



For More Information, Contact:

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City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
407.656.4111 ext. 5149
krathel@cwgd.com

PLANNING & ZONING BOARD AGENDA

BOARD MEMBERS

Will Hawthorne, Chairman
Steve Ambielli Joseph Dunn, Jr
Henry Haddock Mark Hide
Gabriel Kotch Chris Lee, Vice Chair

OTHER ATTENDEES

Mike Bollhoefer, City Manager Stephen Pash, Community Dev. Director
Dan Langley, City Attorney Kelly Carson, Urban Designer
Kurt Ardaman, City Attorney Shane Friedman, Senior Planner
Ed Williams, Planning Consultant Soraya Karimi, Planner I

Agenda for March 2, 2020 at 6:30 PM

City Hall Commission Chambers
300 West Plant Street, Winter Garden

-
1. **CALL TO ORDER**
Determination of Quorum, Moment of Silence and Pledge of Allegiance

2. **APPROVAL OF MINUTES FROM THE FEBRUARY 3, 2020 MEETING**

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

3. 356 E Lafayette St & 497 W J Peters Ln (New Maxey ES) **ANNEX/FLU AMEND/REZONE**
Parcel ID #23-22-27-5720-00-131 & -133
4. 1577 & 894 Beard Road (Winter Garden Self Storage) **FLU AMEND/REZONE**
Parcel ID #25-22-27-0000-00-052 & -002
5. 12920 & 12921 Reaves Road (Stoneybrook Senior Living) **FLU AMENDMENT**
Parcel ID #35-22-27-0000-00-023 & 36-22-27-1773-00-060

VARIANCE (PUBLIC HEARING)

6. 42 W Vining Street (Vonda Kay (Meyer) & Michael Ogden)
Parcel ID #23-22-27-2468-00-880
7. 776 Business Park Blvd (Robert Lizzi)
Parcel ID #24-22-27-8329-00-090

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, **April 6, 2020** at **6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street.

POSTED: FEBRUARY 24, 2020

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 KATHY RATHEL, 300 WEST PLANT STREET, WINTER GARDEN, FL 34787, (407) 656-4111, EXT 5149 - 48 HOURS IN ADVANCE OF THE MEETING.



DRAFT

**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
FEBRUARY 3, 2020**

1. CALL TO ORDER

Vice-Chairman Chris Lee 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: Vice-Chairman Chris Lee and Board Members: Steve Ambielli, Joseph Dunn, Jr., Henry Haddock, and Mark Hide

Absent: Chairman Will Hawthorne (excused) and Gabe Kotch (excused)

Staff Present: City Attorney Kurt Ardaman, Community Development Director Steve Pash, Senior Planner Shane Friedman, and recording secretary Kathleen Rathel

2. APPROVAL OF MINUTES

Motion by Henry Haddock to approve the regular meeting minutes of January 6, 2020. Seconded by Joe Dunn and carried unanimously 5 – 0.

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

3. 13192 W Colonial Drive –Jowers Family Enterprise (Go Smart Auto Sales)

Senior Planner Friedman presented a request for a Special Exception permit for the 0.58 +/- acre property located at 13192 W. Colonial Drive. The property is zoned C-2 Arterial Commercial District with a Future Land Use Designation of Commercial and contains a 1,536 square foot modular office building that was previously approved to operate as a temporary automobile sales facility. The applicant is requesting a two-year extension of the existing Special Exception Permit which expired on January 1, 2020. Staff recommends approval of the Special Exception permit subject to the conditions listed in the Staff Report.

Board Member Haddock inquired about the number of automobiles on the lot. Mr. Jowers replied there were approximately 18 to 20 cars in the front and 5 to 10 cars in the back.

Motion by Henry Haddock to recommend approval of the Special Exception Permit for 13192 W. Colonial Drive with Staff Recommendations (as provided in the agenda packet). Seconded by Mark Hide and carried unanimously 5 – 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:33 p.m. to the next meeting scheduled for March 2, 2020 at 6:30 p.m.

ATTEST:

APPROVED:

Recording Secretary Kathleen Rathel

Chairman Will Hawthorne

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 3
(Public Hearing)

Date: February 21st, 2020 **Meeting Date:** March 2nd, 2020
Subject: 356 E. Lafayette Street & 497 W J Peters Lane (Annex-Rezone-FLUA)
Project Name: 356 E. Lafayette Street & 497 W J Peters Lane
Parcel ID: 23-22-27-5720-00-133 & 23-22-27-5720-00-131
Issue: The applicant is requesting annexation into the City, amendment of the Future Land Use Map, and assigned zoning.

Supplemental Material / Analysis:

Owner / Applicant: Orange County Public Schools – Facilities Planning
Current Zoning: R-2 (County)
Proposed Zoning: R-2 (City)
Current FLU: LMDR Orange County Low-Medium Density Residential
Proposed FLU: LR City Low Density Residential

Summary: The applicant is requesting annexation into the city, amendment to the Future Land Use Map of the City’s Comprehensive Plan to designate the property as City Low Density Residential, and assigned zoning designation of R-2.

Staff Recommendation(s):

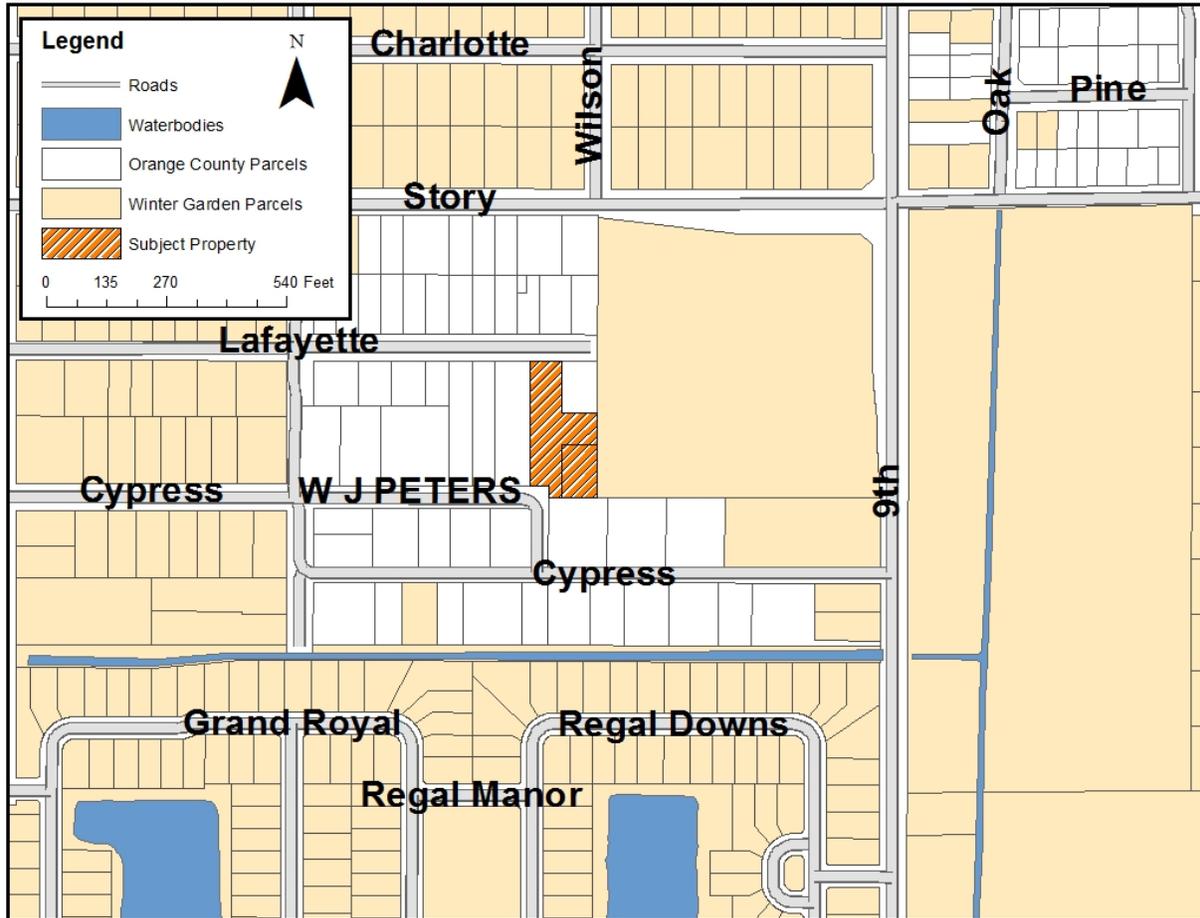
Staff recommends approval of the annexation, rezoning, and Future Land Use Amendment subject to the condition outlined in the Staff Report.

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

Attachment(s): Location Map
Staff Report
Ordinances 20-16, 20-17, and 20-18

LOCATION MAP

356 E Lafayette Street & 497 W J Peters Lane



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

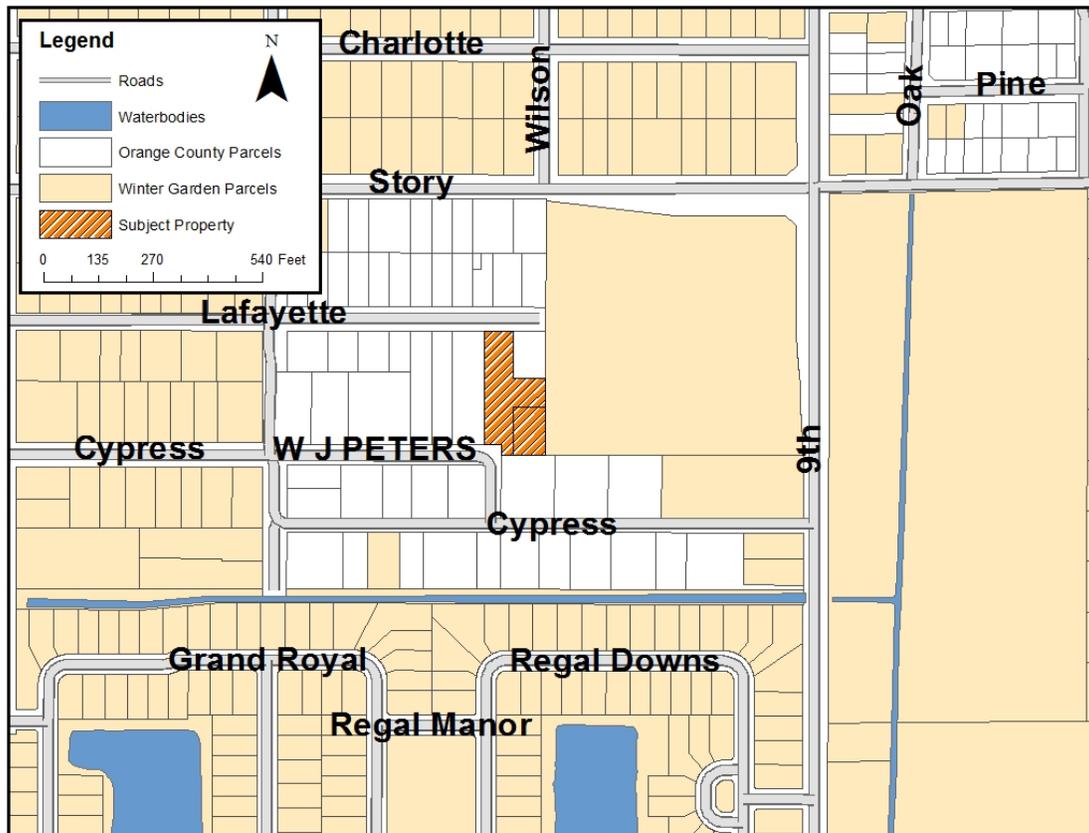
TO: PLANNING AND ZONING BOARD
PREPARED BY: Soraya Karimi, Planner I
DATE: March 2nd, 2020
SUBJECT: ANNEXATION – FLU—ZONING
356 E Lafayette Street & 497 W J Peters Lane (0.82 +/- ACRES)
PARCEL ID # 23-22-27-5720-00-133 & # 23-22-27-5720-00-131

APPLICANT: Orange County Public Schools – Facilities Planning

INTRODUCTION

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

The subject property, located at 356 E Lafayette Street & 497 W J Peters Lane, is approximately 0.82 ± acres. The map below depicts the proximity of the subject property to the City of Winter Garden municipal limits:



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

In accordance with the City's Comprehensive Plan, Properties designated with the Low Density Residential land use category are required to be developed at a gross residential density no greater than 6 dwelling units per acre and will be identified on the Future Land Use Map only in areas that are either similar in nature (i.e. have the same type of density of existing neighborhoods) or where environmental factors require low residential densities. Factors in determining this land use category included proximity to natural resources and urban services, availability of public facilities, and the characteristics of nearby existing and future neighborhoods. Churches and schools may be allowed via a Special Exception Permit. The zoning classifications that are consistent with the Low Density Residential classification are PUD, R-1A, R-1B, R-1, R-4, and R-5.

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

EXISTING USE

The property located at 356 E Lafayette Street & 497 W J Peters Lane is currently vacant property belonging to the School Board of Orange County, Florida, zoned County R-2 and designated LMDR Orange County Low-Medium Density Residential on the Future Land Use Map. The gross land area is 0.82 +/- acres.

ADJACENT LAND USE AND ZONING

The property to the west of the subject property is owned by the School Board of Orange County Florida, zoned R-2 and within the City's municipal limits. The properties to the north of the subject property are single family residences and a municipal building, zoned R-2 and in unincorporated County. The properties to the south and east of the subject property are unincorporated County single family residential, zoned R-2.

PROPOSED USE

The applicants are requesting to annex 0.82 ± acres of the subject property into the City. OCPS intends to use the property as open space or drainage.

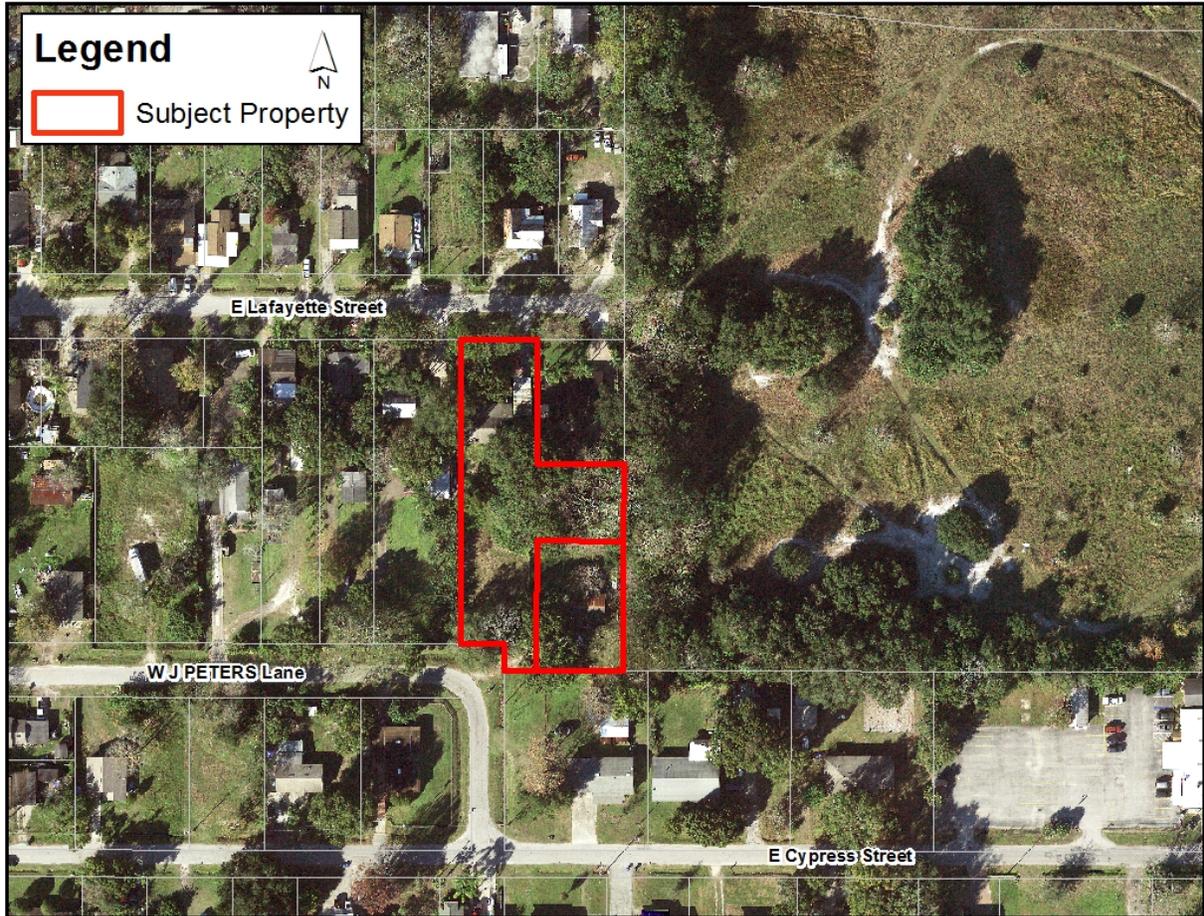
PUBLIC FACILITY ANALYSIS

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

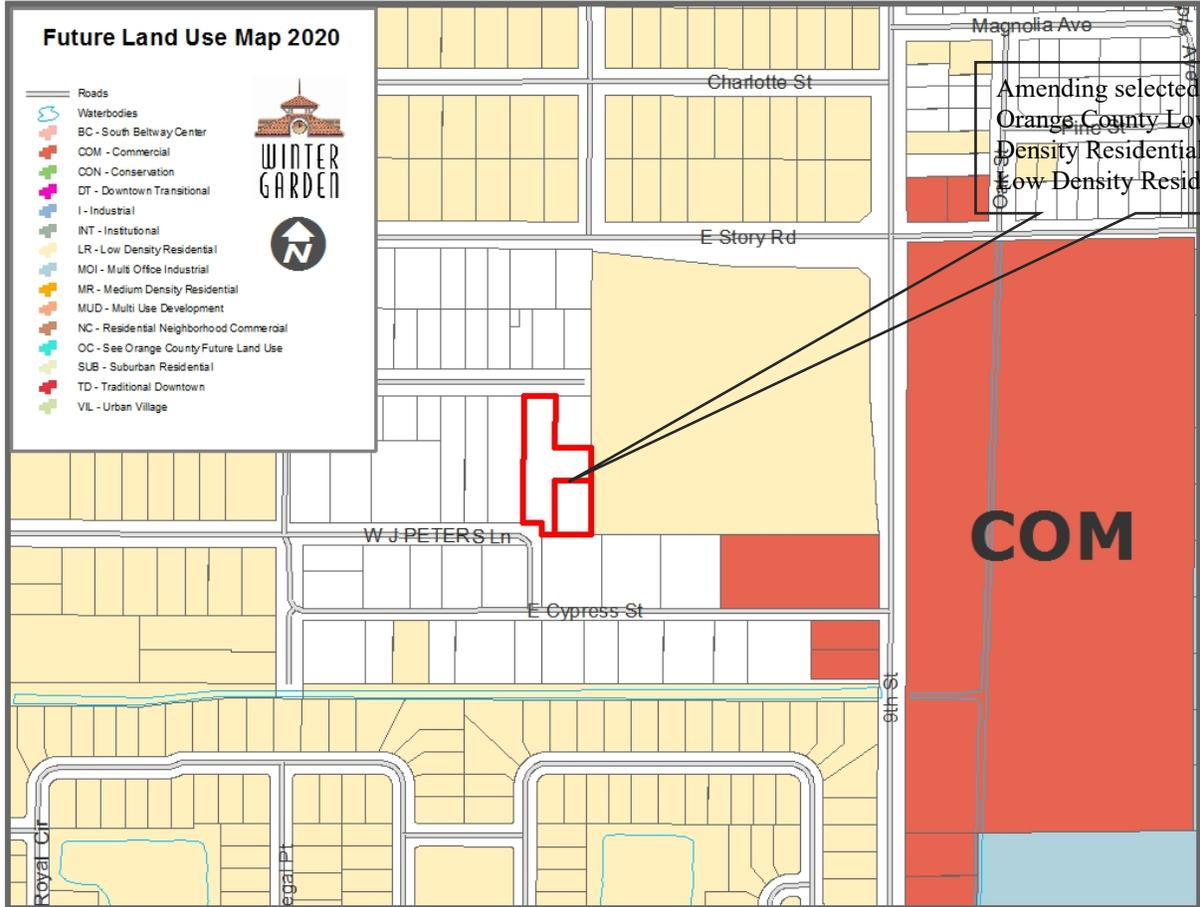
SUMMARY

Annexation will provide a more efficient delivery of services to the properties and further the goals and objectives of the City of Winter Garden’s Comprehensive Plan.
City Staff recommends approval of Ordinances 20-16, 20-17, and 20-18.

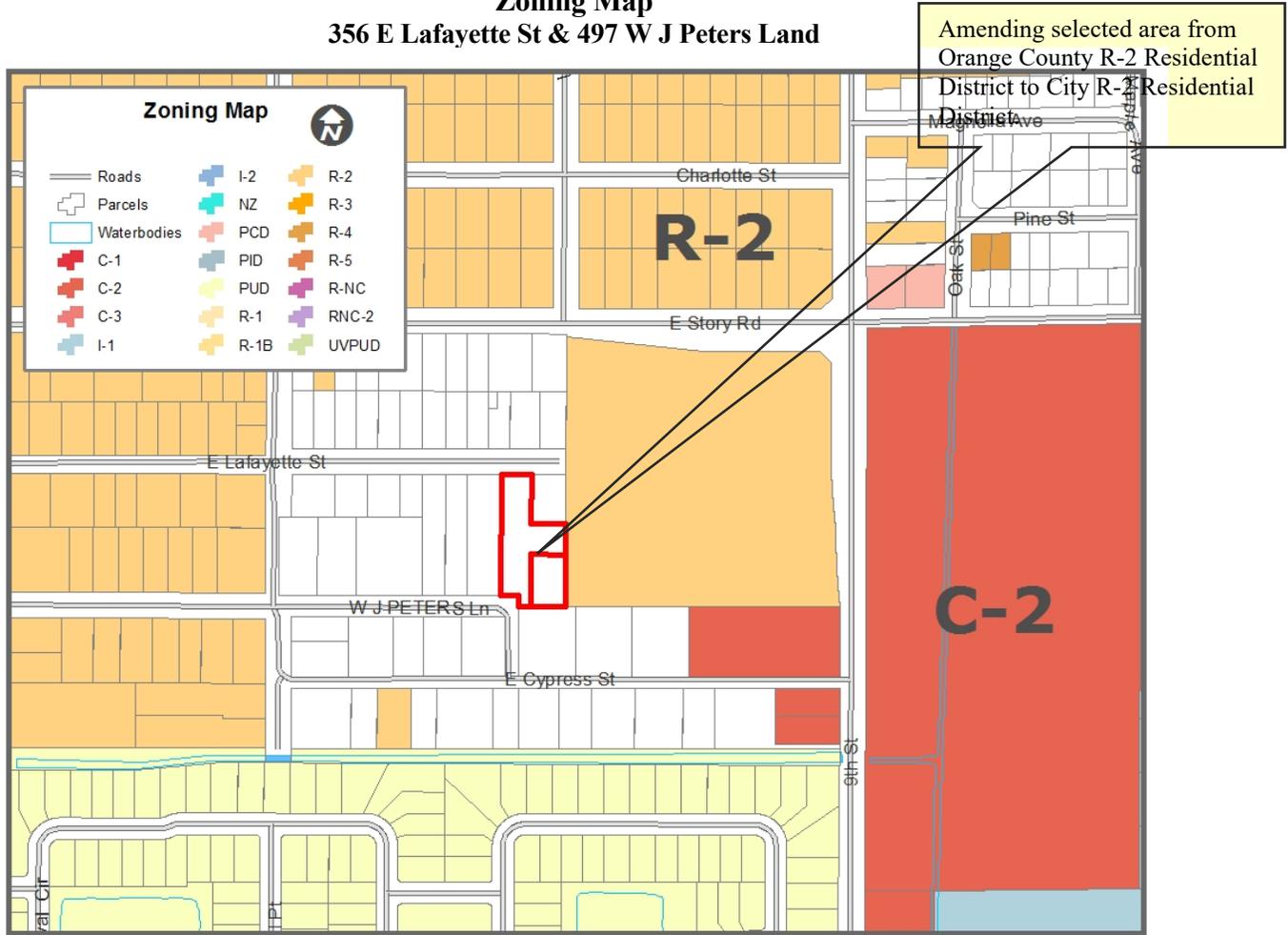
AERIAL PHOTO
356 E Lafayette Street & 497 W J Peters Lane



Future Land Use Map 356 E Lafayette Street & 497 W J Peters Lane



Zoning Map
356 E Lafayette St & 497 W J Peters Land



END OF STAFF REPORT

ORDINANCE 20-16

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.82 ± ACRES LOCATED AT 356 E. LAFAYETTE STREET AND 497 W J PETERS LANE; NORTH OF E. CYPRESS STREET, WEST OF 9TH STREET, EAST OF SUMMER STREET, AND SOUTH OF E. LAFAYETTE STREET; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.82 ± acres located at 356 E. Lafayette Street and 497 W J Peters Lane; north of E. Cypress Street, west of 9th Street, east of Summer Street, south of E. Lafayette Street, and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

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

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

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

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 2020.

SECOND READING AND PUBLIC HEARING: _____, 2020.

ADOPTED this _____ day of _____, 2020, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

ANGELA GRIMMAGE, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

Parcel ID # 23-22-27-5720-00-133 (Parcel 1) & # 23-22-27-5720-00-131 (Parcel 2)

Parcel 1:

The South 120 feet of Lot 13, MOORE'S SUBDIVISION, according to the Plat thereof recorded in Plat Book R, Page 138, of the Public Records of Orange County, Florida. LESS the South 25 feet for Road Right of Way.

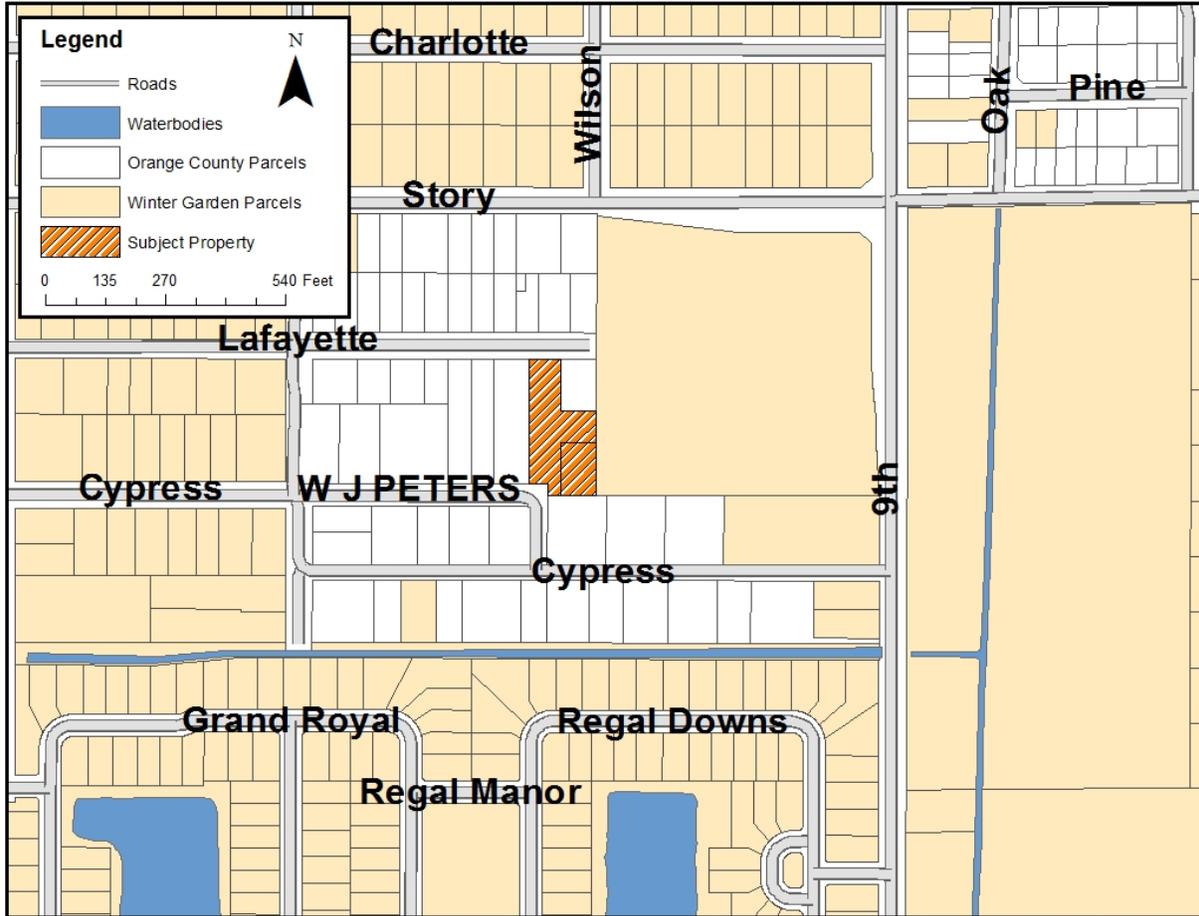
Parcel 2:

Lot 13, (less North 115 feet and less South 120 feet thereof) also all of Lot 14, and East 20 feet of Lot 15, of MOORE'S SUBDIVISION, according to the plat thereof as recorded in Plat Book R, Page 138, of the Public Records of Orange County, Florida. LESS the South 25 feet for Road Right of Way.

ATTACHMENT "B"

LOCATION MAP

356 Lafayette Street & 497 W J Peters Lane



ORDINANCE 20-17

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.82 ± ACRES OF LAND LOCATED AT 356 E. LAFAYETTE STREET AND 497 W J PETERS LANE; NORTH OF E. CYPRESS STREET, WEST OF 9TH STREET, EAST OF SUMMER STREET, AND SOUTH OF E. LAFAYETTE STREET FROM ORANGE COUNTY LOW-MEDIUM DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as 0.82 ± acres of land located at 356 E. Lafayette Street and 497 W J Peters Lane; north of E. Cypress Street, west of 9th Street, east of Summer Street, south of E. Lafayette Street, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low-Medium Density Residential to City Low Density Residential; and

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

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

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

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 20-16, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to §

163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

FIRST READING AND PUBLIC HEARING: _____, 2020.

SECOND READING AND PUBLIC HEARING: _____, 2020.

ADOPTED this _____ day of _____, 2020, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

ANGELA GRIMMAGE, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

Parcel ID # 23-22-27-5720-00-133 (Parcel 1) & # 23-22-27-5720-00-131 (Parcel 2)

Parcel 1:

The South 120 feet of Lot 13, MOORE'S SUBDIVISION, according to the Plat thereof recorded in Plat Book R, Page 138, of the Public Records of Orange County, Florida. LESS the South 25 feet for Road Right of Way.

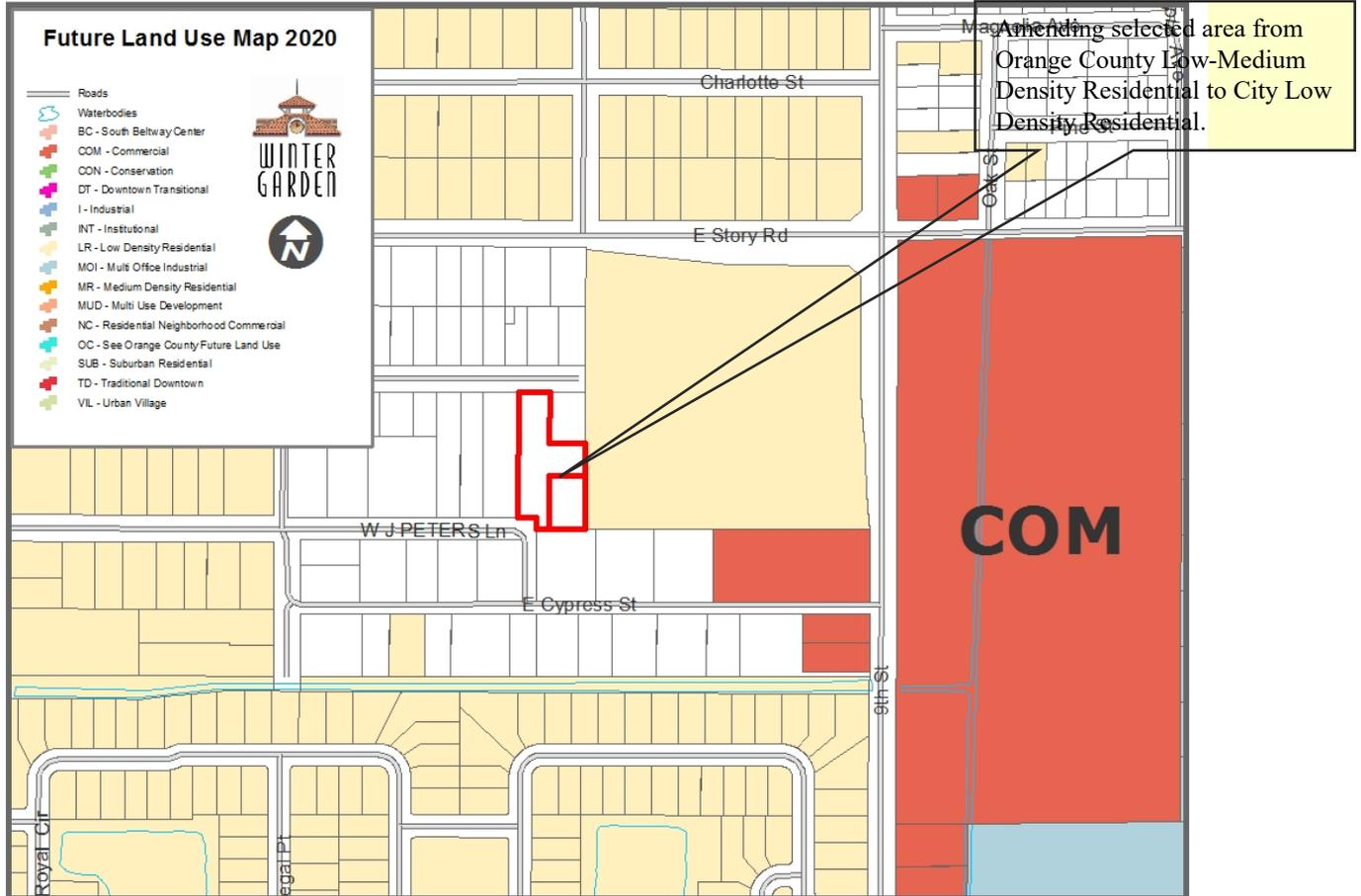
Parcel 2:

Lot 13, (less North 115 feet and less South 120 feet thereof) also all of Lot 14, and East 20 feet of Lot 15, of MOORE'S SUBDIVISION, according to the plat thereof as recorded in Plat Book R, Page 138, of the Public Records of Orange County, Florida. LESS the South 25 feet for Road Right of Way.

ATTACHMENT "B"

FUTURE LAND USE MAP

356 Lafayette Street & 497 W J Peters Lane



ORDINANCE 20-18

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.82 ± ACRES LOCATED AT 356 E. LAFAYETTE STREET AND 497 W J PETERS LANE; NORTH OF E. CYPRESS STREET, WEST OF 9TH STREET, EAST OF SUMMER STREET, AND SOUTH OF E. LAFAYETTE STREET; FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as approximately 0.82 ± acres located at 356 E. Lafayette Street and 497 W J Peters Lane; north of E. Cypress Street, west of 9th Street, east of Summer Street, south of E. Lafayette Street, and legally described in Section I of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City's R-2 Residential District zoning classification, therefore; and

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

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

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

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

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

SECTION IV: *Effective Date.* This Ordinance shall become effective

simultaneously upon the effective date of Ordinance 20-17 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2020.

SECOND READING AND PUBLIC HEARING: _____, 2020.

ADOPTED this _____ day of _____, 2020, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

ANGLEA GRIMMAGE, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

Parcel ID # 23-22-27-5720-00-133 (Parcel 1) & # 23-22-27-5720-00-131 (Parcel 2)

Parcel 1:

The South 120 feet of Lot 13, MOORE'S SUBDIVISION, according to the Plat thereof recorded in Plat Book R, Page 138, of the Public Records of Orange County, Florida. LESS the South 25 feet for Road Right of Way.

Parcel 2:

Lot 13, (less North 115 feet and less South 120 feet thereof) also all of Lot 14, and East 20 feet of Lot 15, of MOORE'S SUBDIVISION, according to the plat thereof as recorded in Plat Book R, Page 138, of the Public Records of Orange County, Florida. LESS the South 25 feet for Road Right of Way.

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

Public Hearing

Date: February 21, 2020 **Meeting Date:** March 2, 2020

Subject: 1577 & 894 Beard Road (FLU and PCD Rezoning)

Project Name: Winter Garden Self-storage

Parcel ID: 25-22-27-0000-00-052; 25-22-27-0000-00-002

Issue: For property located at 1577 & 894 Beard Road, the applicant is requesting to change the future land use to Commercial and rezone the property from R-1 to PCD (Planned Commercial Development).

Supplemental Material / Analysis:

Owner / Applicant: Klima Weeks Civil Engineering, Inc.

Current Zoning: R-1 (Residential District)

Proposed Zoning: PCD (Planned Commercial Development)

Current FLU: Low Density Residential

Proposed FLU: COM Commercial

Summary: The applicant is requesting to amend the City's Comprehensive Plan to give the 6.01 ± acre property a FLU designation of Commercial and rezone to PCD. The project will consist of one 3-story main building and five single story storage structures, a total of 114,641 square feet, surrounding an internal vehicle storage area with canopies. The project will also consist of enhanced landscaping, sidewalks, and stormwater pond (See Staff Report). The proposed FLU amendment is consistent with the City's Comprehensive Plan and the City's Code of Ordinances.

Staff Recommendation(s):

Staff recommends approval of Ordinances 20-20 & 20-21.

Next Step(s):

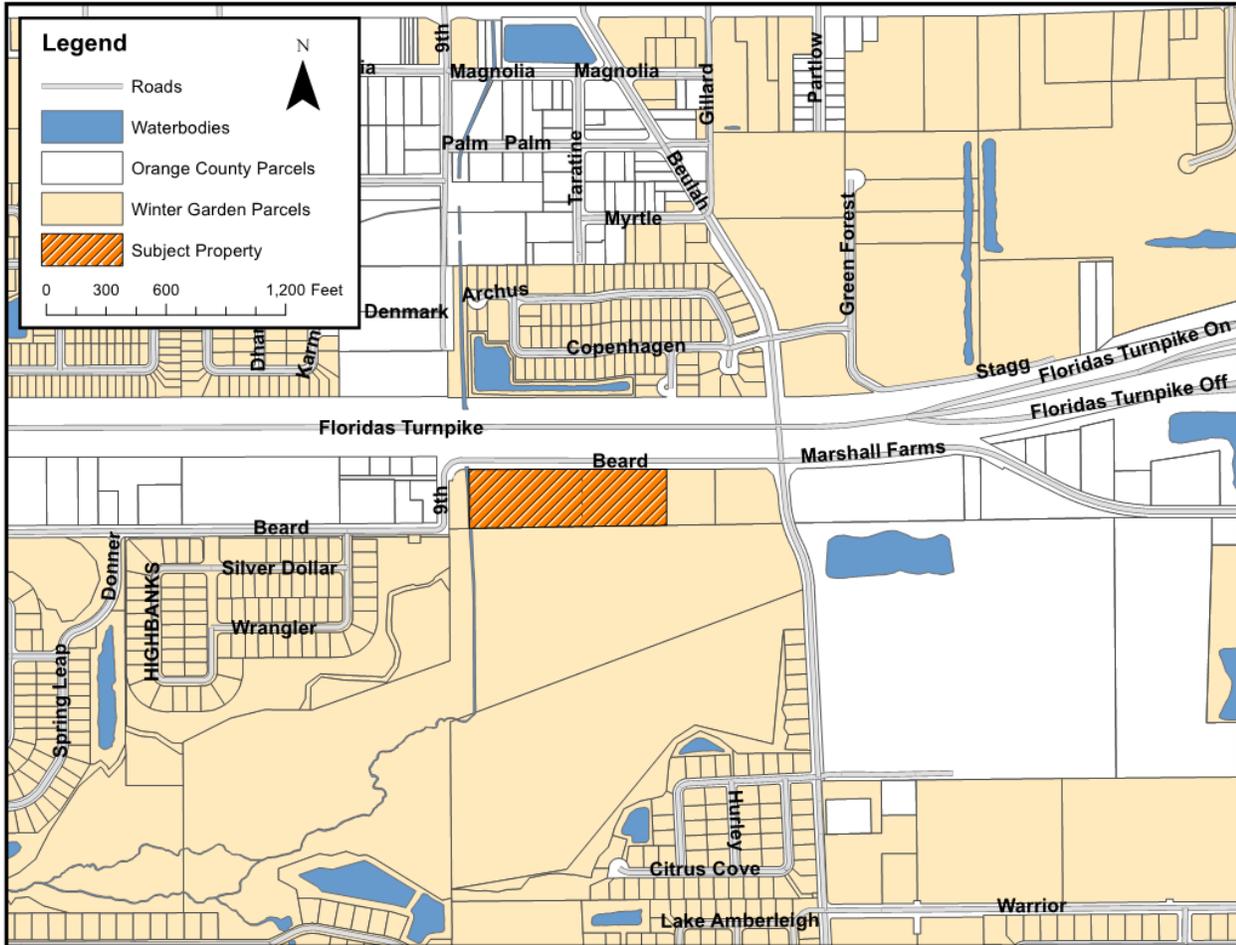
The first reading by City Commission is scheduled for March 12, 2020 with the second reading and adoption anticipated to be on March 26, 2020.

Attachment(s):

Location Map
Staff Report
Ordinances 20-20 & 20-21

LOCATION MAP

1577 & 894 Beard Road



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

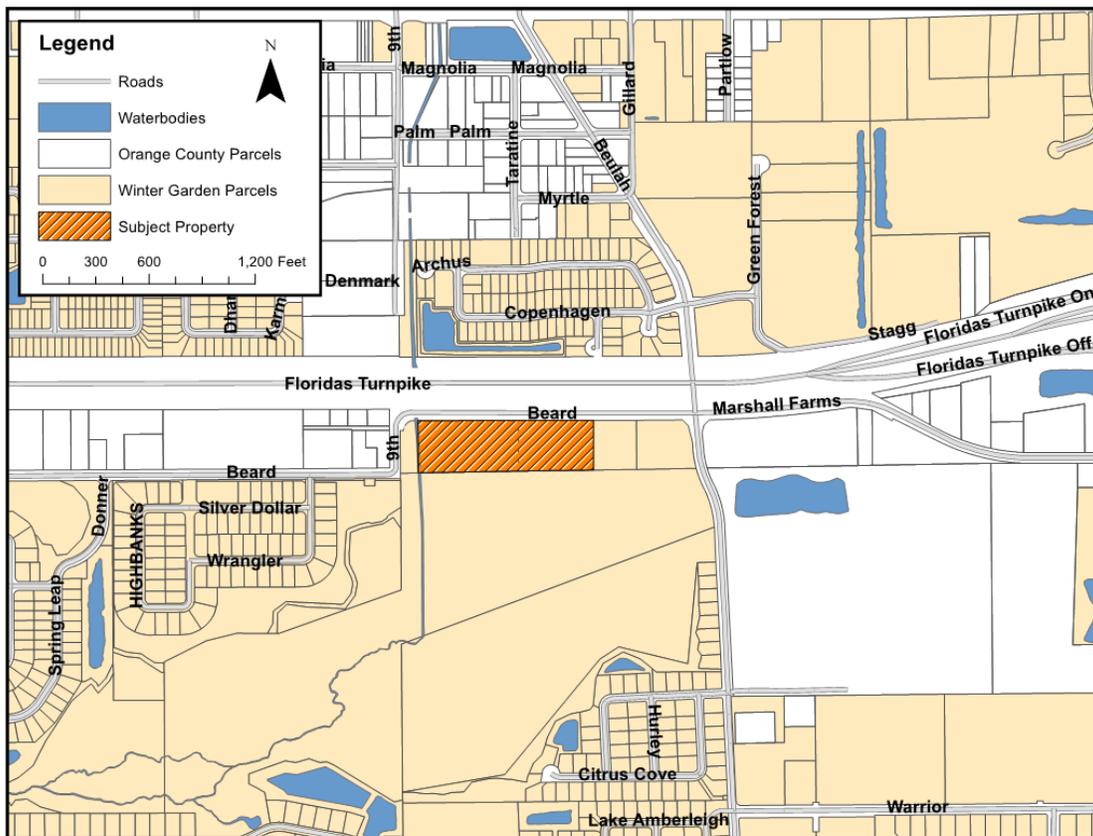
TO: PLANNING AND ZONING BOARD
PREPARED BY: SHANE FRIEDMAN, SENIOR PLANNER
DATE: February 21, 2020
SUBJECT: Future Land Use Amendment and PCD Rezoning
1577 & 894 Beard Road (6.01 +/- ACRES)
PARCEL ID # 25-22-27-0000-00-052 and 25-22-27-0000-00-002

APPLICANT: Klima Weeks Civil Engineering, Inc.

INTRODUCTION

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

The subject property is located at 1577 & 894 Beard Road, south of Beard Road, and is approximately 6.01 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant has requested an amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Commercial and rezoning the property to PCD (Planned Commercial Development).

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

EXISTING USE

The project boundary is actually composed of two parcels, located 1577 & 894 Beard Road, however only half of the property located 894 Beard Road is requesting to be rezoned. The property located at 1577 Beard Road is 3.82 ± acres with a small two-story wood frame house built in 1941. The 2.18 ± acre land on the parcel located at 894 Beard Road is undeveloped.

ADJACENT LAND USE AND ZONING

The property to the west of the subject property is zoned R-1 (Residential District), is undeveloped, and currently has several mobile homes residing on the property. The property to the north is the Florida Turnpike. The property to the east, which is currently part of the parcel located at 894 Beard Road, is developed with a single-family home and is zoned R-1 (Residential District). The property to the south is zoned R-1 (Residential District), is undeveloped wetlands, and is Tract F (Conservation) of the Cobblestone of Winter Garden neighborhood plat.

PROPOSED USE

The applicant is requesting PCD rezoning to permit the development of the property for 114,641 sf of personal self-storage. The project will consist of one 3-story main building and five single story storage structures surrounding an internal vehicle storage area with canopies. The project will also consist of enhanced landscaping, sidewalks, and stormwater pond.

PUBLIC FACILITY ANALYSIS

The property will have one vehicle access point off of Beard Road.

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

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

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

COMMUNITY MEETING

On January 15, 2020 a community meeting was held at City Hall. Over 390 notices were sent to five neighborhoods and several properties along Beard Road. Around six households came to that meeting. A few of the residents expressed concern about the safety of Beard Road. Specifically the lack of a sidewalk. The City required that the applicant provide a sidewalk along Beard Road frontage starting from the end of the sidewalk at Roper Reserve. The sidewalk is a condition of approval in the Ordinance and is shown on the predevelopment plan of the PCD.

SUMMARY

The proposed development is a reasonable use of the land and this type of low trip generating development is consistent with other developments that exist in this area of the City. With the subject property directly adjacent to the Florida Turnpike the proposed project seems most reasonable for nonresidential uses.

The proposed future land use amendment changing the land use from Low Density Residential to Commercial, and rezoning from R-1 (Residential District) to PCD (Planned Commercial Development), is consistent with the City's Comprehensive Plan and the City of Winter Garden Code of Ordinances. Staff recommends approval of the proposed Ordinance(s) subject to the conditions outlined in Ordinance 20-20 and Ordinance 20-21.

AERIAL PHOTO
1577 & 894 Beard Road



Elevations
1577 & 894 Beard Road



12'-0"–



EXTERIOR STORAGE FRONT ELEVATION

1/16" = 1'-0"

12'-0"–



EXTERIOR STORAGE REAR NON ST FACING

1/16" = 1'-0"

13'-4"–



EXTERIOR STORAGE REAR STREET FACING

1/16" = 1'-0"

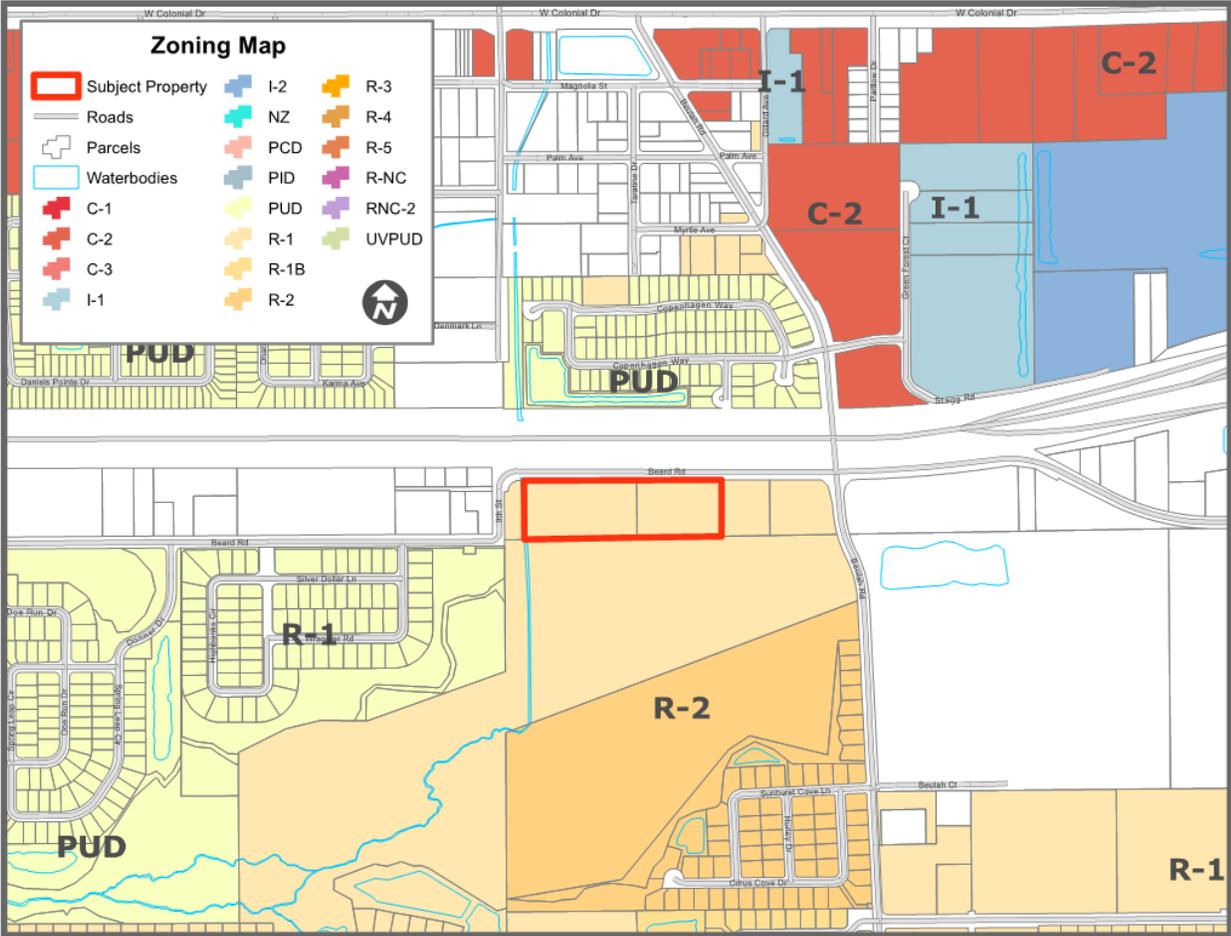
16'-7"–



RV CANOPY ELEVATION

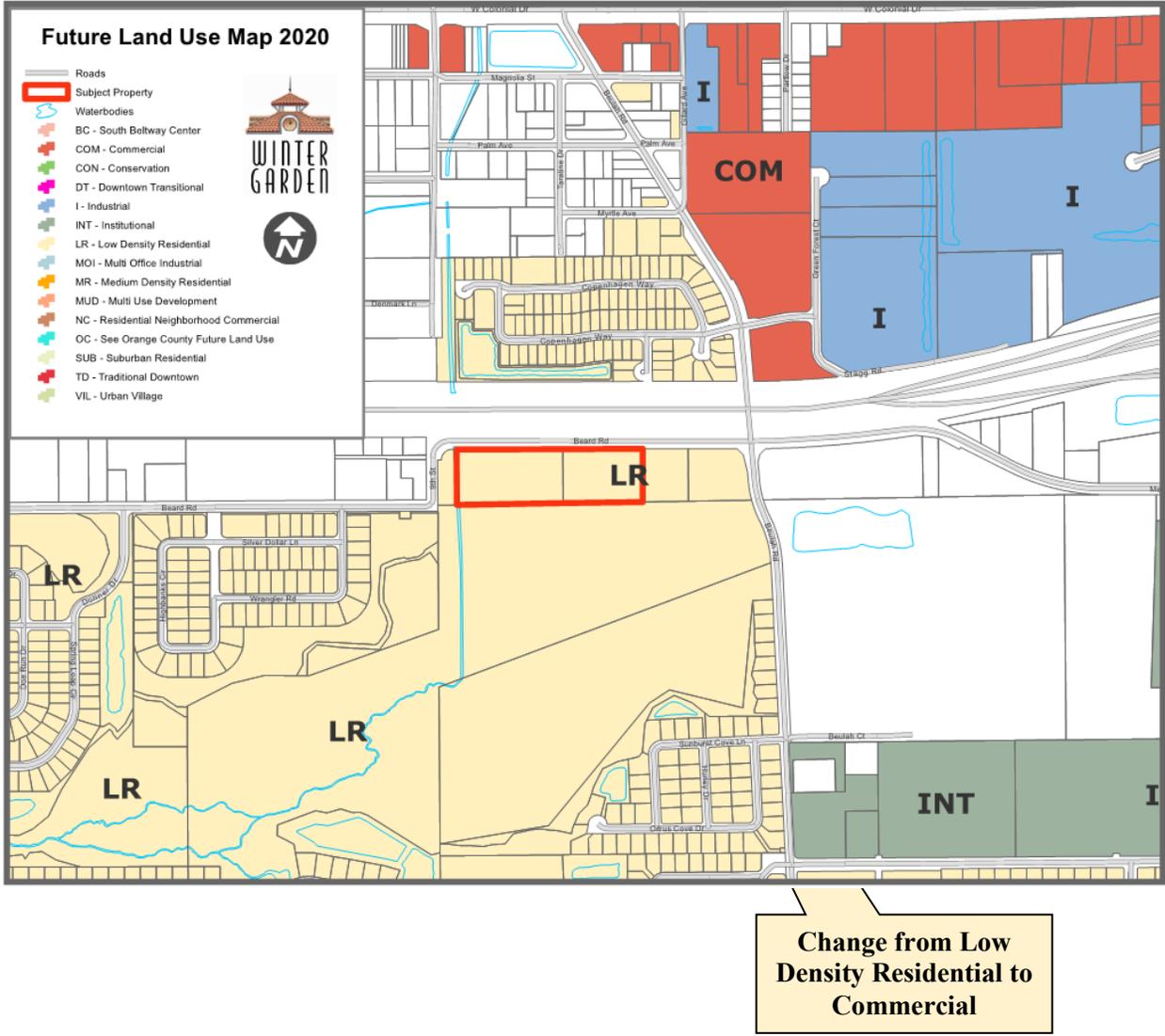
1/16" = 1'-0"

ZONING MAP
1577 & 894 Beard Road



**Change from
R-1 to PCD**

FUTURE LAND USE MAP
1577 & 894 Beard Road



END OF STAFF REPORT

ORDINANCE 20-20

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 6.01 ± ACRES LOCATED AT 1577 & 894 BEARD ROAD, WEST OF BEULAH ROAD, EAST OF 9TH STREET, AND SOUTH OF BEARD ROAD FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as approximately 6.01 ± acres located at 1577 & 894 Beard Road, west of Beulah Road, east of 9th Street, and south of Beard Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Low Density Residential (LR) to Commercial (COM); and

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

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

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 2020.

SECOND READING AND PUBLIC HEARING: _____, 2020.

ADOPTED this _____ day of _____, 2020, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

ANGELA GRIMMAGE, City Clerk

ATTACHMENT "A"
LEGAL DESCRIPTION

PARCEL ID#: 25-22-27-0000-00-052 and 25-22-27-0000-00-002

DESCRIPTION:

PARCEL 1:

THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LYING SOUTH OF THE SUNSHINE STATE PARKWAY AND BEARD ROAD. LESS THE EAST 334.00' THEREOF.

PARCEL 2:

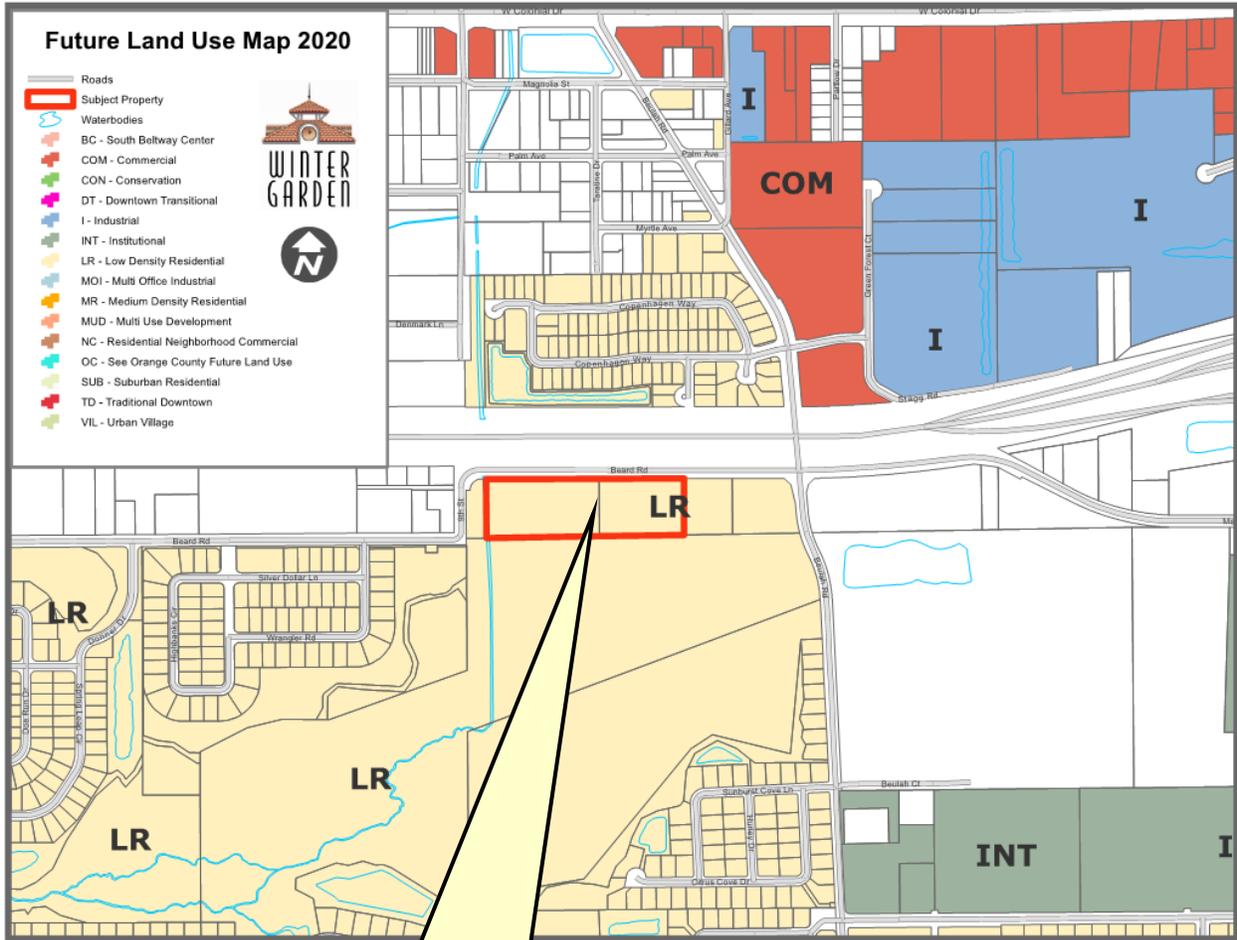
THE SOUTH 297 FEET, MORE OR LESS, OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, LESS THE WEST 100 FEET THEREOF AND EASEMENT REQUIRED FOR DRAINAGE DITCH ON WEST END OF SAID PROPERTY.

Containing 6.01 acres, more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

1577 & 894 Beard Road



Subject property changed from Low Density Residential to Commercial

ORDINANCE 20-21

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 6.01 ± ACRES LOCATED AT 1577 & 894 BEARD ROAD, WEST OF BEULAH ROAD, EAST OF 9TH STREET, AND SOUTH OF BEARD ROAD, FROM R-1 (RESIDENTIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE WINTER GARDEN SELF STORAGE PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner(s) of that certain real property generally described as approximately 6.01 ± acres located at 1577 & 894 Beard Road, west of Beulah Road, east of 9th Street, and south of Beard Road 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 R-1 (Residential District) to PCD (Planned Commercial Development), and

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

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

WHEREAS, the City Commission finds based on competent substantial evidence in the record that the rezoning approved by this Ordinance meets all applicable criteria for rezoning under the Comprehensive Plan and the Code of Ordinances, therefore;

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

SECTION 1: Rezoning. The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on Exhibit “A,” is hereby rezoned from (R-1) Residential District to (PCD) Planned Commercial Development in the City of Winter Garden, Florida subject to the following conditions provisions and restrictions:

- a. **Applicability/Conflict.** All development of or within the Property shall comply with and is subject to the requirements set forth in this Ordinance. Unless specifically identified in this Ordinance, all development on the Property identified in Exhibit “A” must comply with the general development

standards of the C-2 (Arterial Commercial District) zoning district. Notwithstanding anything to the contrary herein, all development of or within the Property shall comply with and is subject to all requirements in the City Code, and ordinances, resolutions, and policies of the City. To the extent of any express conflicts between the express provisions of this Ordinance pertaining to permitted uses, special exception uses, prohibited uses, architectural design criteria, and other development criteria and the City Code and ordinances, resolutions, and policies of the City, the requirements set forth herein shall control to the extent of the conflict.

- b. Intent.** This Ordinance is intended to provide flexibility in the development of the Property in order to provide for proper growth and to guide development and construction in an integrated approach in order to promote an enjoyable, aesthetically pleasing, and pedestrian friendly commercial development.

- c. Development Plans.** The Property shall be developed in substantial conformance with the Preliminary Development Plans attached hereto as Exhibit "B". Should any conflict exist between this Ordinance and the Preliminary Development Plans attached hereto as Exhibit "B", then the standards and conditions established by this Ordinance shall control to the extent of the conflict.

- d. Design Criteria/Architectural Standards-**
 - 1. Minimum Building Setbacks:
 - Front: 15 feet, excluding architectural bump outs or façade treatments.
 - Side interior lot: 20 feet when abutting a residential zoning district.
 - Side corner lot: 40 feet.
 - Rear: 20 feet when abutting a residential zoning district.

 - 2. Maximum Building Heights:
 - All building heights shall conform to the Building Information site data provided in Exhibit "B".
 - Maximum height of all buildings is 3-stories.

 - 3. Boat/RV Storage:
 - A maximum of 38 parking stalls measuring 12' x 40' for Boat and RV storage is permitted for this Property.

 - 4. Elevations:
 - All elevations will adhere to the elevations provided in Exhibit "B".

- e. **Permitted Uses-** The permitted uses allowed on the Property are as follows:
 - 1. Self-storage facility with associated management office.

- f. **Permitted Accessory Uses-** Permitted accessory uses on the Property are as follows:
 - 1. Accessory uses are not allowed in this PCD.

- g. **Special Exception Uses-** The special exception uses for this Property are as follows:
 - 1. There are no special exception uses for this property.

- h. **Prohibited Uses-** Any use not specifically set forth in this Ordinance as a Permitted or Special Exception Use is prohibited. Without limiting the foregoing, the following are expressly prohibited:
 - 1. Residential uses.
 - 2. Motels, hotels, rooming houses.
 - 3. Concrete, block, and asphalt plants including batch plants.
 - 4. Automobile junkyards, scrap yards, and salvage yards.
 - 5. Manufacturing activities.
 - 6. Industrial activities.
 - 7. Garages (commercial).
 - 8. Any use deemed objectionable because it may be noxious or injurious because of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar substances or conditions, and any one or combination of these may be prohibited; however, any one of these uses may be permitted if approved by the planning and zoning board and subject to the conditions, restrictions, requirements and safeguards as may be deemed necessary by the planning and zoning board for the protection of health, safety and general welfare of the area.
 - 9. Storage of liquefied petroleum products and petrochemical products.

- i. **Signage –** All proposed signs shall conform Exhibit “B”. All other signage proposed for the Property shall conform to the requirements and regulations pertaining to specified commercial corridors within the City of Winter Garden as defined in Chapter 118, Article X, Division 2 and Chapter 102 of the City of Winter Garden Ordinances. Signs will be permitted separately.

- j. **Dark Skies-** All exterior lighting shall be designed to provide safe, convient

and efficient lighting for pedestrians and vehicles. Exterior lighting shall be designed as dark skies lighting in a consistent and coordinated manner for the entire project in compliance with the requirements of Chapter 118, Article X, Division 4 of the City Code of Ordinances.

SECTION 2: *Staff Conditions.*

1. A 5' sidewalk will be required along the frontage of Beard Road as shown in the development plan in Exhibit B.
2. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer. 100% of all water and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.
3. An engineered site plan meeting all City Code requirements shall be submitted for review and approval by City Staff and City Commission prior to commencement of any construction.
4. All dumpsters shall be enclosed and shall provide 12' minimum inside clearance (each way inside of bollards), and access by solid waste vehicles. Coordinate additional requirements with Public Services Department, Solid Waste Division.
5. All irrigation on the site shall be designed to be supplied by reclaimed water as shown.
6. Permits or modification from SJRWMD (stormwater) and FDEP (water, wastewater and NPDES) are required prior to issuance of site or building permits.
7. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
8. All work shall conform to City of Winter Garden standards and specifications.
9. 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.
10. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
11. 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.

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

SECTION 3: *General Requirements.*

- a. **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.
- b. **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.
- c. **Expiration/Extension-** Expiration of this PCD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

SECTION 4: *Zoning Map.* The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this

ordinance.

SECTION 5: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

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

FIRST READING AND PUBLIC HEARING: _____, 2020.

SECOND READING AND PUBLIC HEARING: _____, 2020.

ADOPTED this _____ day of _____, 2020, 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#: 25-22-27-0000-00-052 and 25-22-27-0000-00-002

DESCRIPTION:

PARCEL 1:

THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LYING SOUTH OF THE SUNSHINE STATE PARKWAY AND BEARD ROAD. LESS THE EAST 334.00' THEREOF.

PARCEL 2:

THE SOUTH 297 FEET, MORE OR LESS, OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, LESS THE WEST 100 FEET THEREOF AND EASEMENT REQUIRED FOR DRAINAGE DITCH ON WEST END OF SAID PROPERTY.

Containing 6.01 acres, more or less.

Exhibit "B"

COVER PAGE

**WINTER GARDEN SELF-STORAGE PCD
PRELIMINARY DEVELOPMENT PLANS**

(13 PAGES - ATTACHED)

WINTER GARDEN SELF STORAGE PCD WINTER GARDEN, FLORIDA

FEBRUARY 2020



Beard Road - 1577 & 894
WINTER GARDEN SELF STORAGE
REZONING/FLU - REV 3rd Sub 02/20/20
o:Flagship Co Group LLC - c:Klima Weeks
25-22-27-0000-00-052 & -002

Beard Road - 1577 & 894
WINTER GARDEN SELF STORAGE
REZONING/FLU - 3rd Sub 02/18/2020
o:Flagship Co Group LLC - c:Klima Weeks
25-22-27-0000-00-052 & -002

SHEET INDEX:

0000	COVER SHEET
0001	DEVELOPMENT SITE & UTILITY PLAN
1-1	LANDSCAPE PLAN
1-2	LANDSCAPE NOTES & DETAILS
1-3	TREE REMOVAL PLAN
A001	PERSPECTIVE VIEW
A002	PERSPECTIVE VIEW
A003	NORTH ELEVATION
A004	EAST ELEVATION
A005	SOUTH ELEVATION
A006	WEST ELEVATION
A007	MATERIAL OUTLINE
A008	EXTERIOR STORAGE AND RV CANOPY

PARCEL No.: 25-22-27-0000-00-052
and PORTION of: 25-22-27-0000-00-002

DRAINAGE STATEMENT:

- ON-SITE STORMWATER MANAGEMENT FACILITIES WILL BE PROVIDED TO MEET ST. CANNON REQUIREMENTS.
- STORMWATER MANAGEMENT SYSTEM WILL COMPLY WITH SFWMD LAKE APOPKA DOES NOT APPLY AS SHOWN SITE 5905 HAS NOT YET BEEN IN A STUDY PER THE SCS SOILS MAP.

ZONING INFORMATION:

SITE: R-1
FRONT/ NORTH: BEARD ROAD/ PUD/R-1
SIDE/ EAST: R-1
REAR/ SOUTH: R-1

CONTACT INFORMATION:

OWNER: GOMES B. AND JOSEPH BRITH DOMALUK
1416 SW STREET N., SUITE-420
WINTER GARDEN, FL 32787-4200

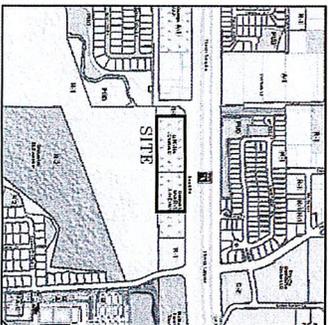
DEVELOPER/CONSULTANT FIRM/OWNER: FLAGSHIP COMMERCIAL GROUP, LLC
1100 BUSINESS CENTER DRIVE
LAKE MARY, FL 32746

ARCHITECT: PHILIPPELUS.COM
C-MAIL: PHILIPPELUS.COM

PLANNING: REAR TEXAS CIVIL ENGINEERING, INC.
3500 GOLFVIEW PARKWAY, SUITE 200
KATY, TEXAS 77450
TEL: 407-4826744
FAX: 407-4826744
E-MAIL: INFO@REARTEXAS.COM

LANDSCAPE ARCHITECT: LANDSCAPE ARCHITECTURE LLC
1011 E. COLONIAL AVE
LAKE MARY, FL 32746
TEL: 407-7452000
E-MAIL: INFO@LANDSCAPEARCHITECTURE.COM

REGISTERED PROFESSIONAL ENGINEER: BILLY JOE GARDNER, PE, PSM
1000 W. UNIVERSITY AVENUE, SUITE 200
WINTER GARDEN, FL 32789
TEL: 407-854-0104
E-MAIL: BIRCHMAN@BIRCHMANENGINEERING.COM



VICINITY & EXISTING ZONING MAP
1577 BEARD ROAD, WINTER GARDEN, FLORIDA 32787

PROPERTY DESCRIPTION:

PARCEL 1:
THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 27 EAST, GRANGE COUNTY, FLORIDA, LESS THE EAST 334.00' THEREOF.
PARCEL 2:
THE SOUTH 297 FEET, MORE OR LESS, OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 27 EAST, GRANGE COUNTY, ON THE WEST END OF SAID PARCELS.

ADDRESS:
1577 BEARD ROAD, WINTER GARDEN, FLORIDA

FLOOD ZONE:

SUBJECT PROPERTY LIES WITHIN ZONE A, A SPECIAL FLOOD HAZARD AREA, SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD EVENT WITH NO BASE FLOOD ELEVATION FORMING AND CORRECT TO AREA DETERMINED BY THE FLOOD INSURANCE RATE MAP NUMBER 12098C0215F, DATED SEPTEMBER 25, 2009.

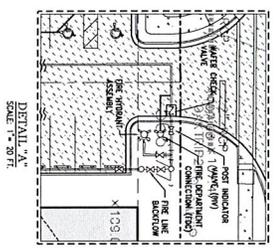
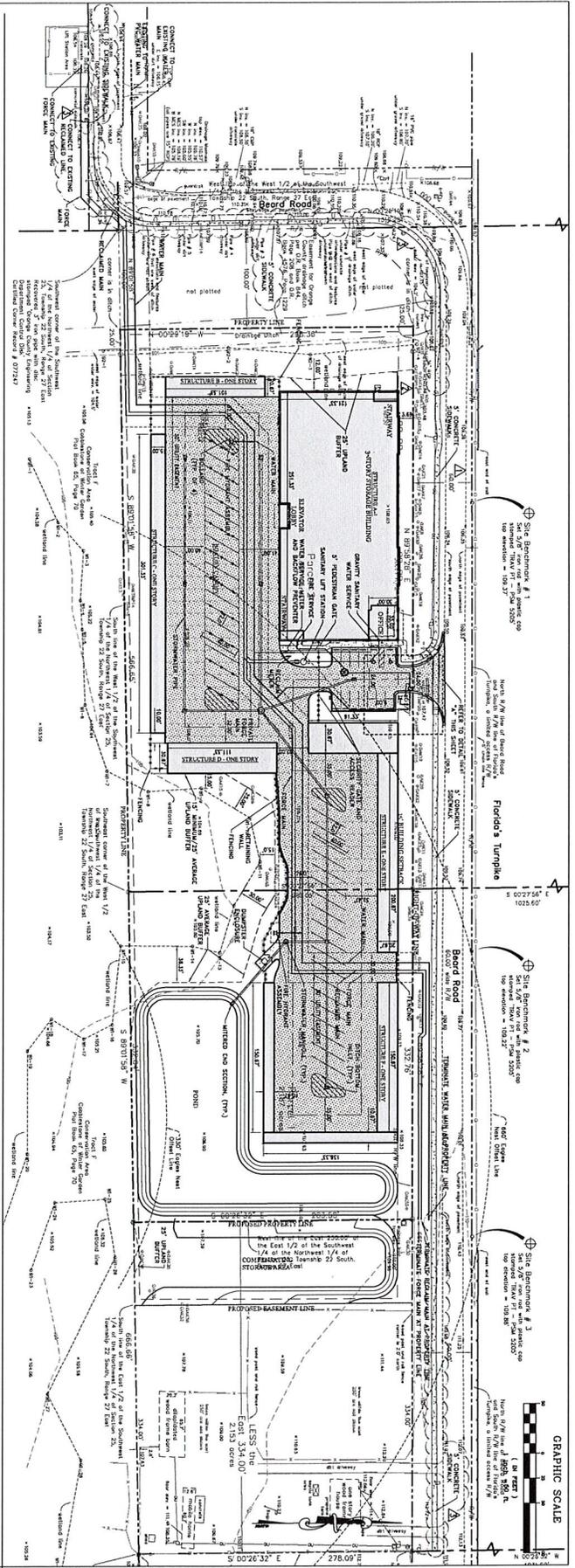
ALLOWABLE USES:

SELF STORAGE AND VEHICLE STORAGE INCLUDING COVERED VEHICLE STORAGE

NO.	REVISION	BY	DATE
1	City Comments	SKW	11/21/19
2	Building Revision	SKW	02/07/20
3			

CERTIFICATE OF AUTHORIZATION No. 2520
Klima Weeks
CIVIL ENGINEERING

Community Development
Planning & Zoning
RECEIVED
FEB 18 2020
Received By: _____
Project # _____



WINTER GARDEN SELF STORAGE PCD
 ORANGE COUNTY
 WINTER GARDEN, FL

DEVELOPMENT SITE & UTILITY PLAN

COOL

Author: JAT
 Checked by: SCW
 Date: 09/06/19
 File Name: WGAZ002
 Project Number: 19FLA0000
 File Path: C:\Users\jlat\Documents

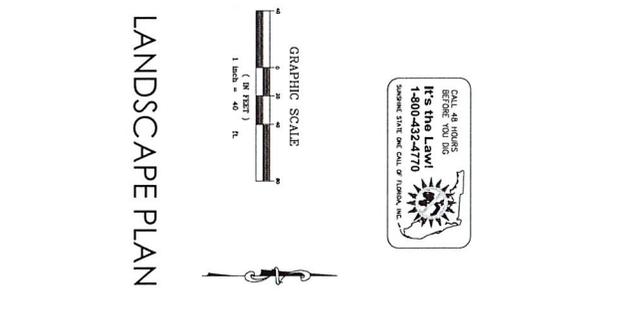
revision	description	date
1	City Council	11/21/19
2	Big Brother	02/07/20
3	Standard Revision	02/19/20

365 Douglas Avenue, Ste 2100
 Altamonte Springs, FL 32714
 Phone: 407.428.8750
 Fax: 407.428.8754
 E-mail: info@klimaweeks.com
 Florida Professional Seal No. 52320

Klima Weeks
 CIVIL ENGINEERING

LOCATION	LENGTH	REQUIRED / PROVIDED
NORTH (R.O.W Buffer)	871 Ln. Ft.	REQUIRED: - 12' Canopy Trees @ Min. 3" Cal., 13' Ht., 45 Gal. - 36" Ht. Continuous Hedge Max. 36" O.C. - 50% Coverage with Shrubs & Groundcovers (7.5 Ft. Width)
EAST (Road Buffer)	283.58 Ln. Ft.	REQUIRED: - 11' Canopy Trees @ Min. 3" Cal., 12' Ht., 30 Gal. - 36" Ht. Continuous Hedge Max. 36" O.C. PROVIDED: - 11' Canopy Trees (1) Proposed Bald Cypress (Min. 3" Cal., 12' Ht., 45 Gal.) - 36" Ht. Continuous Hedge Max. 36" O.C.
SOUTH (Road Buffer)	899.29 Ln. Ft.	REQUIRED: - 10' Ft. Width - 27' Unmatured Trees @ Min. 1 1/2" Cal., 7' Ht., 15 Gal. - 36" Ht. Continuous Hedge Max. 36" O.C. PROVIDED: - 19' Canopy Trees (9) Proposed Sycamore (12' Ht., 1" + 10' Existing Oaks from 2005 Survey, 24" - 40" Cal., 15' - 16' Ht., 15 Gal., 3" Cal., 8" Ht., 45 Gal.) - 36" Ht. Continuous Hedge Max. 36" O.C. - Existing Wetlands Vegetation to Meet 36" Ht. Screening Requirement
WEST (Open Yard Buffer + Building Footcandle)	298.34 Ln. Ft.	REQUIRED: - 10' Ft. Width - 12' Canopy Trees @ Min. 3" Cal., 12' Ht., 30 Gal. - 36" Ht. Continuous Hedge Max. 36" O.C. PROVIDED: - 47' Ft. Width - 12' Canopy Trees (4) Proposed Cedar (12' Ht., 1" + 1) Proposed Oak (Min. 3" Cal., 12' Ht., 45 Gal.) - 5 Existing Oaks from 2005 Survey, 12" Ht., 3" - 11" Cal., 15 - 30 Gal.) - Existing Wetlands Vegetation to Meet 36" Ht. Screening Requirement + 36" Ht. Shrubs Provided Along Building Footcandle Varies from R.O.W.

SYMBOL	KEY	QNTY.	COMMON/BOTANICAL NAME	SPECIFICATIONS/DESCRIPTION
○	OV	7	Live Oak <i>Quercus virginiana</i>	3 1/2" Min. Cal., 13' Min. Ht., Fl. #1, 1888 or 45 Gal.
⊕	TD	11	Bald Cypress <i>Taxodium distichum</i>	3" Min. Cal., 12' Min. Ht., Fl. #1, 1888 or 45 Gal.
⊕	U	21	Ligustrum <i>Ligustrum japonicum</i>	3" Total Cal., Multi Trunk, 8' Ht., Fl. #1, 1888
⊕	IV	18	Uplight Yucca <i>Yucca filamentosa</i>	3" Total Cal., Multi Trunk, 8' - 10' Ht., Fl. #1, 30 Gal.
○	SP	26	Spotted Plantain <i>Plantago lanceolata</i>	12" O.A. Ht., Seeded Trunk, Matching Specimens
●	ZF	5	Carobbed Palm <i>Zamia floridana</i>	7 Gal., 24" O.A., Matching Specimens
■	PM	643	Podocarpus <i>Podocarpus macrophyllus</i>	36" Min. Ht., 7" Cal., 24" O.C.
■	ZP	204	Zamia <i>Zamia floridana</i>	12' - 18" Ht., 3 Gal., 30" O.C.
■	IN	159	Dwarf Yucca <i>Yucca filamentosa</i>	8' - 12" Ht., 3 Gal., 24" O.C.
■	SB	499	Sparganium <i>Sparganium angustifolium</i>	18' - 24" Ht., 3 Gal., 24" O.C.
■	LM	248	Large Fringed Yucca <i>Yucca filamentosa</i>	18' - 24" Ht., 3 Gal., 24" O.C.
■	TAM	145	Dwarf Yucca <i>Yucca filamentosa</i>	18' - 24" Ht., 3 Gal., 24" O.C.
■	SOD	TBD	Argentine Bristle <i>Setaria verticillata</i>	18' - 24" Ht., 3 Gal., 24" O.C.
■	MULCH	TBD	Fire Bark Mulch	3" Min. Depth, All Planting Areas



LANDSCAPE PLAN

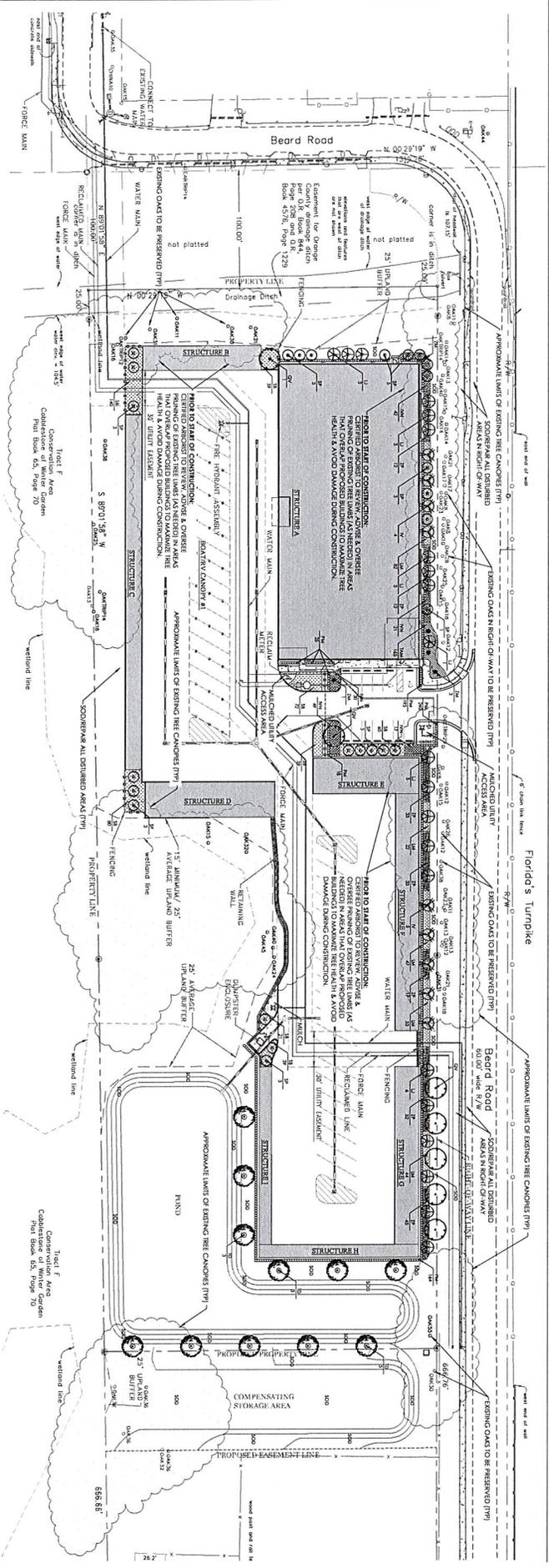
CALL 48 HOURS BEFORE 900 505
It's the Law!
 1-800-432-4770
 American State Bar of Florida, Inc.

LANDSCAPE & IRRIGATION DESIGN
 PO BOX 98363 • WINTER GARDEN, FLORIDA 32974 • PH: (407) 371-1620
 LICENSE NO. LC20000487 • DDB0485@SCHWABERBOJACK.COM

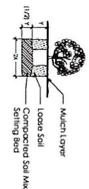
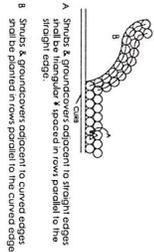
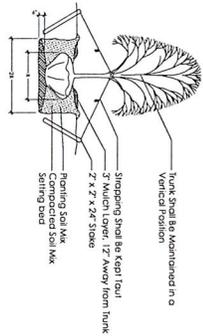
WINTER GARDEN SELF STORAGE
 1577 BEARD ROAD - CITY OF WINTER GARDEN, FLORIDA

DATE: 2/19/20
 DATE: 2/07/20
 DATE: 11/20/19
 DATE: 9/26/19

1-1



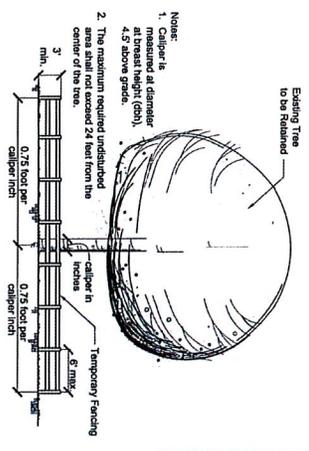
LANDSCAPE PLANTING DETAILS



LANDSCAPE GENERAL NOTES

1. The Landscape Contractor shall insure that this work does not interrupt established or projected drainage patterns. The Landscape Contractor shall insure adequate vertical drainage in all plant beds and promoters. Vertical drilling through any compacted fill to native soil shall be accomplished to insure drainage.
2. The Landscape Contractor shall be responsible for all materials and all work as called for on the Landscape plans and in the Landscape specifications. The list of plant quantities accompanying the plans shall be used as a guide only. Contractor shall verify all quantities and report any discrepancies at the time of bidding.
3. All plant materials shall be graded Florida No. 1 or better, as outlined under Grades and Standards for Nursery Plants, Division of Plant Industry, State of Florida, unless otherwise noted.
4. All plant beds and tree frigs shall be top dressed with a 3" minimum depth of pine bark nuggets.
5. The Landscape Contractor shall be wholly responsible for stability and plumb condition of all trees and shrubs. Staking of trees or shrubs, if desired or requested by the Landscape Architect or owner, shall be done utilizing a method agreed upon by the Landscape Architect.
6. No fill material or use of heavy equipment around existing trees is allowed. Existing trees are to be protected by a wood barricade erected in compliance with local codes.
7. All grades, dimensions and existing conditions shall be verified by the Contractor on site before construction begins. Any discrepancies shall be brought to the attention of the Landscape Architect.
8. The Landscape Contractor shall review architectural/engineering plans to become thoroughly familiar with surface and subsurface utilities.
9. The Landscape Contractor shall coordinate with the lighting and irrigation contractors regarding the timing of the installation of plant material.
10. Every possible safeguard shall be taken to protect building surfaces, equipment and furnishings. Landscape Contractor shall be responsible for any damage or injury to person or property which may occur as a result of his negligence in the execution of work.

TREE PROTECTION DETAILS



TREE PROTECTION NOTES

- All protected trees shall have the trunk and roots protected by protective barriers erected prior to development activity in accordance with the following:
1. Protective barriers constructed of wood, rock, chain link fabric or orange plastic safety netting shall be placed around the tree or trees to form a continuous barricade of least three feet high. Heavy duty barriers will form a protection zone designated by the sign size.
 2. Signs or other markings shall be placed on all sides of the protective barrier to designate the protected area.
 3. Protective barriers shall remain in place until landscape operations begin or until construction in the immediate area has been completed.
 4. Existing street trees located within rights-of-way interior to or adjacent to the development shall have protective barriers before site work begins.
 5. Fencing for underground utilities shall be prohibited inside the protective barrier. If underground utilities must be routed through the protected area, tunneling shall be required. All landscape preparation in these areas shall be conducted by hand, except for mechanical tunneling as needed.
 6. No vehicles, equipment, materials or fill shall be placed or stored within the protected area.

LANDSCAPE NOTES & DETAILS

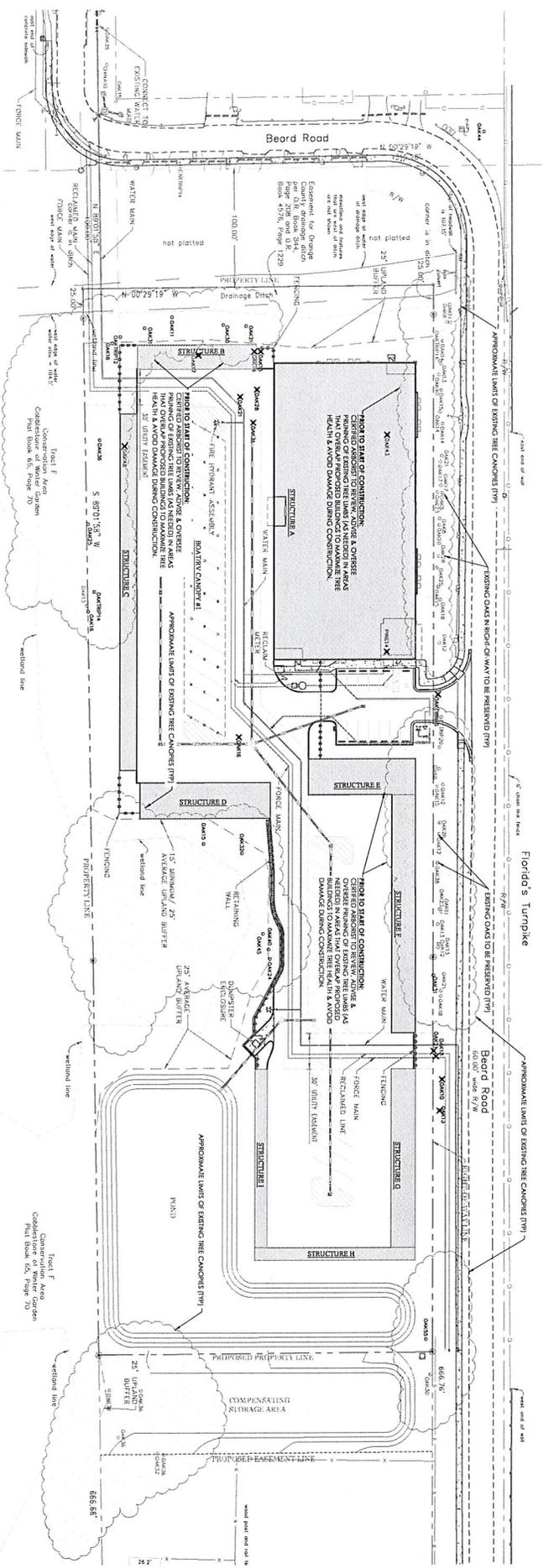


DATE	DESCRIPTION
3/20/20	
1/13/20	
1/20/19	
9/26/19	
DATE	DESCRIPTION
L-2	

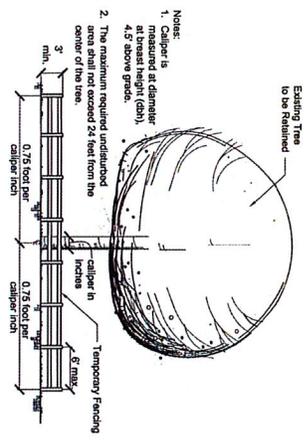
WINTER GARDEN SELF STORAGE
 1577 BEARD ROAD - CITY OF WINTER GARDEN, FLORIDA

LANDSCAPE & IRRIGATION DESIGN
 SCHWITZER BOJACK LANDSCAPE ARCHITECTURE
 PO. BOX 94303 • MARLBOROUGH, FLORIDA 32714 • PH. (407) 376-1420
 LICENSE NO. LC20000487 • DESIGN SCHWITZERBOJACK.COM





TREE PROTECTION DETAILS



- Notes:**
1. Caliper is at diameter at breast height (d.b.h.) 4.5' above grade.
 2. The maximum required undisturbed area shall not exceed 24 feet from the center of the tree.

TREE PROTECTION NOTES

- All protected trees shall have the trunk and root protected by protective barriers erected prior to development activity in accordance with the following:
1. Protective barriers constructed of wood, oak, chain link table or concrete shall be installed around the trunk and root zone of the tree. The barriers shall be constructed of a continuous barricade of at least three feet high. Ideally, such barriers will form a protection zone described by the drip line.
 2. Signs or other markings shall be placed on all sides of the protective barrier to designate the protected area.
 3. Protective barriers shall remain in place until construction has been completed.
 4. Existing trees located within rights-of-way, interior to, or adjacent to, the development shall have protective barriers installed prior to construction in the immediate area.
 5. Trenching for underground utilities shall be prohibited inside the protective barriers. If underground utilities must be routed, trenching preparation in these areas shall be conducted by hand, except for mechanical tunneling as needed.
 6. No vehicles, equipment, materials or fill shall be placed or stored within the protected area.

TREE REMOVAL

QNTY.	SIZE	TREE TYPE
1	10"	OAK
1	13"	OAK
1	14"	PINE
1	15"	OAK
1	16"	OAK
1	16"	TWIN OAK
2	17"	OAK
2	18"	OAK
2	21"	OAK
1	28"	OAK
1	31"	OAK
1	43"	OAK
1	48"	OAK

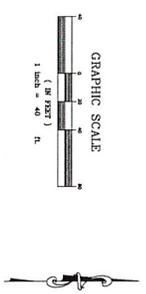
TOTAL EXISTING TREES TO BE REMOVED: 15

PROPOSED TREES TO BE PLANTED ON SITE:

QNTY.	SPECIFICATIONS
7	Live Oak (3.5" Cal.)
11	Bald Cypress (8" Cal.)
21	Ligustrum (3" Total Cal.)
18	Yucca Holly (3" Total Cal.)
26	Sabal Palms (12" H.)

TOTAL PROPOSED TREES TO BE PLANTED: 83

CALL US NOW!
It's the Law!
 1-800-432-4770
 SCHWEIZER BOJACK LANDSCAPE ARCHITECTURE



TREE REMOVAL PLAN

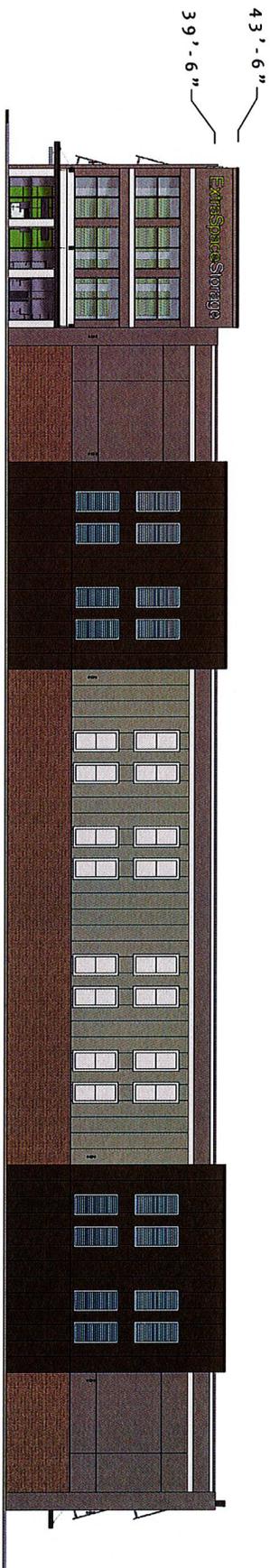




PERSPECTIVE: NORTHEAST
N.T.S.



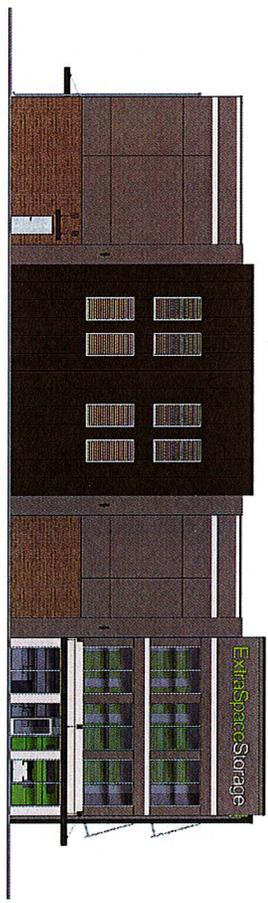
PERSPECTIVE: NORTHEAST
N.T.S.



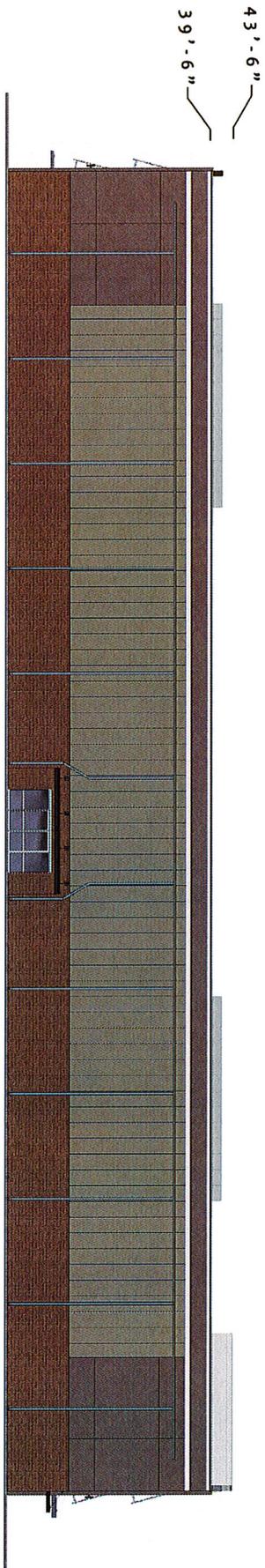
NORTH ELEVATION

3/64" = 1'-0"

43'-6"
39'-6"



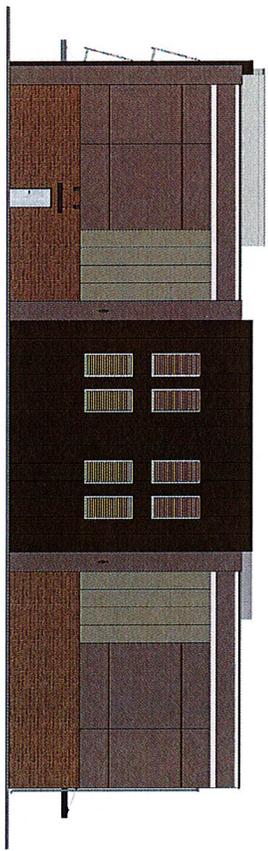
EAST ELEVATION
3/64" = 1'-0"



SOUTH ELEVATION

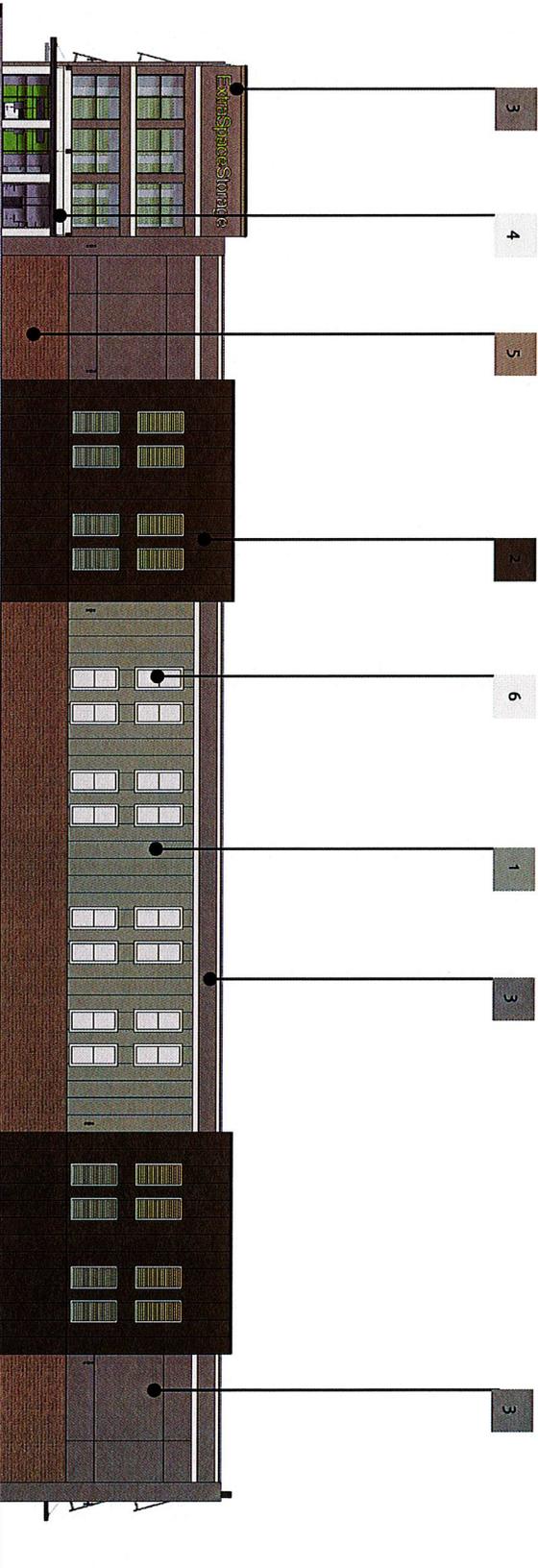
3/64" = 1'-0"

43'-6"
39'-6"



WEST ELEVATION
3/64" = 1'-0"

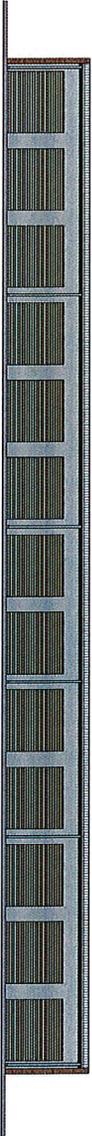
- 1. INSULATED PANEL
 - PANEL: CF ARCHITECTURAL
 - FINISH: LIGHT GRAY
- 2. INSULATED PANEL
 - PANEL: CF ARCHITECTURAL
 - FINISH: MEDIUM BRONZE
- 3. EIFS
 - MANUFACTURER: DRYVIT
 - COLOR: 617 WINTER EYE
- 4. EIFS
 - MANUFACTURER: DRYVIT
 - COLOR: 613 OVERCAST
- 5. SPLIT FACE BLOCK
 - PAINT: CURIO GRAY - SW 0024
- 6. FAUX WINDOW OVER INSULATED PANEL
 - PAINT: ORIGINAL WHITE - SW 7077



MATERIAL OUTLINE

3/64" = 1'-0"

12'-0"



EXTERIOR STORAGE FRONT ELEVATION

1/16" = 1'-0"

12'-0"



EXTERIOR STORAGE REAR NON ST FACING

1/16" = 1'-0"

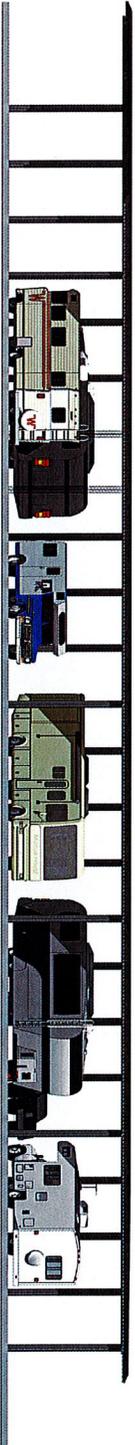
13'-4"



EXTERIOR STORAGE REAR STREET FACING

1/16" = 1'-0"

16'-7"



RV CANOPY ELEVATION

1/16" = 1'-0"

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

Public Hearing

Date: February 21, 2020 **Meeting Date:** March 2, 2020

Subject: 12920 & 12921 Reaves Road (FLU Amendment)

Project Name: Stoneybrook Senior Living – FLU Amendment Change

Parcel ID: 35-22-27-0000-00-023; 36-22-27-1773-00-060

Issue: For property located at 12920 & 12921 Reaves Road, there is a request for the Planning & Zoning Board to consider approving a different Future Land Use designation for the subject property than the one previously approved by the Board on October 7, 2019.

Supplemental Material / Analysis:

Owner / Applicant: CH Enterprises, LLC // Burkett Engineering, Inc.

Current Zoning: A-1 & R-CE-2 (Orange County)

Proposed Zoning: PUD

Current FLU: Rural (Orange County)

Proposed FLU: MR Medium Density Residential

Summary: The City has initiated a request to assign a different Future Land Use (FLU) designation for the subject property than the one approved by the Planning & Zoning Board. Instead of the previously-approved request to amend the FLU from Orange County Rural to City Low Density Residential, the new request is to amend the FLU to City Medium Density Residential in order to construct a Senior Living Facility. The FLU change comes after further consideration of the definition of “Independent Living” (IL) units (see Staff Report). The proposed FLU amendment is consistent with the City’s Comprehensive Plan and the City’s Code of Ordinances.

Staff Recommendation(s):

Staff recommends approval of Ordinances 19-27 & 19-29.

Next Step(s):

The first reading by City Commission is scheduled for March 12, 2020 with the second reading and adoption anticipated to be on March 26, 2020.

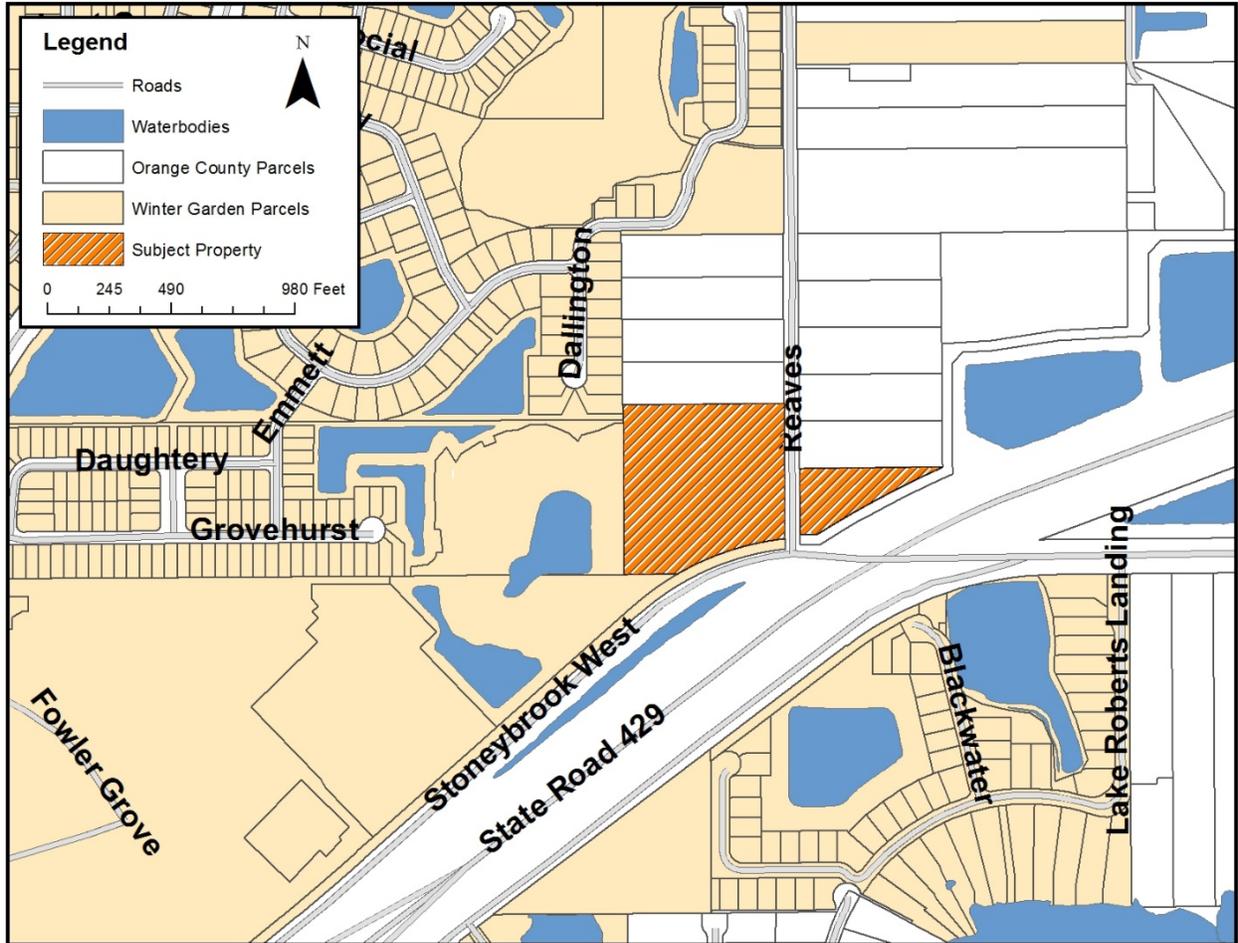
Attachment(s):

Location Map
Staff Report
Ordinances 19-27 & 19-29

LOCATION MAP

12920 & 12921 Reaves Road

FLU Amendment



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

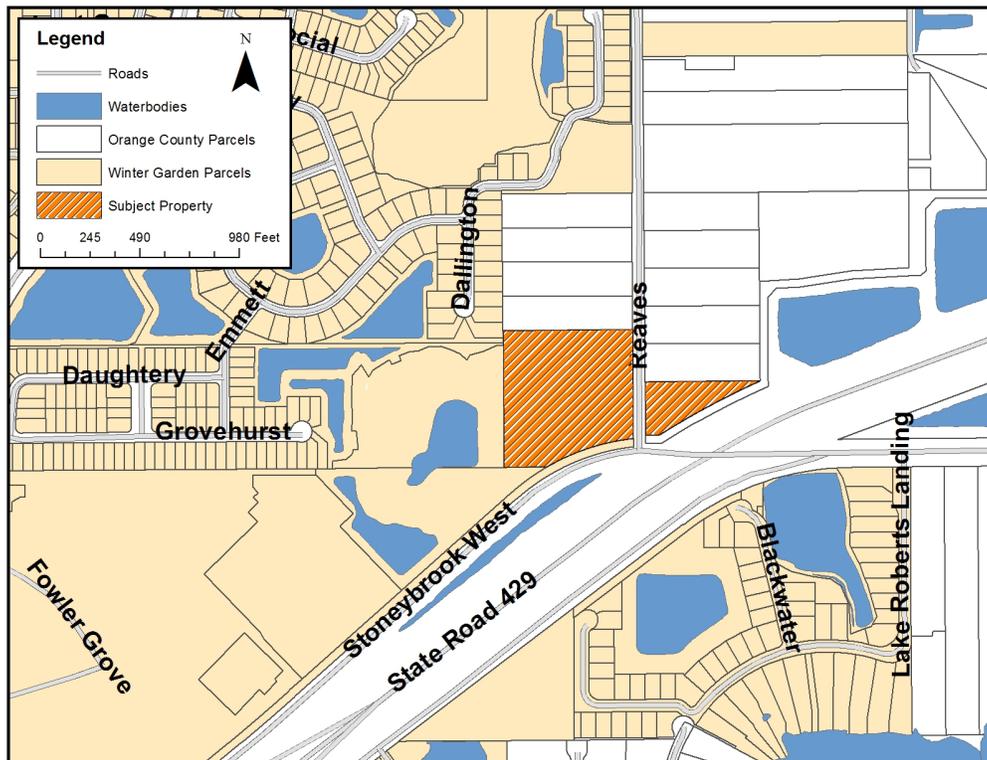
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: FEBRUARY 21, 2020
SUBJECT: FUTURE LAND USE
12920 & 12921 Reaves Road (10.75+/- ACRES)
PARCEL ID # 35-22-27-0000-00-023 (12920 REAVES ROAD: ORD 19-27)
36-22-27-1773-00-060 (12921 REAVES ROAD: ORD 19-29)

APPLICANT: CH Enterprises, LLC // Burkett Engineering, Inc.

INTRODUCTION

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

The subject property is located on the northwest and northeast corners of Reaves Road and Stonybrook West Parkway and is approximately 10.75 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The purpose of this request is for the Planning & Zoning Board to consider approving a different Future Land Use designation for the subject property than the one previously approved by the Board on October 7, 2019.

The applicant's larger project includes annexing two individual parcels from Orange County and assigning a City Future Land Use Designation to each of them. One is a 1.80 +/- acre property located on the northeast corner of Reaves Road and Stoneybrook West Parkway and one is a 8.95 +/- acre property located on the northwest corner of Reaves Road and Stoneybrook West Parkway. The applicant is also requesting to rezone both properties – a combined 10.75 acres of land - to Planned Unit Development.

The subject property is located in Orange County and carries the zoning designations A-1 (Agricultural) and R-CE-2 (Rural Residential) in Orange County. The subject property has an Orange County Future Land Use Designation of Rural.

EXISTING USE

The western portion of the subject property is currently undeveloped, with a dense stand of trees and other vegetation to the north and a small portion of a larger wetland to the west. The eastern portion of the subject property is currently developed with a +/- 2,000 square foot one-story single family residence built in 1994.

ADJACENT LAND USE AND ZONING

The properties to the north are developed with single family residences, are zoned R-CE-2, and are located in Unincorporated Orange County. The properties to the west of the subject property include a lot that features a large wetland area that is part of the Grovehurst Subdivision, an HOA tract that is owned by the Foxcrest Subdivision's HOA, and a lot developed with a single-family residence that is in the Foxcrest Subdivision. All of these parcels are zoned PUD and are located within Winter Garden's municipal limits. To the south of the subject property is a large right-of-way area that includes Stoneybrook West Parkway and a segment of the 429 Western Beltway. The land to the east of the subject property is also HOA property, including a parcel owned by Orange County that is intended to be developed with a multi-use trail and a series of ponds that capture stormwater runoff from the 429 Western Beltway.

PROPOSED USE

On the western parcel, the applicant proposes to develop the 8.95 ± acre site with 3 story independent living building and a two story assisted living building as well as 10 detached 2-car garage buildings. The development would have a total of 166 units: 65 assisted living units and 101 independent living units. The project also includes common space and recreation areas with amenities such as a pool and garden. The proposal includes 155 total parking spaces, two drop-off areas, and other associated site elements such as drive aisles, and landscaping. A large segment of the existing vegetated area to the north will be maintained as a buffer between the proposed development and the adjacent residential properties. Impacts to the adjacent wetland are also proposed. All wetlands shall be shown and addressed at the time of site plan submittal and if approved for removal shall be mitigated with the City as the lead regulatory agency.

The 1.80 ± acre eastern parcel will feature the property's stormwater management pond. The

proposed development will maintain many of this parcel's existing trees and preserve the on-site wetlands.

PREVIOUS BOARD HEARINGS

The proposed annexation, FLU amendment, and PUD rezoning ordinances were first presented to the Planning & Zoning Board on July 8, 2019. At that meeting, a number of adjacent residents, who had not attended a previously-held Community Meeting, expressed concerns about the impacts of the proposed project including traffic, noise, property values, building height, wetlands, stormwater management, and project intensity. The project was tabled by the Planning & Zoning Board to a date uncertain, allowing time for an additional community meeting to be held.

When the annexation, FLU amendment, and PUD rezoning ordinances came back to the Planning & Zoning Board on October 7, 2019, Staff changed their recommendation from approval to denial based on the inability of the applicant to sufficiently satisfy the concerns of the surrounding property owners before the meeting date. After a presentation by the applicants and hearing more concerns from surrounding property owners, the board voted to approve the ordinances, going against Staff's recommendation.

The annexation, FLU amendment, and PUD rezoning ordinances were then heard by the City Commission on October 10, 2019, with Staff again recommending denial. The applicants once again made a presentation and several surrounding property owners again spoke in opposition. The City Commission voted to table the item to further consider the new information presented by the applicant as well as give the applicant more time to continue to work with the surrounding property owners to see if any compromises could be agreed upon.

Since then, the applicant and the City have worked closely to try and come to a resolution to mitigate some of the surrounding property owners' concerns. To this end, several additional stipulations will be added to the PUD including installing new landscaping on a common area tract in the Foxcrest neighborhood, directly south of the Dallington Terrace cul-de-sac to further screen the proposed development. The finished floor elevation (FFE) will be required to be set at 119 to ensure no more of the building roofs will be visible to the surrounding community than what is proposed. All construction activities will be required to stop at sunset, and the heavily wooded conservation area to the north of the property will be put into a permanent conservation easement.

NEW FUTURE LAND USE REQUEST

The City has initiated a request to assign a different Future Land Use (FLU) designation for the subject property than the one approved by the Planning & Zoning Board on October 7, 2019. Instead of the previously-approved request to amend the FLU from Orange County Rural to City Low Density Residential, the new request is to amend the FLU to City Medium Density Residential. The FLU change comes after further consideration of the "Independent Living" (IL) units, with the City drawing the conclusion that the IL units are definitionally more consistent with traditional dwelling units than the "Assisted Living" (AL) units, which function more as patient beds in a medical facility.

However, IL units typically generate fewer vehicular trips than traditional apartment units. So

only permitting age-restricted IL units in the property's PUD zoning regulations will ensure the proposed development remains a reasonable and low intensity use of the land. It also ensures the project would not generate a significant increase in traffic volume beyond that typically generated by single-family residential uses, and represents a use that is compatible with the area.

***Policy 1-1.2.4: Medium Density Residential.** Properties designated with the Medium Density Residential land use category are required to be developed at a gross residential density between 3 to 10 dwelling units per gross acre. Medium Density Residential areas shall have access to a major collector, or higher functional classification, street. Development should provide amenities including recreation, open space, and buffering to provide additional protection if there are adjacent low density residential areas. The zoning classifications that are consistent with the Medium Density Residential Classification are PUD, R-2, R-3, and INT. Churches and schools are allowable uses in the Medium Density areas that are zoned R-2 and R-3.*

The Medium Density Residential FLU designation permits a maximum residential density of 10 dwelling units per acre (du/ac). The proposed development would have 101 IL units on 10.75 acres, which would mean the residential density would be 9.4 du/ac. Furthermore, several of the zoning districts that are listed in the Comprehensive Plan as consistent with Medium Density Residential include "Hospitals, restoriums, convalescent homes, nursing homes" as special exception uses.

PUBLIC FACILITY ANALYSIS

If the property is developed as proposed by the applicant, vehicular access will be provided in the form of a right-out driveway on Stoneybrook West Parkway and a full-access driveway on Reaves Road. The property will also have pedestrian connectivity from the adjacent sidewalks along Stoneybrook West Parkway and Reaves Road. The applicant will also expand the existing sidewalk along Stoneybrook West Parkway from 5' to 10' to establish a segment of the proposed mixed-use trail.

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

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

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

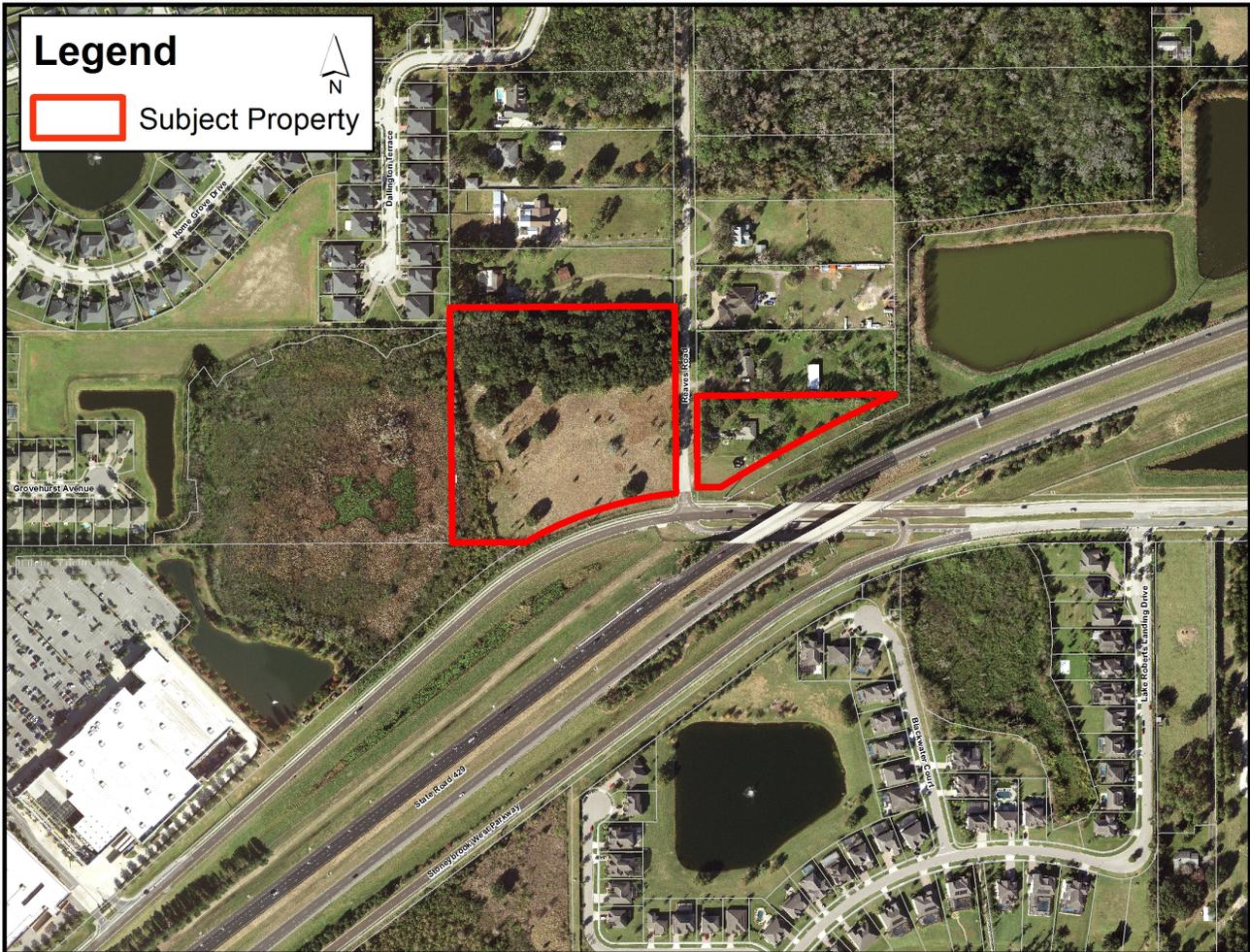
SUMMARY

The proposed development is a reasonable and low intensity use of the land and would not generate a significant increase in traffic volume beyond that typically generated by single-family residential uses, and represents a use that is compatible with the area. Assigning a Medium

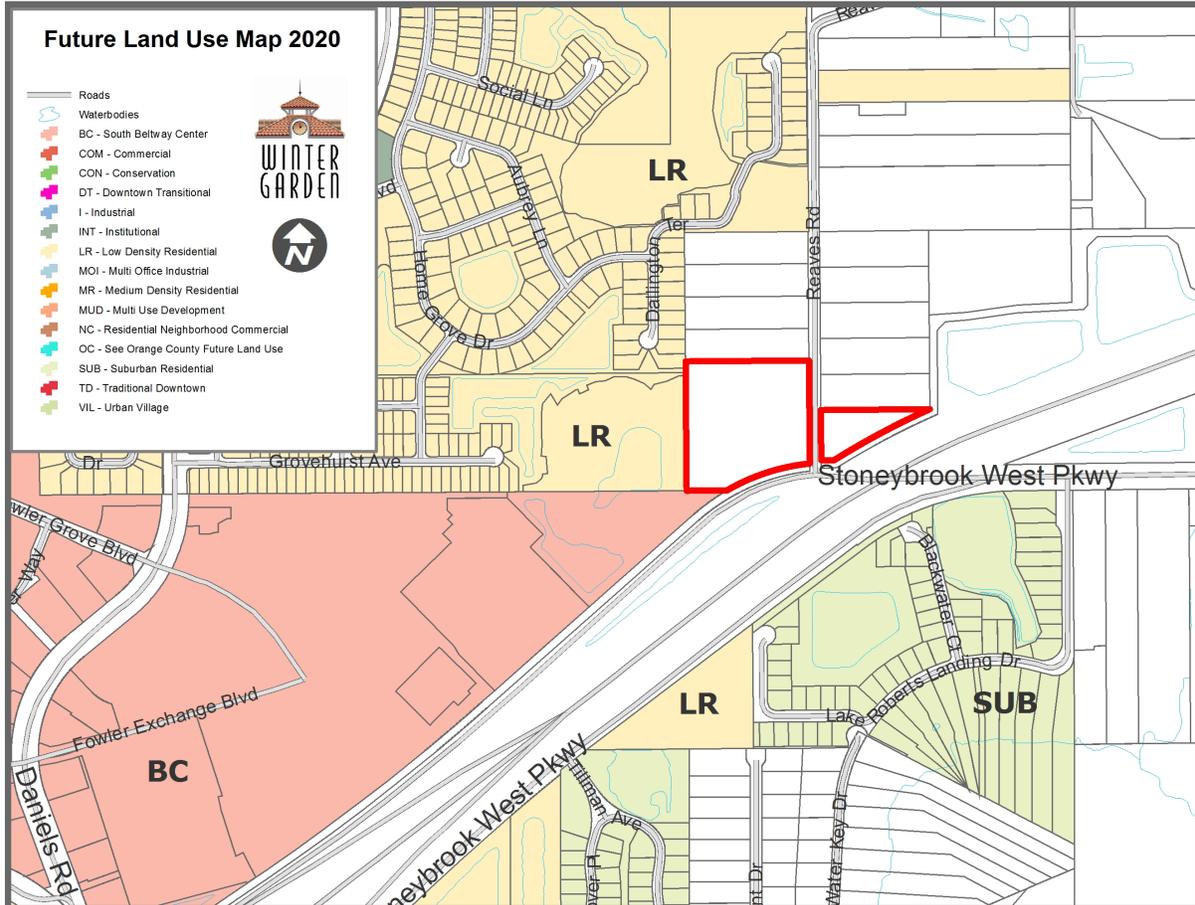
Density Residential FLU designation would ensure the proper classification of Independent Living units as dwelling units, while the PUD ordinance will stipulate that they remain age-restricted IL units that will not function as traditional apartments.

The proposed future land use designation of Medium Density Residential is consistent with the City's Comprehensive Plan and the City of Winter Garden Code of Ordinances. Staff recommends approval of the amended Ordinances 19-27 and 19-29.

AERIAL PHOTO
12920 & 12921 Reaves Road



FUTURE LAND USE MAP
12920 & 12921 Reaves Road



Subject Property
Future Land Use Changed
From Orange County Rural to
City MR- Medium Density
Residential

END OF STAFF REPORT

ORDINANCE 19-27

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 8.95 ± ACRES LOCATED AT 12920 REAVES ROAD, ON THE NORTHWEST CORNER OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, FROM ORANGE COUNTY RURAL TO CITY MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as approximately 8.95 ± acres located at 12920 Reaves Road, on the northwest corner of Reaves Road and Stoneybrook West Parkway, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Rural to City Medium Density Residential; and

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

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

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

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 19-26, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order

determining that the adopted Ordinance is in compliance.

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

FIRST READING AND PUBLIC HEARING: _____, 2020.

SECOND READING AND PUBLIC HEARING: _____, 2020.

ADOPTED this _____ day of _____, 2020, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

ANGELA GRIMMAGE, City Clerk

ATTACHMENT "A"
LEGAL DESCRIPTION

PARCEL ID#: 35-22-27-0000-00-023

LEGAL DESCRIPTION:

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST, HEREAFTER REFERRED TO AS BEALAH GROVE, ORANGE COUNTY, FLORIDA.

CONTAINS 389,740 SQUARE FEET OR 8.947 ACRES MORE OR LESS.

LESS AND EXCEPT THAT PORTION TAKEN AS RIGHT OF WAY FOR STATE ROAD 429 AND THE BIKE TRAIL DESCRIBED IN THAT CERTAIN STIPULATED ORDER OF TAKING AND STIPULATED FINAL JUDGEMENT RECORDED SEPTEMBER 21, 2000 IN OFFICIAL RECORDS BOOK 6092, PAGE 1697, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; AND DESCRIBED AS FOLLOWS:

RIGHT OF WAY FOR STATE ROAD 429

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 35; THENCE RUN NORTH 00 DEGREES 26 MINUTES 57 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 35 A DISTANCE 1338.18 FEET FOR A POINT OF BEGINNING, ALSO BEING THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 35, THENCE RUN SOUTH 89 DEGREES 36 MINUTES 03 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, A DISTANCE OF 372.91 FEET TO A POINT ON A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1037.45 FEET AND A CENTRAL ANGLE OF 19 DEGREES 46 MINUTES 22 SECONDS; THENCE FROM A CHORD BEARING OF NORTH 73 DEGREES 49 MINUTES 27 SECONDS EAST RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 358.02 FEET TO A POINT ON SAID CURVE, THENCE DEPARTING SAID CURVE RUN NORTH 00 DEGREES 26 MINUTES 57 SECONDS WEST A DISTANCE OF 572.21 FEET TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE RUN NORTH 89 DEGREES 34 MINUTES 40 SECONDS EAST ALONG SAID NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN SOUTH 00 DEGREES 26 MINUTES 57 SECONDS EAST ALONG THE AFORESAID EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 35 A DISTANCE OF 669.09 FEET TO THE POINT OF BEGINNING.

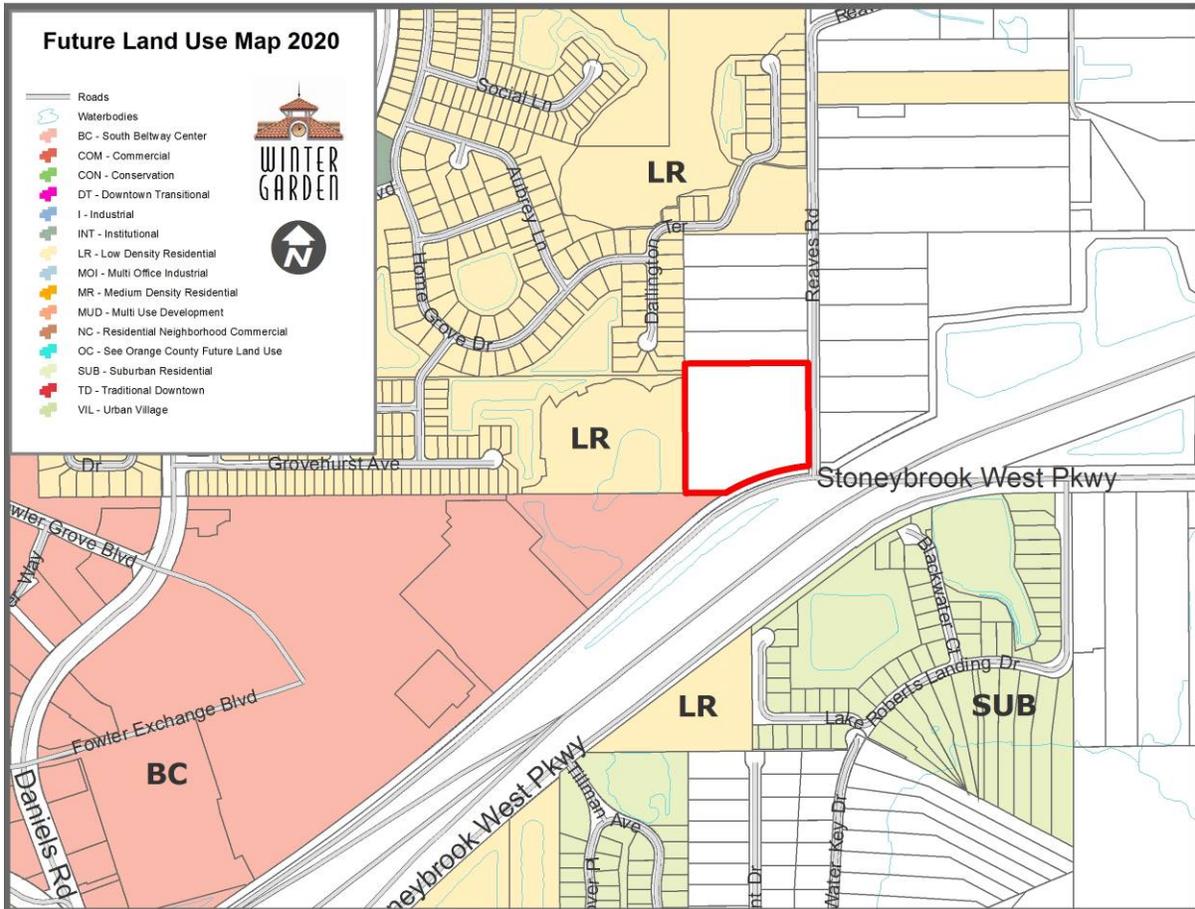
AND BIKE TRAIL

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 35; THENCE RUN NORTH 00 DEGREES 26 MINUTES 57 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 35 A DISTANCE OF 1338.18 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 35, THENCE RUN SOUTH 89 DEGREES 36 MINUTES 03 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, A DISTANCE OF 372.91 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 36 MINUTES 03 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, A DISTANCE OF 85.93 FEET TO A POINT ON A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1077.45 FEET AND CENTRAL ANGLE OF 24 DEGREES 06 MINUTES 45 SECONDS; THENCE FROM A CHORD BEARING OF NORTH 71 DEGREES 52 MINUTES 18 SECONDS EAST RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 453.43 FEET TO A POINT ON SAID CURVE; THENCE DEPARTING SAID CURVE RUN SOUTH 00 DEGREES 26 MINUTES 57 SECONDS EAST, A DISTANCE OF 40.20 FEET TO A POINT ON A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1037.45 FEET AND A CENTRAL ANGLE OF 19 DEGREES 46 MINUTES 22 SECONDS; THENCE FROM A CHORD BEARING OF SOUTH 73 DEGREES 49 MINUTES 27 SECONDS WEST RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 358.02 FEET TO THE POINT OF BEGINNING.

ATTACHMENT "B"

FUTURE LAND USE MAP

12920 Reaves Road



Subject property changed from Orange County Rural to City MR Medium Density Residential

ORDINANCE 19-29

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.80 ± ACRES LOCATED AT 12921 REAVES ROAD, ON THE NORTHEAST CORNER OF REAVES ROAD AND STONEYBROOK WEST PARKWAY, FROM ORANGE COUNTY RURAL TO CITY MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as approximately 1.80 ± acres located at 12921 Reaves Road, on the northeast corner of Reaves Road and Stoneybrook West Parkway, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Rural to City Medium Density Residential; and

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

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

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

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 19-28, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order

determining that the adopted Ordinance is in compliance.

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

FIRST READING AND PUBLIC HEARING: _____, 2020.

SECOND READING AND PUBLIC HEARING: _____, 2020.

ADOPTED this _____ day of _____, 2020, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

ANGELA GRIMMAGE, City Clerk

ATTACHMENT "A"
LEGAL DESCRIPTION

PARCEL ID#: 36-22-27-1773-00-060

LEGAL DESCRIPTION:

LOT 7, COUNTRY TRAIL ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 47, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LESS THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

FROM A 5" X 5" CONCRETE MONUMENT WITH A 4" BRASS DISC STAMPED "RLS 1585 RLS 1819" AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, RUN N00°26'57"W 1175.74 FEET ALONG THE WEST BOUNDARY OF SAID SOUTHWEST 1/4 TO A POINT ON THE CENTERLINE OF SURVEY FOR WESTERN BELTWAY (STATE ROAD 429) AS SHOWN ON THE RIGHT-OF-WAY CONTROL SURVEY FOR WESTERN BELTWAY (STATE ROAD 429) PART C - PROJECT NO. 655 BY JONES, WOOD & GENTRY, INC. COMPLETED FEBRUARY 12, 1998, SAID CENTERLINE OF SURVEY BEING A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 3819.72 FEET; THENCE FROM A TANGENT BEARING OF N54°13'14"E, RUN NORTHEASTERLY 507.22 FEET ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE OF SURVEY WITH A CHORD BEARING OF N58°01'29"E THROUGH A CENTRAL ANGLE OF 07°36'30" TO A POINT; THENCE RUN S89°20'26"W 173.15 FEET; THENCE RUN N77°09'49"W 51.42 FEET; THENCE RUN S89°20'26"W 100.33 FEET TO A POINT BEING ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 3989.72 FEET, SAID CURVE BEING 170.00 FEET NORTHWESTERLY OF, WHEN MEASURED RADially TO, SAID CENTERLINE OF SURVEY; THENCE FROM A TANGENT BEARING OF N57°47'06"E, RUN NORTHEASTERLY 229.40 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD BEARING OF N59°25'56"E THROUGH A CENTRAL ANGLE OF 03°17'40" TO A POINT ON THE NORTH BOUNDARY OF LOT 7, COUNTRY TRAIL ESTATES AS RECORDED IN PLAT BOOK 20, PAGE 47, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S89°30'12"W 82.66 FEET ALONG SAID NORTH BOUNDARY FOR THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 4029.72 FEET, SAID CURVE BEING 210.00 FEET NORTHEASTERLY OF, WHEN MEASURED RADially TO, SAID CENTER LINE OF SURVEY; THENCE FROM A TANGENT BEARING OF S60°02'45"W, RUN SOUTHWESTERLY 147.67 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD BEARING OF S58°59'45"W THROUGH A CENTRAL ANGLE OF 02°05'59" TO A POINT; THENCE RUN S89°20'26"W 65.57 FEET TO A POINT ON THE WEST BOUNDARY OF THE AFORESAID LOT 7; THENCE RUN N00°30'40"W 75.315 FEET ALONG THE WEST BOUNDARY TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE RUN N89°30'12"E 192.81 FEET TO THE POINT OF BEGINNING.

AND

LOT 6, COUNTRY TRAIL ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 47, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LESS THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

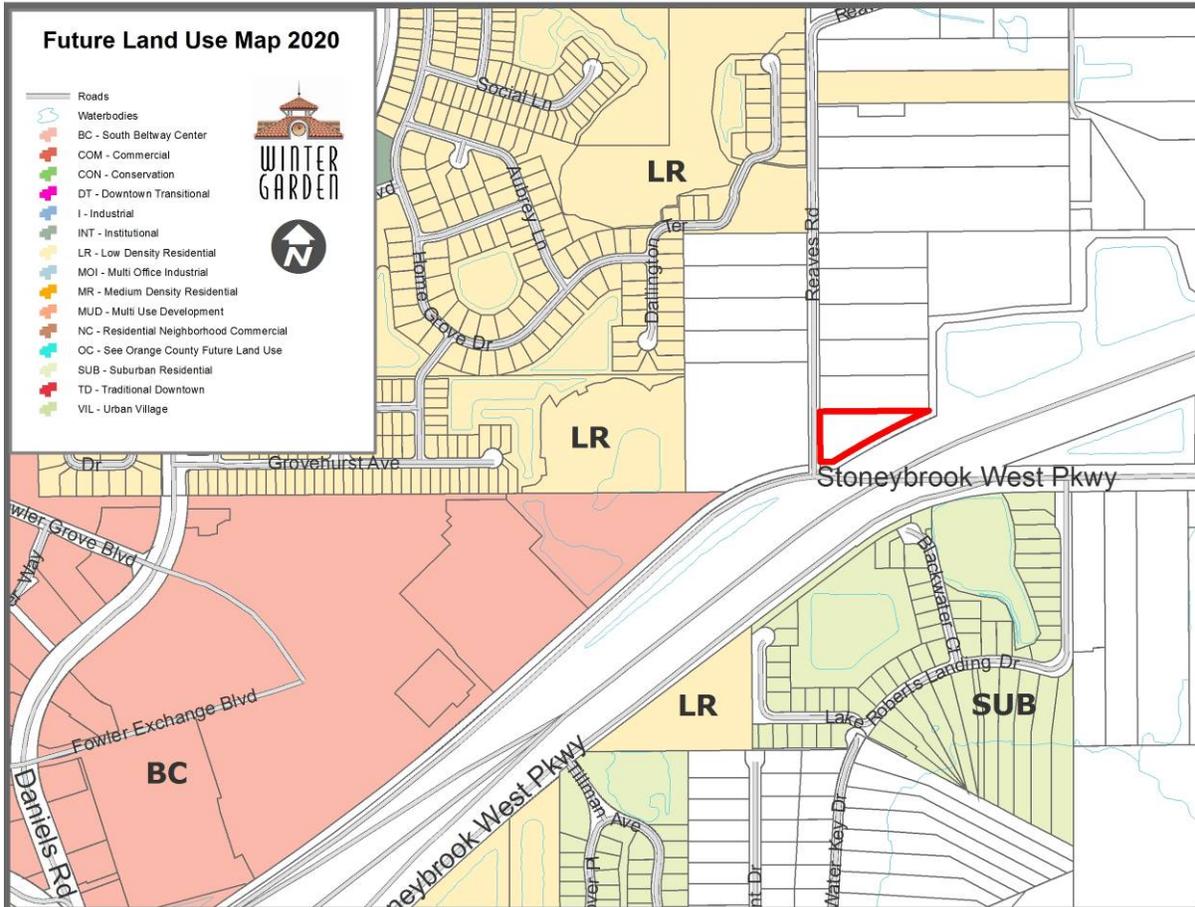
FROM A 5" X 5" CONCRETE MONUMENT WITH A 4" BRASS DISC STAMPED "RLS 1585 RLS 1819" AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, RUN N00°26'57"W 1175.74 FEET ALONG THE WEST BOUNDARY OF SAID SOUTHWEST 1/4 TO A POINT ON THE CENTERLINE OF SURVEY FOR WESTERN BELTWAY (STATE ROAD 429) AS SHOWN ON THE RIGHT-OF-WAY CONTROL SURVEY FOR WESTERN BELTWAY (STATE ROAD 429) PART C - PROJECT NO. 655 BY JONES, WOOD & GENTRY, INC. COMPLETED FEBRUARY 12, 1998, SAID CENTERLINE OF SURVEY BEING A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 3819.72 FEET; THENCE FROM A TANGENT BEARING OF N54°13'14"E, RUN NORTHEASTERLY 687.64 FEET ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE OF SURVEY WITH A CHORD BEARING OF N59°22'40"E THROUGH A CENTRAL ANGLE OF 10°18'53" TO A POINT ON THE EAST BOUNDARY OF LOT 7, COUNTRY TRAIL ESTATES AS RECORDED IN PLAT BOOK 20, PAGE 47, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N00°28'28"W 46.02 FEET TO THE SOUTHEAST CORNER OF LOT 6 OF SAID COUNTRY TRAIL ESTATES; THENCE CONTINUE N00°28'28"W 184.38 FEET ALONG THE EAST BOUNDARY OF SAID LOT 6 FOR THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 4029.72 FEET, SAID CURVE BEING 210.00 FEET NORTHWESTERLY OF, WHEN MEASURED RADially TO, SAID CENTERLINE OF SURVEY; THENCE FROM A TANGENT BEARING OF S65°55'10"W, RUN SOUTHWESTERLY 413.10 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD BEARING OF S62°58'57"W THROUGH A CENTRAL ANGLE OF 05°52'25" TO A POINT ON THE SOUTH BOUNDARY OF THE AFORESAID LOT 6; THENCE RUN S89°30'12"W 192.81 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE RUN N00°30'40"W 184.96 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE RUN N89°29'50"E 562.32 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE RUN S00°28'28"E 0.64 FEET TO THE POINT OF BEGINNING.

CONTAINS: 78,099 SQUARE FEET OR 1.792 ACRES MORE OR LESS

ATTACHMENT "B"

FUTURE LAND USE MAP

12921 Reaves Road



Subject property changed from Orange County Rural to City MR Medium Density Residential

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: February 21, 2020 **MEETING DATE:** March 2, 2020

SUBJECT: 42 W Vining St (Variance)
PROJECT NAME Ogden Garage Variance
PARCEL ID# 23-22-27-2468-00-880

ISSUE: The applicant is requesting Variances for the property located at 42 W Vining St. These variances differ slightly from the ones approved for the property by the Planning & Zoning Board on November 5, 2018.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Vonda Kay (Meyer) & Michael M. Ogden

CURRENT ZONING: R-2 Residential District

PROPOSED ZONING: N/A

CURRENT FLU: Low Density Residential

PROPOSED FLU: N/A

SUMMARY:

The applicant is requesting variances to Winter Garden Code of Ordinances Sections 118-398 (1) b-c and 118-1310 (b)-(c) for the property located at 42 W Vining Street. If approved, these variances will allow a 672 square foot detached garage building to be constructed with a five (5) foot side yard setback in lieu of the minimum required ten (10) foot side yard setback; be constructed with a five (5) foot rear yard setback in lieu of the minimum required thirty (30) foot rear yard setback; and be constructed with a height of sixteen (16) feet in lieu of the maximum permitted twelve (12) foot height.

STAFF RECOMMENDATION(S):

Staff recommends approval of the variances subject to the conditions outlined in the Staff Report.

NEXT STEP(S):

Follow all City regulations and apply for building permits.

ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

42 W Vining St

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: KELLY CARSON, URBAN DESIGNER
DATE: FEBRUARY 20, 2020
SUBJECT: VARIANCE
42 W Vining St (0.19 +/- ACRES)
PARCEL ID # 23-22-27-2468-00-880

APPLICANT: Vonda Kay (Meyer) & Michael M. Ogden

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 42 W Vining Street in Winter Garden, Florida. The request is to allow a 672 square foot detached garage building to be constructed with an five (5) foot side yard setback in lieu of the minimum required ten (10) foot side yard setback; be constructed with a five (5) foot rear yard setback in lieu of the minimum required thirty (30) foot rear yard setback; and be constructed with a height of sixteen (16) feet in lieu of the maximum permitted twelve (12) foot height.

The subject property, located at 42 W Vining St, is an approximately 0.19 ± acre lot and lies just outside the historic downtown district. 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 contains a one-story, 1,478 square foot single-family residence that was built in 1928 and has recently undergone extensive renovations by the applicant, including a small building addition in the rear yard. The property also contains a small (49 square foot) shed in the rear yard, which the applicant intends to remove.

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 within the City of Winter Garden's Municipal limits.

PRIOR APPROVALS

The applicant previously received approval for three variances on November 5, 2018 by the Planning & Zoning Board. These variances permitted the construction of a detached 2-car garage in the rear yard located 8' from the western (side) property line in lieu of the required 10', 5' from the southern (rear) property line in lieu of the required 30', and be 18' in height in lieu of the maximum permitted 12'. The applicant received an extension for these variances for an additional year from the Planning & Zoning Board on December 2, 2019.

PROPOSED USE

The applicant is now requesting to amend the previously-approved variance requests to again allow the construction of a detached 2-car garage in the rear yard of the property. The proposed garage would now be located 5' from the western (side) property line (previously approved at 8') in order to accommodate a larger vehicle's required turning radius. The requested roof height is now only 16' (previously approved at 18'), which the applicant has conceded to help mitigate the greater side setback reduction request.

The previously approved rear property setback request of 5' from the southern (rear) property line has not changed. As it was shown previously, the style of the garage would be consistent with the home, with exterior lap siding and a pitched shingle roof. The applicant is also proposing to add a swimming pool in the future, located between the garage and the primary structure.

CODE REFERENCE

Sec. 118-398(1)(b-c). 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.

...

b. Side: ten feet.

c. Rear: 20 percent of depth of lot.

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

(b) *...Detached accessory building walls shall not exceed nine feet in height, and roof peaks shall not exceed 12 feet in height...*

...

(c) *Setback and separation requirements for detached accessory buildings.*

...

(2) *Greater than 160 square feet.* An accessory building greater than 160 square feet shall comply with the above requirements with the following exceptions:

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 minimum side and rear yard requirements and maximum height requirements for accessory buildings.

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;*

Allowing the detached garage to be built with a 5’ rear setback and an 5’ side setback should not cause a negative impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The garage will be located on the south side of the lot, adjacent to a narrow strip of undeveloped land that the adjacent property owner used for occasional parking and storage purposes. Several neighboring properties have accessory structures with similar setbacks; in numerous cases these structures are set back even less from their respective property lines than is proposed by the applicant. The property located to the south of the subject property (509 S Lakeview Ave) features a number of structures, one of which appears to be very close (less than 5’) to the side property line. Also, the applicant has taken inventory of several other nearby properties that have accessory buildings and structures that are located closer than 5’ to the rear and/or side property lines (some as close as +/- 1’).

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

The requested variances are consistent with many other accessory structures, including detached garages, located on adjacent properties and residential lots throughout the older residential sections of the City. Having a detached garage located in the rear yard is considered typical for residential properties built prior to 1950; the property’s primary structure was constructed in 1928. The proposed variance will allow reasonable use of the

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 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. The lot is only 55' +/- wide, which makes it more difficult to adhere to the minimum yard requirements of the R-2 zoning district. The applicant's only other option would be to construct the garage with a minimal setback from the primary structure, which would impede the ability to have a usable backyard and would also be inconsistent with how nearby properties with detached garages were developed.

- (4) *The granting of the variance is consistent with the city's comprehensive plan; and*
The variances are consistent with the provisions of the City's Comprehensive Plan 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 variances requested are the minimum variances that will make reasonable use of the land. The proposed garage location will ensure the applicant will achieve the most beneficial configuration of the proposed structures on the property while maintaining a historic residential development pattern found on many nearby lots.

SUMMARY AND STAFF RECOMMENDATION

City Staff recommends approval of variances to Sections 118-398 (1) b-c and 118-1310 (b)-(c) to allow a 672 square foot detached garage building to be constructed with an five (5) foot side yard setback in lieu of the minimum required ten (10) foot side yard setback; be constructed with a five (5) foot rear yard setback in lieu of the minimum required thirty (30) foot rear yard setback; and be constructed with a height of sixteen (16) feet in lieu of the maximum permitted twelve (12) foot height, with the following conditions:

- 1) The garage architecture shall be consistent and compatible with the style of the primary structure. No blank building walls shall be visible from W Vining St. Side and rear elevations shall have the same level of architectural detailing as the front.
- 2) The lot shall adhere to all other code requirements for development in the R-2 zoning district including setbacks, impervious surface ratios, etc.

NEXT STEPS

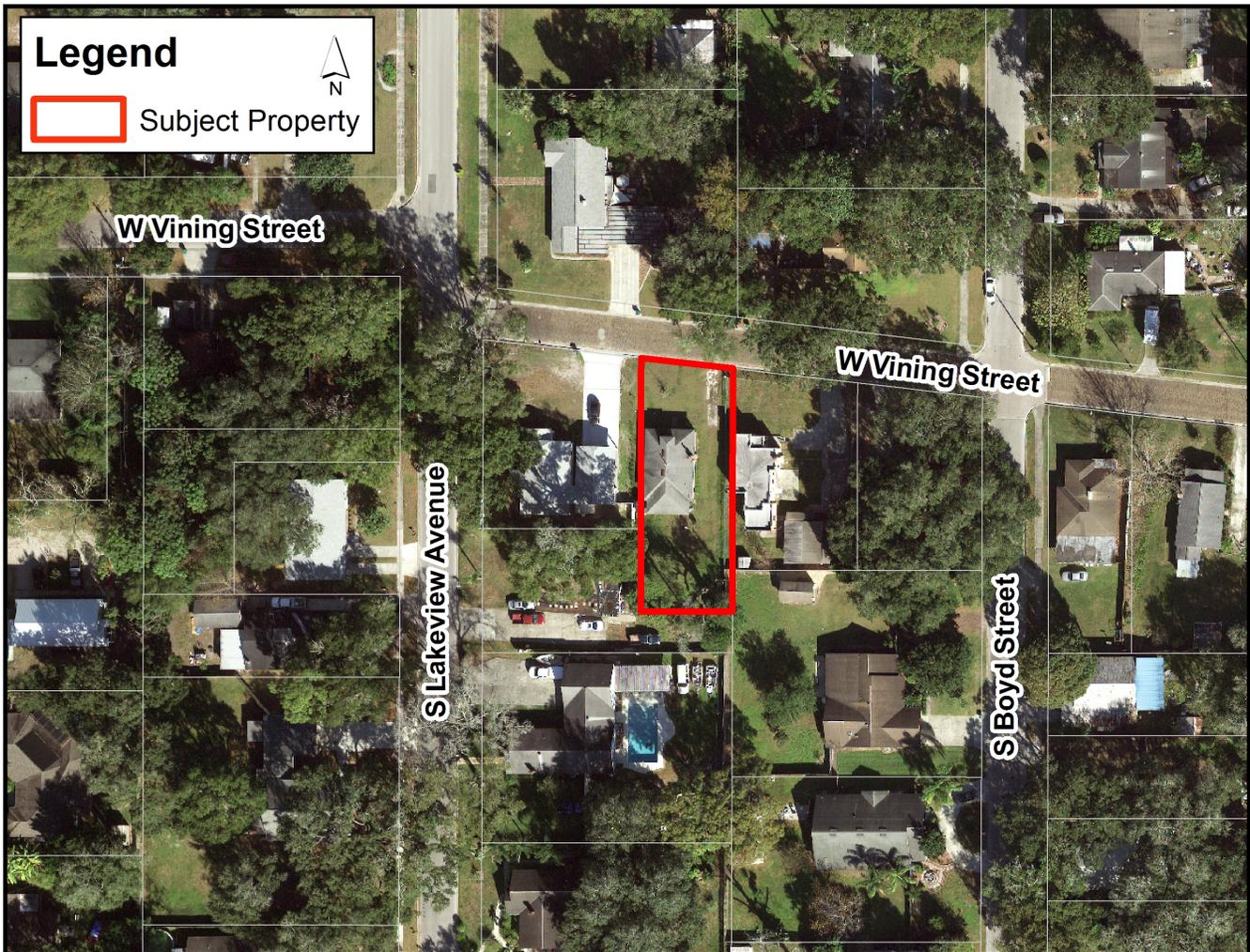
Follow all City regulations and apply for building permits.

ATTACHMENTS

- Aerial Photo
- Survey

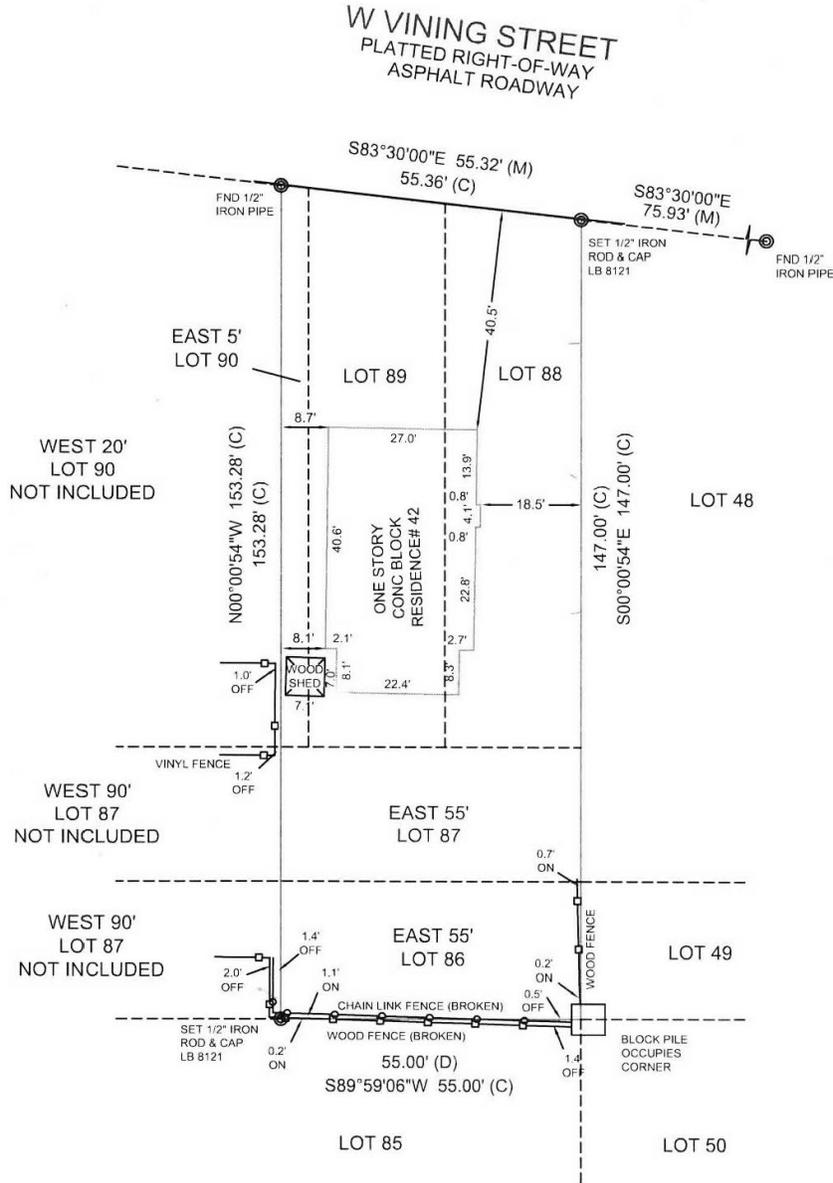
- Proposed Site Plan
- Proposed Garage Elevation
- Site Photos

AERIAL PHOTO
42 W Vining St



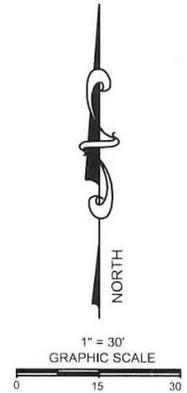
SURVEY
42 W Vining St

Survey



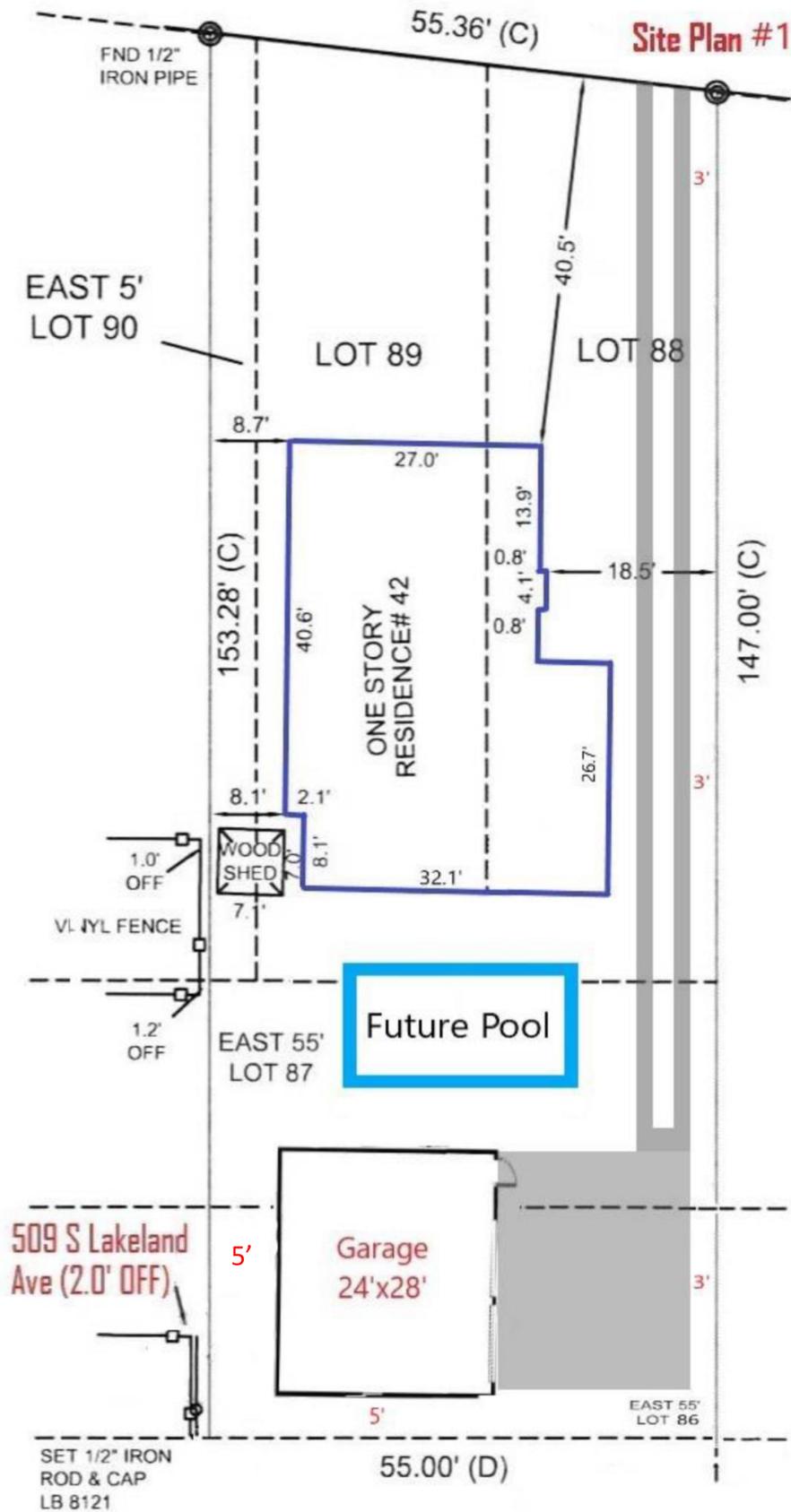
LEGAL DESCRIPTION:
 THE EAST 55 FEET OF LOTS 86 AND 87, ALL OF LOTS 88 AND 89, AND THE EAST 5 FEET OF LOT 90, ELLMAN PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK J, PAGE 43, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ADDRESS
 42 W VINING STREET
 WINTER GARDEN, FLORIDA 34787
 LEGAL DESCRIPTION: (AS FURNISHED)
 SEE ABOVE



BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH RIGHT OF WAY LINE OF W VINING STREET, BEING S 83°30'00" E, ASSUMED

PROPOSED SITE PLAN
42 W Vining St



PROPOSED GARAGE ELEVATION
42 W Vining St

PROPOSED GARAGE: (will complement house design)

Color: BLUE to match house color

Siding: Hardie Board (same as house)

Roof: shingles (same as house)



SITE PHOTOS
42 W Vining St



Front views of primary structure



Looking southwest towards rear & side yards

END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

DATE: February 21, 2020 **MEETING DATE:** March 2, 2020

SUBJECT: 776 Business Park Blvd(Variance)
PROJECT NAME Universal Development & Construction, Inc
PARCEL ID# 24-22-27-8329-00-090

ISSUE: The applicant is requesting Variances for the property located at 42 W Vining St. These variances differ slightly from the ones approved for the property by the Planning & Zoning Board on November 5, 2018.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Universal Development & Construction, Inc

CURRENT ZONING: I-1 (Light Industrial and Warehousing District)

PROPOSED ZONING: N/A

CURRENT FLU: Multi Office Industrial

PROPOSED FLU: N/A

SUMMARY:

The applicant is requesting variances to Winter Garden Code of Ordinances Section 118-732(2) and (4) for the property located at 776 Business Park Boulevard. If approved, this variance will allow a side yard setback of 20 feet in lieu of the required 25 feet, and front yard setback of 31 feet in lieu of the required 50 feet in order to build a new office/warehouse building.

STAFF RECOMMENDATION(S):

Staff recommends approval of the variances subject to the conditions outlined in the Staff Report.

NEXT STEP(S):

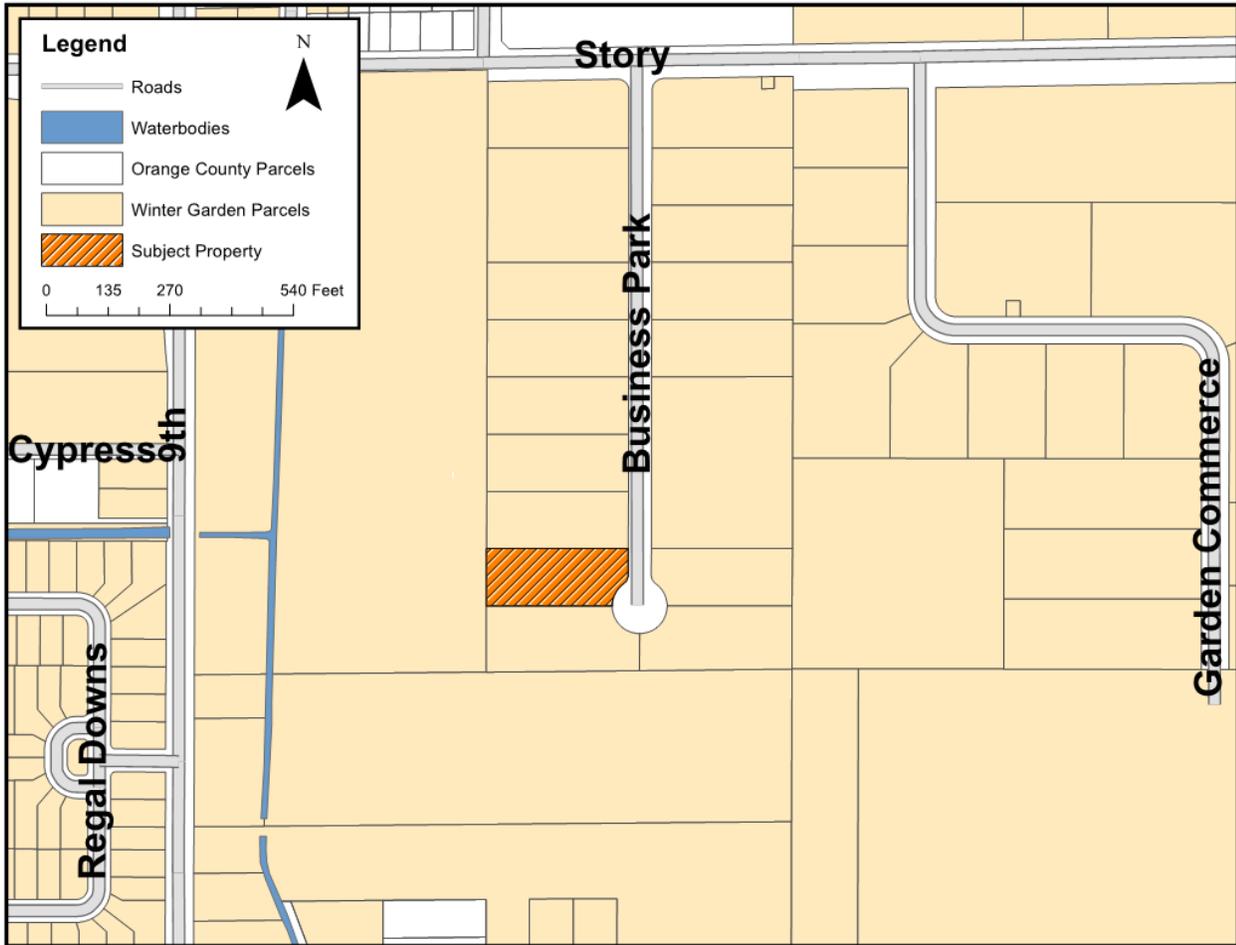
Follow all City regulations and apply for building permits.

ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

776 Business Park Blvd



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, Senior Planner
DATE: February 21, 2020
SUBJECT: VARIANCE
776 Business Park Boulevard (0.855 ± ACRES)
PARCEL ID #24-22-27-8329-00-090

APPLICANT: Universal Development & Construction, Inc.

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 776 Business Park Boulevard in Winter Garden, Florida. The request is to allow a side yard setback of 20 feet in lieu of the required 25 feet, and front yard setback of 31 feet in lieu of the required 50 feet in order to build a new office/warehouse building.

The subject property, located on Business Park Blvd, is an approximately 0.855 ± 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 I-1 (Light Industrial and Warehousing District) and is designated MOI (Multi Office Industrial) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The property is currently undeveloped and being used for overflow parking.

ADJACENT LAND USE AND ZONING

The properties to the south, east, and north are all developed with office/warehouse buildings and are zoned I-1 (Light Industrial and Warehousing District). The property to the west is vacant and undeveloped and has zoning designation of C-2 (Arterial Commercial District).

PROPOSED USE

The applicant is requesting the variance to allow the construction of a new 11,465 sf office/warehouse building with associated parking and improvements.

CODE REFERENCE

Sec. 118-732. of the City Code of Ordinances addresses the dimensions and area regulations in the I-1 light industrial and warehousing district. This section states,

Dimensions and area regulations for lots and structures in the I-1 light industrial and warehousing district are as follows:

- (1) Building height. The maximum building height shall be 40 feet.*
- (2) Front yard. The minimum front yard shall be 50 feet.*
- (3) Rear yard. The minimum rear yard shall be 30 feet. The planning and zoning board may upon application by the developer reduce the required rear yard where such rear yard would be adjacent to a railroad siding if such reduction would not be detrimental to surrounding areas.*
- (4) Side yard. The minimum side yard shall be 35 feet for corner lots and 25 feet for interior lots. The planning and zoning board may upon application by the developer reduce the required side yard where such side yard would be adjacent to a railroad siding if such reduction would not be detrimental to surrounding areas.*
- (5) Lot area. The minimum lot area shall be 18,750 square feet.*
- (6) Lot width. The minimum lot width shall be 125 feet.*
- (7) Lot depth. The minimum lot depth shall be 150 feet.*
- (8) Maximum lot coverage. The maximum lot coverage shall be 50 percent.*

The applicant is seeking a variance to the side and front yard setback in order to construct a new office/warehouse building.

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 property to the north and the subject property will still maintain a sizable setback distance between the two buildings at 45 feet. Furthermore, the property to north and the subject property will have their parking lots, and the majority of their business, operating on opposite sides of their respective buildings. The front setback variance request is due to the shape of cul-de-sac with majority of the front façade meeting the 50-foot front setback. The variance request should have little if any inference with the reasonable enjoyment of the adjacent or nearby 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;*

The requested variance does not change the office/warehouse nature of the industrial district. The proposed project will be almost identical to the property to its north and similar buildings within this industrial district.

- (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 Multi Office Industrial districts.

- (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, as the request is to build an office/warehouse building in within the I-1 (Light Industrial and Warehousing District). The property has a very wide 60-foot drainage easement in the rear of the property, which is twice the size of the rear yard setback for the I-1 zoning district, and a cul-de-sac at the front of the property. This variance allows for the best use of the property while considering those dimensional challenges. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Section 118-732(2) and (4), of the City Code of Ordinances, to allow a side yard setback of 20 feet in lieu of the required 25 feet, and front yard setback of 31 feet in lieu of the required 50 feet in order to build a new office/warehouse building subject to the following conditions:

- 1) The 31-foot front yard setback is only for the corner of the proposed building as shown in the site plan provided by the applicant.

NEXT STEP

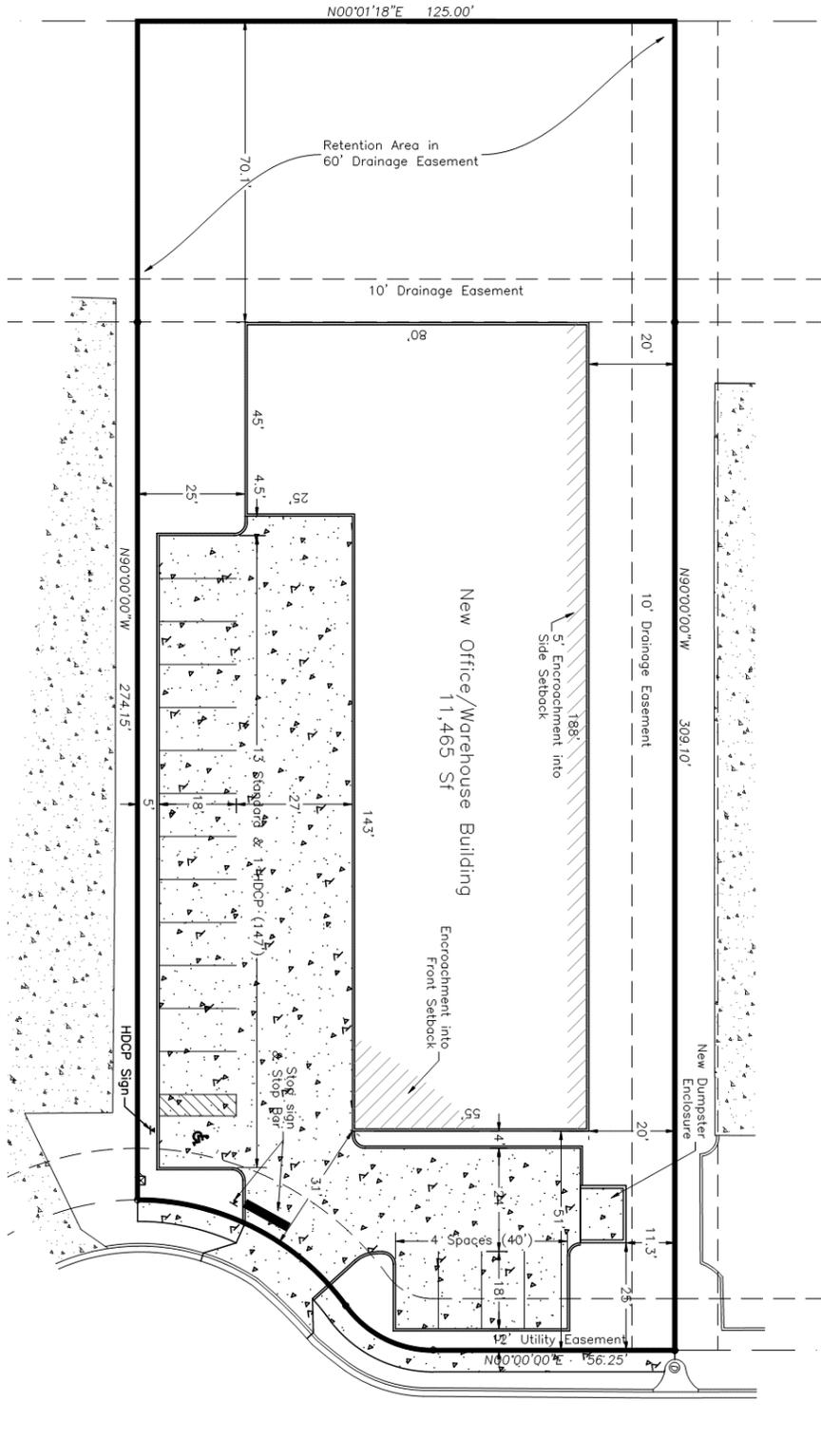
Follow all City regulations and apply for building permits.

ATTACHMENTS

- Aerial Photo
- Survey
- Site Photos

AERIAL PHOTO
776 Business Park Blvd





BUSINESS PARK BLVD
 50' PUBLIC RIGHT-OF-WAY

SITE PHOTOS
776 Business Park Blvd



END OF STAFF REPORT