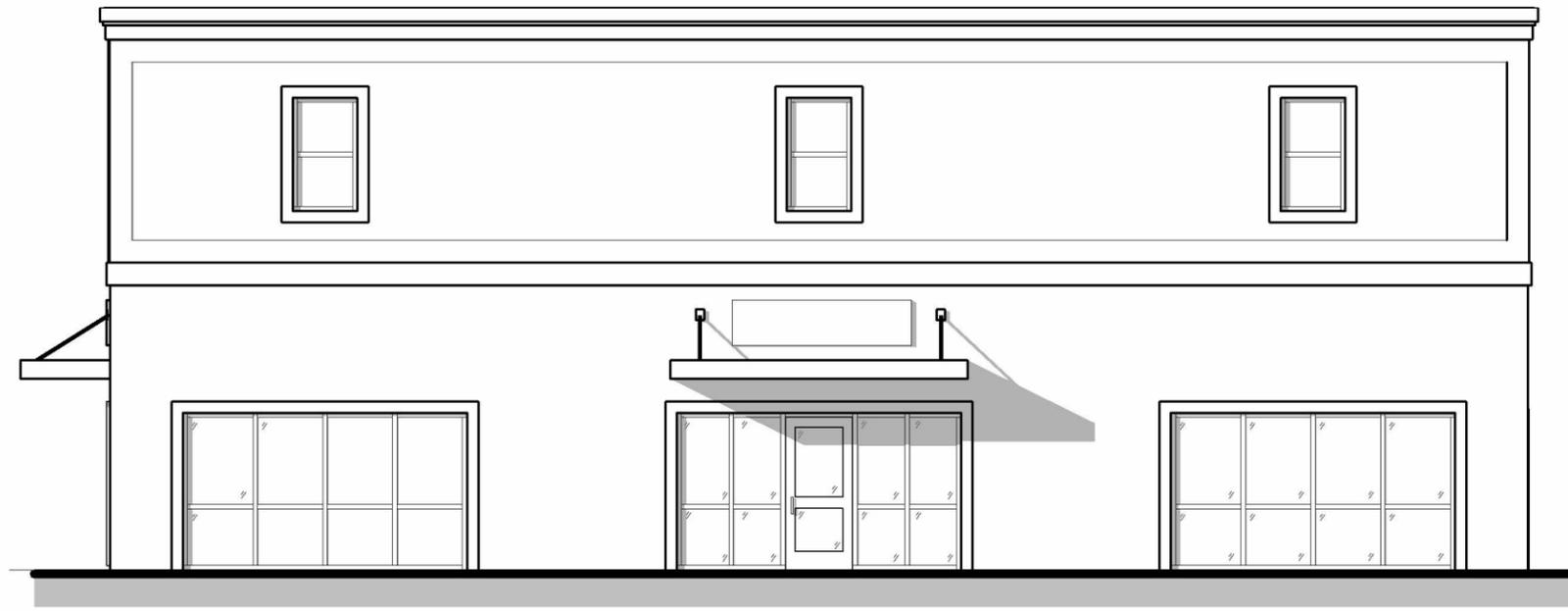
1 EXTERIOR ELEVATION - NORTH (PLANT ST)
1/8" = 1'-0"



2 EXTERIOR ELEVATION - EAST (PLANT ST)
1/8" = 1'-0"



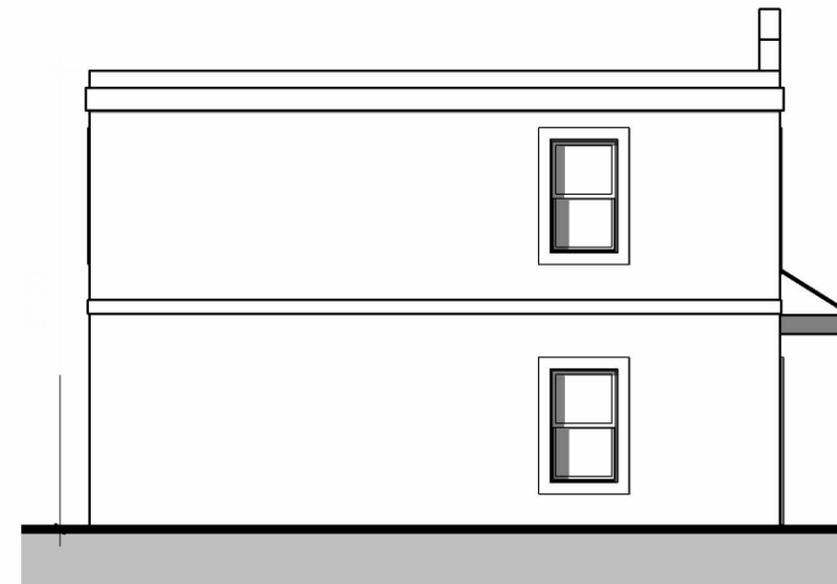
3 EXTERIOR ELEVATION - SOUTH (PLANT ST)
1/8" = 1'-0"



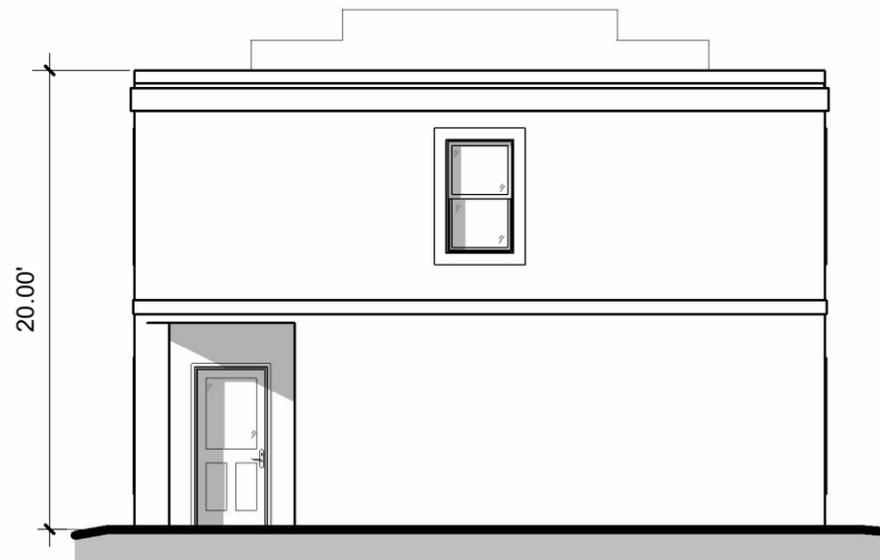


BLACK. TYP.
STOREFRONT SYSTEM

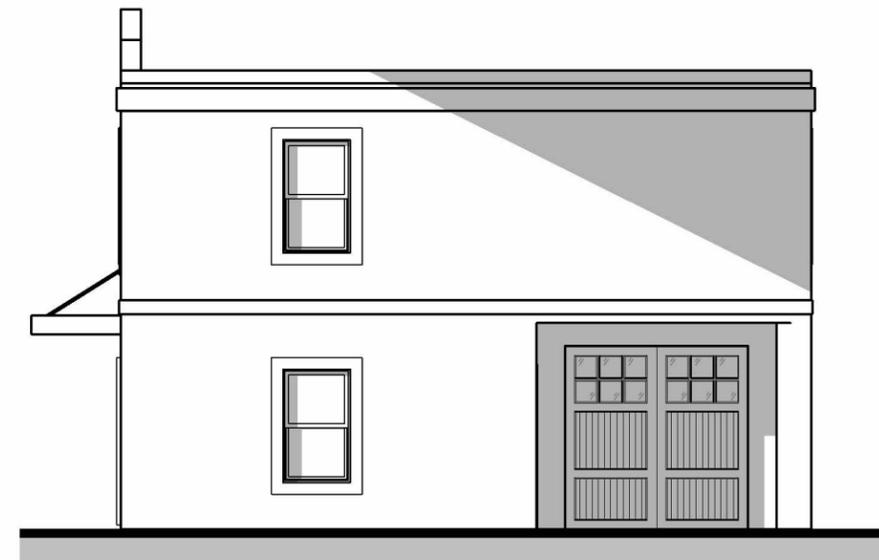
1 EXTERIOR ELEVATION - NORTH (LIVE WORK UNIT)
1/8" = 1'-0"



2 EXTERIOR ELEVATION - EAST (LIVE WORK UNIT)
1/8" = 1'-0"



3 EXTERIOR ELEVATION - SOUTH (LIVE WORK UNIT)
1/8" = 1'-0"





ZACH KASKY
ARCHITECTURE
PROFESSIONAL DESIGN

PO Box 780173, Orlando, FL 32828
407-990-5554
info@zkarch.com | www.zkarch.com



PO Box 780173, Orlando, FL 32828
407-990-5554
info@zkarch.com | www.zkarch.com

GIL INC.

1144 E PLANT STREET - SITE CONCEPT

PERSPECTIVE

Project num

Date

Drawn by

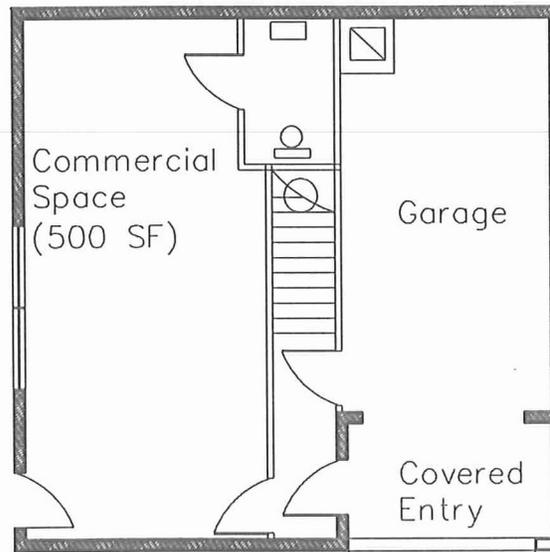
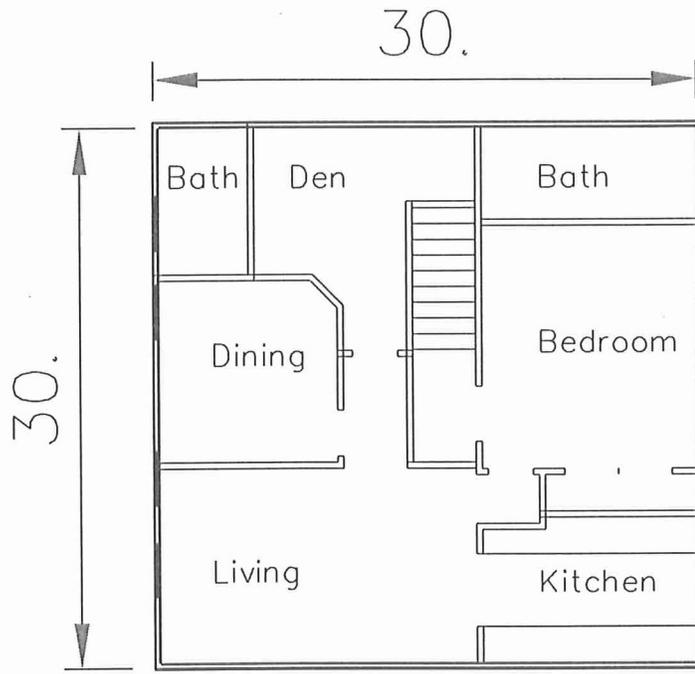
Checked by

Exhibit "C"

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1144 E Plant Street CAPUD LIVE/WORK FLOOR PLAN

(1 PAGE - ATTACHED)



LIVE
WORK
UNIT

Parking/
Driveway

**THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM #4**

Date: January 24, 2025 **Meeting Date:** February 3, 2025
Subject: 165 E Tilden Street
Project Name: 164 E Tilden Street – Sharp Residence Variance
Parcel ID: 14-22-27-0000-00-013
Issue: The applicant is requesting a variance for the property located at 165 E Tilden Street.

Supplemental Material / Analysis:

Owner / Applicant: Christopher Sharp
Current Zoning: R-1 (Residential District)
Proposed Zoning: N/A
Current FLU: LR (Low Density Residential)
Proposed FLU: N/A

Summary: The applicant is requesting approval of a variance to Winter Garden City Code Sec. 118-308(1)(a) and Sec. 118-1310(b) for the property located at 165 E Tilden Street, to allow a detached garage to have a wall height of 13.33 feet in lieu of the 9-foot height maximum and a roof peak height of 19.75 feet in lieu of the 12-foot height maximum as well as a 28.58 foot front yard setback in order to build a covered front porch.

Staff Recommendation(s):

Staff recommends approval subject to any conditions outlined in the Staff Report.

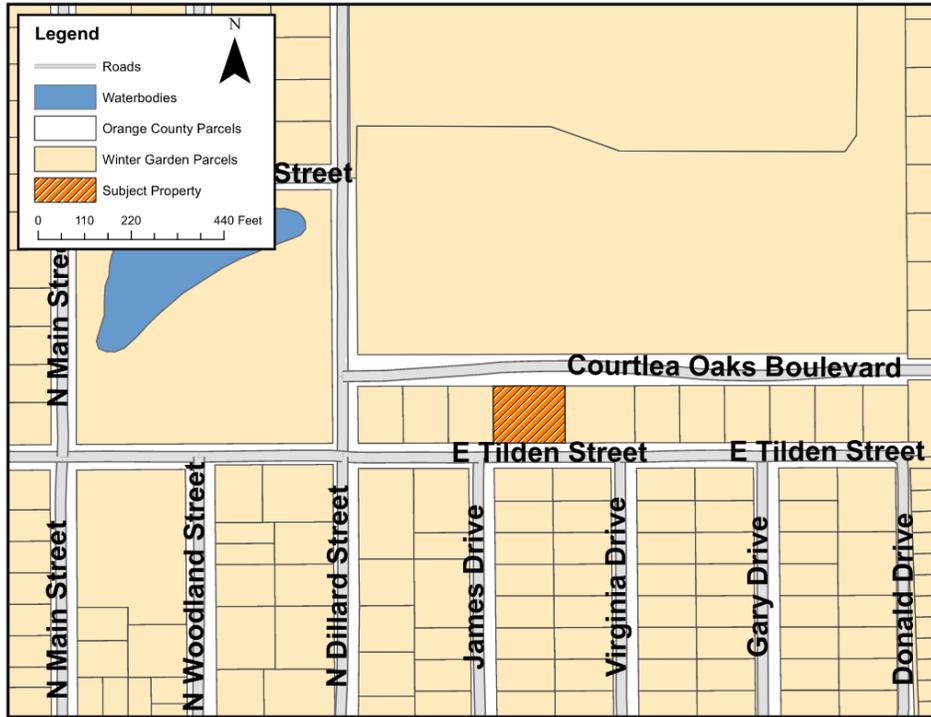
Next Step(s): Follow all City regulations and apply for building permits.

Attachment(s): Staff Report
Location Map

LOCATION MAP

165 E Tilden Street

Variance



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

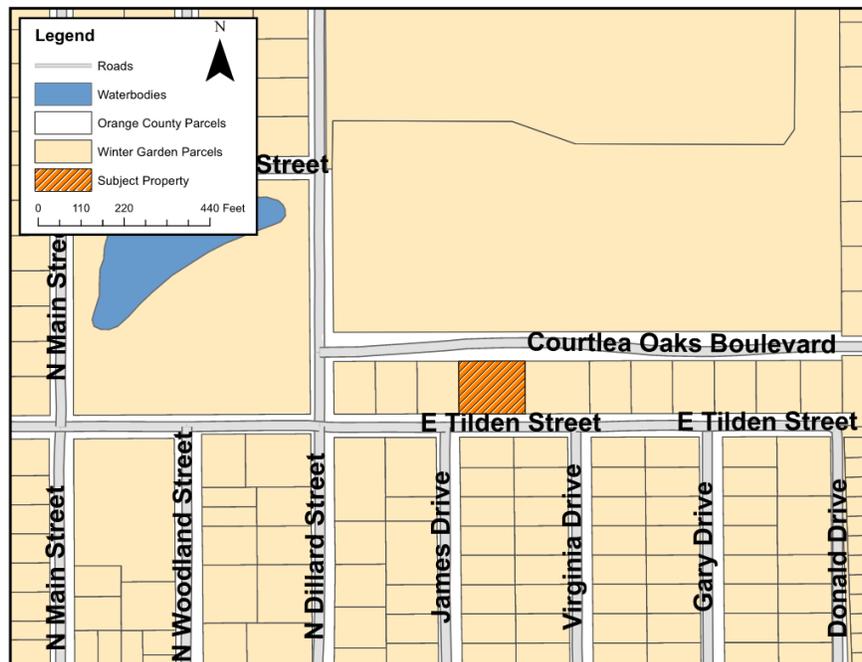
TO: PLANNING AND ZONING BOARD
PREPARED BY: SHANE FRIEDMAN, PLANNING SUPERVISOR
DATE: FEBRUARY 3, 2025
SUBJECT: VARIANCE
165 E Tilden Street (0.52 +/- ACRES)
PARCEL ID # 14-22-27-0000-00-013

APPLICANT: Christopher Sharp

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 139 N Highland Avenue in Winter Garden, Florida. The request is to allow a detached garage to have a wall height of 13.33 feet in lieu of the 9-foot height maximum and a roof peak height of 19.75 feet in lieu of the 12-foot height maximum, as well as a 28.58-foot front yard setback in order to build a covered front porch.

The subject property, located at 165 E Tilden Street, is an approximately 0.52 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



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

EXISTING USE

The subject property is currently developed with a 3,520 +/- square foot one-story single-family residence.

ADJACENT LAND USE AND ZONING

The properties located to the east and west of the subject property are developed with single-family residences, are zoned R-1, and are located in the City of Winter Garden’s jurisdictional limits. The properties to the south are developed with single-family homes, are zoned R-2, and are located in the City of Winter Garden’s jurisdictional limits. The property to the north is Courtlea Oaks Blvd. Dillard Street Elementary School is located north of Courtlea Oaks Blvd, is zoned R-1, and is within the City’s jurisdictional limits.

PROPOSED USE

The applicant is requesting the variance to allow the construction of a 704 square foot detached garage and the addition of a 225 square foot covered porch to the front of the home.

CODE REFERENCE

Sec. 118-1310(b) of the City Code of Ordinances addresses requirements for accessory buildings and accessory structures. This section states,

...

(b) General requirements...

...

Accessory buildings shall be designed to blend aesthetically with the principal building. Detached accessory building walls shall not exceed nine feet in height, and roof peaks shall not exceed 12 feet in height.

Sec. 118-308(1)(a) of the City Code of Ordinances addresses minimum yard requirements for R-1 single-family residential district. This section states,

- (1) Single-family.
 - a. Front: 30 feet.
 - b. Side: ten feet each.
 - c. Rear: 20 percent of depth of lot.

The applicant is seeking a variance to the maximum height requirements for accessory buildings and the front yard setback of a single-family home.

CODE REQUIREMENTS / CRITERIA

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

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

Detached Garage: The height of the detached garage should not interfere with the reasonable enjoyment of adjacent properties. The garage is maintaining all required setbacks of the primary structure and is shorter than that of the primary structure by almost four feet.

Front Porch: The front porch is facing the right-of-way and is located at the center of a large 170-foot-wide lot. The front porch setback will add curb appeal, allow the applicant to enjoy the front of their property, and should not interfere with or negatively impact anyone's standard of living.

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

Detached Garage: Detached garages are typical of single-family homes and can be found on both large and small lots. The applicant's property is half an acre in size and the detached garage should not look out of character. The garage will also be built with similar façade elements and fenestration as the primary structure.

Front Porch: Houses with open front porches are not out of character for single-family homes and are in fact preferred for their curb appeal and neighborhood charm. Unless there are significant impediments to constructing a front porch they are typically encouraged.

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

Detached Garage: Denying the height of a detached garage that reasonably located in the side or rear yard which can otherwise be occupied by the primary structure does not benefit the city. Strict compliance with the City's land development regulations will not further any legitimate City objective.

Front Porch: Denying the front porch setback, which will still be reasonably setback over 28 feet, does not benefit the city. Strict compliance with the City's land development regulations will not further any legitimate City objective.

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

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

Detached Garage: The detached garage is occupying the same space that would be approved by right if it were the primary structure and expanding the home and garage with a much larger roof and house footprint is unnecessary, particularly on such a large property. The variance requested is the minimum variance that will make reasonable use of the land.

Front Porch: In order to have a front porch the applicant must request a front yard setback variance, but the request is quite minor with the setback being 28.58 feet in lieu of 30 feet. The variance requested is the minimum variance that will make reasonable use of the land.

SUMMARY AND STAFF RECOMMENDATION

City Staff recommends approval of a variance to Sec. 118-308(1)(a) and Sec. 118-1310(b) for the property located at 165 E Tilden Street, to allow a detached garage to have a wall height of 13.33 feet in lieu of the 9-foot height maximum and a roof peak height of 19.75 feet in lieu of the 12-foot height maximum as well as a 28.58 foot front yard setback in order to build a covered front porch, with the following conditions:

- 1) The garage and front porch will be built consistent with the site plan and building elevations as provided by the applicant.
- 2) The garage style and materials shall be consistent with and complementary to the primary structure.

NEXT STEPS

Follow all City regulations and apply for building permits.

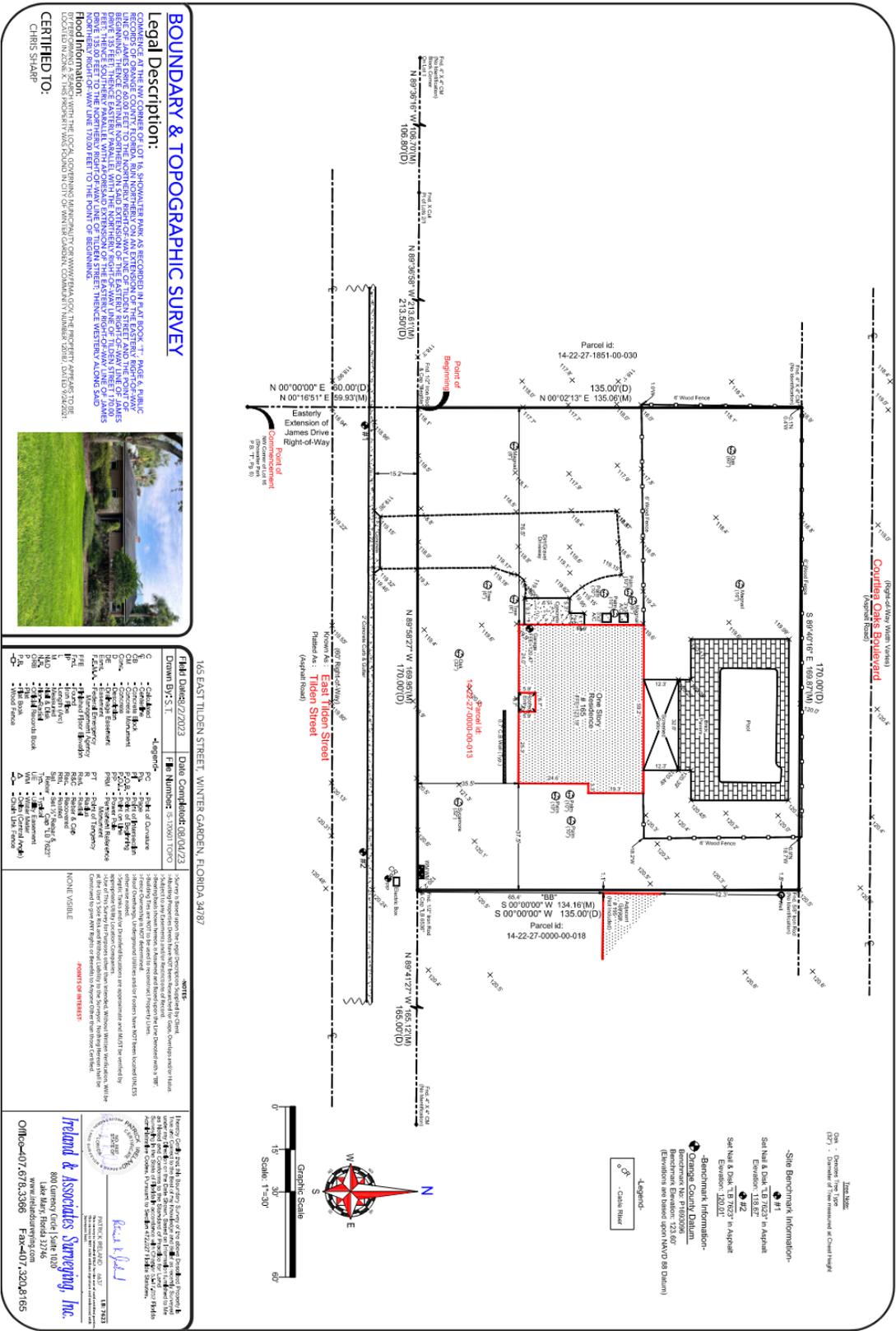
ATTACHMENTS

- Aerial Photo
- Survey
- Site Plan
- Building Elevations
- Site Photos

AERIAL PHOTO
165 E Tilden Street

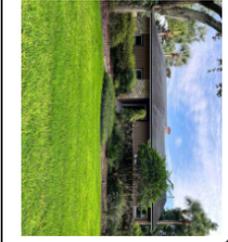


SURVEY 165 E Tilden Street



BOUNDARY & TOPOGRAPHIC SURVEY

Legal Description:
 COMMENCE AT THE NW CORNER OF LOT 16, SHOWALTER WALK AS RECORDED IN PLAT BOOK 77, PAGE 6, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE S 89°40'18\"/>



165 EAST TILDEN STREET, WINTER GARDEN, FLORIDA 34787

FLDA DATED: 2/2023	Date Completed: 08/04/23
Drawn By: S. T.	Number: S.12001 TOPG
<ul style="list-style-type: none"> • Contour • Easement • Enclosure • Fence • Foundation • Footing • Geology • Grading • Irrigation • Landmark • Lot • Monument • Obstruction • Other • Right-of-Way • Road • Survey • Utility • Wall • Well • Wood • Wood Fence 	<ul style="list-style-type: none"> • Area of Contour • Area of Easement • Area of Enclosure • Area of Foundation • Area of Footing • Area of Geology • Area of Grading • Area of Irrigation • Area of Landmark • Area of Lot • Area of Monument • Area of Obstruction • Area of Right-of-Way • Area of Road • Area of Survey • Area of Utility • Area of Wall • Area of Well • Area of Wood • Area of Wood Fence

NOTES:
 1. Survey is based upon the legal description of the above described property.
 2. All bearings and distances were measured and found to be correct within 1/100th of a foot.
 3. The area of the lot is 0.52 +/- acres.
 4. The area of the building footprint is 1,455 +/- sq. ft.
 5. The area of the pool is 1,100 +/- sq. ft.
 6. The area of the driveway is 1,200 +/- sq. ft.
 7. The area of the lawn is 1,500 +/- sq. ft.
 8. The area of the sidewalk is 1,000 +/- sq. ft.
 9. The area of the fence is 1,500 +/- sq. ft.
 10. The area of the utility lines is 1,000 +/- sq. ft.
 11. The area of the monument is 1,000 +/- sq. ft.
 12. The area of the obstruction is 1,000 +/- sq. ft.
 13. The area of the right-of-way is 1,000 +/- sq. ft.
 14. The area of the road is 1,000 +/- sq. ft.
 15. The area of the survey is 1,000 +/- sq. ft.
 16. The area of the utility is 1,000 +/- sq. ft.
 17. The area of the wall is 1,000 +/- sq. ft.
 18. The area of the well is 1,000 +/- sq. ft.
 19. The area of the wood is 1,000 +/- sq. ft.
 20. The area of the wood fence is 1,000 +/- sq. ft.

Graphic Scale
 0 15 30 60
 Scale: 1"=30'

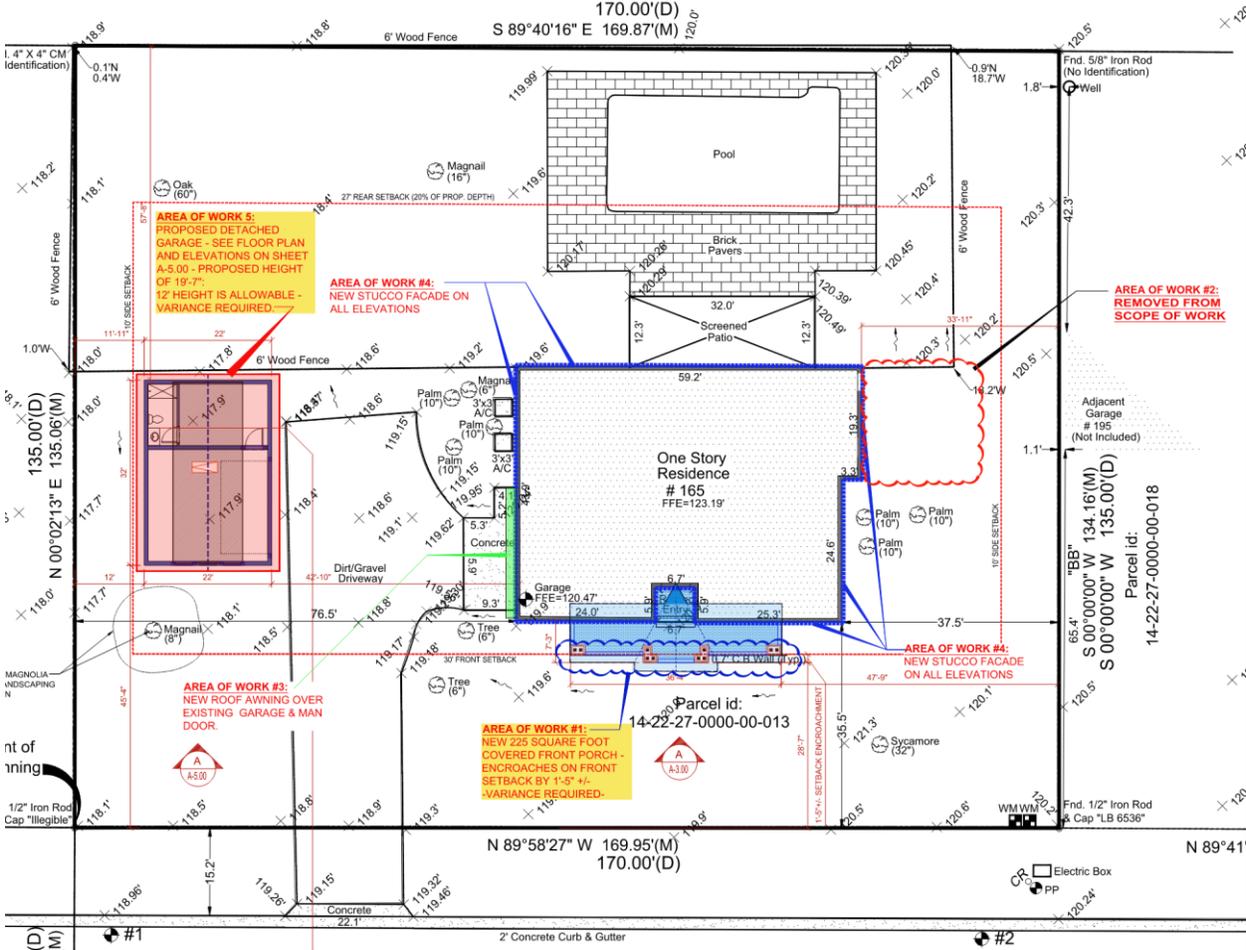
Legend
 [Symbol] - Chain Survey

Site Benchmark Information:
 Set Nail & Peg "B1" in Asphalt
 Elevation: 118.87
 "B2"
 Set Nail & Peg "B3" in Asphalt
 Elevation: 120.01

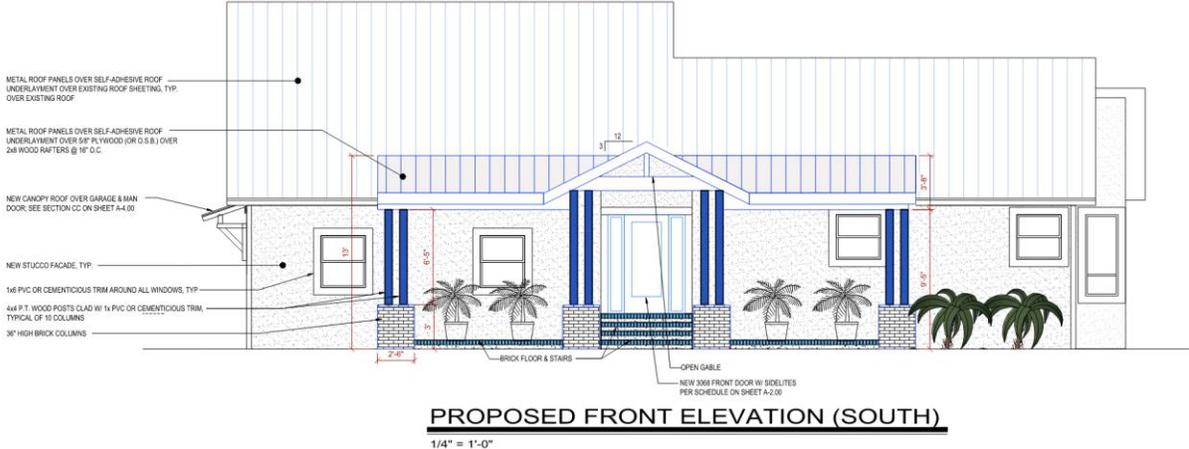
Benchmark Information:
 Orange County Datum
 Benchmark No. 1818200
 Elevation: 118.87
 (Elevations are based upon NAVD 88 Datum)

Irland & Associates Surveying, Inc.
 800 Quarry Road, Suite 1028
 Winter Garden, FL 34787
 Phone: 407.678.3386 Fax: 407.322.8165
 www.irlandsurveying.com

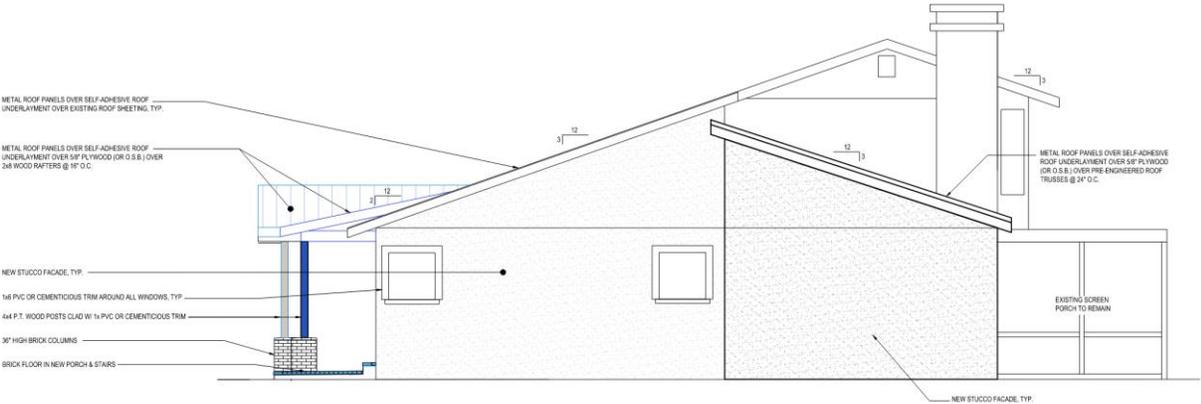
SITE PLAN 165 E Tilden Street



BUILDING ELEVATIONS
(Front Porch)
165 E Tilden Street

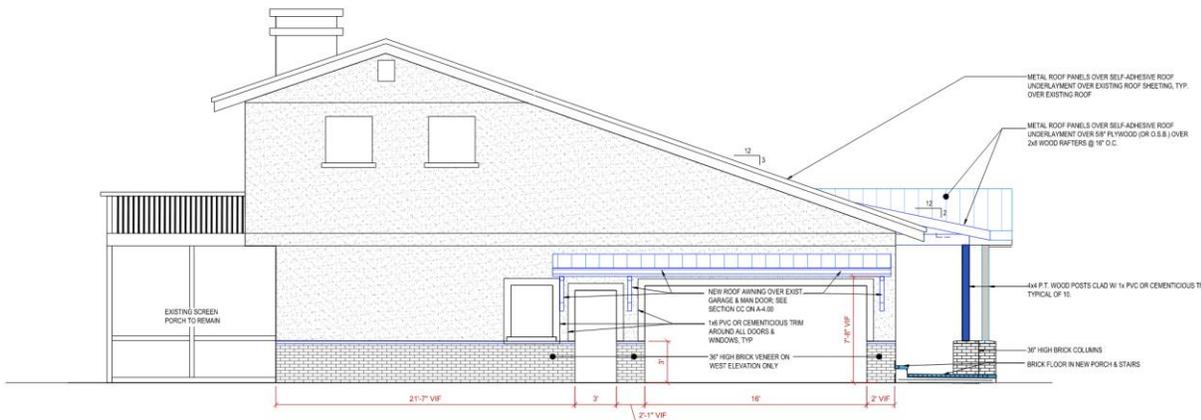


BUILDING ELEVATIONS
(Front Porch)
165 E Tilden Street



PROPOSED RIGHT SIDE ELEVATION (EAST)

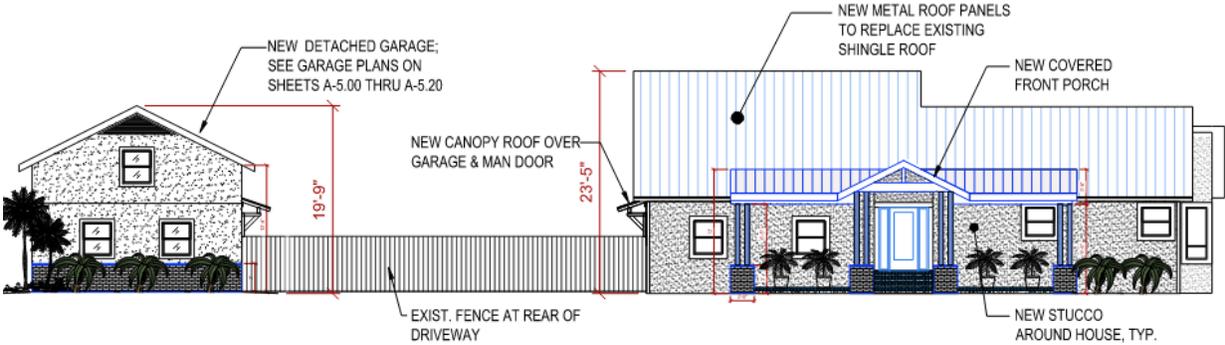
1/4" = 1'-0"



PROPOSED LEFT SIDE ELEVATION (WEST)

1/4" = 1'-0"

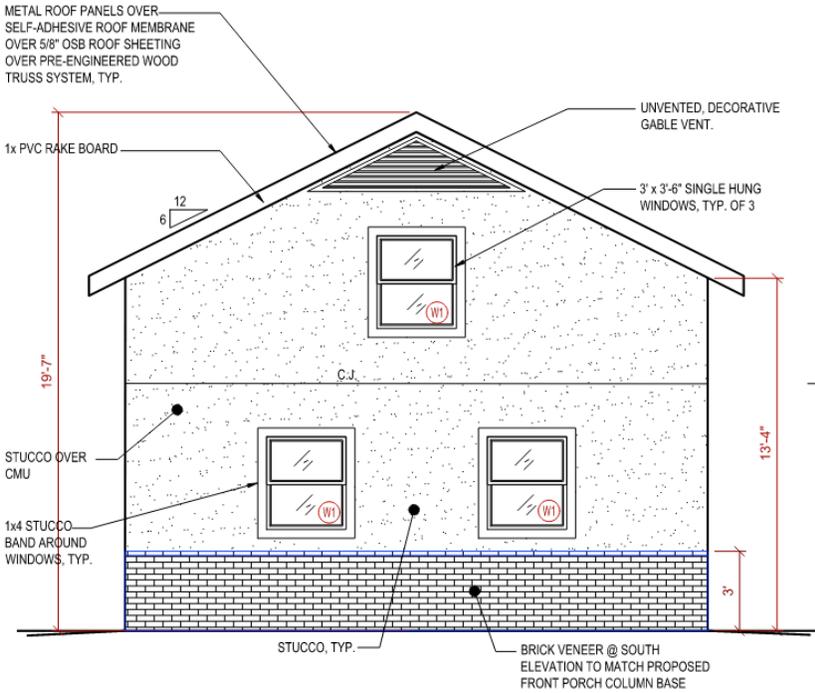
**BUILDING ELEVATIONS
 (DETACHED GARAGE)
 165 E Tilden Street**



PROPOSED FRONT (SOUTH) ELEVATION

NTS

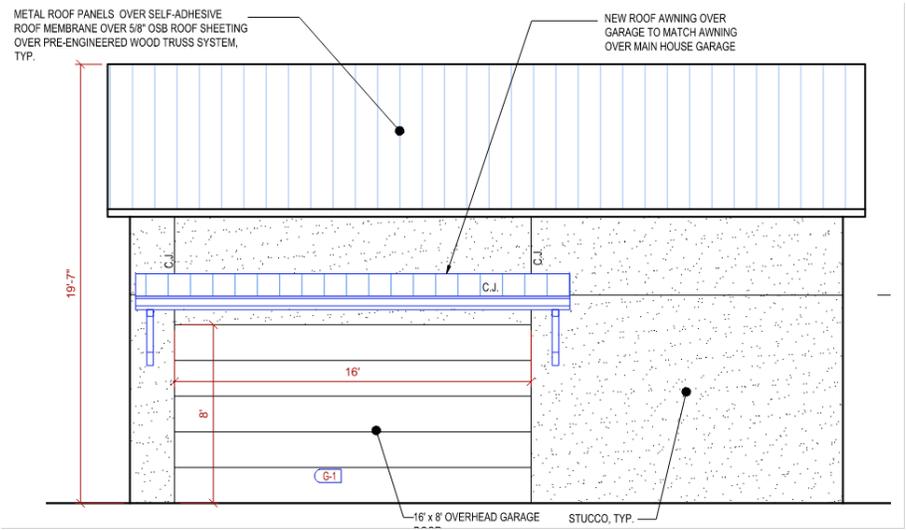
SEE SHEETS A-3.00 & A-3.10 FOR HOUSE ELEVATIONS &
 A-5.00 FOR GARAGE ELEVATIONS



SOUTH ELEVATION

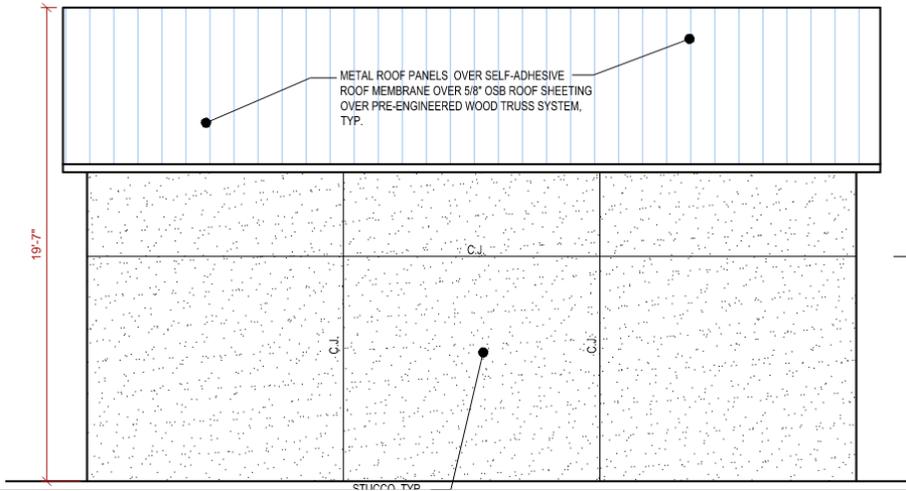
1/4" = 1'-0" (FACING STREET)

**BUILDING ELEVATIONS
 (DETACHED GARAGE)
 165 E Tilden Street**



EAST ELEVATION

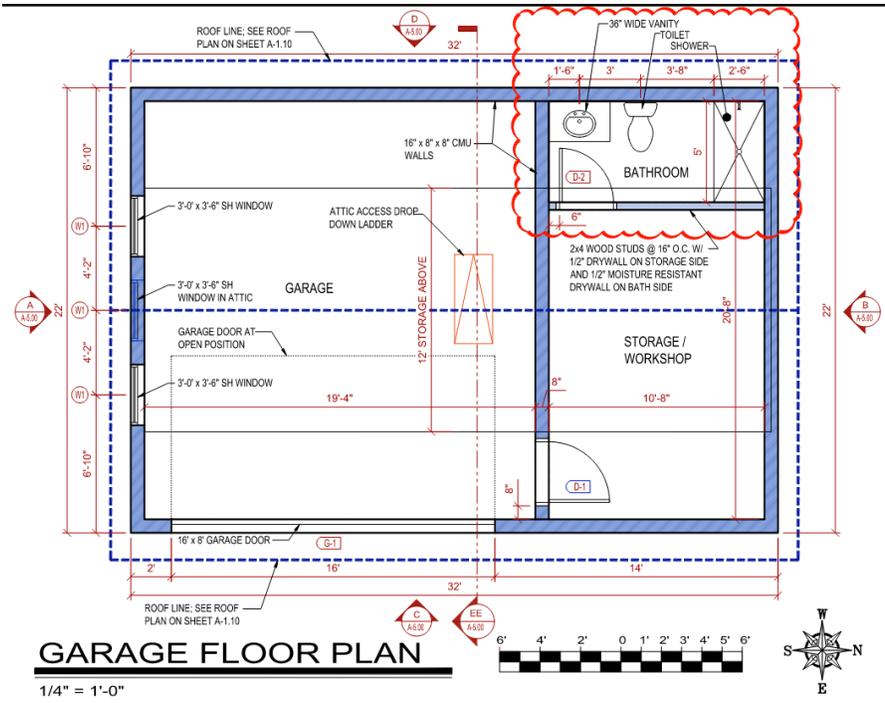
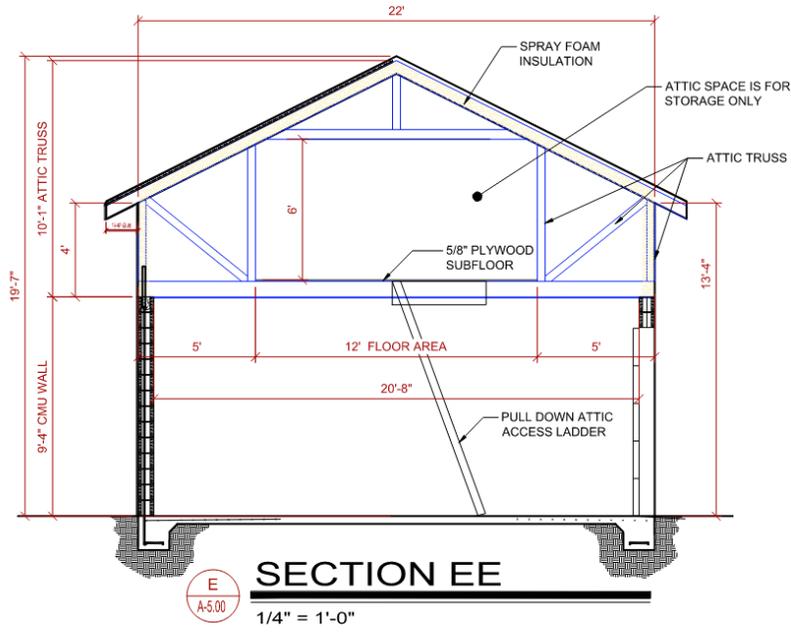
1/4" = 1'-0"



WEST ELEVATION

1/4" = 1'-0"

**FLOOR PLAN
 (DETACHED GARAGE)
 165 E Tilden Street**



SITE PHOTOS
165 E Tilden Street







END OF STAFF REPORT

**THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM #5**

Date: January 24, 2025 **Meeting Date:** February 3, 2025
Subject: 228 S Lakeview Avenue
Project Name: 228 S Lakeview Avenue – Scharich Residence Variance
Parcel ID: 23-22-27-8100-00-120
Issue: The applicant is requesting variance for property located at 228 S Lakeview Avenue.

Supplemental Material / Analysis:

Owner / Applicant: Vogel Building Group, LLC
Current Zoning: R-2 (Residential District)
Proposed Zoning: N/A
Current FLU: LR (Low Density Residential)
Proposed FLU: N/A

Summary: The applicant is requesting approval of a variance to Winter Garden City Code Section 118-1310(b) and Sec. 118-1310(c)(2)(a) for the property located at 228 S Lakeview Avenue. If approved, this variance will allow a roof peak height of 12.58 feet in lieu of the 12 foot height maximum, as well as a rear yard setback of 2.13 feet in lieu of the 31.6 foot minimum, in order to construct a new carport.

Staff Recommendation(s):

Staff recommends approval subject to any conditions outlined in the Staff Report.

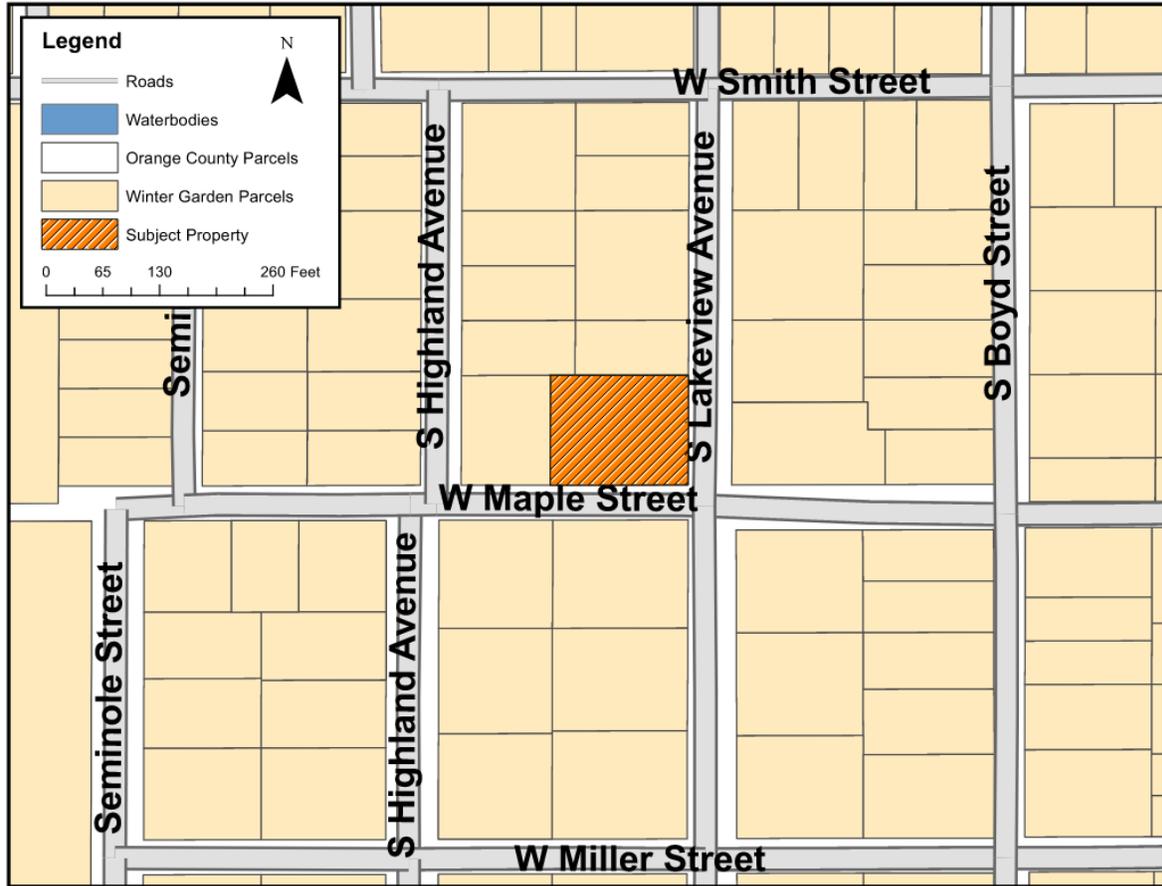
Next Step(s): Follow all City regulations and apply for building permits.

Attachment(s): Staff Report
Location Map

LOCATION MAP

228 S Lakeview Avenue

Variance



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

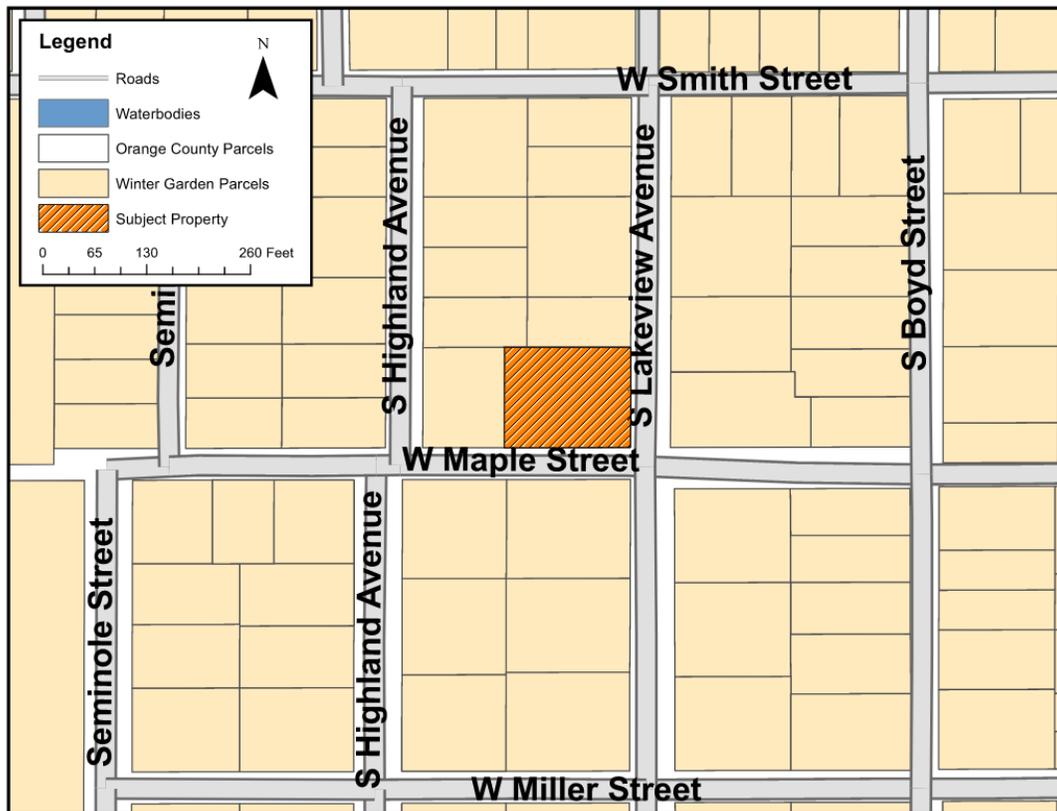
TO: PLANNING AND ZONING BOARD
PREPARED BY: Amber McDonald, Planner I
DATE: February 3, 2025
SUBJECT: VARIANCE
228 S Lakeview Ave (0.46 ± ACRES)
PARCEL ID #23-22-27-8100-00-120

APPLICANT: Vogel Building Group, LLC

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for the property located at 228 S Lakeview Avenue. The request is to allow a roof peak height of 12.58 feet in lieu of the 12 foot height maximum, as well as a rear yard setback of 2.13 feet in lieu of the 31.6 foot minimum, in order to construct a new carport.

The subject property, located on the corner of S Lakeview Avenue, is an approximately 0.46 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation R-2 (Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City’s Comprehensive Plan.

EXISTING USE

The property was developed with a 2,305 square foot single-family home built in 1935. The home is not in the historic district and is not considered a contributing structure.

ADJACENT LAND USE AND ZONING

The properties to the north, south, east and west of the subject property are developed with single-family residences, are zoned R-2, and are in the City of Winter Garden’s Municipal limits.

PROPOSED USE

The applicant is requesting the variance to allow the construction of a new carport in the same exact location an old carport was on the property since 1990.

CODE REFERENCE

Sec. 118-1310(b) of the City Code of Ordinances addresses the requirements of accessory buildings. This section states,

Accessory buildings shall be designed to blend aesthetically with the principal building. Detached accessory building walls shall not exceed nine feet in height, and roof peaks shall not exceed 12 feet in height. No accessory building may be located in the front yard or within any recorded easement. No more than two such accessory buildings may be located on any lot.

Sec. 118-1310(c)(2)(a) of the City Code of Ordinances addresses the requirements of accessory buildings greater than 160 square feet. This section states,

- a. *An accessory building greater than 160 square feet must comply with all the setback requirements of the principal structure.*

...

The applicant is seeking a variance to the height and rear setback of an accessory structure.

CODE REQUIREMENTS / CRITERIA

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

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

The structure should have minimal impact on the surrounding residents as it will be placed in the exact same location as the former carport. The setback request should have little if any negative impacts on the

standards of living of adjacent property owners.

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

Detached carports are common of single-family residential homes. The requested variance does not change the residential nature of the property. The carport will be constructed in a manner and using materials similar to match the existing detached garage which is in the same character of the surrounding neighborhood.

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

Strict compliance with the City's land development regulations will not further any legitimate City objective.

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

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

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

The variance requested is the minimum variance that will make reasonable use of the land and the existing garage. The proposed new carport will aesthetically improve upon the previous carport by matching the roofline of the garage, should not negatively impact the neighbors and is consistent with other properties in the neighborhood. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Sec. 118-1310(b) and Section 118-1310(c)(2)(a) for the property at 228 S Lakeview Avenue to allow the construction of a new carport with a roof peak height of 12.58 feet in lieu of the 12 foot height maximum, as well as a rear yard setback of 2.13 feet in lieu of the 31.6 foot minimum, subject to the following condition(s):

- 1) At no time can the accessory structure/carport be enclosed.
- 2) The carport will be built in the same architectural style that was provided by the applicant for this variance request.

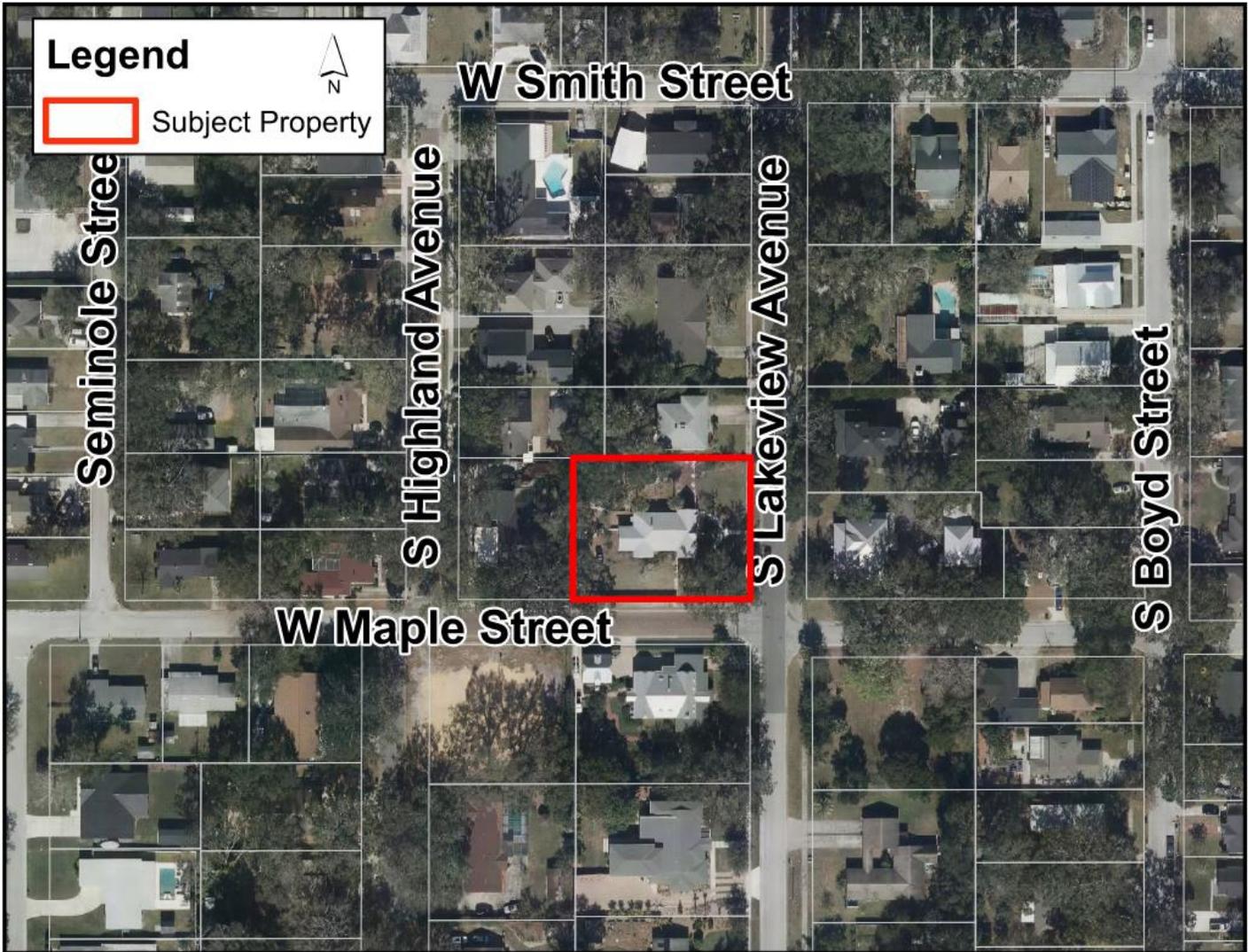
NEXT STEP

Follow all City regulations and apply for building permits.

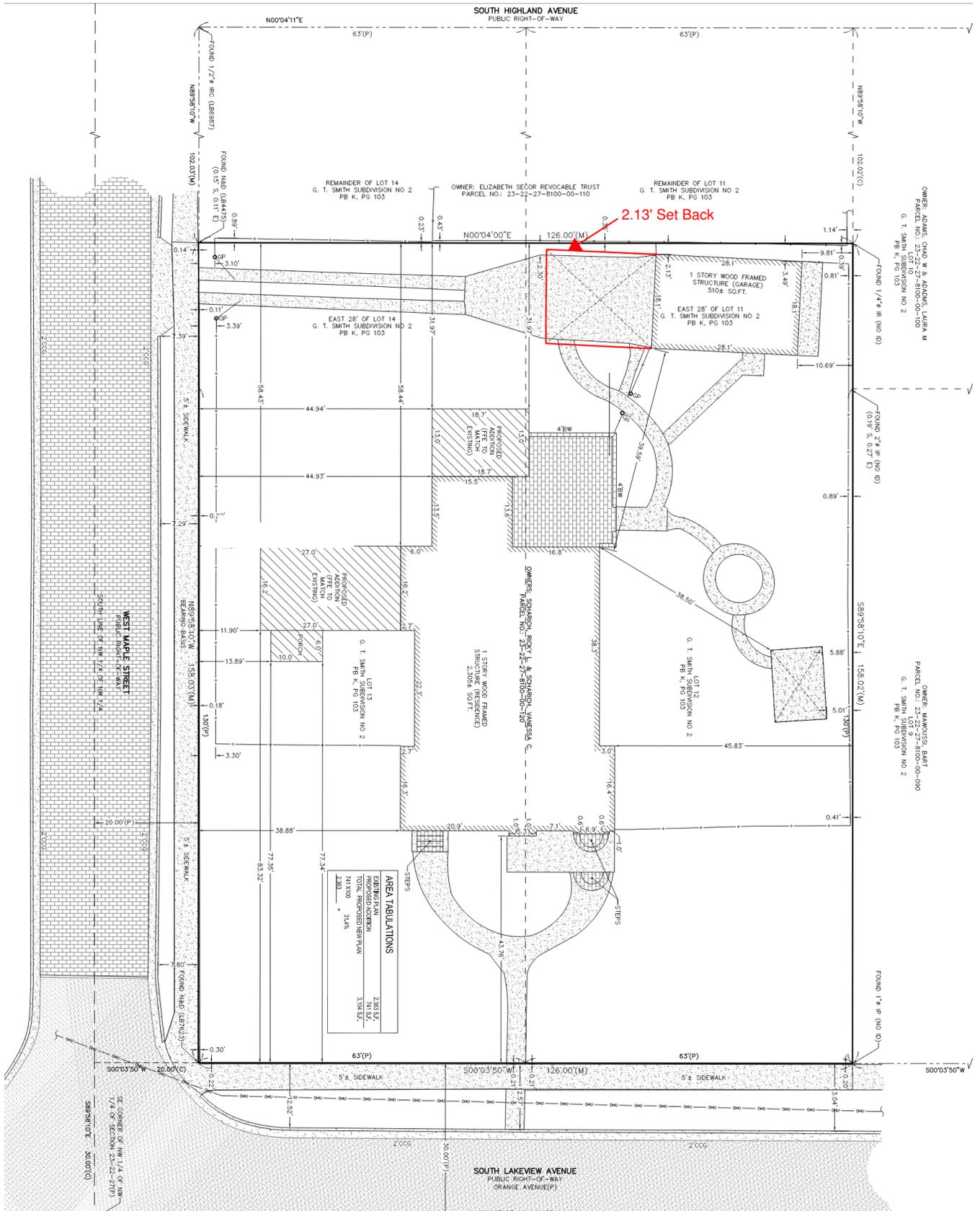
ATTACHMENTS

- Aerial Photo
- Site Plan
- Carport to be Replaced
- Elevations
- Site Photo

AERIAL PHOTO
228 S Lakeview Avenue



SITE PLAN
228 S Lakeview Avenue

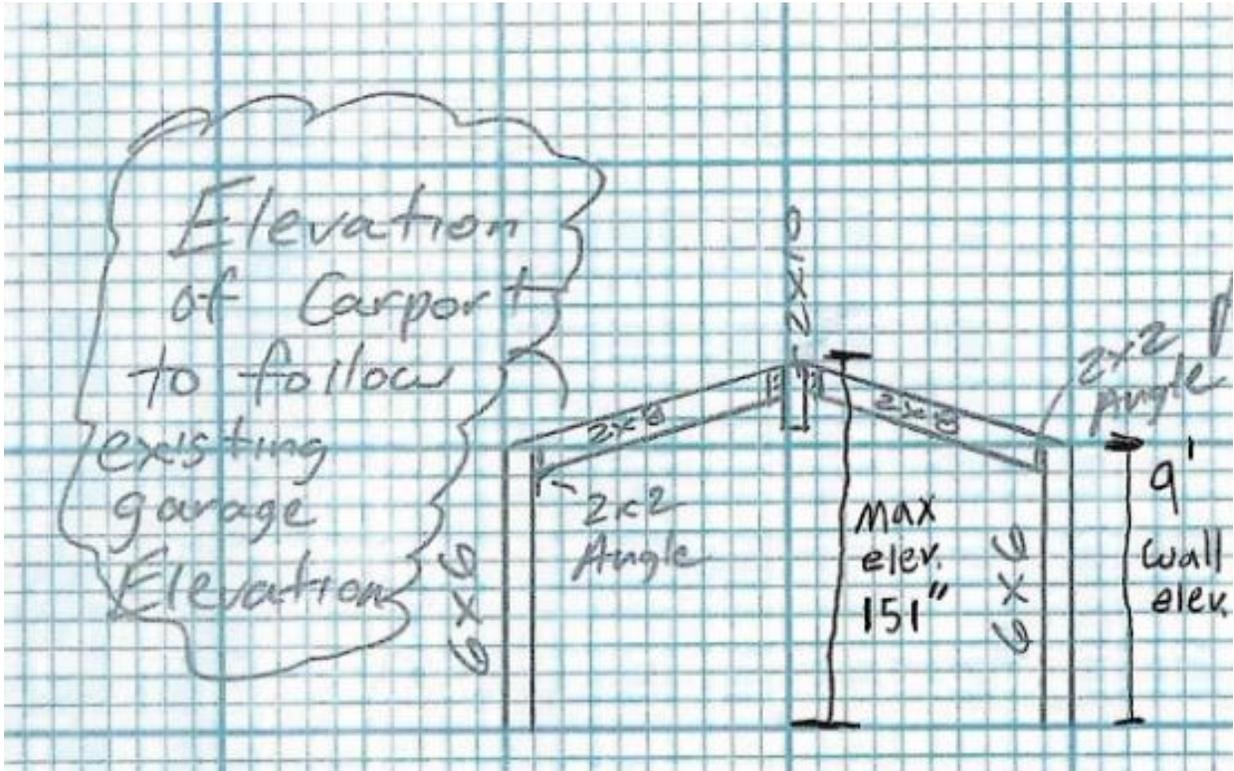


FORMER CARPORT TO BE REPLACED
228 S Lakeview Avenue



ELEVATIONS
228 S Lakeview Avenue





SITE PHOTO
228 S Lakeview Avenue



END OF STAFF REPORT

**THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 6**

Date: January 27, 2025 **Meeting Date:** February 3, 2025
Subject: Variance
Project Name: 703 Vineland Road – Pan Roof Cover
Parcel ID: 23-22-27-6504-05-012
Issue: Proposed pan roof covered patio addition does not meet rear setback requirements.

Supplemental Material / Analysis:

Owner / Applicant: RL Taylor Enterprises LLC dba Puppy Dreams
Current Zoning: R-NC (Residential Neighborhood Commercial)
Proposed Zoning: N/A
Current FLU: NC (Residential Neighborhood Commercial)
Proposed FLU: N/A

Summary: The applicant is requesting a minimum 10 foot rear setback in lieu of the required 19.8 foot rear setback to permit the construction of a 24 foot by 33 foot “pan” roof covered patio addition to the side of the existing Puppy Dreams building.

Staff Recommendation(s):

Staff recommends approval subject to any conditions outlined in the Staff Report.

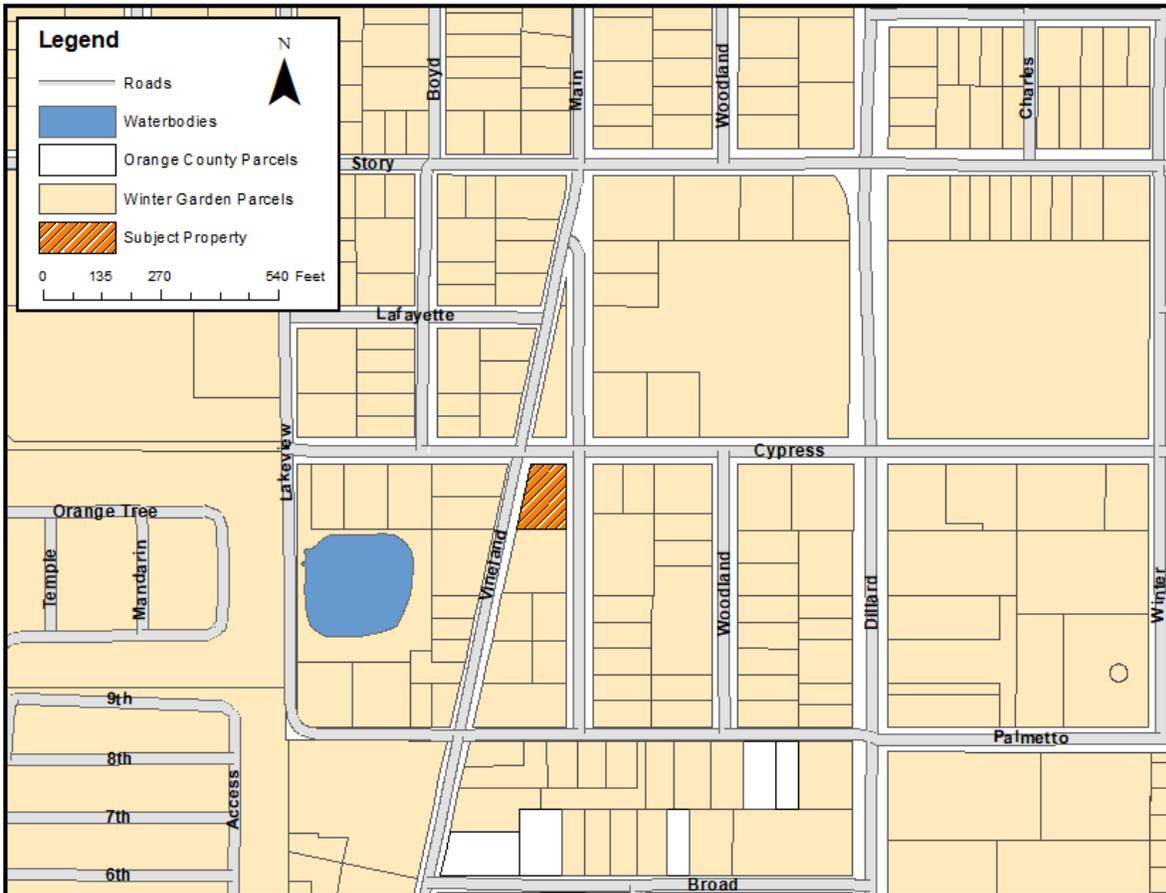
Next Step(s): The applicant is responsible for following all City regulations and obtaining the required building permits.

Attachment(s): Staff Report
Location Map

LOCATION MAP

703 Vineland Road

Variance



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: Yvonne Conatser, Senior Planner
DATE: February 3, 2025
SUBJECT: VARIANCE
703 Vineland Road (0.34 +/- ACRES)
PARCEL ID # 23-22-27-6504-05-012

APPLICANT: RL Taylor Enterprises LLC dba Puppy Dreams

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for the property located at 703 Vineland Road in Winter Garden, Florida, herein known as the Subject Property. The request is to allow a minimum ten (10) foot rear lot setback in lieu of the required nineteen foot eight inch (19.8) rear lot setback to permit the construction of a twenty-four (24) foot by thirty-three (33) foot “pan” roof covered patio addition to the side of the existing Puppy Dreams building.

The Subject Property is approximately 0.34 +/- acres in size, zoned R-NC (Residential Neighborhood Commercial District), and designated NC (Residential Neighborhood Commercial) on the City Future Land Use Map. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



EXISTING USE

The subject property is developed with a 1,929 square foot commercial building for dog grooming and overnight dog kennel care.

ADJACENT LAND USE AND ZONING

The adjacent property to the north is owned by the City, developed with a small park and zoned C-2. The adjacent properties to the east are residential and zoned R-NC. The property bordering the south is undeveloped but does have an approved special exception permit to develop with a family and child counseling center and is zoned R-NC. The properties to the west are residential and zoned R-2 (Residential District). All surrounding properties are designated NC on the City Land Use Map and located within the City of Winter Garden’s municipal limits.

PROPOSED USE

The applicant is requesting the variance to allow the construction of the addition of a 24 foot by 33 foot roof covered patio. The roof would be attached to side and rear of the existing building and serve as a protected area for employees and dog clients.

CODE REFERENCE

Section 118-492. of the City Code of Ordinances addresses minimum yard requirements for the R-NC zoning district. This section states:

In the R-NC residential-neighborhood commercial district, the minimum lot requirements are as follows:

- (1) *Single-family and two-family.*
 - a. *Front: 30 feet.*
 - b. *Side interior lot: ten feet.*
 - c. *Side corner lot: 20 feet.*
 - d. *Rear: 20 percent depth of lot.*

The applicant is seeking a variance to Section 118-492. (1) d. for the rear lot setback to construct a roof covered patio area. (Please note the City has consistently used these setbacks for commercial uses in the R-NC district as well as for residential uses.)

CODE REQUIREMENTS / CRITERIA

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

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

The proposed rear setbacks for the subject property will permit the construction of a roof covered patio at the rear of the property. Per the applicant’s description the roof covered patio area will be 10 feet at the rear property line at the nearest point and 16 feet at the furthest point. The subject property is surrounded on three sides by streets. The rear of the property abuts S Main Street and the rear property line is setback approximately 19 feet from the face of curb. Further, the proposed addition will be behind

a 6 foot opaque fence. The requested ten foot setback in combination with the existing 19 foot setback from face of curb totals 25 feet. The required rear setback for the property is 19.8 feet from the rear property line. The 19 foot setback from the face of curb will serve as an additional buffer to S Main Street and any neighbors to the rear. This distance will allow continued “reasonable enjoyment of adjacent and nearby property owners”.

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

The requested variance will not change the neighborhood residential commercial character of the area and is a reasonable request for the existing use. The covered roof patio will permit a protected area for employees and dogs. The addition does not expand the use as no additional kennel space is added or permitted but will increase the comfort of the existing employees and clientele.

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

Strict compliance with the City’s land development regulations will not further any legitimate City objective. The proposed roof covered patio will meet all other City requirements regulating residential neighborhood construction.

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

The variance is consistent with the provisions of the City’s Comprehensive Plan respecting residential neighborhood commercial character.

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

The requested variance is the minimum variance that will make reasonable use of the land. The covered roof patio will not significantly impact the adjacent neighborhood properties.

SUMMARY

City Staff recommends approval of the variance to allow a minimum rear setback of ten (10) feet in lieu of the required nineteen feet 8 inch (19.8) rear setback to permit the construction of a twenty-four (24) foot by thirty-three (33) foot “pan” roof covered patio addition to the side of the existing Puppy Dreams building, subject to the following conditions:

1. This approval is for the addition of the “pan” covered roof patio.
2. The addition may not be enclosed for additional kennel space. A special exception permit is required for any expansion of the use that increases the kennel space or enclosed space of the property.
3. The addition shall be constructed in accordance with the 24 foot by 33 foot dimensions as outlined on the Boundary Survey submitted with the application.
4. The applicant is responsible for obtaining the required building permits from the Building Department prior to construction of the addition.

NEXT STEP

Follow all City regulations and apply for required building permits.

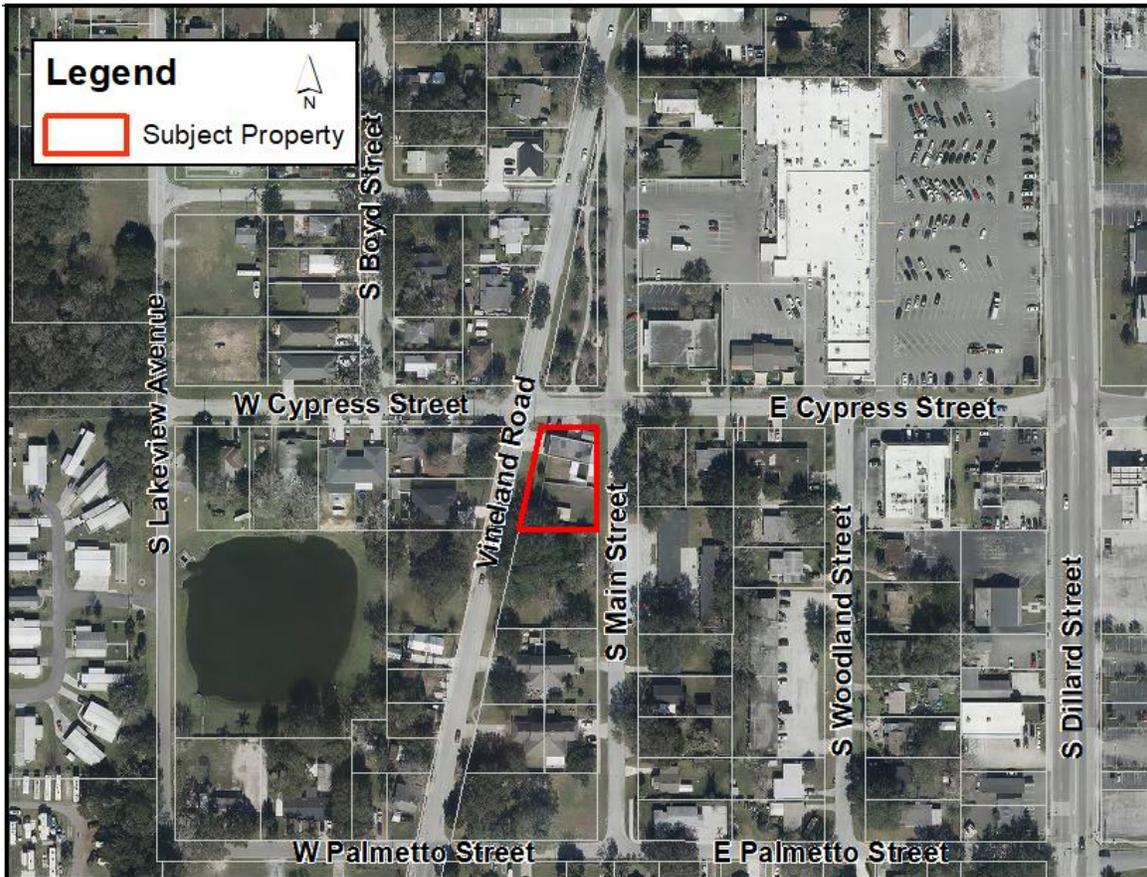
ATTACHMENTS

Aerial Photo

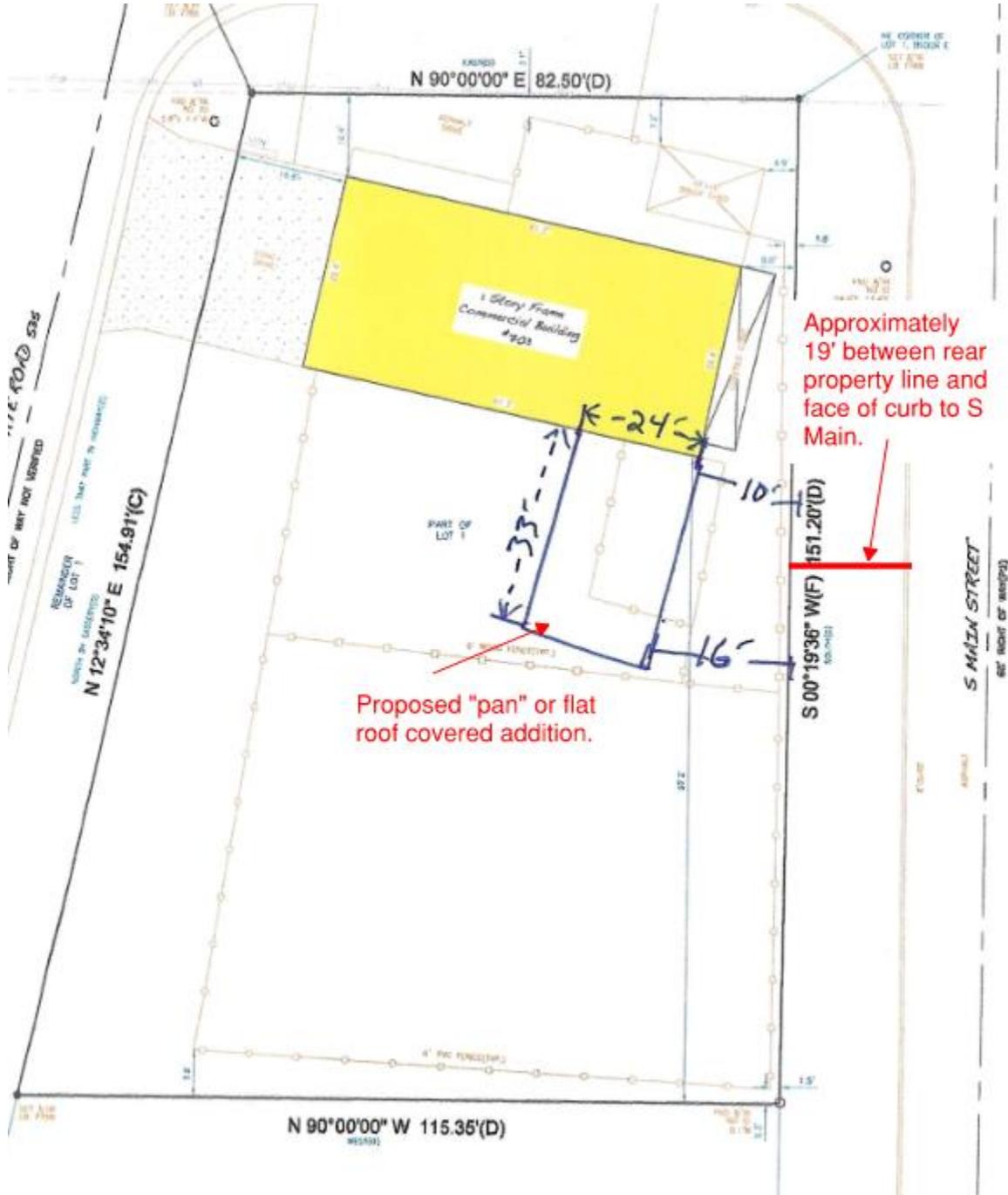
Boundary Survey with proposed addition

Property Photos

Aerial Photo
703 Vineland Road



Boundary Survey with proposed addition



Property Photos
703 Vineland Road

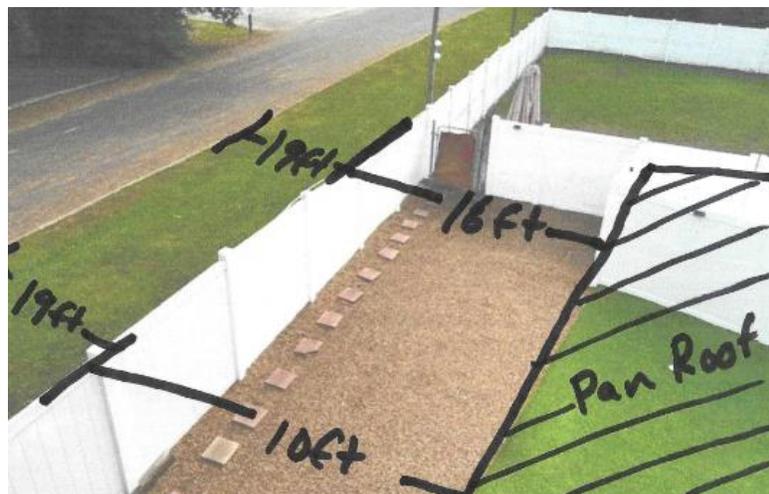
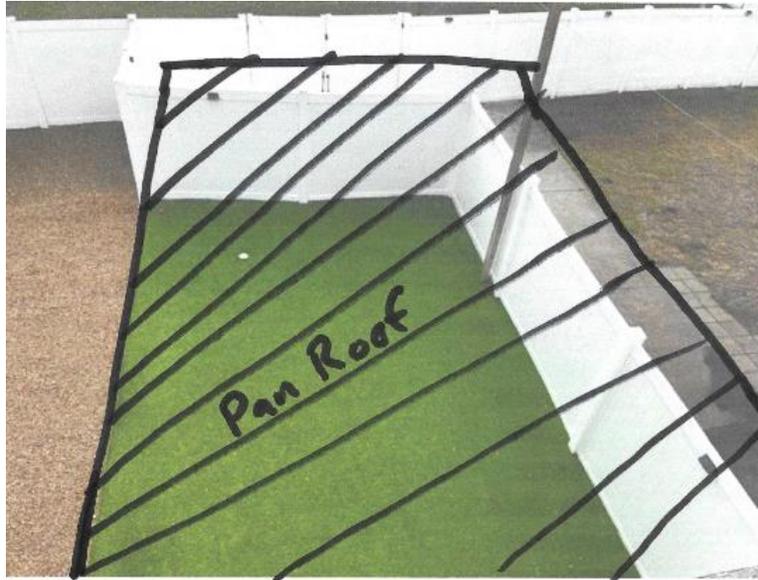


View of property from S Main Street
Addition will be behind the fenced area



Property Photos provide by applicant

Rear yard area with roof covered addition detail



**THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 7**

Date: January 27, 2025 **Meeting Date:** February 3, 2025
Subject: Variance
Project Name: 342 E Smith Street - Variance
Parcel ID: 23-22-27-4042-12-090
Issue: Proposed lots do not meet minimum lot requirements and minimum side setbacks.

Supplemental Material / Analysis:

Owner / Applicant: Winter Garden Construction / Commence Logistics LLC
Current Zoning: R-2 (Residential)
Proposed Zoning: N/A
Current FLU: LR (Low Density Residential)
Proposed FLU: N/A

Summary: The applicant is requesting a minimum lot width of 57 feet at the front setback line and 56.82 feet at the rear setback line in lieu of the required 75 feet, a minimum lot area of 5,708 square feet in lieu of the required 7,500 square feet, a minimum side yard setback of 8.44 feet in lieu of the required 10 feet and a minimum corner side yard setback of 8.50 feet in lieu of the required 15 feet for proposed Lot 9/10, and a request to allow a minimum lot width of 49.81 feet in lieu of the required 75 feet, a minimum lot area of 6,433 square feet in lieu of the required 7,500 square feet, and a minimum side yard setback of 4.90 feet in lieu of the required 10 feet for proposed Lot 11, in order to split the lot. This variance is being heard concurrently with the lot split application for the Subject Property. The variance application and lot split application, if approved, will permit the construction of two new single family residential dwellings.

Staff Recommendation(s): Staff recommends approval subject to any conditions outlined in the Staff Report.

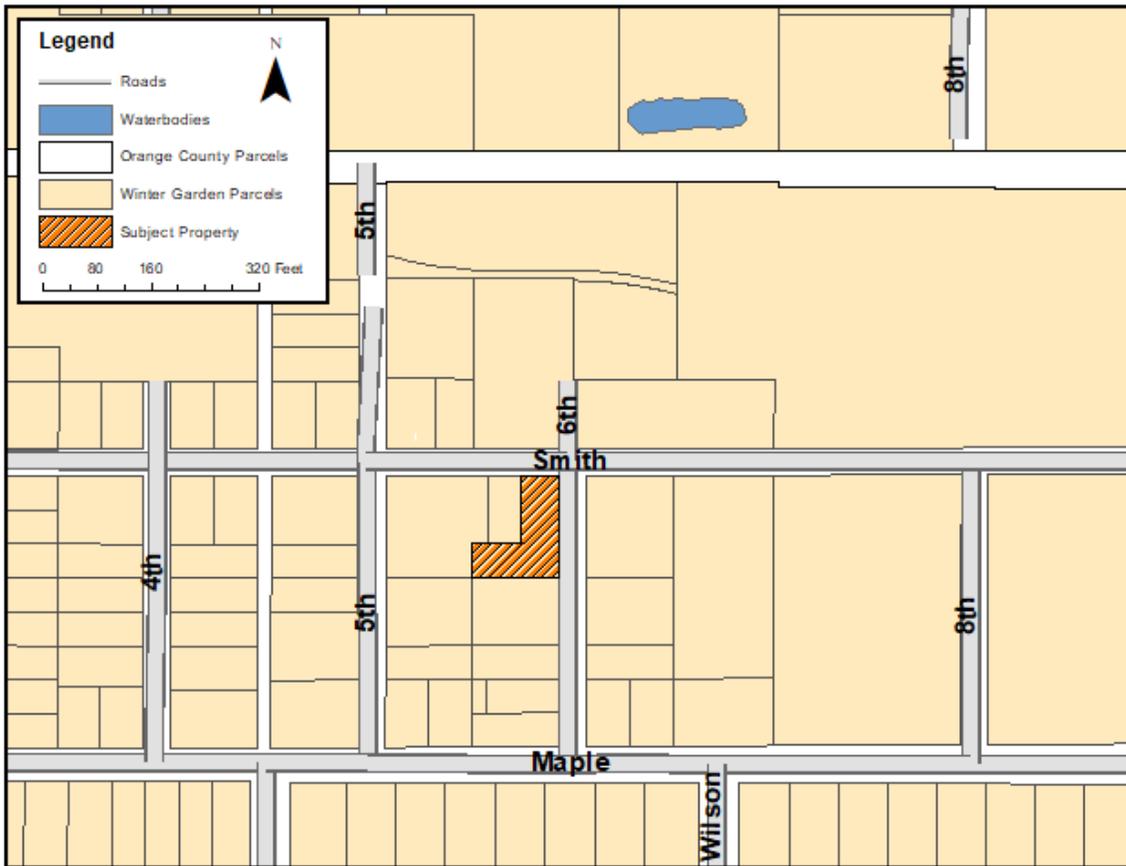
Next Step(s): The applicant is responsible for following all City regulations and obtaining the required building permits.

Attachment(s): Staff Report
Location Map

LOCATION MAP

342 E Smith Street

Variance



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: Yvonne Conatser, Senior Planner
DATE: February 3, 2025
SUBJECT: VARIANCE
342 E Smith Street (0.28 +/- ACRES)
PARCEL ID # 23-22-27-4042-12-090

APPLICANT: Commence Logistics LLC

INTRODUCTION

The purpose of this report is to evaluate the request for variances for the property located at 342 E Smith Street in Winter Garden, Florida, herein known as the Subject Property. The request is to allow a minimum lot width of 57 feet at the front setback line and 56.82 feet at the rear setback line in lieu of the required 75 feet, a minimum lot area of 5,708 square feet in lieu of the required 7,500 square feet, a minimum side yard setback of 8.44 feet in lieu of the required 10 feet and a minimum corner side yard setback of 8.50 feet in lieu of the required 15 feet for proposed Lot 9/10, and a request to allow a minimum lot width of 49.81 feet in lieu of the required 75 feet, a minimum lot area of 6,433 square feet in lieu of the required 7,500 square feet, and a minimum side yard setback of 4.90 feet in lieu of the required 10 feet for proposed Lot 11, in order to split the lot. This variance is being heard concurrently with the lot split application for the Subject Property. The variance application and lot split application, if approved, will permit the construction of two new single family residential dwellings.

The Subject Property is approximately 0.28 +/- acres in size, zoned R-2 (Residential District), and designated LR (Low Density Residential) on the City Future Land Use Map. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



EXISTING USE

The subject property is developed with a 676 square foot single family house. The house would be demolished if the variance and subsequent lot split application are approved.

ADJACENT LAND USE AND ZONING

The property to the north is developed industrial business, zoned I-2 and designated I (Industrial) on the City Land Use Map. The property to the east is developed industrial business, zoned I-2 and designated COM (Commercial). The properties to the west and south are developed single family houses, zoned R-2 and designated LR (Low Density Residential). All properties are located within the City of Winter Garden's municipal limits.

PROPOSED USE

The Subject Property is an "L" shape. The original plat for the block was created in 1916. Various size and shape lots were created over the years as the area developed. The current zoning codes and requirements did not exist during much of the development. Therefore, new development in the area typically requires a variance(s).

The applicant is requesting the variance(s) to allow the lot split into Lot 9/10 and Lot 11 and construct two new single family residential dwellings. Each dwelling is proposed to be approximately 1,841 square feet in size and will meet the required front and rear setback minimums per the R-2 zoning district.

CODE REFERENCE

Section 118-396. of the City Code of Ordinances addresses minimum lot requirements for Single-family dwellings in the R-2 zoning district. This section states:

In the R-2 residential district, the minimum lot requirements are as follows:

- (1) *Single-family.*
 - a. *Lot width: 75 feet at building front setback line;*
 - b. *Lot depth: 100 feet;*
 - c. *Lot area: not less than 7,500 square feet.*

Section 118-398. of the City Code of Ordinances addresses minimum yard requirements for Single-family dwellings in the R-2 Zoning District. This section states:

In the R-2 residential district, the minimum yard requirements are as follows:

- (1) *Single-family and two-family.*
 - a. *Front: 30 feet;*
 - b. *Side: ten feet;*
 - c. *Rear: 20 percent depth of lot.*

Section 118-1101. of the City Code of Ordinances addresses corner lots in residential districts. This section states:

Where corner lots in residential districts are platted in such a manner as to change the normal yard pattern along either of the intersecting streets, the required front yard shall be provided across the end of the lot fronting on the street, and a yard measuring not less than 15 feet from the street line shall be provided along the full length of the lot on the side toward the intersecting street. No portion of any main or accessory building shall encroach upon the latter yard.

The applicant is seeking variances to Section 118-396. (1) a. and c. for the lot width(s) and area, and Section 118-398. (1) b. and Section 118-1101 for the side yard setback(s) to construct two new single family residential dwellings.

CODE REQUIREMENTS / CRITERIA

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

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

The subject property is located in an older neighborhood with a mix of lot sizes. The proposed lots are similar in size to several of the surround properties and the proposed new single family residential dwellings are consistent with the single family residential neighborhood.

Lot Widths and Areas: The width of the front property line of Lot 9/10 being 57 feet and the rear property line being 56.82 and the front property line of Lot 11 being 49.81 feet and the rear property line being 50 feet instead of 75 feet does not cause or interfere with the enjoyment of the nearby property owners as these lot lines are consistent with other properties in the neighborhood. The proposed lots will meet the required depth. The proposed 5,708 square foot area of Lot 9/10 and the proposed 6,433 square foot area of Lot 11 is consistent with the mix of lot sizes of the surrounding neighborhood and should not create a negative impact as the development of the lots are for typical single family residential.

Setbacks: The proposed side setback for Lot 9/10 will permit the dwelling to be constructed at a greater distance from the adjacent west boundary than the existing structure. Further, the proposed corner side setback does not interfere with the sight safety at the intersection. The proposed side setbacks for Lot 11 are typical of a small residential lot and should not negatively impact the surrounding neighbors provided the applicant follows all required conditions as set forth by the staff and city code.

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

The requested variances help maintain the residential character of the neighborhood and permit new housing to continue the residential nature of the area. The single family residential dwellings would not be out of character with other properties located within the R-2 neighborhood and are typical of the houses in the vicinity of the Subject Property.

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

Strict compliance with the City’s land development regulations will not further any legitimate City objective. The proposed single family residential dwellings will meet all other City requirements regulating residential construction.

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

The variance is consistent with the provisions of the City’s Comprehensive Plan respecting low density

residential neighborhood character.

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

The requested variance is the minimum variance that will make reasonable use of the land. The single family residential dwellings will not significantly impact the adjacent neighborhood properties.

SUMMARY

City Staff recommends approval of the variances to Section 118-396 (1) a and c, Section 118-398 (1) b and Section 118-1101 for the property at 342 E Smith Street to allow a minimum lot width of 57 feet at the front setback line and 56.82 feet at the rear setback line in lieu of the required 75 feet, a minimum lot area of 5,708 square feet in lieu of the required 7,500 square feet, a minimum side yard setback of 8.44 feet in lieu of the required 10 feet and a minimum corner side yard setback of 8.50 feet in lieu of the required 15 feet for proposed Lot 9/10, and a request to allow a minimum lot width of 49.81 feet in lieu of the required 75 feet, a minimum lot area of 6,433 square feet in lieu of the required 7,500 square feet, and a minimum side yard setback of 4.90 feet in lieu of the required 10 feet for proposed Lot 11, in order to split the lot and construct two single family residential dwellings, subject to the following conditions:

1. The proposes dwellings will be built in the same architectural style and massing that were provided by the applicant for this variance request. Elevation A and Elevation B attached.
2. The applicant will remove the existing driveway apron from proposed Lot 9/10 and construct a new driveway apron as shown on the proposed boundary survey. The applicant will note the removal of said driveway apron on all site plan documents.
3. The applicant must obtain an approved tree removal permit for any tree over 12 inches in diameter (DBH) prior to receiving an any building permits. Every effort should be made to retain non-invasive trees. Any tree retained should be protected during all phases of construction.
4. All HVAC equipment must be placed in the rear yards as depicted on the proposed boundary surveys.
5. The applicant is responsible for obtaining the required building permits from the Building Department prior to construction of each single family residential dwelling.

NEXT STEP

Follow all City regulations and apply for required building permits.

ATTACHMENTS

Aerial Photo

Proposed Boundary Surveys with proposed width and setbacks

Elevations

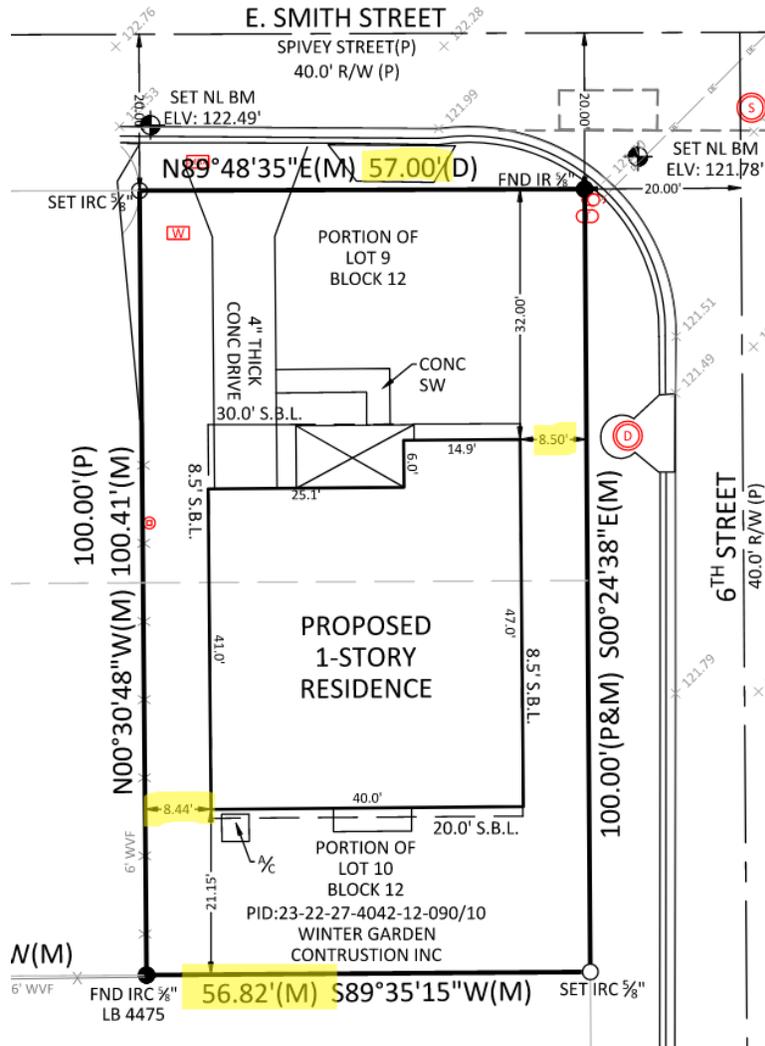
Property Photos

Aerial Photo

342 E Smith Street

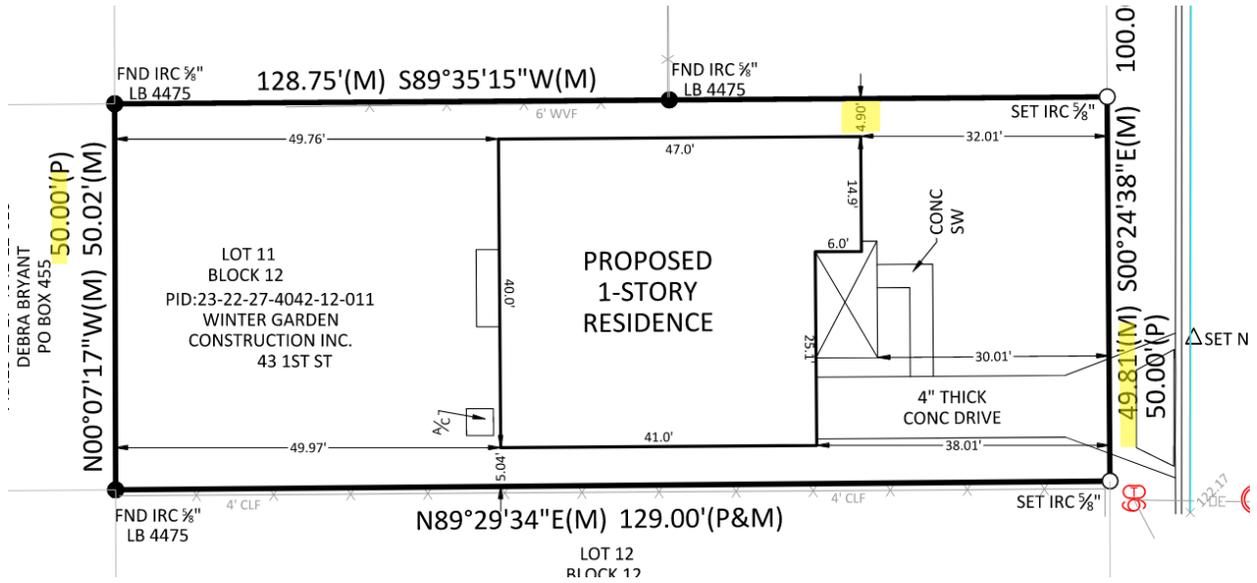


Proposed Boundary Survey for Lot 9/10
Requested minimum width and setbacks highlighted



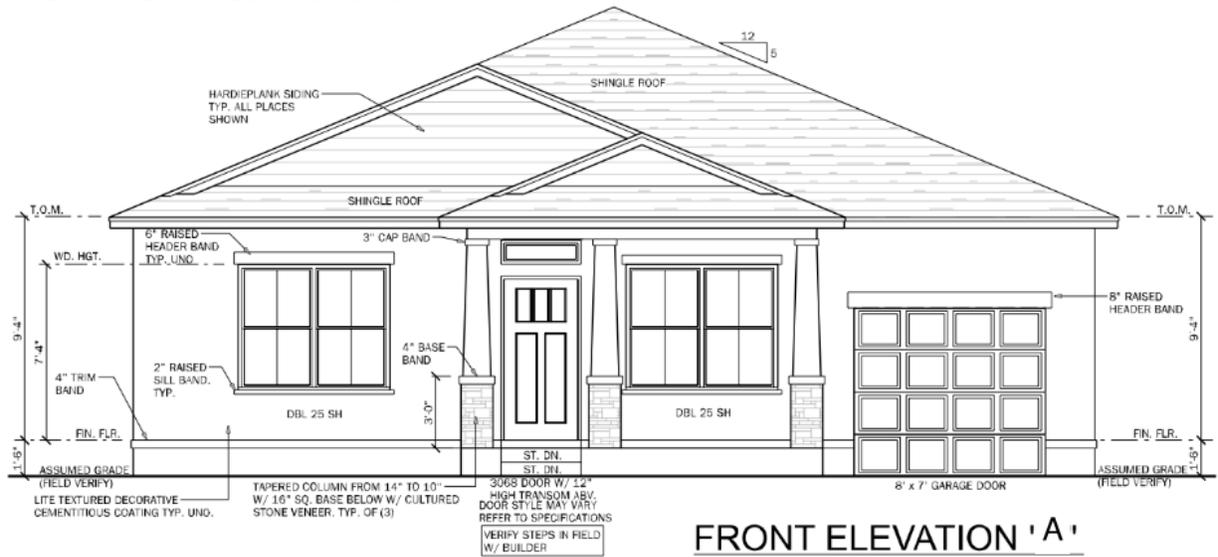
Proposed Boundary Survey for Lot 11

Requested minimum width and minimum setback highlighted



Elevation "A" Lot 9/10

342 E Smith St - Lot 9/10

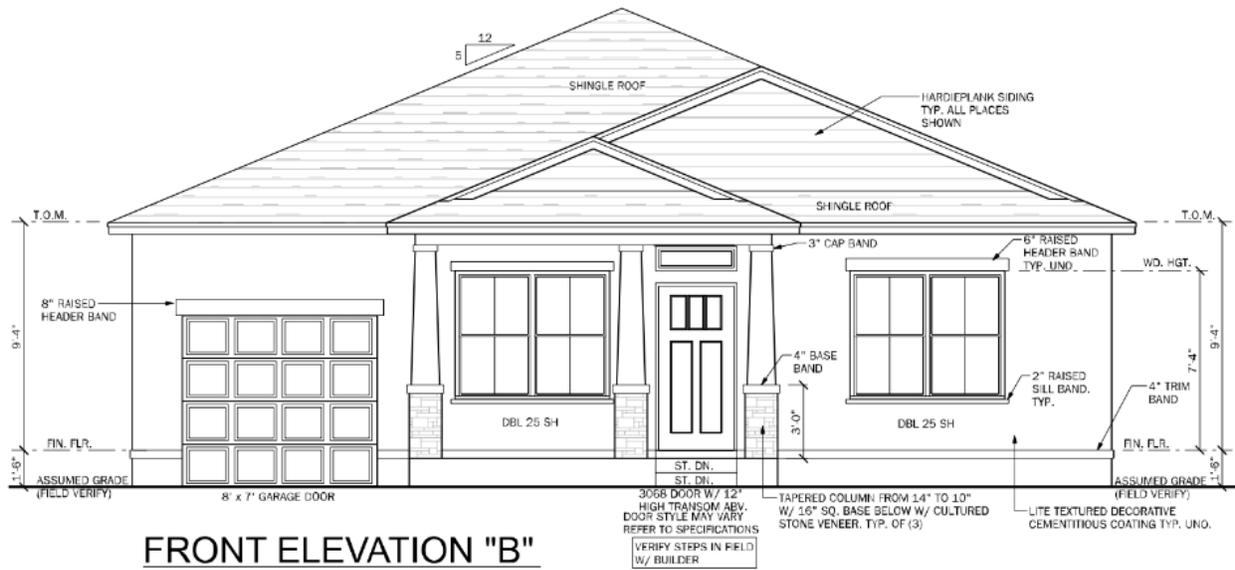


FRONT ELEVATION 'A'

SCALE: 1/4" = 1'-0"

Elevation "B" Lot 11

TBD E Smith St - Lot 11



FRONT ELEVATION "B"

SCALE: 1/4" = 1'-0"

Property Photos

View from the corner of E Smith and 6th Street



View along 6th Street



**THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 8**

Date: January 27, 2025 **Meeting Date:** February 3, 2025
Subject: Lot Split
Project Name: 342 E Smith Street - Lot Split
Parcel ID: 23-22-27-4042-12-090
Issue: The applicant is requesting a lot split to permit the construction of two single family residential dwellings.

Supplemental Material / Analysis:

Owner / Applicant: Winter Garden Construction / Commence Logistics LLC
Current Zoning: R-2 (Residential)
Proposed Zoning: N/A
Current FLU: LR (Low Density Residential)
Proposed FLU: N/A

Summary: The applicant is requesting to split the approximately 12,141 square foot (0.28 acres) lot to create two separate parcels described in the proposed boundary survey as Portion of Lot 9 Portion of Lot 10, herein known as Lot 9/10, and Lot 11 to construct two new single-family homes.

The parcels to be created will be as follows:

Lot 9/10 – 5,708 square feet (+/- 0.1310 acres)

Lot 11 – 6,433 square feet (+/- 0.1476 acres)

A variance is being considered concurrently with this application to meet the lot width and lot area requirements.

Staff Recommendation(s):

Staff recommends approval subject to any conditions outlined in the Staff Report.

Next Step(s): The applicant is responsible for following all City regulations and obtaining the required building permits.

Attachment(s): Staff Report
Location Map

LOCATION MAP

342 E Smith Street

Lot Split



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

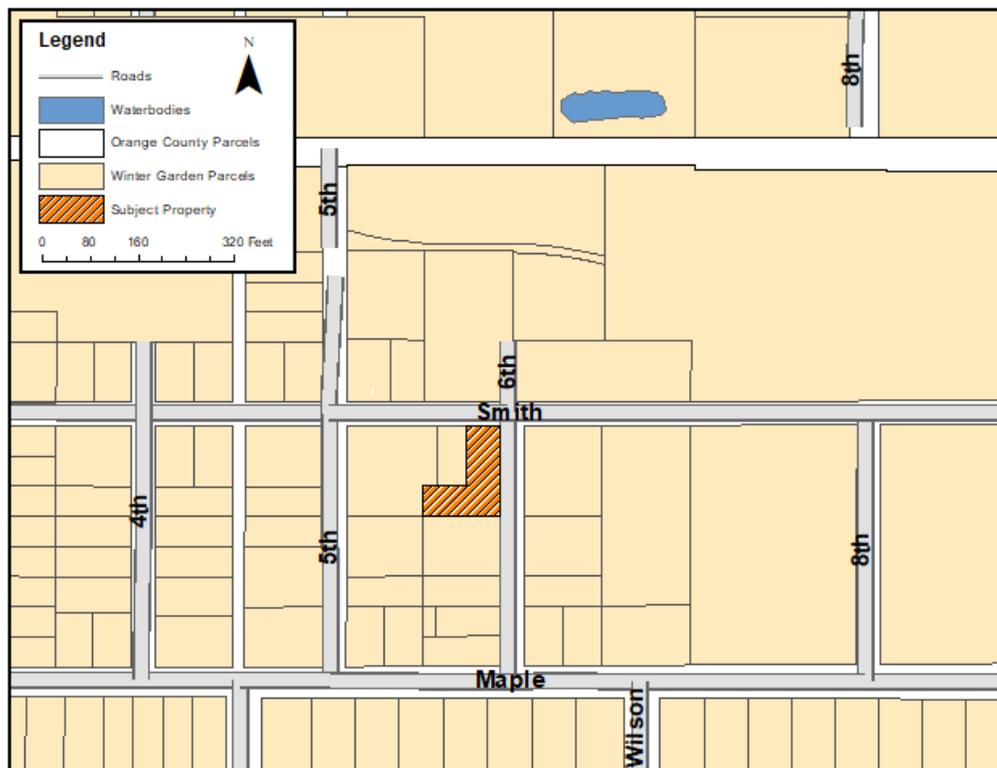
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: Yvonne Conatser, Senior Planner
DATE: February 3, 2025
SUBJECT: LOT SPLIT
342 E Smith Street (0.28 +/- ACRES)
PARCEL ID # 23-22-27-4042-12-090
APPLICANT: Commence Logistics LLC

INTRODUCTION

The purpose of this report is to evaluate the request to allow a lot split on the property at 342 E Smith Street, herein referenced as the “Subject Property”, for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The Subject Property is located at the southwest corner of E Smith Street and 6th Street, is approximately 0.28 +/- acres, zoned R-2 (Residential District) and designated LR (Low Density Residential) on the City’s Future Land Use Map. The map below depicts the location of the subject property within the City of Winter Garden’s municipal limits:



EXISTING USE

The subject property is developed with a 676 square foot single family house. This house would be demolished if the lot split application and the concurrent variance application is approved.

ADJACENT LAND USE AND ZONING

The adjacent property to the north is developed industrial business, zoned I-2 (General Industrial District) and designated I (Industrial) on the City Land Use Map. The adjacent property to the east is developed industrial business, zoned I-2 and designated COM (Commercial). The abutting properties to the west and south are developed single family houses, zoned R-2 and designated LR (Low Density Residential). All properties are located within the City of Winter Garden's municipal limits.

PROPOSED USE

The applicant is requesting to split the approximately 12,141 square foot (0.28 acres) lot to create two separate parcels described in the proposed boundary survey as Portion of Lot 9 Portion of Lot 10, herein known as Lot 9/10, and Lot 11 to construct two new single-family homes.

The parcels to be created will be as follows:

Lot 9/10 – 5,708 square feet (+/- 0.1310 acres)

Lot 11 – 6,433 square feet (+/- 0.1476 acres)

CODE REFERENCE

Section 118-396. – Minimum lot requirements.

In the R-2 residential district, the minimum lot requirements are as follows:

- (1) *Single-family.*
 - a. Lot width: 75 feet at building front setback line;
 - b. Lot depth: 100 feet;
 - c. Lot area: not less than 7,500 square feet; and
 - d. Lot width at curb on a cul-de-sac: 35 feet.

The purposed lots do not meet the minimum lot requirements as stated above. Therefore, the applicant has submitted a variance application which is being considered concurrently with this application.

Section 110-96. – Proposed subdivision of existing lot.

- (a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of platting or replatting, the subdivider may conform to the procedural requirements set out in this section or the subdivider may comply with the procedure for platting or replatting contained in this chapter at the applicant's option, except as otherwise determined pursuant to subsection (f). This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.
- (b) A subdivider shall apply to the city on an application form, promulgated by the community development director, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum submittal requirements:

- (1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.
 - (2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.
 - (3) A listing of the names and addresses of the record owners abutting subject property.
 - (4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements and easements thereon.
 - (5) Proposed legal instruments creating and granting proposed easements, conditions and restrictions upon the proposed lots.
 - (6) A title opinion from a licensed attorney or title certificate from a title company certified to the city showing the ownership, easement, mortgage, and other lien and encumbrance information for the existing lot.
 - (7) Executed joinder and consent to the proposed lot split from all owners of the property and mortgage holders, if applicable.
- (c) Lot split procedure. Once the application is determined to be complete, the development review committee shall review the request for compliance with the code and providing necessary easements and access for public services and utilities (e.g. compliance with lot dimensions requirements, setbacks for existing buildings, easements, legal access, etc.). The city may condition the lot split upon the recording in the Orange County public records legal instrument(s), in a form acceptable to the city, showing the new boundaries of the lots created by the lot split and creating any easements, conditions and restrictions upon the lots necessary for the orderly and proper development of the lots. Upon review by the development review committee, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the planning and zoning board at its next available regular meeting or session, following action by the development review committee, for approval or disapproval. The planning and zoning board may take the following actions:
- (1) Approve the application as recommended by the development review committee.
 - (2) Approve the application, deleting or supplementing the conditions and restrictions of the development review committee.
 - (3) Approve the application, adding conditions and restrictions as determined by the planning and zoning board.
 - (4) Disapprove the application.

The Planning and Zoning Board shall have the option to take such action as it deems necessary and proper upon one public hearing.

SUMMARY

The applicant has followed all requirements per Section 118-396 and 110-96 and has addressed all Development Review Committee (DRC) comments. Final DRC comments dated January 16, 2024, attached.

The applicant has submitted a request for a lot split as described on the boundary survey to create Lot 9/10 and Lot 11 based on the subject property's R-2 zoning and Future Land Use designation of Low Density Residential. However, the applicant will need to meet the lot width and lot area requirements with a variance that is being considered concurrently with this application.

STAFF RECOMMENDATION

Staff recommends approval of the proposed lot split per the following conditions:

1. Only Lot 9&10 and Lot 11 may be created from the subject property for use to construct one (1) single family residential house per lot.
2. Approval of variance(s) for the lot widths and area.

NEXT STEP

If the Planning and Zoning Board approves the application, the applicant shall file all required lot split information with the Orange County Property Appraiser's Office and Office of Public Records.

ATTACHMENTS

- Final DRC Comments
- Aerial Photo
- Zoning Map
- Future Land Use Map
- Existing Survey
- Proposed Surveys
- Property Photo

Final DRC Comments

CITY OF WINTER GARDEN

Development Review Committee

300 West Plant Street - Winter Garden, Florida 34787-3011
(407) 656-4111 - FAX (407) 877-2363

MEMORANDUM

TO: KELLY CARSON, COMMUNITY DEVELOPMENT DIRECTOR
FROM: DEVELOPMENT REVIEW COMMITTEE
DATE: JANUARY 16, 2025
SUBJECT: REVIEW OF LOT SPLIT- 3RD REVIEW - STAFF ONLY
342 E SMITH STREET - WINTER GARDEN CONSTRUCTION INC

Pursuant to your request, we have reviewed the revised lot split information received 11/22/24 for compliance with the City's site and stormwater requirements. The Applicant is requesting to split the existing 0.28 acre R-2 zoned parcel into two single family lots of approximately 5,700 s.f. and 6,450 s.f. This was submitted in response to our comments of 9/30/24 and DRC meeting of 10/23/24 where it was referred to another full DRC review.

ENGINEERING COMMENTS

We recommend approval of the lot split, subject to approval by all other departments, and the following conditions and comments:

1. Planning Department shall review and comment on City requirements for lot splits as contained in Section 110-96 of the City Code, and all zoning requirements per Section 118 of the City Code.
2. See City Attorney & City Surveyor comments - not available at the time of our review.
3. A separate tree removal permit is required to remove any trees. Coordinate with Building Department.
4. Informational: Maximum impervious surface for R-2 zoning is 50% but must be supported by the St. Johns River Water Management District permit.
5. There may be easements that may need to be created, vacated or relocated. The Applicant will be responsible for any costs associated with vacating, abandoning, or relocating these utilities and/or easements. All lots shall be connected to City water and sewer and reclaim as may be appropriate. All new utilities (power, cable, telephone, etc.) serving new construction shall be underground per code.
6. Easements for cross access, drainage and utilities may be needed depending on the proposed uses and will need to be considered when development plans have been submitted.
7. Proposed building setbacks have been shown. Planning Department shall review for compliance with Code at time of building permit submittal. A Variance application has been submitted for review.
8. If the lot split is approved, a topographic survey and engineered lot grading plan will be required at time of building permit application for review and approval by Engineering and DRC.

PLANNING COMMENTS

9. The City Attorney comments have been addressed by the applicant.
10. The City Surveyor comments have been addressed by the applicant.
11. The applicant has submitted a variance application to address the minimum lot requirements and the minimum setback requirements for each lot. Please note all variance applications require approval from

the Planning and Zoning Board (the Board).

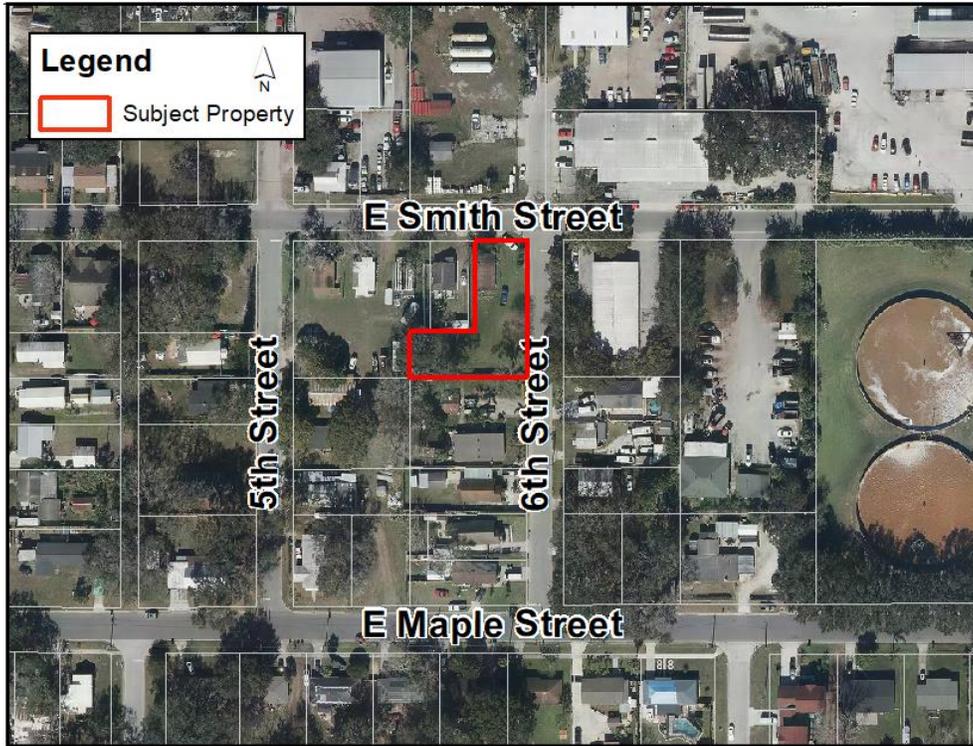
STANDARD GENERAL CONDITIONS

12. All provisions of ADA and Florida Accessibility Code shall be met.
13. All construction shall conform to City of Winter Garden Standards, Specifications and Ordinances.
14. The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.
15. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The applicant should note that if approval is granted, the City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others. 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 will not be responsible and any corrective measures required will be the responsibility of the Owner. 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.
16. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
17. Approval by the Planning & Zoning Board (Lot Split) and City Staff (site plan) will be required prior to issuance of site or building permit(s).
18. Minimum five foot wide concrete sidewalks are required adjacent to all public rights-of-way pursuant to Code.
19. After final plan approval, a preconstruction meeting may be required prior to any commencement of construction. If required, 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 site or building permit.

Please review this information and contact our office if you have any questions. Thank you.

Aerial Photo

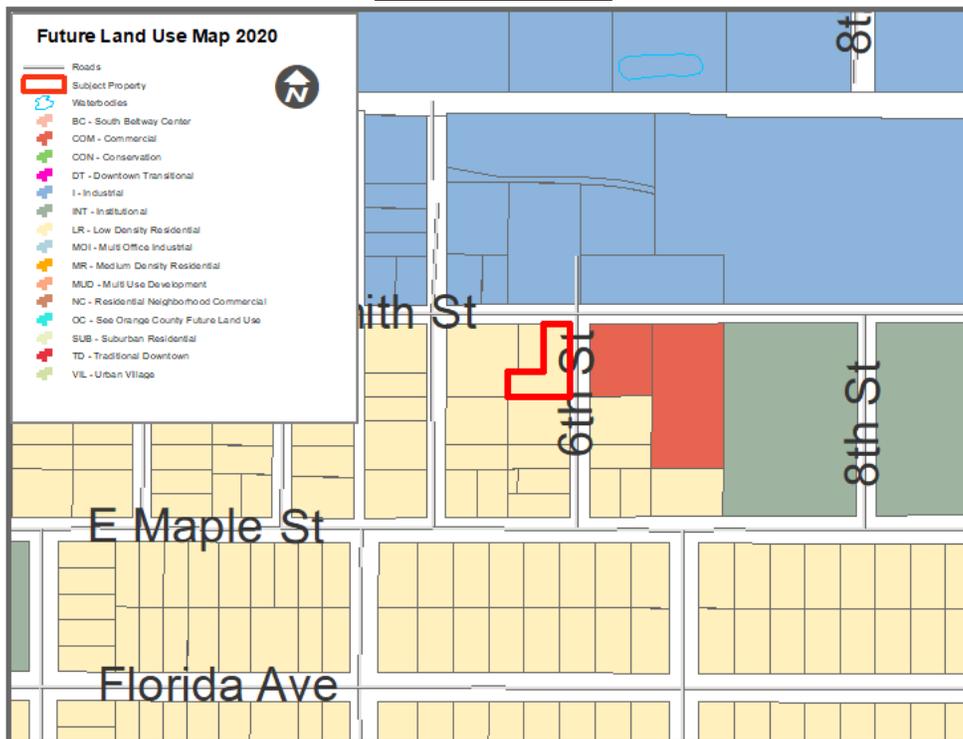
342 E Smith Street



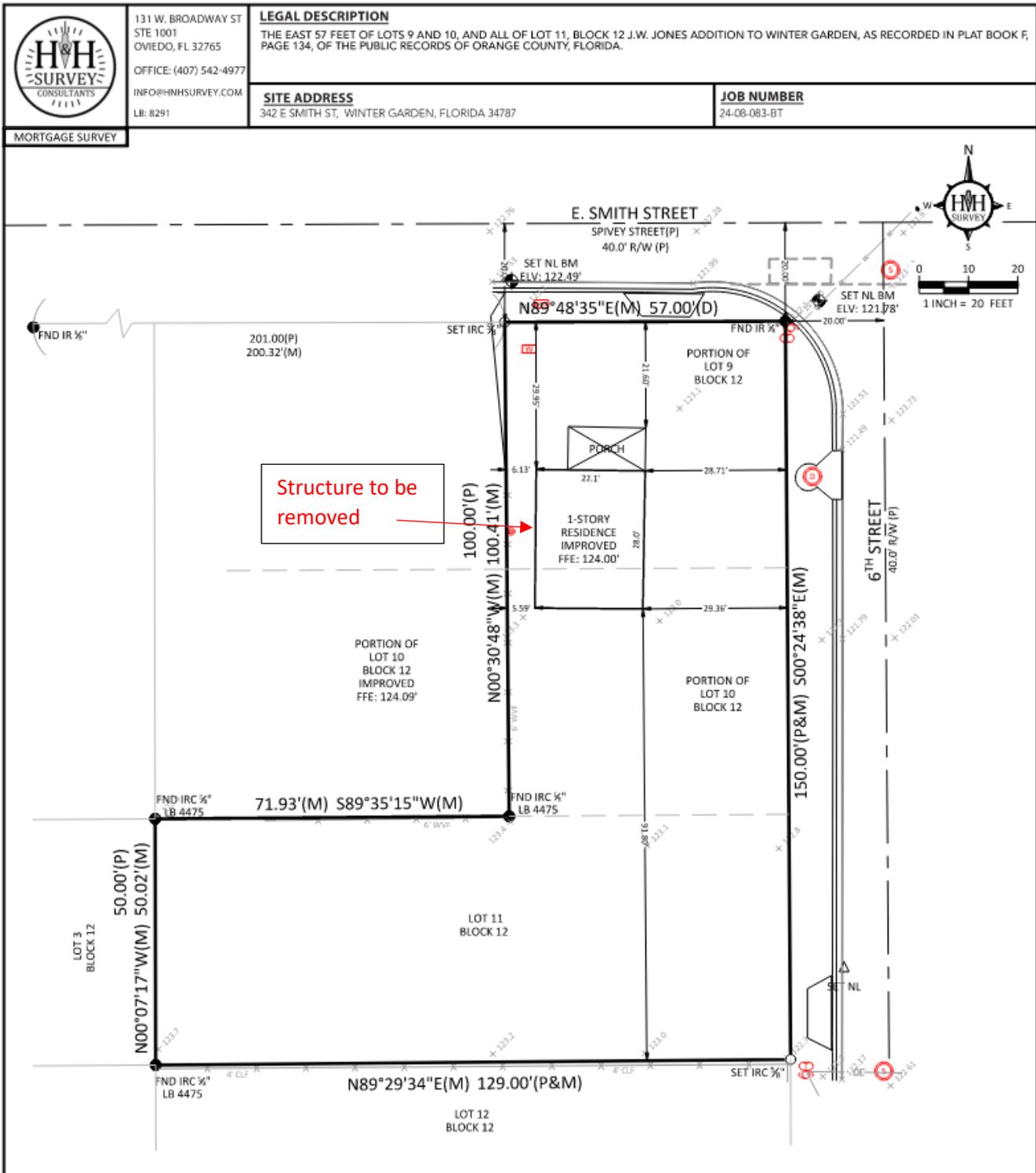
Zoning Map
342 E Smith Street



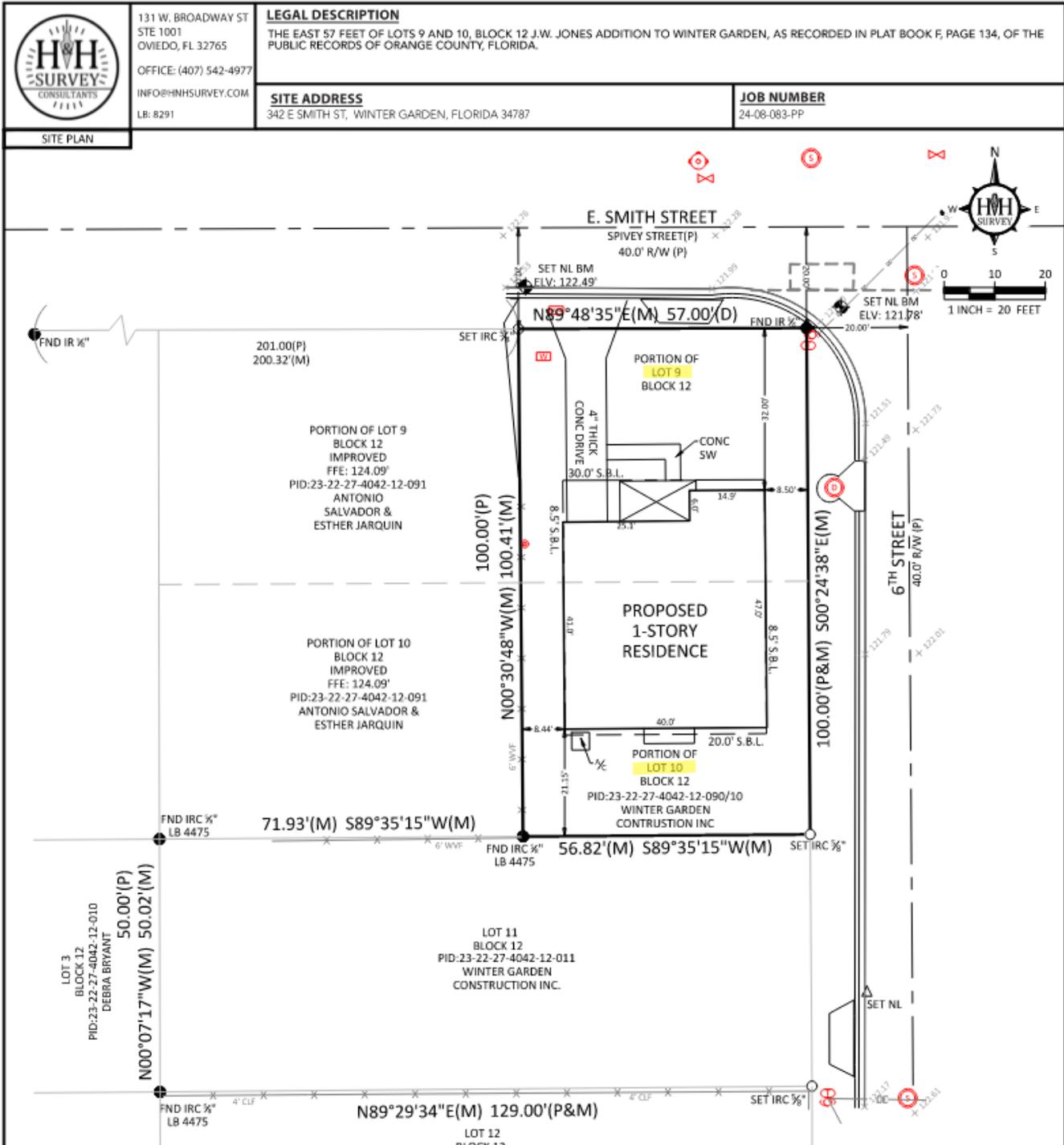
Land Use Map
342 E Smith Street



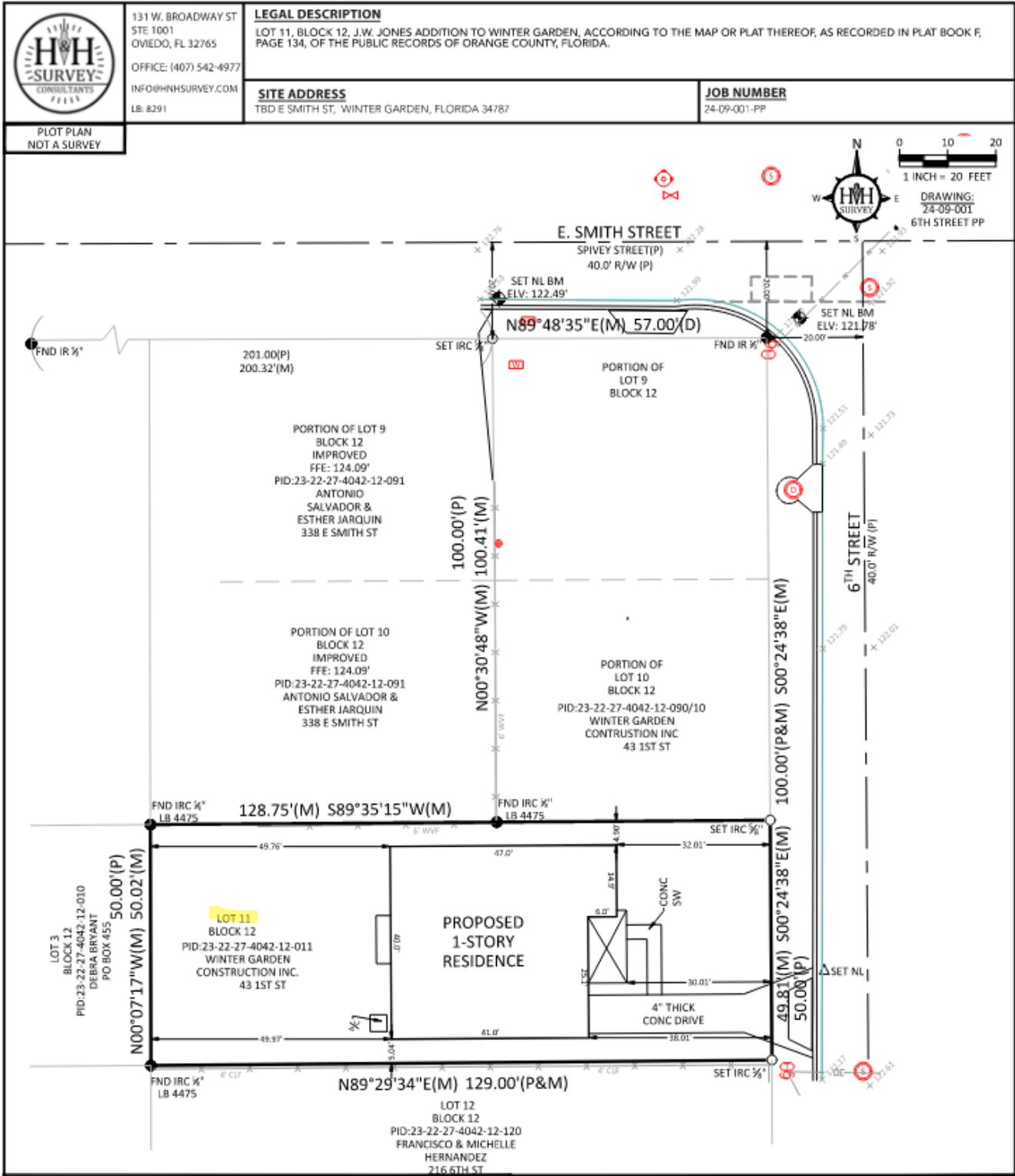
Existing Boundary Survey for Lot 9/10 and Lot 11 342 E Smith Street



Proposed Boundary Survey for Lot 9/10



Proposed Boundary Survey for Lot 11



Property Photos

View from the corner of E Smith and 6th Street



View along 6th Street

