



**For More Information, Contact:**  
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## PLANNING & ZONING BOARD AGENDA

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

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

### Agenda for March 3, 2025 at 6:30 PM

City Hall Commission Chambers  
300 W. Plant Street, Winter Garden, Florida

**1. CALL TO ORDER**

Determination of Quorum, Moment of Silence and Pledge of Allegiance

**2. APPROVAL OF MINUTES FROM THE FEBRUARY 3, 2025 MEETING**

**PRELIMINARY PLAT / FINAL PLAT / LOT SPLIT**

**3. 12565 W Colonial Drive (General RV Expansion East) PRELIMINARY PLAT**  
Parcel ID # 24-22-27-0000-00-045

**4. Edgeway Drive (Habitat Edgeway Development) PRELIMINARY PLAT**  
Parcel ID # 12-22-27-6496-06-006

**SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

**5. 34 W Story Road (Legacy Homes Office) SPECIAL EXCEPTION**  
Parcel ID # 23-22-27-3992-00-140

**VARIANCE (PUBLIC HEARING)**

**6. 115 Agnes Street (Rubin-Floyd Residence) VARIANCE**  
Parcel ID # 14-22-27-2088-00-080

**7. 306 S Highland Avenue (Buss Residence Addition) VARIANCE**  
Parcel ID # 23-22-27-7152-02-030

**ADJOURN** to the next regular Planning and Zoning Board meeting on **Monday, April 7, 2025 at 6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida

POSTED: FEBRUARY 18, 2025

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

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



**Planning and Zoning Board  
Regular Meeting Minutes  
February 3, 2025**

**1. CALL TO ORDER**

Chairman Will Hawthorne called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. A moment of silence was followed by the Pledge of Allegiance.

Quorum was declared present.

**Present:** Chairman Will Hawthorne and Board Members: Linda Bennett, Jeff Ewing and Mark Hide.

**Absent:** Co-Chairman Steve Ambielli (excused), Board Members: Myron Brown (excused) and Jimmy Dunn (excused).

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

**Attendees:** Laura and Ryan Taylor of Puppy Dreams, Debbie Bryant of 336 E Smith Street, Chris (Kevin) Sharp of 165 E Tilden Street, George Doug Laman of GIL, Inc and Aron Hotalen of Commerce Logistics.

**2. APPROVAL OF MINUTES**

***Motion by Board Member Hide to approve the regular meeting minutes of January 6, 2025. Seconded by Board Member Ewing and carried unanimously 4 – 0.***

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

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

Planning Supervisor Friedman presented a request to Rezone property located at 1144 E Plant Street to CAPUD (Character Area Planned Unit Development) to permit development of a single-story 1,831 sq ft commercial office/retail building and a two-story 1,848 sq ft live/work building. Staff recommends approval of Ordinance 25-07.

Board members inquired if zoning is consistent with the FLUM, any restrictions on the live/work space rented separately and access requirement. City staff confirmed the

Commercial zoning is consistent with the Future Land Use Map, no restrictions are listed in the overlay for live/work rentals and access and agreements will be checked during site plan review process.

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

***Motion by Board Member Mark to approve the CAPUD Rezoning at 1144 E Plant Street subject to staff conditions. Seconded by Board Member Bennett and carried unanimously 4 – 0.***

**VARIANCE (PUBLIC HEARING)**

4. 165 E Tilden Street (Sharp Residence Variance) **VARIANCE**  
Parcel # 14-22-27-0000-00-013

Senior Planner Friedman presented a Variance request for property located at 165 E Tilden Street allowing a detached garage and to build a covered front porch. Staff recommends approval of this variance subject to staff conditions.

Board members inquired about the detached garage height of 19 feet versus the 12 feet allowable height would match the existing roof of the house? City staff affirmed and stated the garage roof will be slightly below the existing house roof.

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

***Motion by Board Member Ewing to approve the Variance at the location of 165 E Tilden Street subject to staff conditions. Seconded by Board Member Hide and carried unanimously 4 – 0.***

5. 228 S Lakeview Avenue (Scharich Residence) **VARIANCE**  
Parcel ID # 23-22-27-8100-00-120 12-22-27-6496-04-001

Planner McDonald presented Variance request for property located at 228 S Lakeview Avenue to construct a new carport. Staff added a condition for the carport to be built with gutters to drain to the interior of the property. Staff recommends approval of this variance subject to staff conditions.

Board members inquired about roof peak height being the same as the existing garage, area of the roof and any concerns from neighbors? City staff affirmed the roof height and no longer a flat roof and the adjacent neighbor to the west expressed concerns about drainage so staff added the additional condition of drainage to the interior. The property owner is aware and agreed to this additional condition.

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

***Motion by Board Member Hawthorne to approve the Variance for the address of 228 S Lakeview Avenue subject to staff conditions including adding gutters to drain to the interior of the lot. Seconded by Board Member Ewing and carried unanimously 4 – 0.***

6. 703 Vineland Road (Pan Roof Cover) **VARIANCE**  
Parcel ID # 23-22-27-6504-05-012

Senior Planner Conatser presented a Variance request for property located at 703 Vineland Road to allow a 10-foot rear setback to construct a covered patio addition to the side of the existing building. Staff recommends approval of the variance subject to staff conditions.

Board members inquired about the existing one-story building location on the lot, if this variance request is inside of that, what is the height of the new roof compared to the existing building, where is the front of the building on the survey, is the intent of the pan roof level to be the same as the existing roof level? City staff confirmed the height of roof will be the same but will be flat and match in roof height and the front faces Vineland Road. The applicant clarified the roof height will be a foot or two below the existing height of the building.

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

Board members discussed and agreed to include in the motion a condition for the height of the new roof to be lower than the existing roof.

***Motion by Board Member Hide to approve the Variance at 703 Vineland Road subject to staff conditions and an additional condition for the height of roof not to exceed the height of the existing building. Seconded by Ewing and carried unanimously 4 – 0.***

7. 342 E Smith Street (Smith Lot Variance) **VARIANCE**  
Parcel ID # 23-22-27-4042-12-090

Senior Planner Conatser presented a Variance request for property at 342 E Smith Street to allow lot widths for proposed Lot 9/10 and proposed Lot 11 be altered to split these lots for construction of two new single family residential dwellings. Staff recommends approval of the variance subject to staff conditions.

Board members inquired about the square footages of the proposed two new buildings, parking requirements, lot size, demo of one home and putting up two houses, concerned with small lot sizes, comments from neighbors and the future land use? City staff stated each dwelling unit will be a 1,500 square feet per building, each require parking of two spaces which consist of a single garage and driveway, standard lot size of

49 feet is typical in the area, affirmed the demolition of one house to build two houses, a neighbor to the west questioned the electric/utilities which does not affect the variance but staff followed up with the applicant to ensure they talked to Duke Energy which they had for the replacement and upgrade to underground, the future land use is Low Density Residential but is located on the edge as a transitional area into I-2, Commercial, Industrial, and Low Density Residential along the eastern side of the city.

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

***Motion by Board Member Bennett to approve the Variance at the location of 342 E Smith Street subject to staff conditions. Seconded by Board Member Hide and carried unanimously 4 – 0.***

**PRELIMINARY PLAT / FINAL PLAT / LOT SPLIT**

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

Senior Planner Conatser presented a Lot Split request for property at 342 E Smith Street to construct two single family residential dwellings. With the approval of the Variance (Item 7), staff recommends approval of this Lot Split subject to staff conditions.

Neither the Board nor Public had any questions or concerns regarding this item.

***Motion by Board Member Hide to approve the Lot Split at the location of 342 E Smith Street subject to staff conditions. Seconded by Board Member Bennett and carried unanimously 4-0.***

Chairman Will Hawthorne adjourned the meeting at 7:06 pm. Adjourned to the regular Planning and Zoning Board meeting on Monday, March 3, 2025 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida.

ATTEST:

APPROVED:

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Recording Secretary Ellen King

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Chairman Will Hawthorne

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

**Date:** February 24, 2025                      **Meeting Date:** March 3, 2025  
**Subject:** 12565 W Colonial Drive (Preliminary Plat)  
**Project Name:** 12565 W Colonial Drive (General RV Expansion East)  
**Parcel ID:** 24-22-27-0000-00-045  
  
**Issue:** The applicant is requesting approval of a preliminary plat for 12565 W Colonial Drive.

**Supplemental Material / Analysis:**

**Owner / Applicant:** General RV  
**Current Zoning:** C-2 (Arterial Commercial)  
**Proposed Zoning:** N/A  
**Current FLU:** COM - Commercial  
**Proposed FLU:** N/A

**Summary:** The applicant has requested approval of a preliminary plat to create two lots for commercial use (RV office and sales) and dedicated right-of-way to complete the connection of Garden Commerce Parkway with W Colonial Drive.

**Staff Recommendation(s):**

Staff recommends approval of the Preliminary Plat subject to the conditions of the staff report.

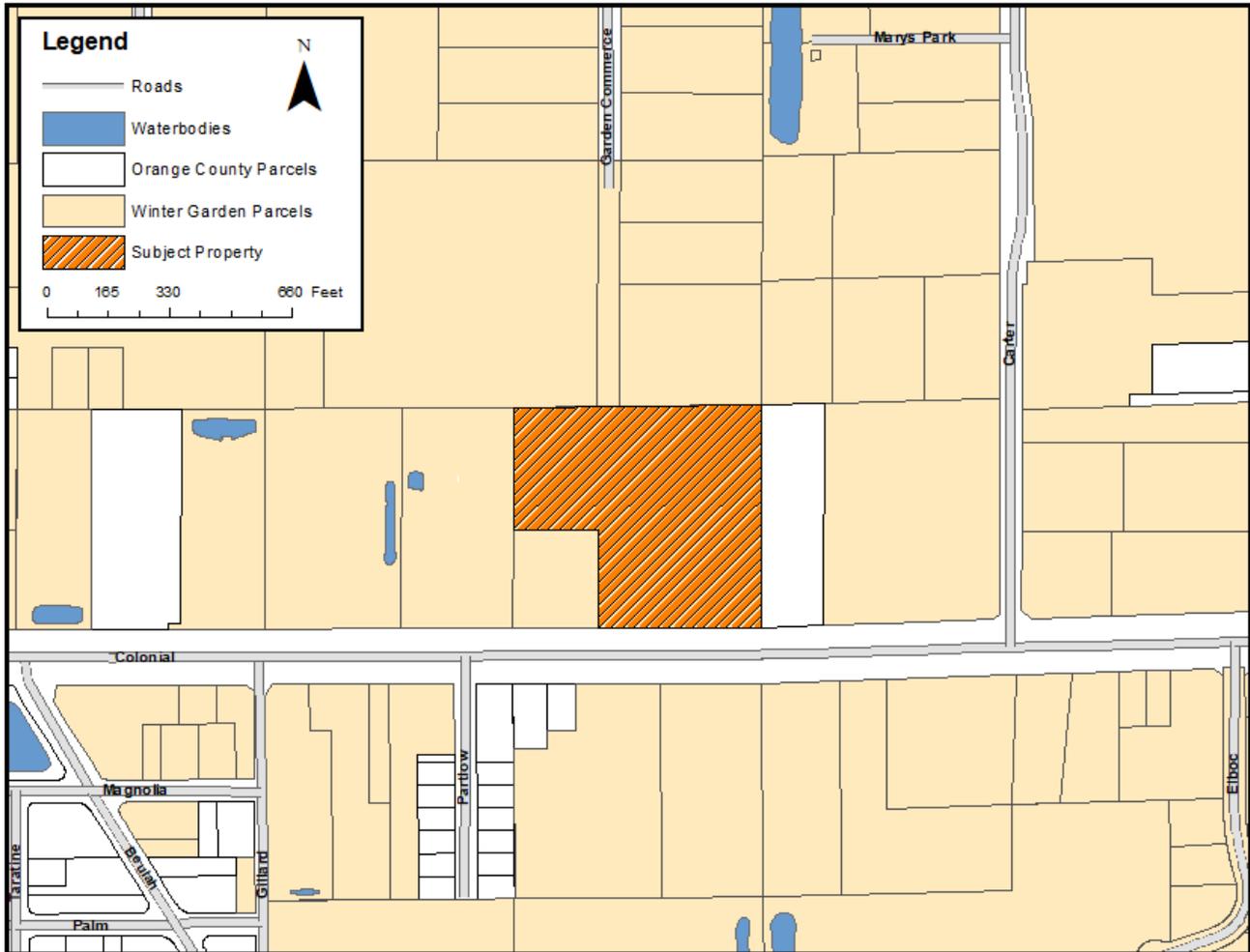
**Next Step(s):** City Commission review for Site Plan Approval

**Attachment(s):** Staff Report  
Location Map  
Preliminary Plat

# LOCATION MAP

12565 W Colonial Drive

Preliminary Plat



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

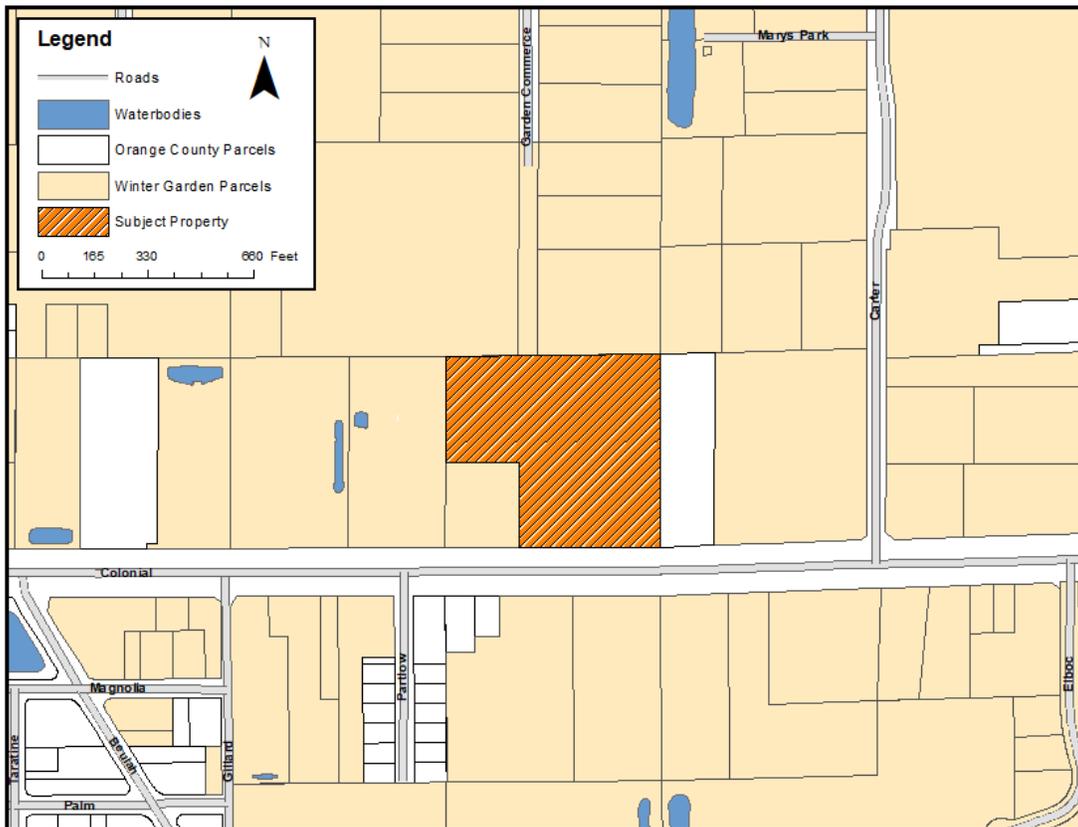
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** YVONNE CONATSER, SENIOR PLANNER  
**DATE:** MARCH 3, 2025  
**SUBJECT:** PRELIMINARY PLAT  
12565 W COLONIAL DRIVE (7.73 +/- ACRES)  
PARCEL ID# 24-22-27-0000-00-045

**APPLICANT:** General RV

### INTRODUCTION

The purpose of this report is to evaluate the proposed preliminary plat for compliance with the City of Winter Garden Land Development Regulations, Comprehensive Plan, and Future Land Use Map.

The subject property is located at 12565 W Colonial Drive. It is approximately 7.73 ± acres. The map below depicts the location of the property within the City of Winter Garden municipal limits:



The applicant is requesting approval of the Preliminary Plat for the 7.73 +/- acre property to develop two (2) lots. Lot 1 will develop as the commercial space and Lot 2 will provide connections to the neighboring General RV lots and stormwater management for all the proposed development. The subject property is zoned C-2 (Arterial Commercial) and designated COM (Commercial) on the City's Future Land Use Map.

### **EXISTING USE**

The subject property is vacant.

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

The adjacent properties to the north are vacant and zoned PID, Planned Industrial Development, per ordinance 13-42, Winter Garden Commerce Center and designated MOI (Multi Office Industrial) on the City's Future Land Use Map. The property to the east is developed commercial with a tire and truck facility, zoned C-3, Commercial and located in unincorporated Orange County. The properties to the south are developed as commercial warehouse and truck and trailer rental, are zoned C-2 and designated COM (Commercial) on the City's Future Land Use Map. The properties to the west are developed as a small shopping center and recreational vehicle sales respectively, zoned C-2 and designated COM on the City's Future Land Use Map. All the properties along W Colonial are subject to the State Route 50 overlay district.

### **PROPOSED USE**

The applicant intends to plat the property to allow construction of a 39,065 square foot recreational vehicle sales office with limited vehicle storage and parking and provide a stormwater management and connections to the existing recreational vehicle lot located at 12705 W Colonial Drive and the forthcoming development for additional recreational vehicle storage at 740 Garden Commerce Parkway. The plat will also create the right-of-way connection for the remaining section of Garden Commerce Parkway to W Colonial Drive.

The subject property has received approval of the required Special Exception Permit for the recreational vehicle sales with limited storage and parking at the December 2, 2024, Planning and Zoning Board meeting.

### **SUMMARY**

Staff and the Development Review Committee (DRC) recommend approval of the proposed Preliminary Plat subject to the conditions and comments provided at DRC review. DRC Memorandum dated February 5, 2025, attached.

Conditional approval of the preliminary plat from the Planning and Zoning Board will permit the applicant to proceed to the City Commission for final site plan approval.

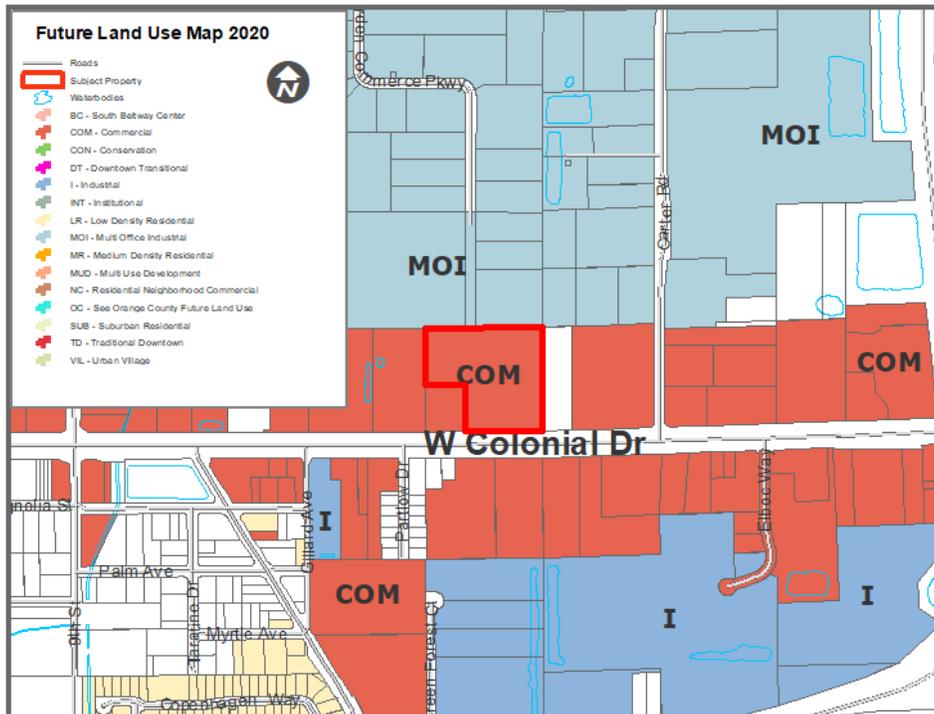
**AERIAL PHOTO**  
**Winter Garden Mixed Use**



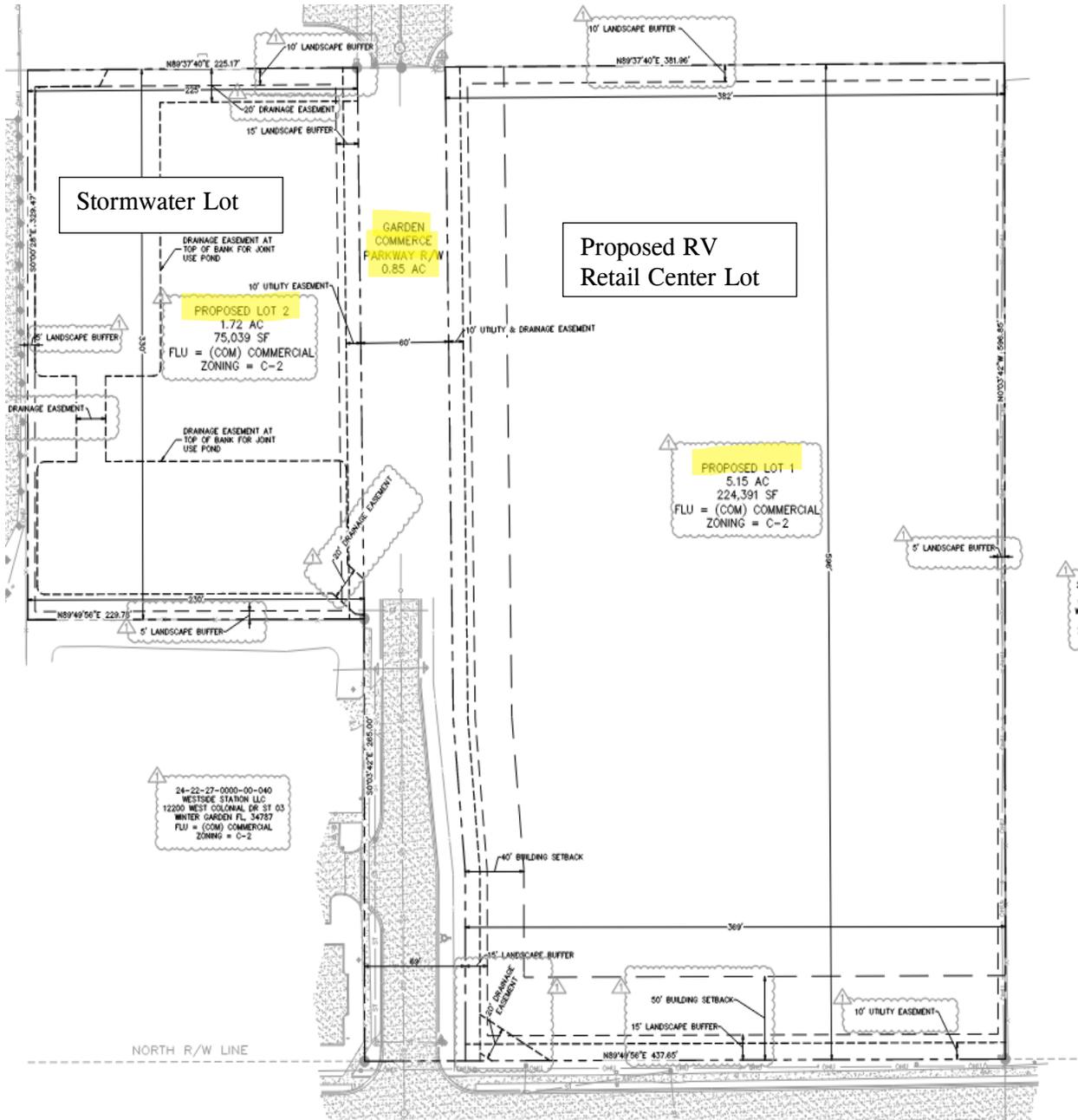
**ZONING MAP**  
**12565 W Colonial Drive**



**FUTURE LAND USE MAP**  
**12565 W Colonial Drive**



### Preliminary Plat - Detail 12565 W Colonial Drive



W Colonial Drive (State Route 50)

ATTACHMENT

# CITY OF WINTER GARDEN

## *DEVELOPMENT REVIEW COMMITTEE*

(407) 656-4111 - FAX (407) 877-2363

### MEMORANDUM

**TO:** KELLY CARSON, PLANNING DIRECTOR  
**FROM:** DEVELOPMENT REVIEW COMMITTEE  
**DATE:** FEBRUARY 5, 2025  
**SUBJECT:** 2<sup>ND</sup> REVIEW OF PRELIMINARY PLAT – GENERAL RV EXPANSION - EAST  
12565 W COLONIAL DRIVE - FL ORLANDO 4441, LLC

Pursuant to your request, we have reviewed the revised preliminary plat dated 1/07/25 for compliance with the City's subdivision, stormwater and site requirements. The property included in this project is south of the Winter Garden Commerce Center phased development and will complete the extension of Garden Commerce Parkway to SR 50. This was submitted in response to our feasibility review of 1/29/24 and Special Exception review of 4/19/24 and is the first review of the preliminary plat for this project. Reviews for development of this property have been ongoing for the General RV proposed overall development. This was submitted in response to our comments of 10/28/24 and DRC meeting of 11/06/24 where it was referred to staff review only.

### ENGINEERING

We recommend approval of the preliminary plat subject to approval by all other departments and the following conditions and comments:

1. Planning Department shall review and comment on layout, setbacks, landscaping, buffering, lighting and signage, Platting, including C-2 zoning and SR 50 overlay requirements.
2. Typical roadway section (as shown) shall comply with City standards and include the following: Right-of-way width shall be 60 feet minimum with minimum roadway pavement width of 28' as required by City Code (14' minimum each lane); 18" of clean fill with no more than 5% passing a #200 sieve required under the 12" thick stabilized subbase (LBR 40); 98% density required on all compaction; 2" minimum asphalt thickness; 10" minimum soil cement or crushed concrete base thickness (no limerock); minimum 24" wide concrete curb and gutter required; minimum 5' wide concrete sidewalks required on both sides of street; minimum 10' wide drainage, utility and sidewalk easements required adjacent to all rights-of-way. All construction shall meet City of Winter Garden requirements for drainage, roadways and utilities (see City Standard Details available on-line at [cwgd.com](http://cwgd.com)). If requested by the Developer, 1" of asphalt can be installed prior to C of C, and the second lift of 1" can be installed after building construction, if covered by a performance bond or letter of credit.
3. Easements for utilities and drainage shall be provided as shown. Final site plans will not be approved for construction until the preliminary plat has been approved; Certificates of Occupancy for any building will not be issued until the Certificate of Completion has been issued by the City Engineer and the final plat has been approved and recorded.

4. All standard City of Winter Garden plat notes shall be shown on final plat. See Chapter 110 – Division 3 (Sections 110-121 thru 110-124) for Preliminary Plat requirements and procedures (i.e. Proposed building footprints; setbacks; easements; buffers; etc.).

Since the pre-plat was included with the construction plans for this phase, all the required information is complete.

5. Informational: Maximum impervious surface for C-2 zoning is 70% but must be supported by the St. Johns River Water Management District permit. SJRWMD permit or modification will be required. Provide detailed drainage calculations (routings, etc.) with final construction plan submittal. Drainage calculations shall include all proposed development parcels.
6. The minimum width for an easement within the City of Winter Garden is 30'; facility centered within easement.
7. Any signs, screen walls or retaining walls shall require a separate permit from the Building Department.
8. General Requirements (as noted):
  - a. All gravity sanitary pipe and fittings shall be SDR 26.
  - b. All compaction shall be 98% of the modified proctor maximum density (AASHTO T-180).
  - c. As-built record drawings shall comply with City of Winter Garden requirements available on-line (note on plan).
  - d. All Storm ( $\geq 12"$ ) and Sanitary lines ( $\geq 6"$ ) shall be inspected by CCTV prior to completion.
  - e. Use City Standard Detail sheets for utilities and public works (see City website).
  - f. If Thermoplastic pipe is used it shall meet all City material and installation requirements as specified in the City's Standards & Specifications including Class I bedding, HP polypropylene pipe (**not HDPE or N-12**), laser profiling, installation per ASTM D2321, etc. (see under on-line forms on website).
  - g. All utilities shall be underground pursuant to Code (Sec. 18-33) including electrical power, cable, telephone, etc.
9. Tree removal shall adhere to the City's Tree Protection Ordinance – separate review, approval and permit is required. As required by Code (Sec. 114-70), submittal of the Tree Removal Permit application is required with the preliminary plat submittal. Coordinate with the Building Department on any tree removal and protection. Additional landscaping and tree replacement may be required with final plan.
10. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer for the entire project frontage. Final plans shall detail all connections including fire protection, reuse water and domestic water supply. All irrigation on the site shall be designed to be supplied by reclaimed water when available and shall be served by a jumper to potable water until that time.
11. 100% of the water/sewer impact fees shall be paid prior to site or building permit issuance or execution of FDEP permit applications by the City. Sanitary laterals, fittings, and pipes shall be SDR 26 per City standards. Use City Standard Detail Sheets for utilities and public works. Provide

the proposed uses of the 3 lots and anticipated meter sizes for impact fee payment (include proposed irrigation meter). When building plans are submitted, a true-up of fees will be calculated.

12. Permit or modification from SJRWMD & FDOT for stormwater is required. Permits or exemptions shall also be required from FDEP for water and sewer and FDEP NPDES NOI as may be applicable.
13. Streetlighting both internally and on all street frontages is required pursuant to City Code – dark skies lighting is required. Streetlighting plan from Duke Energy shall be provided prior to the pre-con, once the plans are approved.

### **PLANNING COMMENTS**

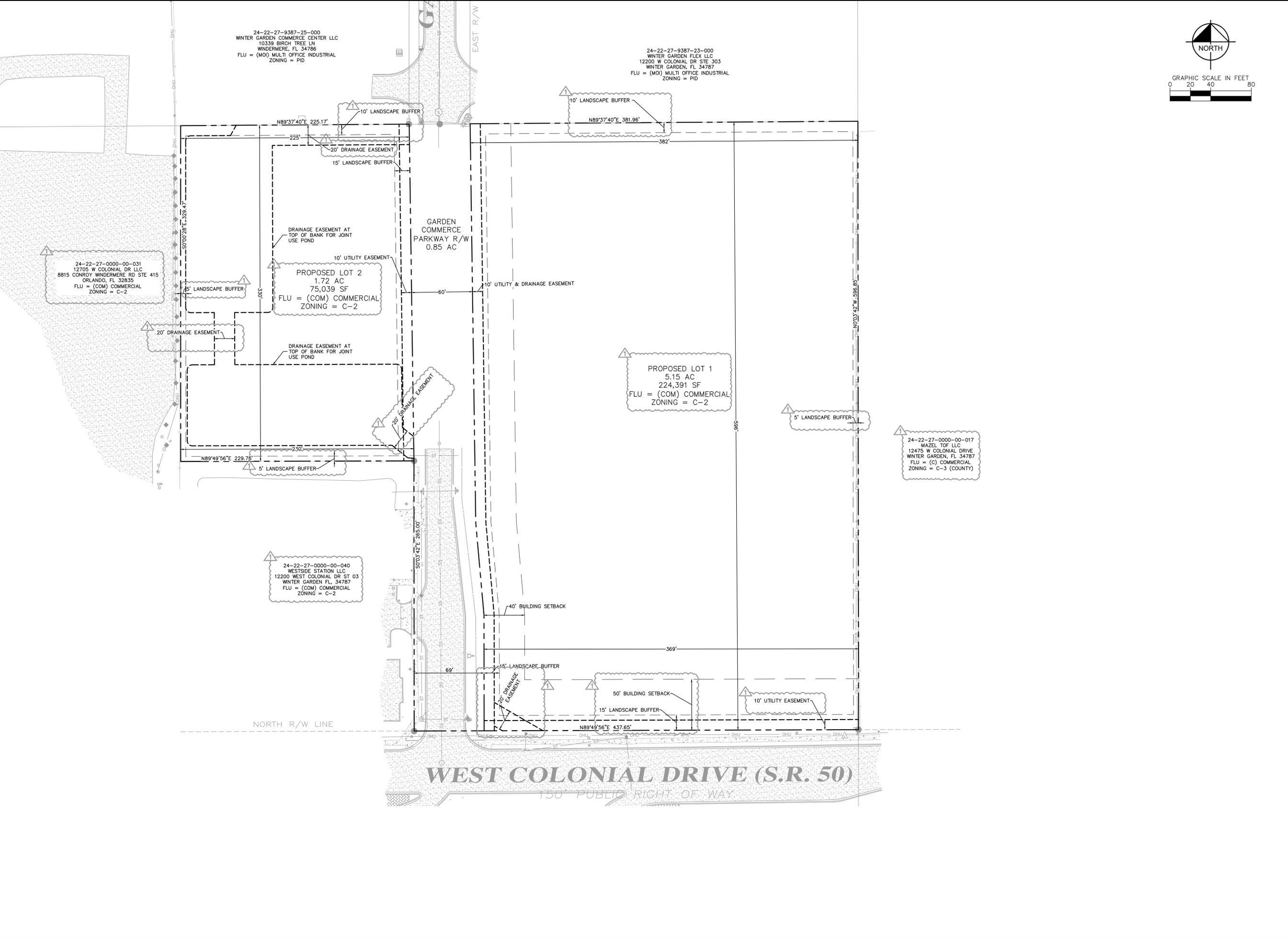
14. The Special Exception Permit application for the RV dealership sales center use on the property was approved December 2, 2024, by the Planning and Zoning Board.

### **STANDARD GENERAL CONDITIONS**

1. All construction shall conform to City of Winter Garden Standards, Specifications and Ordinances.
2. Fencing, if approved, shall meet all City requirements for height, type, etc. Chain link fencing, if approved, shall be vinyl coated per Code.
3. 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.
4. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The applicant should note that if approval is granted, the City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City will not be responsible and any corrective measures required will be the responsibility of the Owner. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
5. The Owner and Contractor are responsible for meeting all provisions of ADA and Florida Accessibility Code, including accessible route sidewalks that will connect to public sidewalks on S.R. 50.
6. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
7. Approval by the City Commission (site plan) will be required prior to issuance of site or building permit(s).
8. 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 site or building permit.
9. Additional comments may be generated at subsequent reviews.

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

This document, together with the concepts and designs presented herein, is an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



NO.	REVISIONS	DATE
1	CITY OF WINTER GARDEN COMMENT REVISIONS	11/04/2024
2	SURVING COMMENT REVISIONS	11/20/2024

**Kimley»Horn**  
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 PHONE: (407) 888-1511  
 WWW.KIMLEY-HORN.COM REGISTRY No. 35106

LICENSED PROFESSIONAL  
 L. JORDAN DRAPER, P.E.  
 FLORIDA LICENSE NUMBER 81928  
 DATE: 1/7/2025

KHA PROJECT 249536000  
 DATE 1/7/2025  
 SCALE AS SHOWN  
 DESIGNED BY MWW  
 DRAWN BY MWW  
 CHECKED BY LJD

**PRELIMINARY PLAT**  
**GENERAL RV EXPANSION - EAST**  
 CITY OF WINTER GARDEN FLORIDA  
 SHEET NUMBER **C3.2**

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

**Date:** February 24, 2025                      **Meeting Date:** March 3, 2025

**Subject:** Edgeway Drive (Preliminary Plat)

**Project Name:** Edgeway Drive (Habitat Edgeway Development)

**Parcel ID:** 12-22-27-6496-06-0006

**Issue:** The applicant is requesting approval of a preliminary plat for the development of the property located at Edgeway Drive (no number available).

**Supplemental Material / Analysis:**

**Owner / Applicant:** West Orange Habitat for Humanity

**Current Zoning:** R-4 Residential District

**Proposed Zoning:** N/A

**Current FLU:** LR – Low Density Residential

**Proposed FLU:** N/A

**Summary:** The applicant is requesting approval of a preliminary plat for the development of seven (7) single family lots.

**Staff Recommendation(s):**

Staff recommends approval of the Preliminary Plat subject to the conditions of the staff report.

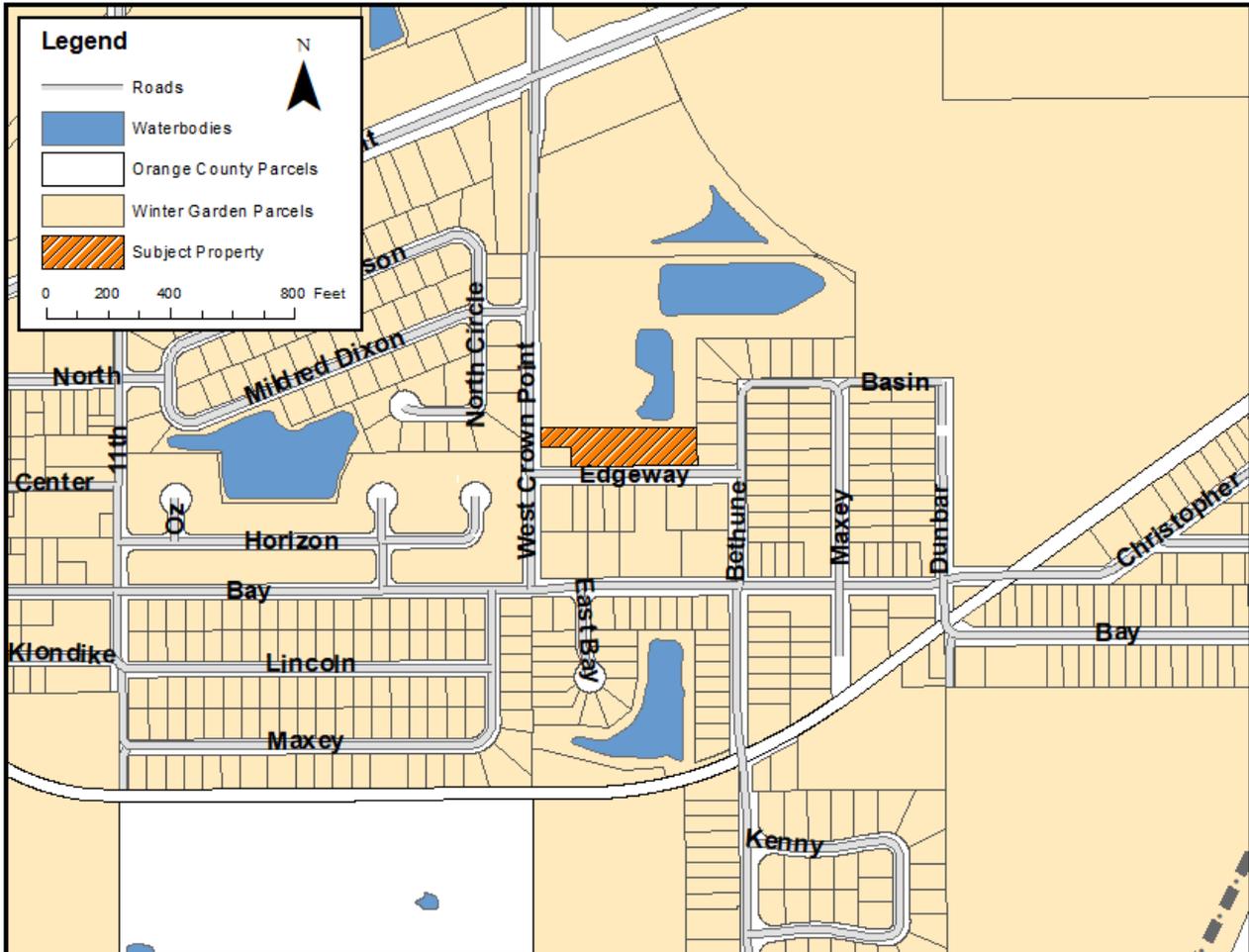
**Next Step(s):** City Commission Site Plan Approval

**Attachment(s):** Staff Report  
Location Map  
Preliminary Plat Plan Set

# LOCATION MAP

Edgeway Drive

Preliminary Plat



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

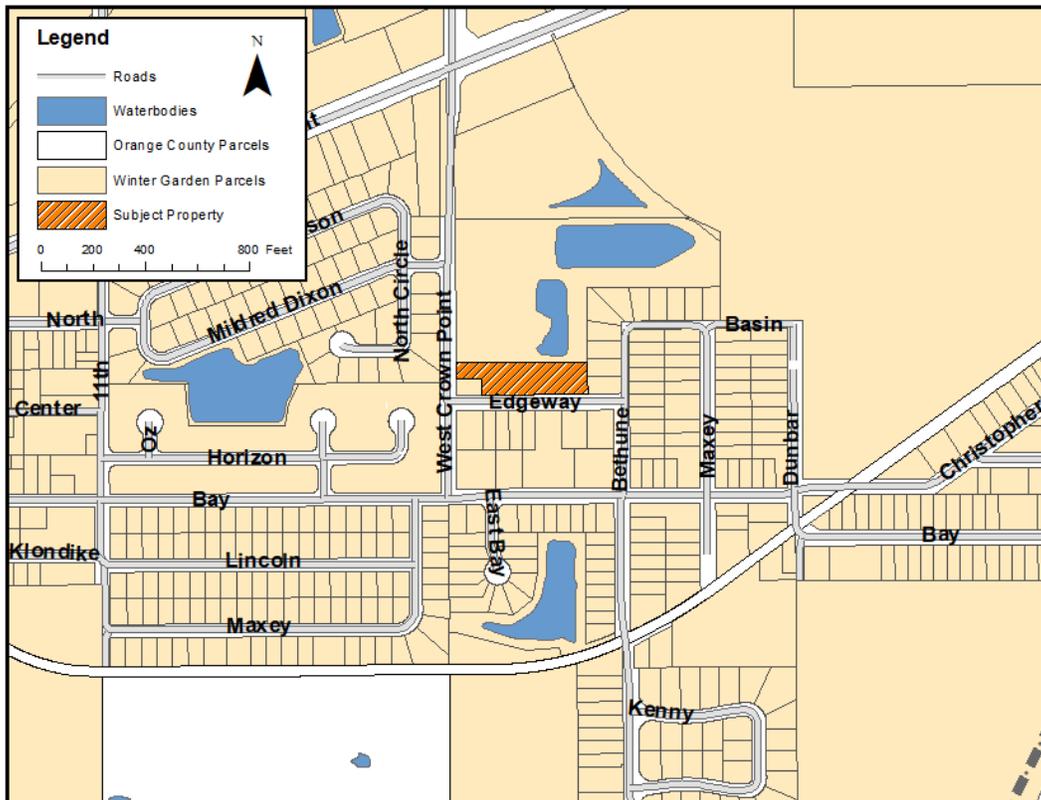
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** YVONNE CONATSER, SENIOR PLANNER  
**DATE:** MARCH 3, 2025  
**SUBJECT:** PRELIMINARY PLAT  
EDGEWAY DRIVE (1.31 +/- ACRES)  
Parcel ID# 12-22-27-6496-06-0006

**APPLICANT:** WEST ORANGE HABITAT FOR HUMANITY

### INTRODUCTION

The purpose of this report is to evaluate the proposed preliminary plat for compliance with the City of Winter Garden Land Development Regulations, Comprehensive Plan, and Future Land Use Map.

The subject property is located at the northeast corner of its intersection with Edgeway Drive and S West Crown Point Road. It is approximately 1.31 +/- acres. The map below depicts the location of the property within the City of Winter Garden municipal limits:



The applicant is requesting approval of the Preliminary Plat for the 1.31 +/- acre property to develop seven (7) single family residential lots and a stormwater management tract. The subject property is zoned R-4 (Residential District) and designated LR (Low Density Residential).

### **EXISTING USE**

The subject property is vacant.

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

The adjacent property to the north is owned by Orange County, contains the Mildred Dixon Activity Center and county administrative offices, is zoned R-2 and designated INT (Institutional) on the City's Future Land Use Map. The properties bounding the east and south are developed single family residential and zoned R-4. The properties bounding the west include single family residential and duplex residential and are zoned R-2. The properties to the east, south and west are designated LR on the City's Future Land Use Map.

### **PROPOSED USE**

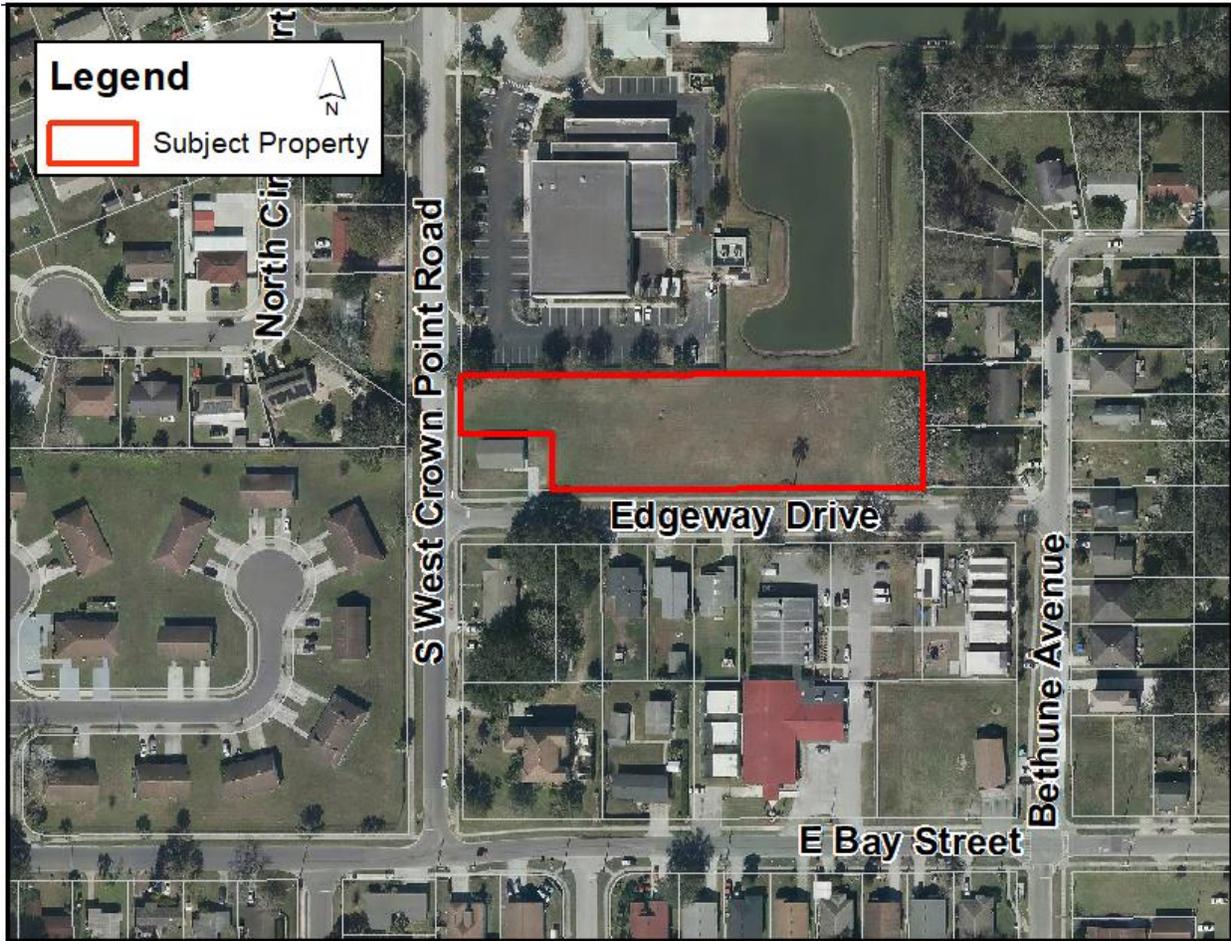
The applicant intends to plat the property to allow construction of seven (7) single family residential units. All proposed lots meet the minimum R-4 Residential District requirements. The applicant has submitted an accompanying site plan for review to the Development Review Committee and City Commission.

### **SUMMARY**

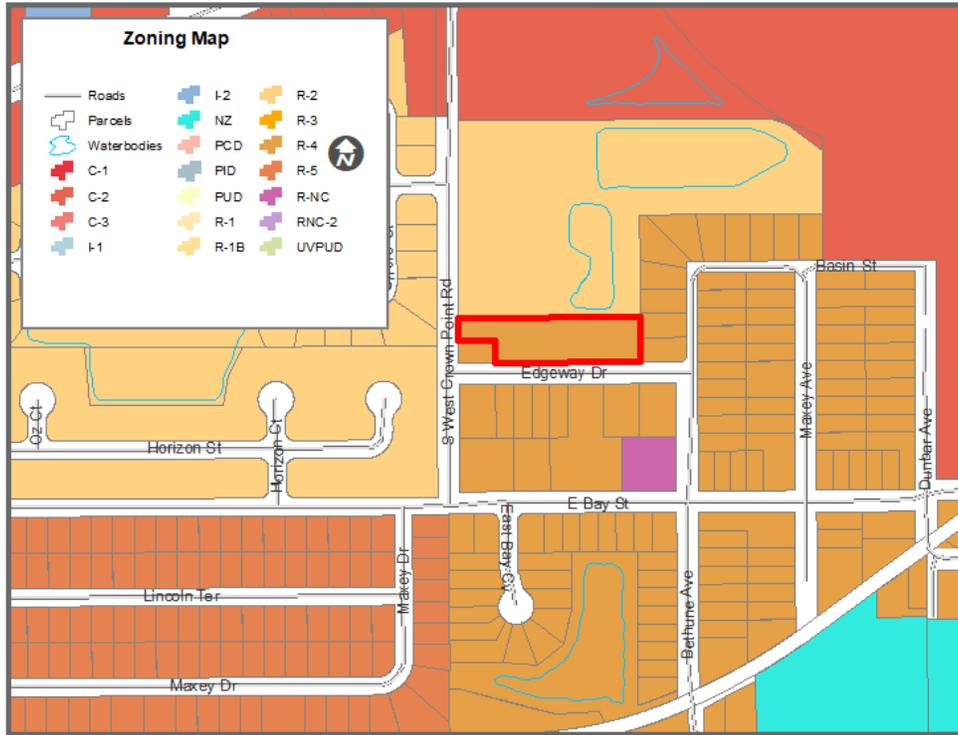
Staff and the Development Review Committee (DRC) recommend approval of the proposed Preliminary Plat subject to the conditions and comments provided at DRC review. DRC Memorandum dated February 13, 2025, attached.

Conditional approval of the preliminary plat from the Planning and Zoning Board will permit the applicant to proceed to the City Commission for final site plan approval.

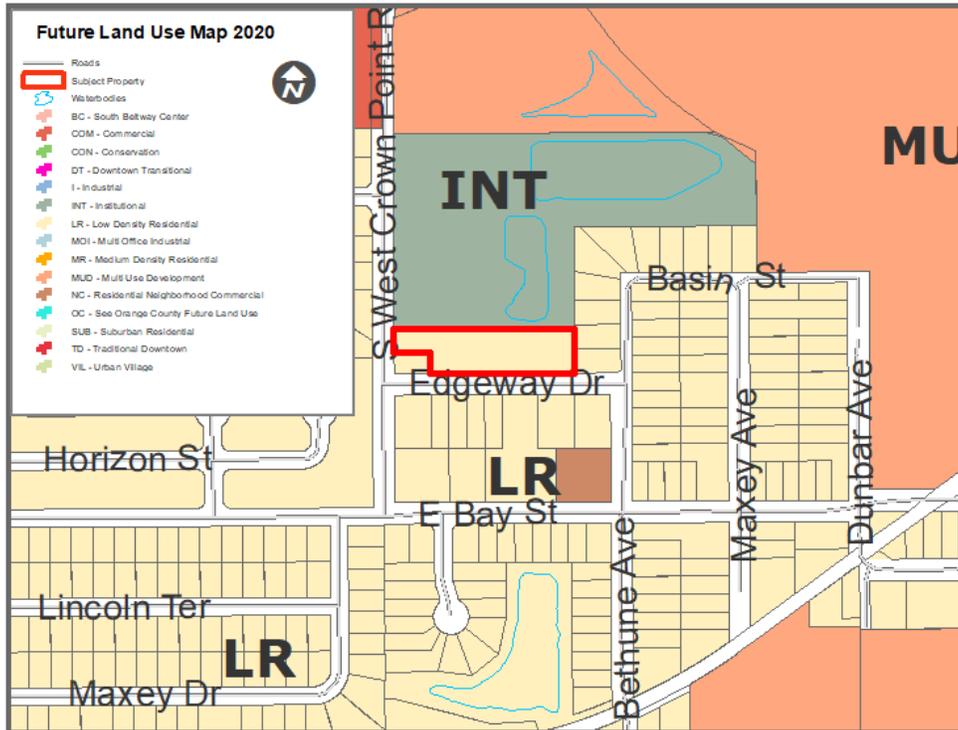
**AERIAL PHOTO**  
**Edgeway Drive**



### ZONING MAP Edgeway Drive



### FUTURE LAND USE MAP Edgeway Drive





Attachment

# CITY OF WINTER GARDEN

## *DEVELOPMENT REVIEW COMMITTEE*

(407) 656-4111 - FAX (407) 877-2363

### MEMORANDUM

**TO:** KELLY CARSON, PLANNING DIRECTOR  
**FROM:** DEVELOPMENT REVIEW COMMITTEE  
**DATE:** FEBRUARY 13, 2025  
**SUBJECT:** REVIEW OF REVISED PRELIMINARY PLAT – EDGEWAY SUBDIVISION  
HABITAT FOR HUMANITY – EDGEWAY DRIVE

Pursuant to your request, we have reviewed the revised Preliminary Plat dated 2/02/25 for compliance with the City's stormwater, site and subdivision requirements. This plan proposes a residential subdivision of 7 lots on the vacant 1.31 acre R-4 zoned parcel. This was submitted in response to our comments of 1/13/25 and DRC meeting of 1/29/25 where it was referred to staff review only.

#### ENGINEERING COMMENTS

We recommend approval of the preliminary plat subject to approval by all other departments and the following conditions and comments:

1. Planning Department shall review and comment on parking, setbacks, landscaping, buffering, lighting and signage, platting, and R-4 Zoning requirements.
2. Informational: This review is for compliance with Sections 110-121 thru 110-124 of the City Code regarding preliminary plats. Final construction plans for the site have been submitted and will be reviewed separately. Final construction plans cannot be approved for construction until the preliminary plat has been approved.
3. General Requirements (as noted):
  - a. All gravity sanitary pipe and fittings shall be SDR 26.
  - b. All compaction shall be 98% of the modified proctor maximum density (AASHTO T-180).
  - c. As-built record drawings shall comply with City of Winter Garden requirements available on-line (note on plan).
  - d. All Storm (>12") and Sanitary lines (>6") shall be inspected by CCTV prior to completion.
  - e. Use City Standard Detail sheets for utilities and public works (see City website).
  - f. If Thermoplastic pipe is used it shall meet all City material and installation requirements as specified in the City's Standards & Specifications including Class I bedding, HP polypropylene pipe (**not HDPE or N-12**), laser profiling, installation per ASTM D2321, etc. (see under on-line forms on website).
  - g. All utilities shall be underground pursuant to Code (Sec. 18-33) including electrical

power, cable, telephone, etc.

4. A minimum 10' wide drainage, utility and sidewalk easement is required adjacent to all rights-of-way. Side and rear drainage and utility easements required – as shown.
5. No fences will be allowed in the 10' wide rear **drainage** easement for Lots 2 thru 7 (note on plans).
6. Minimum 5' wide concrete sidewalks are required along all project frontages. Existing sidewalks, pavement and curbs will be checked at completion and any damaged sections shall be replaced.
7. Easements having more than one pipe shall adhere to Section 110-203 of the City Code requiring easement widths based on the following: Minimum Easement Width = (2) x (Depth of Pipe) + (Pipe Diameter + 7').
8. Tree removal shall adhere to the City's Tree Protection Ordinance – separate review, approval and permit is required. Coordinate with the Planning & Building Departments on any tree removal and protection. Additional landscaping and tree replacement may be required with final plan. Pursuant to Code (Chapter 114-70), a tree survey will be required with the preliminary plat submittal showing size and type of trees, trees that will be removed/saved, etc. meeting all Code provisions.
9. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer. Final plans shall detail all connections including fire protection, reuse water and domestic water supply. All irrigation on the site shall be designed to be supplied by reclaimed water when available and shall be served by a jumper to potable water until that time.
10. 50% of the water/sewer impact fees shall be paid prior to site or building permit issuance or execution of FDEP permit applications by the City. Sanitary laterals, fittings, and pipes shall be SDR 26 per City standards. City Standard Detail Sheets for utilities and public works shall be adhered to.
11. Permit modification or exemption from SJRWMD for stormwater is required. Permit self-certification for FDEP water and sewer permits is acknowledged. FDEP NPDES NOI is required as may be applicable.
12. Any signs, screen walls or retaining walls shall require a separate permit from the Building Department.
13. Streetlighting both internally and on all street frontages is required pursuant to City Code – dark skies lighting is required.
14. Certificates of Occupancy for any building will not be issued until the Certificate of Completion for the infrastructure has been issued by the City Engineer and the final plat has been approved and recorded.

#### **STANDARD GENERAL CONDITIONS**

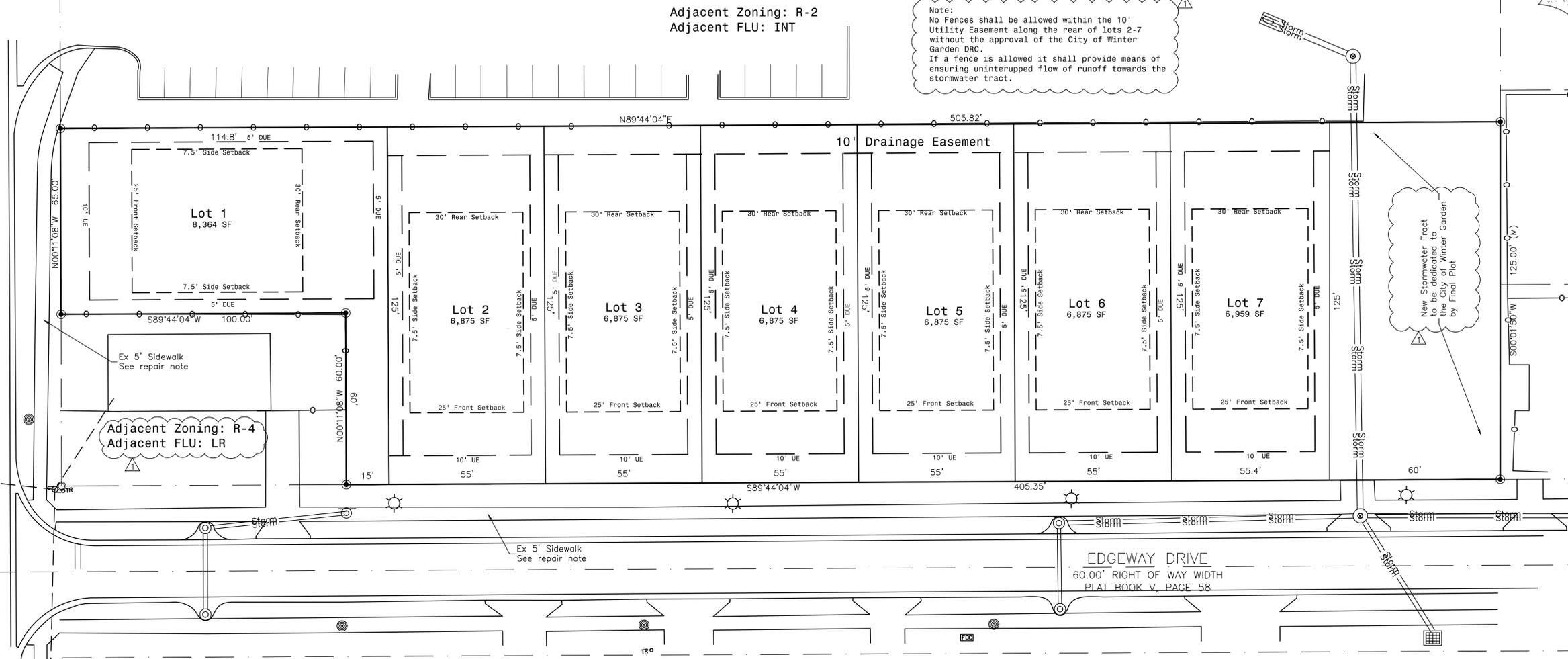
15. All construction shall conform to City of Winter Garden Standards, Specifications and Ordinances.
16. The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility 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.

17. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The applicant should note that if approval is granted, the City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City will not be responsible and any corrective measures required will be the responsibility of the Owner. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
18. The Owner and Contractor are responsible for meeting all provisions of ADA and Florida Accessibility Code, including accessible route sidewalks that will connect to public sidewalks.
19. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
20. 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 site or building permit.
21. Additional comments may be generated at subsequent reviews.

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

Adjacent Zoning: R-2  
Adjacent FLU: LR

WEST CROWN POINT ROAD  
PLAT BOOK 22, PAGE 6 &  
PLAT BOOK 26, PAGES 96-97

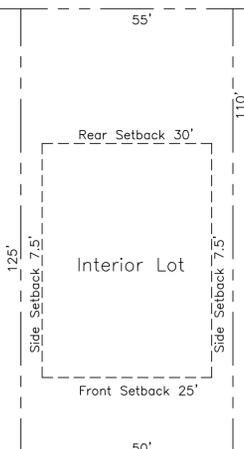


Note:  
No Fences shall be allowed within the 10' Utility Easement along the rear of lots 2-7 without the approval of the City of Winter Garden DRC.  
If a fence is allowed it shall provide means of ensuring uninterrupted flow of runoff towards the stormwater tract.

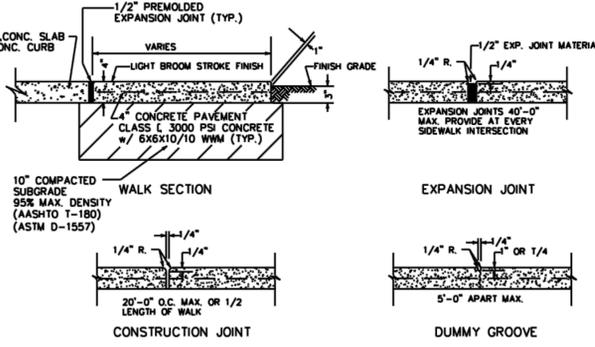
Adjacent Zoning: R-4  
Adjacent FLU: LR

Adjacent Zoning: R-4  
Adjacent FLU: LR

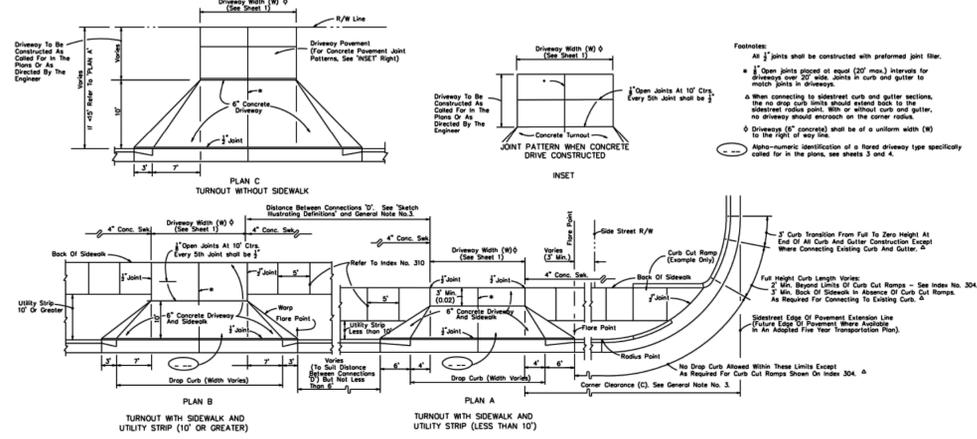
Adjacent Zoning: R-4  
Adjacent FLU: LR



Note:  
Provide 5' Drainage & Utility Easements on sideyards. Provide 10' Utility Easement adjacent to the rear yards of lots 2-7, provide a 10' Drainage Easement.



Note:  
Replace any sidewalks damaged during construction



1. Driveway 6\"/>

2. For details of drop curb and curb out ramps refer to Index Nos. 300 and 304 respectively.

3. Where turnouts are constructed within existing curb and gutter, the existing curb and gutter shall be removed after the nearest joint beyond the drop point or to the extent that no remaining section is less than 10' long, and drop curb constructed in accordance with the Department.

4. Cast for preformed joint filler shall be included in the cost for the concrete pavement (concrete sidewalk, 6\"/>

5. For turnouts with roller returns see the requirements under the Summary of General Requirements for Turnouts, the "General Notes", the details of "Rural Turnout Construction" and the detail of "Limits of Clearing & Grading, Stationing and Base at Intersections".

6. Department maintenance of pavement shall extend out to the right of way or 2 feet back of sidewalk, whichever distance is less.

7. The maintenance and operation of highway lighting, traffic signals, roadside equipment, and other necessary devices shall be the responsibility of a public agency.

8. All pavement markings on the State Highway, including application and application line markings, and signing installed for the operation of the State Highway shall be maintained by the Department.

9. All signing and marking installed for the operation of the connection (such as stop bars and stop signs for the connection) shall be the responsibility of the permittee.

10. Turnouts will be paid for under the contract unit price for Sidewalk Concrete 6\"/>

DESIGN NOTES FOR URBAN FLARED TURNOUTS

1. Driveways indicated as "Standard Applications" are those with slopes that can cause overhang drag for representative standard passenger vehicles under fully loaded conditions or, those with slopes that can cause overhang drag for representative standard passenger vehicles under fully loaded conditions when the driveway is located on the left side of fully supervised roadways.

2. Driveways indicated as "Special Applications" are those with slopes that can "readily" accommodate representative standard passenger vehicles and those with slopes that can accommodate representative standard passenger vehicles, work buses and recreational vehicles operating under normal crown and superelevation conditions.

3. Where specific flare type driveways are to be constructed, the type shall be designated in the plans using the assigned alphanumeric designations.

4. Where specific flare type driveways are to be constructed, the type shall be designated in the plans using the assigned alphanumeric designations.



Field Revisions	Description	Date	#

Permit Revisions

City Comments	Date	#

01/30/25

**Preliminary Plat for**  
Habitat Edgeway Development  
West Orange Habitat for Humanity, Inc

DP	Drawn
DP	Checked
1"=20'	Scale
04/04/25	Date
HAB-PP	File
Dwg. No.	

**PP**

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

**Date:** February 24, 2025                      **Meeting Date:** March 3, 2025  
**Subject:** 34 W Story Road (Special Exception Permit)  
**Project Name:** 34 W Story Road (Legacy Homes Office)  
**Parcel ID:** 23-22-27-3992-00-140  
  
**Issue:** The applicant is requesting a Special Exception Permit for the property located at 34 W Story Road.

**Supplemental Material / Analysis:**

**Owner / Applicant:** Legacy Homes LLC  
**Current Zoning:** R-NC Residential Neighborhood Commercial  
**Proposed Zoning:** N/A  
**Current FLU:** NC Residential Neighborhood Commercial  
**Proposed FLU:** N/A

**Summary:** The applicant has requested a Special Exception Permit to allow office use on the property.

**Staff Recommendation(s):**

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

**Next Step(s):** Apply for Site Plan Approval

**Attachment(s):** Staff Report  
Location Map

# LOCATION MAP

34 W Story Road

Special Exception Permit



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** YVONNE CONATSER, SENIOR PLANNER  
**DATE:** MARCH 3, 2025  
**SUBJECT:** SPECIAL EXCEPTION PERMIT  
34 W Story Road (0.16 ± ACRES)  
PARCEL ID #23-22-27-3992-00-140

**APPLICANT:** LEGACY HOMES, LLC

### INTRODUCTION

The purpose of this report is to evaluate the proposed Special Exception Permit application for an office use for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 34 W Story Road. It is approximately 0.16 ± acres. The subject property is zoned R-NC, Residential Neighborhood Commercial and designated NC (Residential Neighborhood Commercial) on the City's Future Land Use Map. The map below depicts the location of the property within the City of Winter Garden municipal limits:



### **EXISTING USE**

The property is developed as a single family residence but is currently unoccupied. The building totals +/- 1,275 square feet. The property includes a covered carport and driveway. The property was recently rezoned from R-2 to R-NC and the future land use updated to NC per Ordinance 24-35 and Ordinance 24-36 respectively.

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

The adjacent properties are zoned R-2 (Residential District) and developed with single family residential homes and designated LD (Low Density Residential) on the City's Future Land Use Map. To the northeast along the street block adjacent to the subject property is an area zoned R-NC and designated NC (Neighborhood Commercial). The property use is currently single family residential.

### **PROPOSED USE**

The applicant is requesting a special exception permit to redevelop the existing structure and property for use as a professional office. The applicant plans to renovate the existing 1,275 square foot building improving the entryways and adding a wooden deck to the rear/side of the building and provide four (4) parking spaces. The office will operate Monday through Friday from 9:00 am to 5:00 pm. The operations will include two (2) employees and an average of one (1) client per day. The property will be used for business purposes only to include meetings with clients and other similar professional office operations. The applicant plans to submit the required site plan for the redevelopment after receiving approval of the special exception permit.

Staff would like to note the applicant is the owner of the adjoining property to the west. The applicant has no plans for the property at this time.

### **ANALYSIS**

The R-NC zoning district provides for the office use with an approved special exception permit as stated under:

Division 7. Section 118-488. Special Exceptions. (9) All uses permitted in the C-4 neighborhood commercial district (Section 118-677).

Said use is further defined under:

Division 11. Section 118-677. Principal permitted uses and structures. (4) Professional offices, studios and personal services establishments of a similar nature.

The proposed use is consistent with the City's Future Land Use designation of NC as the applicant will be renovating the property and providing the required parking, landscaping and site improvements to accommodate the proposed office use.

The special exception permit application has been reviewed by the Development Review Committee (DRC) and is subject to the conditions provided at DRC review, attached.

## **SUMMARY**

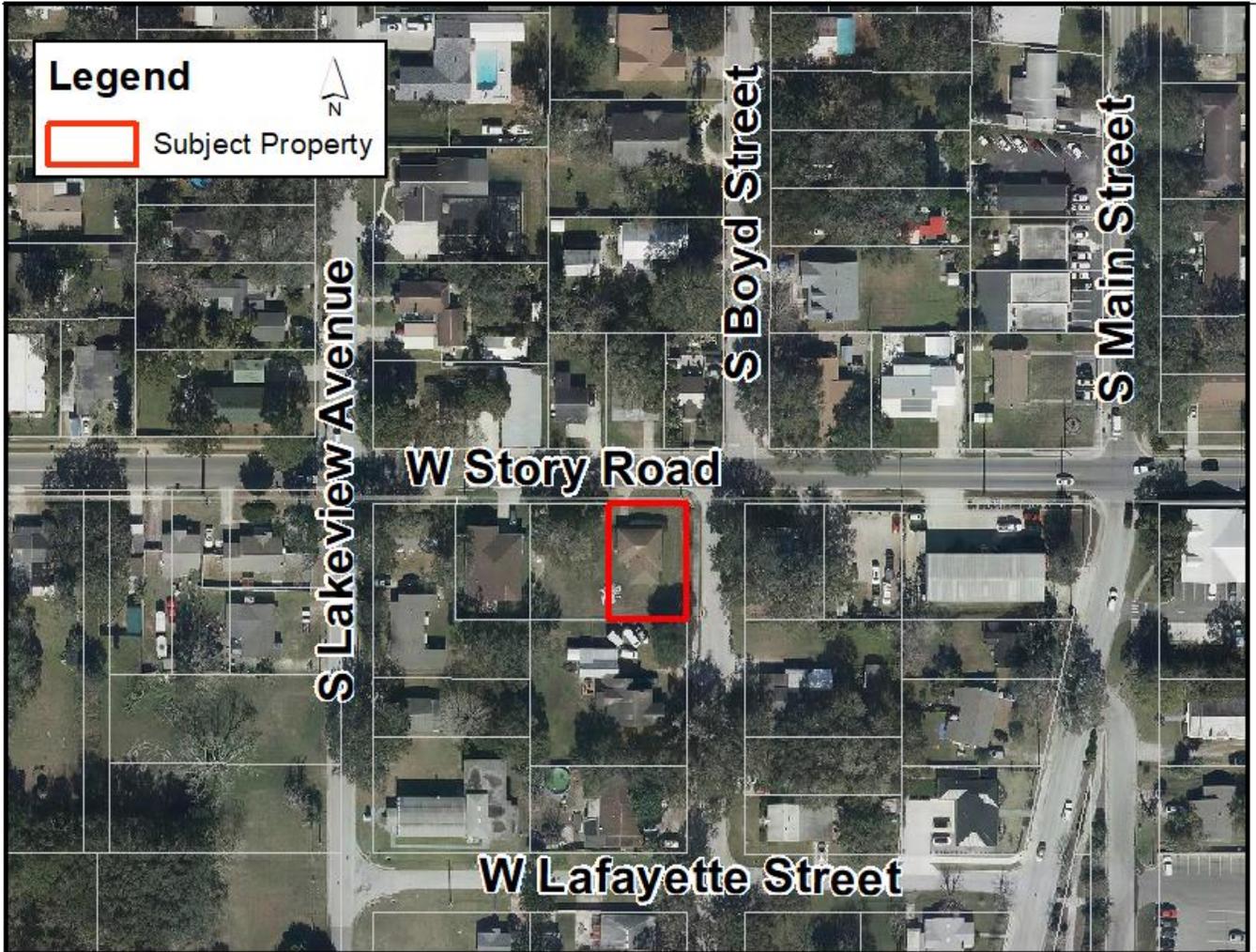
City Staff recommends approval of the proposed Special Exception Permit to allow an office use at 34 W Story Road subject to the following conditions:

- 1) The applicant must submit the required site plan for review by the Development Review Committee and subsequent approval by the City Commission prior to receiving any and all building permits. Approval of the Special Exception Permit does not constitute approval of the site plan.
- 2) The applicant will obtain all required permits from the Building Department prior to any improvements or additions.
- 3) All employees and clients must utilize the onsite parking. No client or employee parking is permitted along Story Road or S Boyd Street.
- 4) The applicant will provide the required four sided elevations at the time of site plan submittal.
- 5) The applicant is responsible for meeting the conditions as stated by the Development Review Committee and included in the memorandum dated February 10, 2025, attached.

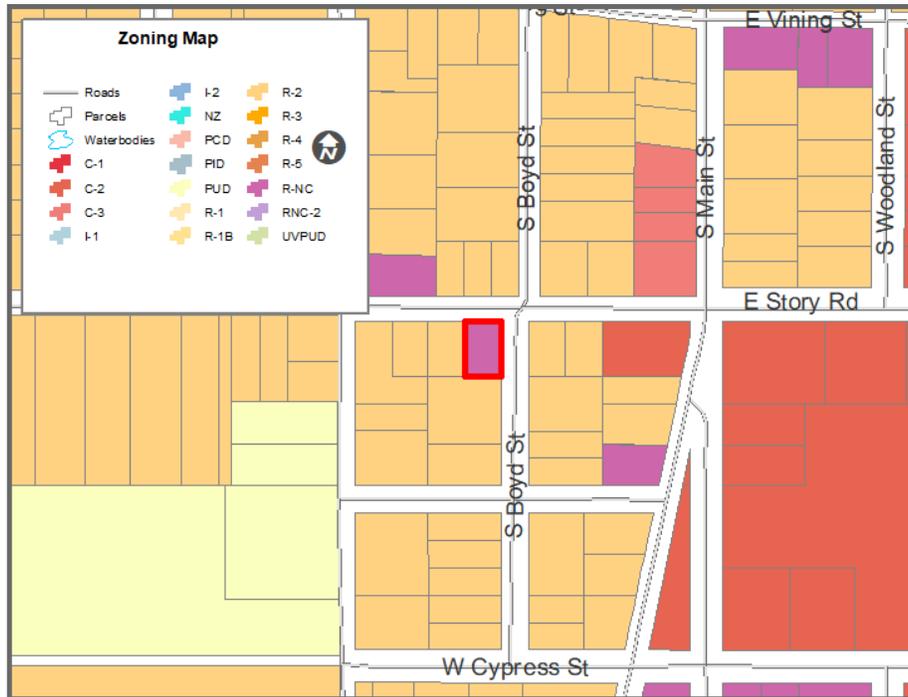
## **ATTACHMENTS**

- Aerial Map
- Zoning Map
- Future Land Use Map
- Boundary Survey
- Rendering
- Proposed Site Plan
- Site Photos
- DRC memorandum

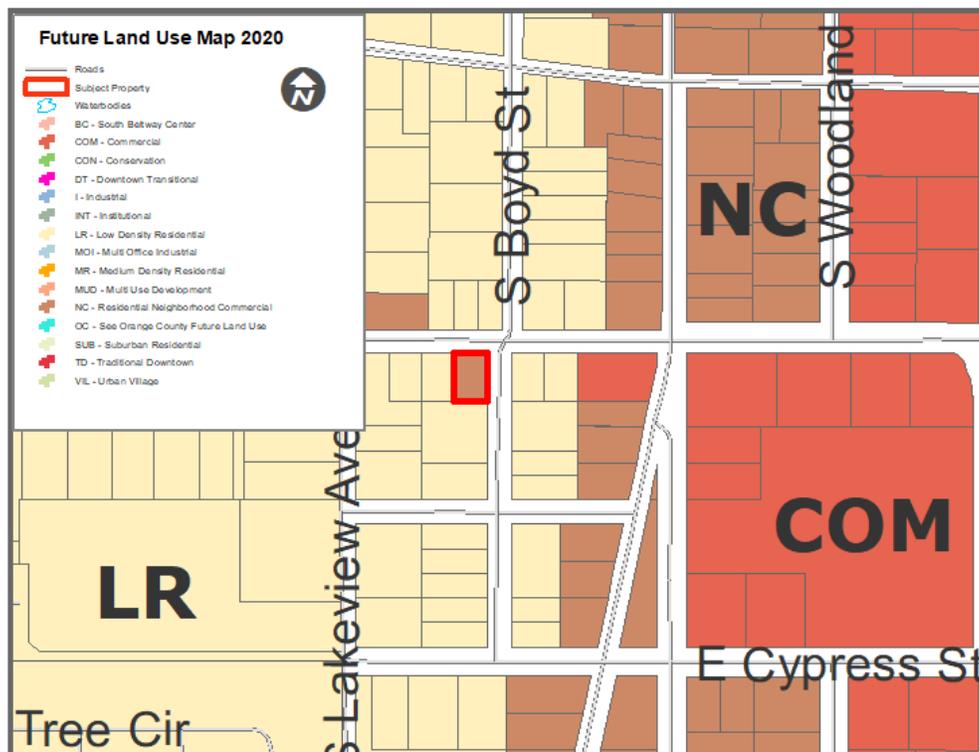
AERIAL MAP  
34 W Story Road



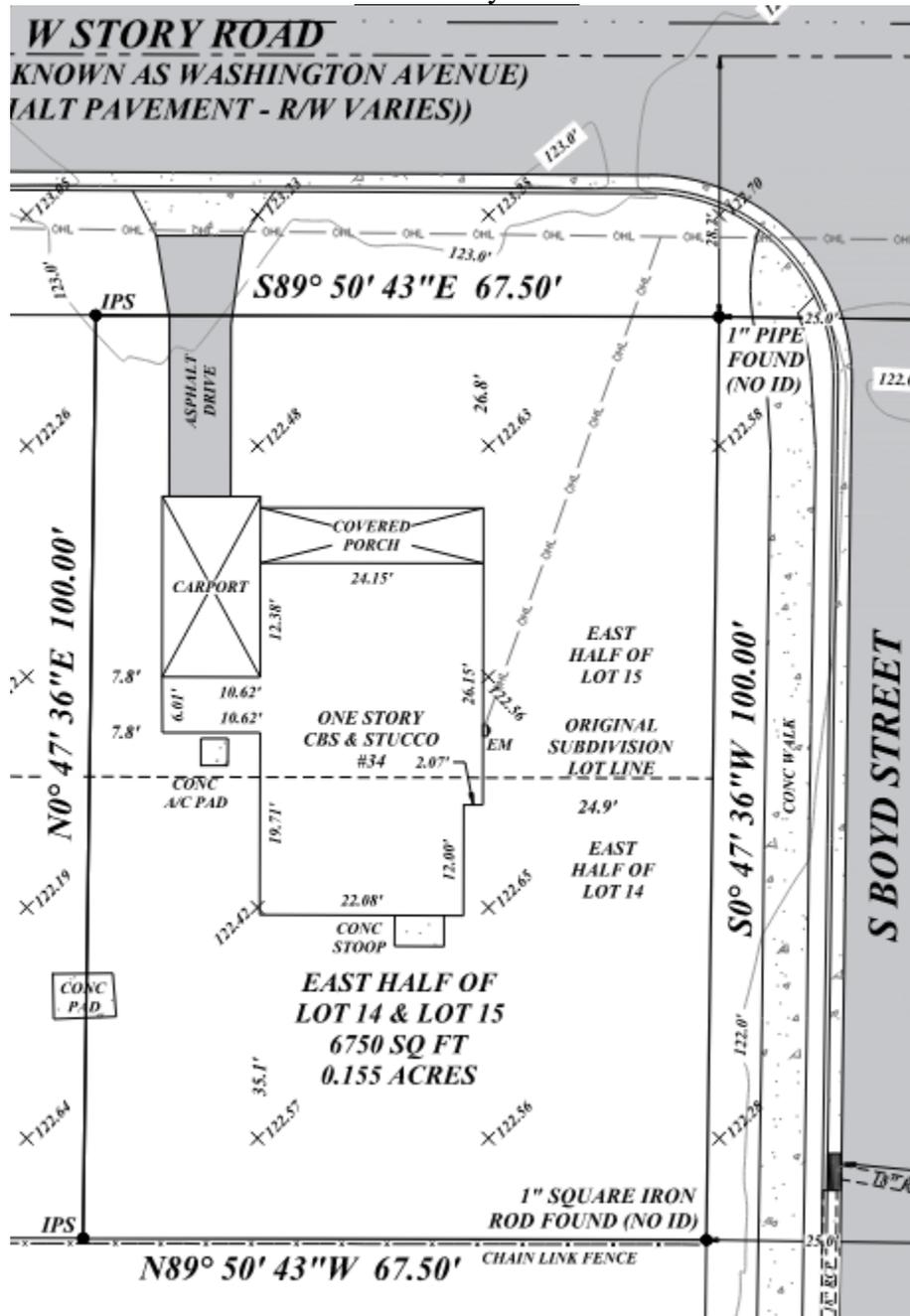
ZONING MAP  
34 W Story Road



FUTURE LAND USE MAP  
34 W Story Road



Existing Boundary Survey  
 34 W Story Road

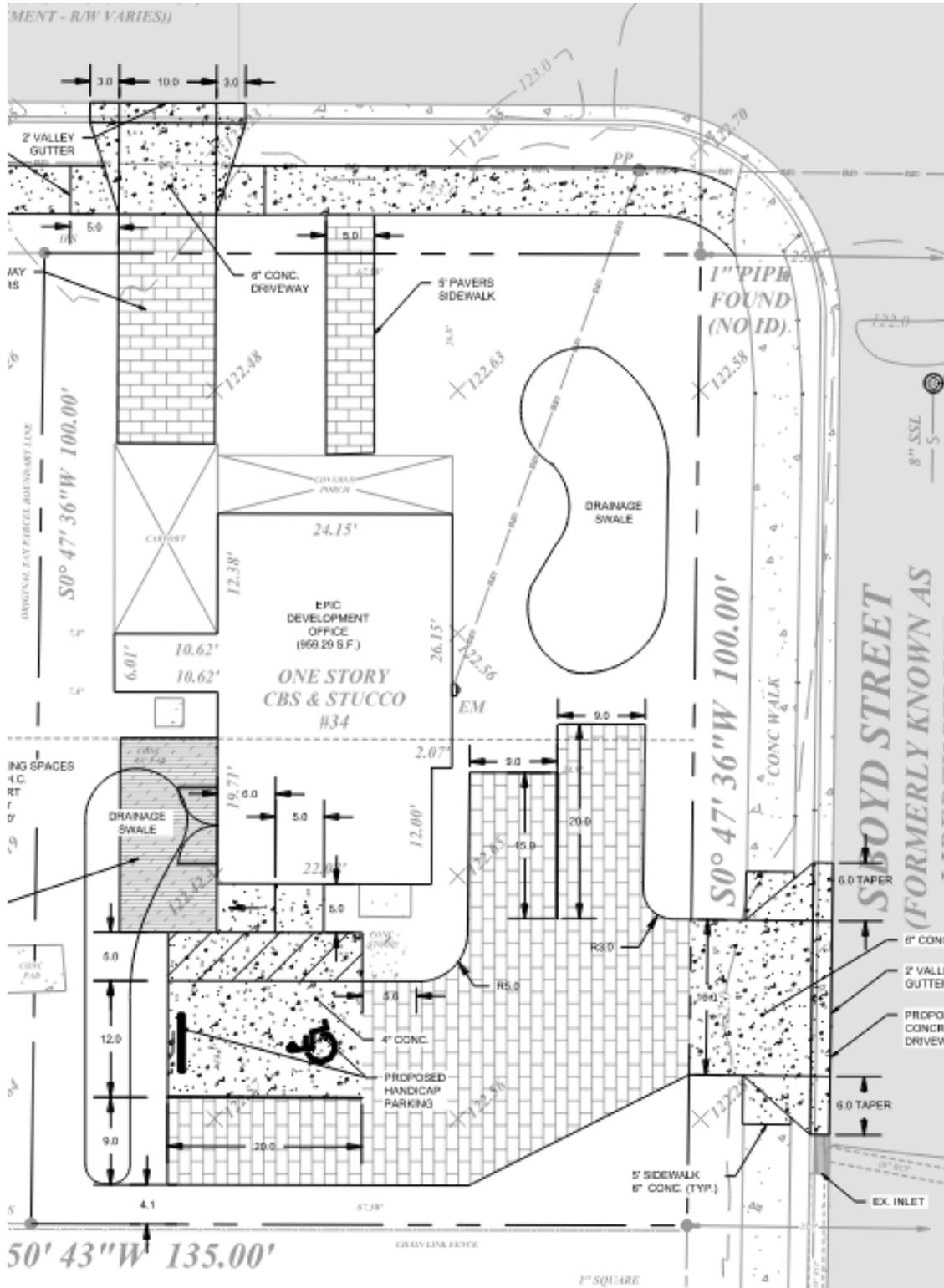


TS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE(S) 12, OF THE PUBLIC RECORD

Rendering  
34 W Story Road



Site Plan  
 34 W Story Road



SITE PHOTOS  
34 W Story Road



Side view from Boyd



# CITY OF WINTER GARDEN

## *Development Review Committee*

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

### MEMORANDUM

TO: KELLY CARSON, PLANNING DIRECTOR  
FROM : DEVELOPMENT REVIEW COMMITTEE  
DATE: FEBRUARY 10, 2025  
SUBJECT: REVIEW OF SPECIAL EXCEPTION PLAN – 34 W STORY RD – PROPOSED OFFICE  
CONVERSION – LEGACY HOMES, LLC

Pursuant to your request, we have reviewed the Special Exception plan received from Planning 5/21/24 for compliance with the City's stormwater and site requirements. The plan proposes the conversion of an existing residence to office use on the 0.16 acre R-NC zoned parcel. This review is for Special Exception only and does not address detailed review of the final drainage, roadway and utility systems that were not submitted. This was submitted in response to our feasibility review of 5/21/24 and DRC discussion of 6/19/24.

### ENGINEERING COMMENTS

While we have no specific comments concerning the Special Exception which is primarily a function of Community Development/Planning, please have the Applicant address the following comments in future submittals. The following are our conditions of approval for the Special Exception if approved.

1. Planning Department shall review and comment on proposed uses, parking, setbacks, landscaping, buffering, lighting and signage requirements, including R-NC zoning requirements.
2. Refer to Section 118-68 for site plan requirements.
3. The previous narrative mentions the Applicant also owns the adjoining lot to the west. A lot split or combination may be required.
4. A separate tree removal permit is required to remove any trees. Coordinate with Building Department. No trees may be planted over or within 5 feet of any utility lines. Only sod or shrubs may be planted over utility lines.
5. Informational: Maximum impervious surface for R-NC zoning is 70% for commercial uses but must be supported by the St. Johns River Water Management District permit. SJRWMD permit or exemption will be required.
6. All utilities shall conform to Chapter 78 of the City Code. Impact fees will be required for any utility connections and shall be paid prior to issuance of building permit and City execution of FDEP permit applications. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer. 100% of all required water, irrigation and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.
7. The City's standard detail sheets for utilities and public works shall be used as can be found on the City's website under on-line forms.
8. General Requirements (note all on future submittals):
  - a. All gravity sanitary pipe and fittings shall be SDR 26.

- b. All compaction shall be 98% of the modified proctor maximum density (AASHTO T-180).
  - c. As-built record drawings shall comply with City of Winter Garden requirements available on-line (note on plan).
  - d. All Storm ( $\geq 12$ " ) and Sanitary lines ( $\geq 6$ " ) shall be inspected by CCTV prior to completion.
  - e. Use City Standard Detail sheets for utilities and public works (see City website).
  - f. If Thermoplastic pipe is used it shall meet all City material and installation requirements as specified in the City's Standards & Specifications including Class I bedding, HP polypropylene pipe (**not HDPE or N-12**), laser profiling, installation per ASTM D2321, etc. (see under on-line forms on website).
  - g. All utilities shall be underground pursuant to Code (Sec. 18-33) including electrical power, cable, telephone, etc.**
9. Minimum 5' wide concrete sidewalks shall be constructed along all street frontages pursuant to Code. Existing sidewalks, pavement and curbs will be checked at completion and any damaged sections shall be replaced.
10. All water & irrigation meters shall be located within the right-of-way or within a utility easement. Separate irrigation meter required.
11. All dumpsters shall be enclosed and shall provide **12'** minimum inside clearance (each way inside of bollards and gate hardware), and access by solid waste vehicles. Coordinate additional requirements with Public Services Department, Solid Waste Division.
12. Streetlighting both internally and on all street frontages is required (if not existing) pursuant to City Code – dark skies lighting is required. A photometric plan shall be provided for review by Planning Department.
13. Provide irrigation plan, including size and location of irrigation meter. Landscaping shall not encroach on required sight lines at intersections or driveways. Design Engineer shall provide certification that sight distance requirements are being met (show sight triangles). All irrigation on the site shall be designed to be supplied by reclaimed water when available and shall be served by a jumper to potable water until that time.
14. Permits, modifications, or exemptions shall be provided from SJRWMD for stormwater and FDEP for water, wastewater and NPDES NOI as may be appropriate.

## PLANNING COMMENTS

15. Please revise the concept plan as follows:
- a. Revise "Existing Zoning Class" to R-NC (Residential Neighborhood Commercial)
  - b. Add proposed number of parking spaces per proposed 1,275 square feet of office use.
    - i. 3 spaces per 1,000 square feet, and
    - ii. 1 handicap space
16. Please provide four sided color elevations to include with the special exception permit application.
17. Please note a complete site plan application must be submitted for review to the Development Review Committee and must be approved by said committee prior to receiving any building permits for improvements to the property. The site plan should include but is not limited to landscape plans, stormwater management, and exterior lighting. See City Code Section 118-68 for additional information.
18. Please note all signage requires a separate permit per City Code Section 102.
19. Planning staff will include the Engineering Comments 1 through 14 as part of the conditions of approval for the requested Special Exception Permit for the office use on the property.

**STANDARD GENERAL CONDITIONS**

20. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
21. All work shall conform to City of Winter Garden standards and specifications.
22. Fencing, shall meet all City requirements for height, type, etc. Chain link fencing, if approved & used, shall be vinyl coated per Code.
23. 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.
24. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
25. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The applicant should note that if approval is granted, the City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City will not be responsible and any corrective measures required will be the responsibility of the Owner. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
26. 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.
27. Additional comments will be generated at subsequent reviews.

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

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

**Public Hearing**

**Date:** February 20, 2025                      **Meeting Date:** March 3, 2025

**Subject:** 115 Agnes Street

**Project Name:** Rubin Residence

**Parcel ID:** 14-22-27-2088-00-080

**Issue:** The applicant is requesting a variance for property located at 115 Agnes Street.

**Supplemental Material / Analysis:**

**Owner / Applicant:** Emily Rubin

**Current Zoning:** R-2 (Residential District)

**Proposed Zoning:** N/A

**Current FLU:** LR (Low Density Residential)

**Proposed FLU:** N/A

**Summary:** The applicant is requesting approval of a variance to the Winter Garden Code of Ordinances Section 118-398(1)(a)&(c) for the property located at 115 Agnes Street to allow a front yard setback of 20 feet in lieu of the required 30 foot front yard setback minimum, and a rear yard setback of 15 feet in lieu of the required 30.6 foot minimum, in order to build a single-family home.

**Staff Recommendation(s):**

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

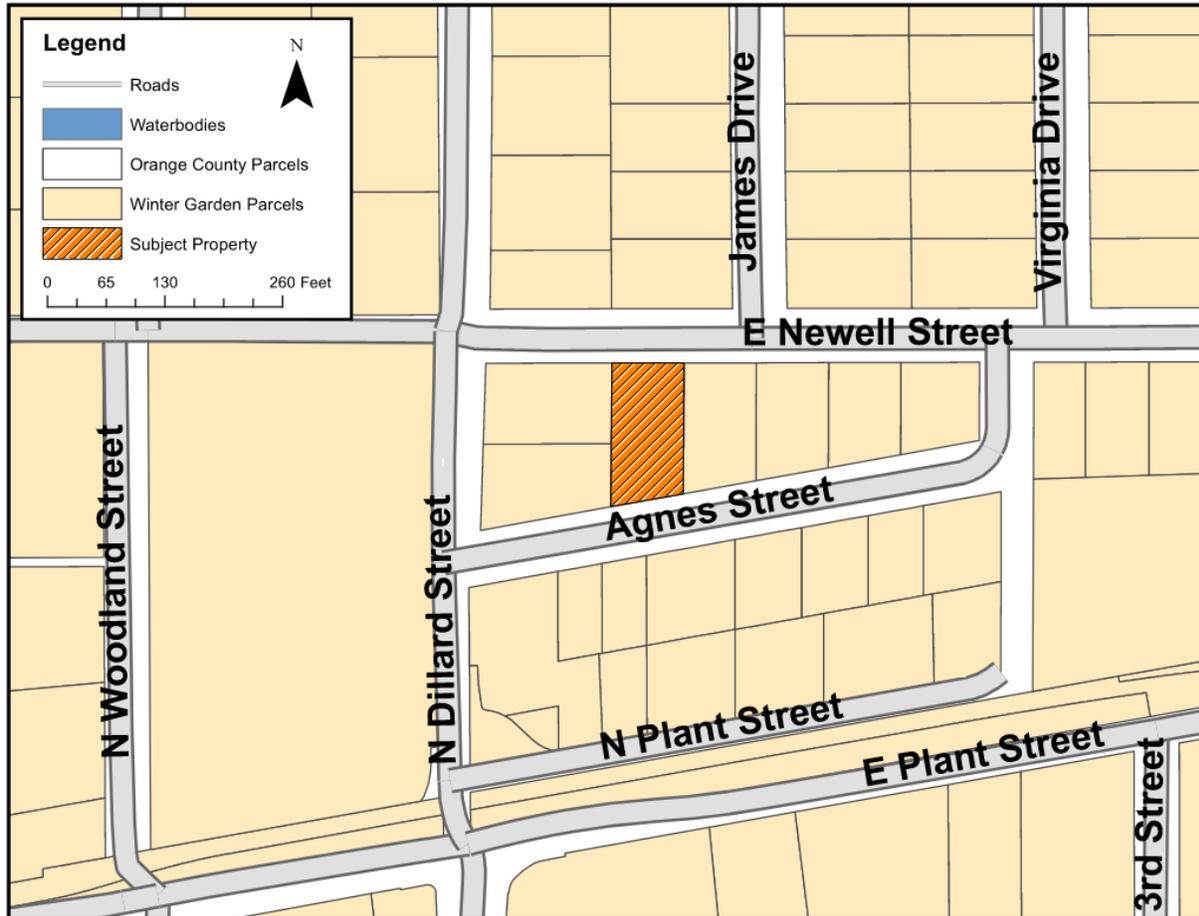
**Next Step(s):** Follow all City regulations and apply for building permits.

**Attachment(s):** Staff Report  
Location Map

# LOCATION MAP

115 Agnes Street

Variance



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

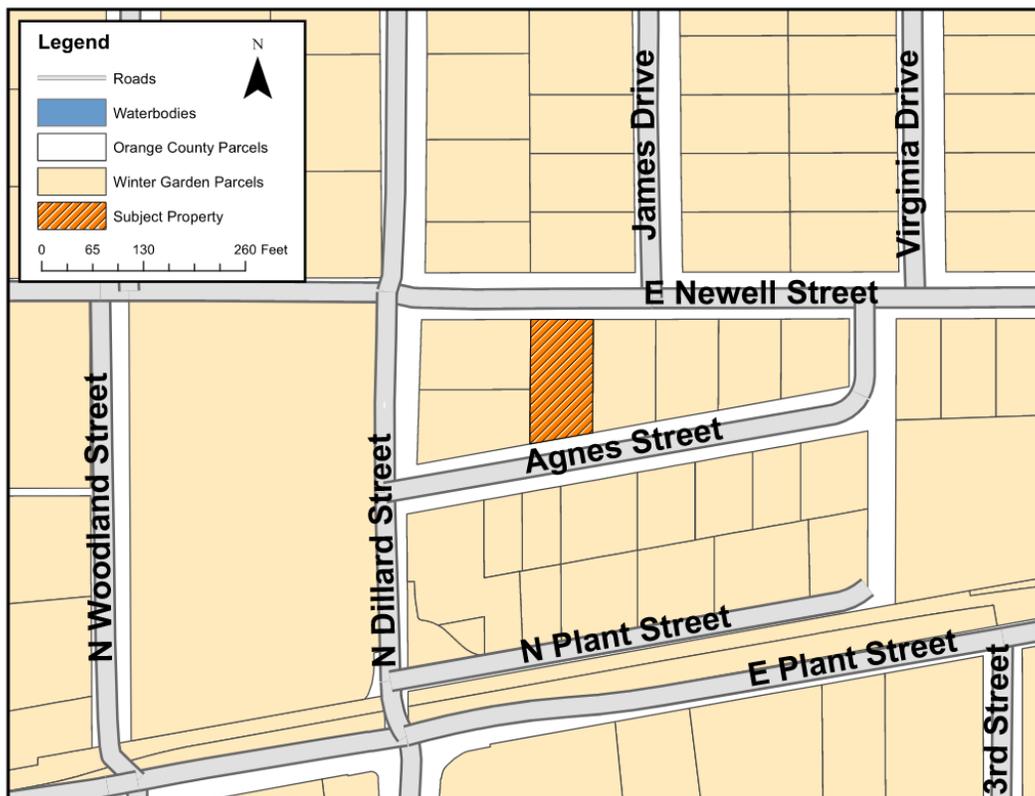
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** Amber McDonald, Planner I  
**DATE:** March 3, 2025  
**SUBJECT:** VARIANCE  
**115 Agnes Street (0.28 ± ACRES)**  
**PARCEL ID #14-22-27-2088-00-080**

**APPLICANT:** Emily Rubin

### INTRODUCTION

The purpose of this report is to evaluate the request for a variance for the property located at 115 Agnes Street. The request is to allow a rear yard setback of 15 feet in lieu of the required 30.6 feet minimum, and a front yard setback of 20 feet in lieu of the required 30 foot minimum, in order to build a single-family home with a front porch and rear loaded garage.

The subject property, located on Agnes Street, is an approximately 0.28 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



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

### **EXISTING USE**

The property is developed with a 2,106 square foot single-family home built in 1949. The home is not in the historic district and is not considered a contributing structure.

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

The properties to the north, south, and east of the subject property are developed with single-family residences, are zoned R-2, and are in the City of Winter Garden’s Municipal limits. There are two properties to the west of the subject property, one is developed with a single-family residence and zoned R-2, the other is developed with a two-story office building and zoned C-1, and both are in the City of Winter Garden’s Municipal limits.

### **PROPOSED USE**

The applicant is requesting the variances to allow the construction of a new 3,696 square foot single-family home with a front porch and rear loaded garage.

### **CODE REFERENCE**

**Sec. 118-398.** of the City Code of Ordinances addresses the 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.*
  - a. Front: 30 feet*
  - b. Side: ten feet each*
  - c. Rear: 20 percent of depth of lot.*

The applicant is seeking a variance to the front yard setback and rear yard setback in order to build a single-family home with a front porch and rear loaded garage.

### **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 20 foot front yard setback and the 15 foot rear yard setback request will both be facing public right-of-ways. The proposed home will have the required 10 foot side yard setback. The setback requests should have little if any negative impacts on the standards of living of adjacent property owners.

- (2) *The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*  
Front porches and rear loaded garages are common in residential neighborhoods. The requested variances do not change the residential nature of the property. Furthermore, the proposed porch will have the same 20 foot front yard setback as the existing porch.
- (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;*  
Both Agnes Street and East Newell Street are 60 foot wide right-of-ways with the applicant's property being 17 feet from pavement. 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 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 home is maintaining all other setbacks and standards. The proposed variances are abutting two right-of-ways. Denying the variances does not benefit the property owner or the City.

## **SUMMARY**

City Staff recommends approval of a variance to Sec. 118-398(1)(a) & (c) for the property at 115 Agnes Street to allow a rear yard setback of 15 feet in lieu of the required 30.6 feet minimum, and a front yard setback of 20 feet in lieu of the required 30 foot minimum, in order to build a single-family home with a front porch and rear loaded garage.

- 1) At no time can the front porch be enclosed as an air conditioned space.
- 2) The house will be built in the same architectural style and massing that were provided by the applicant for this variance request.

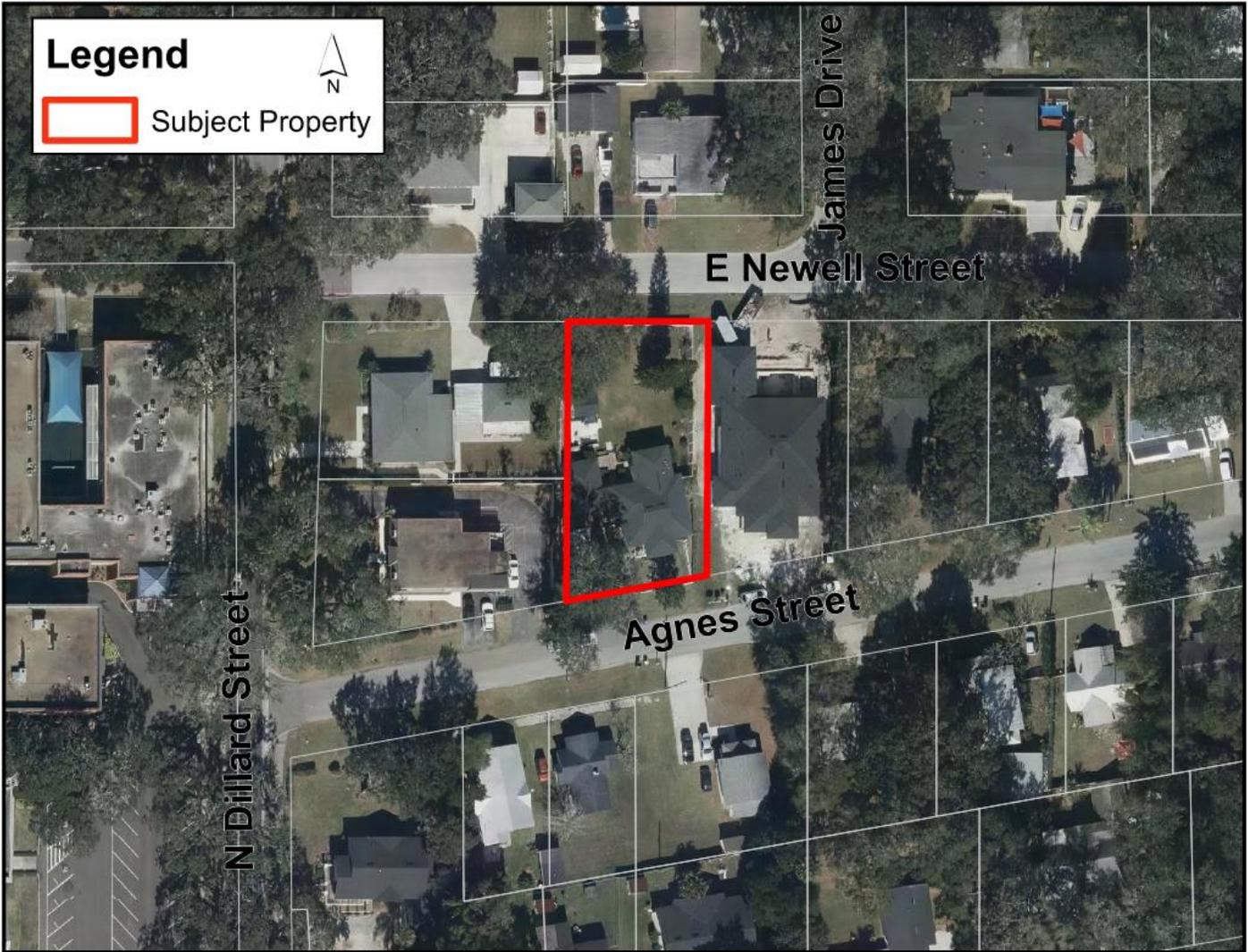
## **NEXT STEP**

Follow all City regulations and apply for building permits.

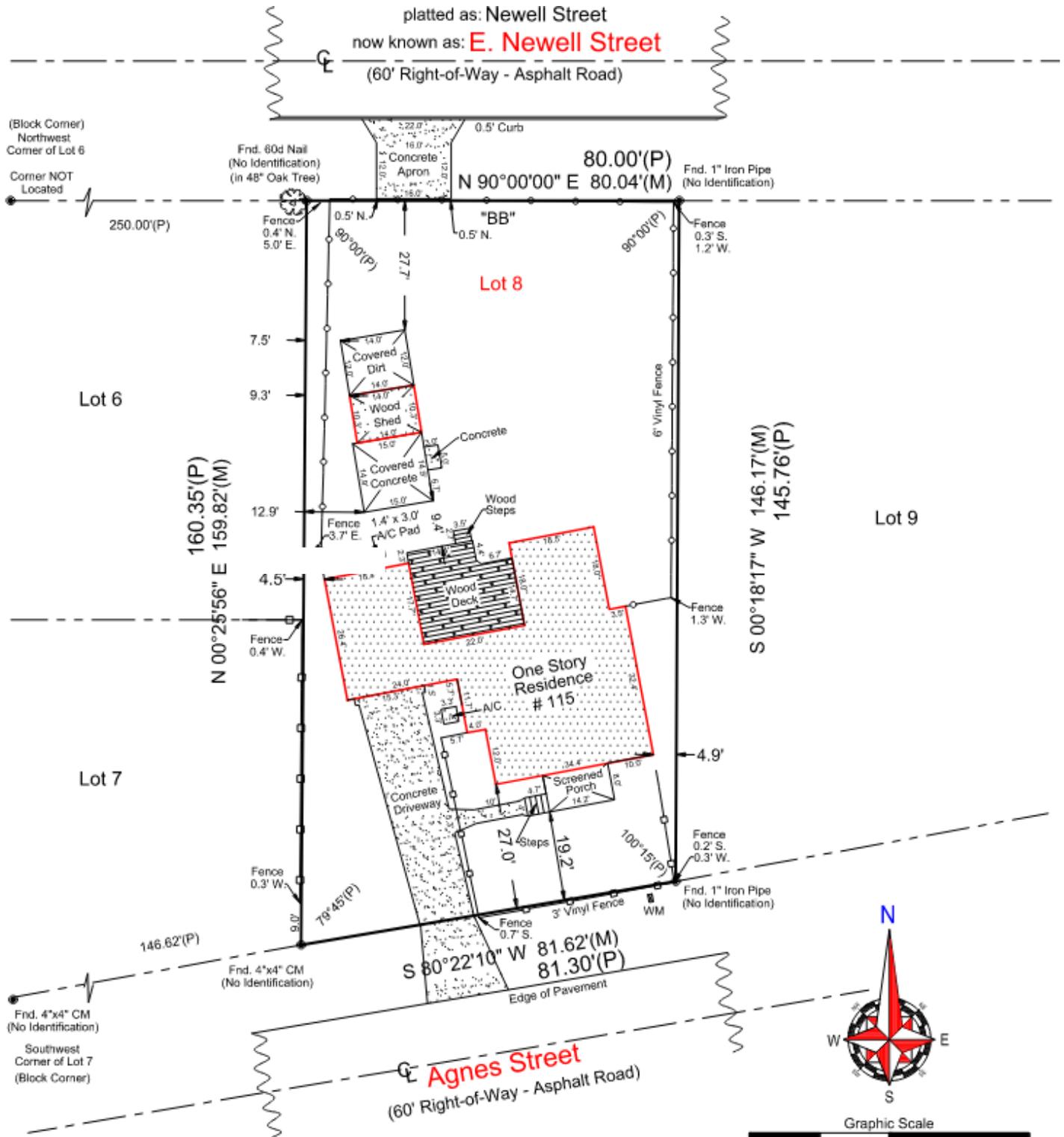
## **ATTACHMENTS**

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

**AERIAL PHOTO**  
**115 Agnes Street**

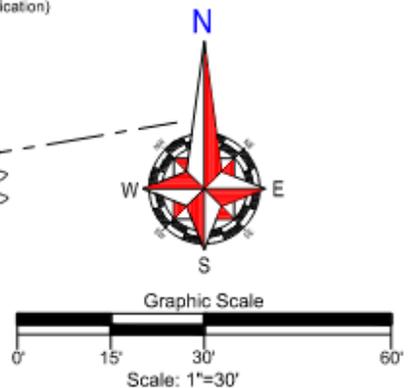


**SURVEY**  
**115 Agnes Street**

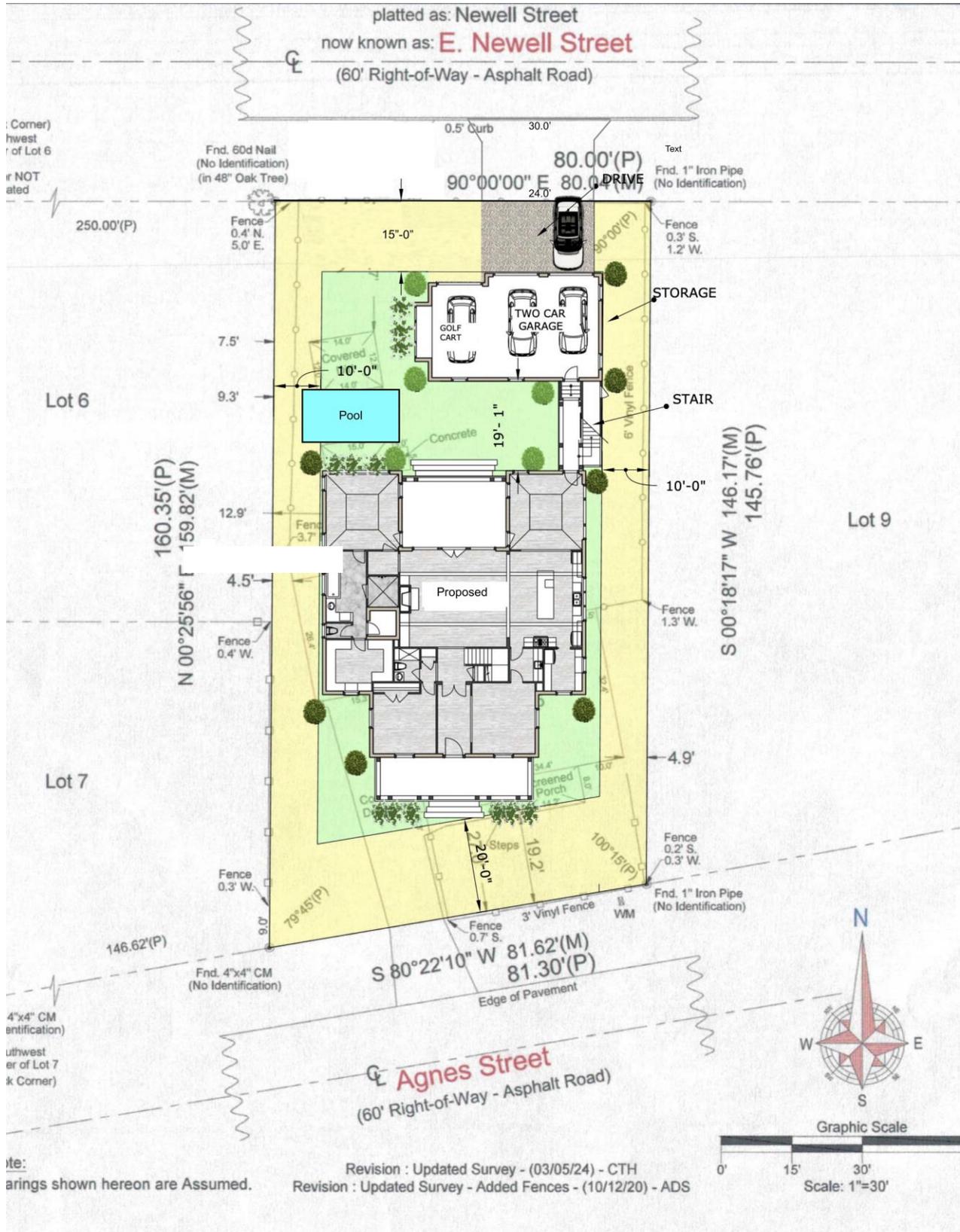


**Note:**  
 Bearings shown hereon are Assumed.

Revision : Updated Survey - (03/05/24) - CTH  
 Revision : Updated Survey - Added Fences - (10/12/20) - ADS



**SITE PLAN**  
**115 Agnes Street**



**ELEVATIONS**  
**115 Agnes Street**



Front Elevation



Front Elevation  
Looking NW



Rear Elevation Looking SW



Rear Elevation

**SITE PHOTO**  
**115 Agnes Street**



Facing North from Agnes Street



Facing South from E Newell Street

**END OF STAFF REPORT**

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

**Date:** February 24, 2025                      **Meeting Date:** March 3, 2025  
**Subject:** Variance  
**Project Name:** 306 S Highland Avenue - Variance  
**Parcel ID:** 23-22-27-7152-02-030  
**Issue:** Proposed addition does not meet minimum side setback requirement.

**Supplemental Material / Analysis:**

**Owner / Applicant:** Colleen Buss  
**Current Zoning:** R-2 (Residential)  
**Proposed Zoning:** N/A  
**Current FLU:** LR (Low Density Residential)  
**Proposed FLU:** N/A

**Summary:** The applicant is requesting a minimum five (5) foot side lot setback in lieu of the required ten (10) foot side lot setback to permit the construction of a twenty (20) foot by thirty six (36) foot addition to the side of the existing house.

**Staff Recommendation(s):**

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

**Next Step(s):**

The applicant is responsible for following all City regulations and obtaining the required building permits.

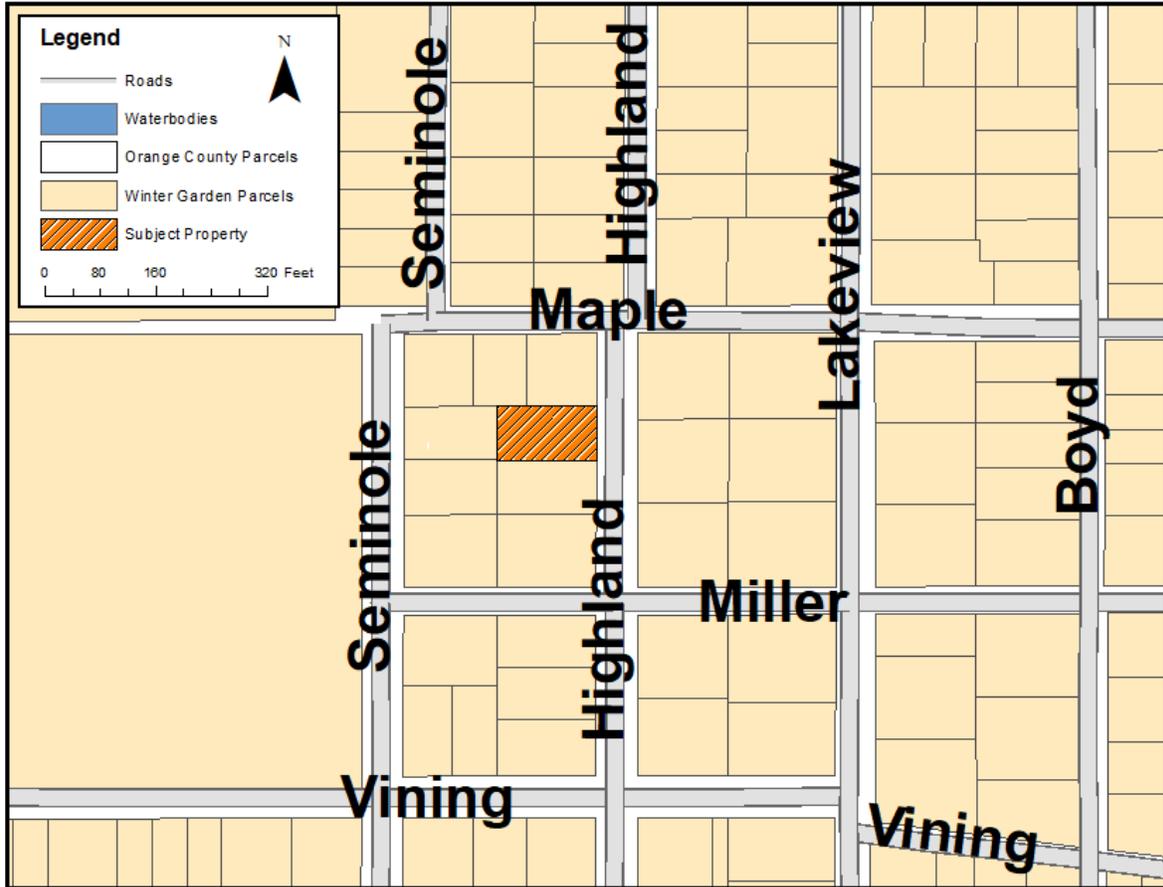
**Attachment(s):**

Staff Report  
Location Map

# LOCATION MAP

306 S Highland Avenue

Variance



**CITY OF WINTER GARDEN**  
**PLANNING & ZONING DIVISION**

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

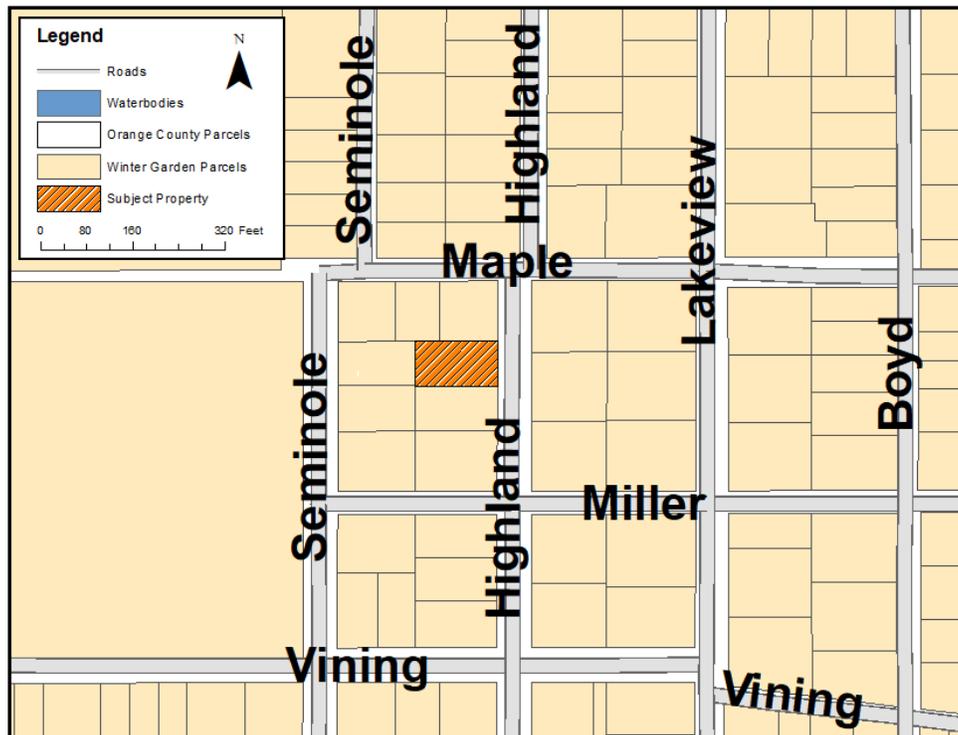
**STAFF REPORT**

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** YVONNE CONATSER, SENIOR PLANNER  
**DATE:** MARCH 3, 2025  
**SUBJECT:** VARIANCE  
**306 S HIGHLAND AVENUE (0.26 +/- ACRES)**  
**PARCEL ID # 23-22-27-7152-02-030**  
**APPLICANT:** COLLEEN BUSS

**INTRODUCTION**

The purpose of this report is to evaluate the request for a variance for the property located at 306 S Highland Avenue in Winter Garden, Florida, herein known as the Subject Property. The request is to allow a minimum five (5) foot side lot setback in lieu of the required ten (10) foot side lot setback to permit the construction of a twenty (20) foot by thirty-six (36) foot addition to the side of the existing house.

The Subject Property is approximately 0.26 +/- acres in size, zoned R-2 (Residential District), and designated LR (Low Density Residential) on the City Future Land Use Map. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



## **EXISTING USE**

The subject property is developed with a 2,491 square foot house.

## **ADJACENT LAND USE AND ZONING**

The adjacent surrounding properties with the exception of the property to the east are developed single family residential zoned R-2 and designated LR on the City Land Use Map. The adjacent property to the east is currently vacant. All properties are located within the City of Winter Garden’s municipal limits.

## **PROPOSED USE**

The applicant is requesting the variance to allow the construction of the addition of a 20 foot by 36 foot addition to the north side of the existing house. The addition will include a new bedroom and bathroom.

## **CODE REFERENCE**

**Section 118-398.** of the City Code of Ordinances addresses minimum yard requirements for the R-2 zoning district. This section states:

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

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

The applicant is seeking a variance to Section 118-398. (1) b. for the side lot setback to construct an addition.

## **CODE REQUIREMENTS / CRITERIA**

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

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

The proposed side setback for the subject property will permit the construction of an addition on the north side of the existing house. Per the applicant’s description the addition will be 5 feet 1 inch from the side property line. The subject property is surrounded by single family residential development. The east side of the property abuts the rear of a property that fronts along W Maple Street. There is a fence along the north property line that will remain and buffer the addition from the adjacent neighbor. The proposed addition will meet all other R-2 zoning requirements including the rear setback. The buffer of the fence and location of the addition to adjacent properties will allow continued “reasonable enjoyment of adjacent and nearby property owners”.

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

The requested variance will not change the neighborhood residential character of the area and is a reasonable request for the existing use. The addition is typical in size and shape and consistent with the existing house architecture.

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

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

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

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

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

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

### **SUMMARY**

City Staff recommends approval of the variance to allow a minimum rear setback of five (5) feet in lieu of the required ten (10) foot side setback to permit the construction of a twenty (20) foot by thirty-six (36) foot addition to the north side of the existing house, subject to the following conditions:

1. This approval is for the addition per the layout on the property boundary.
2. The addition shall be constructed in accordance with the 20 foot by 36 foot dimensions as outlined on the Boundary Survey submitted with the application.
3. The applicant is responsible for obtaining the required building permits from the Building Department prior to construction of the addition.

### **NEXT STEP**

Follow all City regulations and apply for required building permits.

### **ATTACHMENTS**

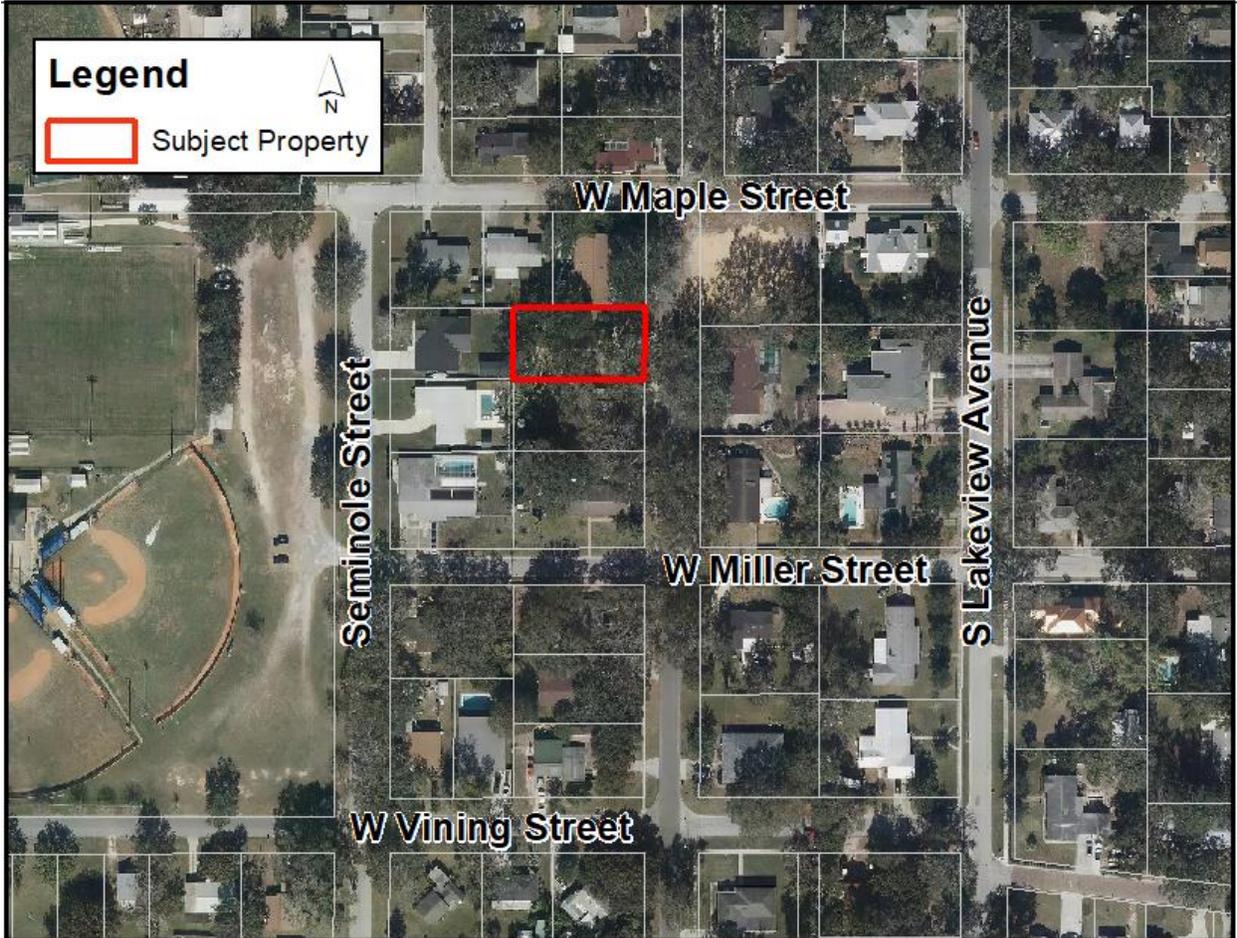
Aerial Photo

Boundary Survey with proposed addition

Proposed addition elevations

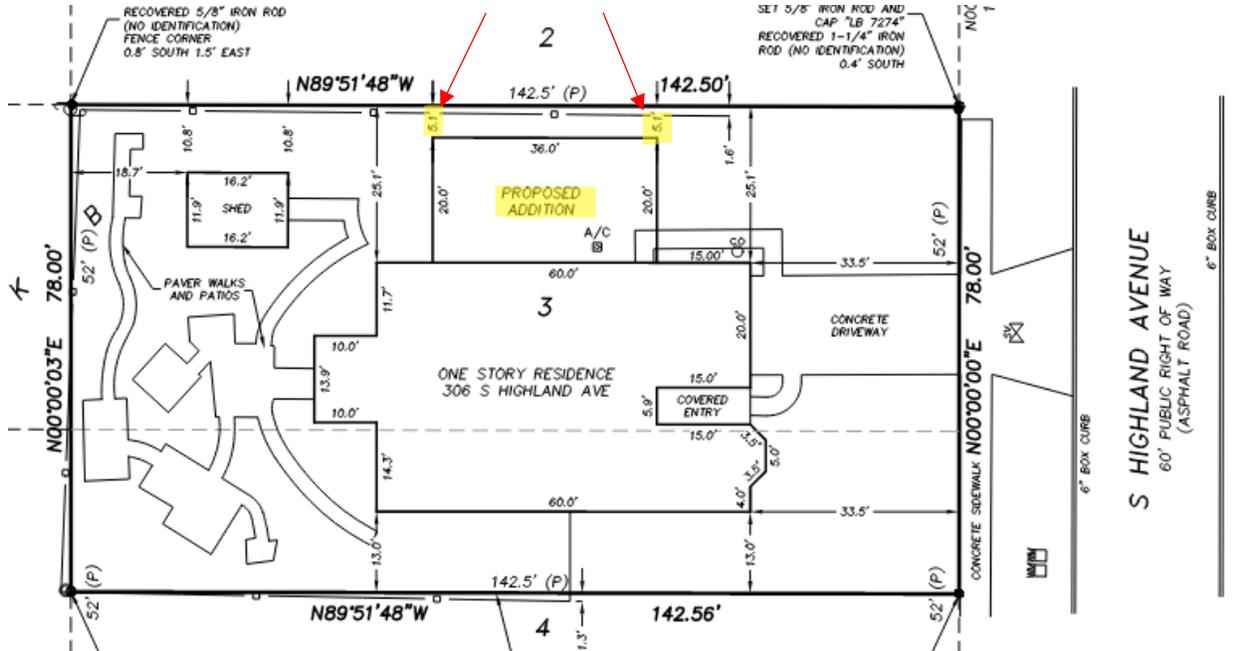
Property Photos

Aerial Photo  
306 S Highland Avenue

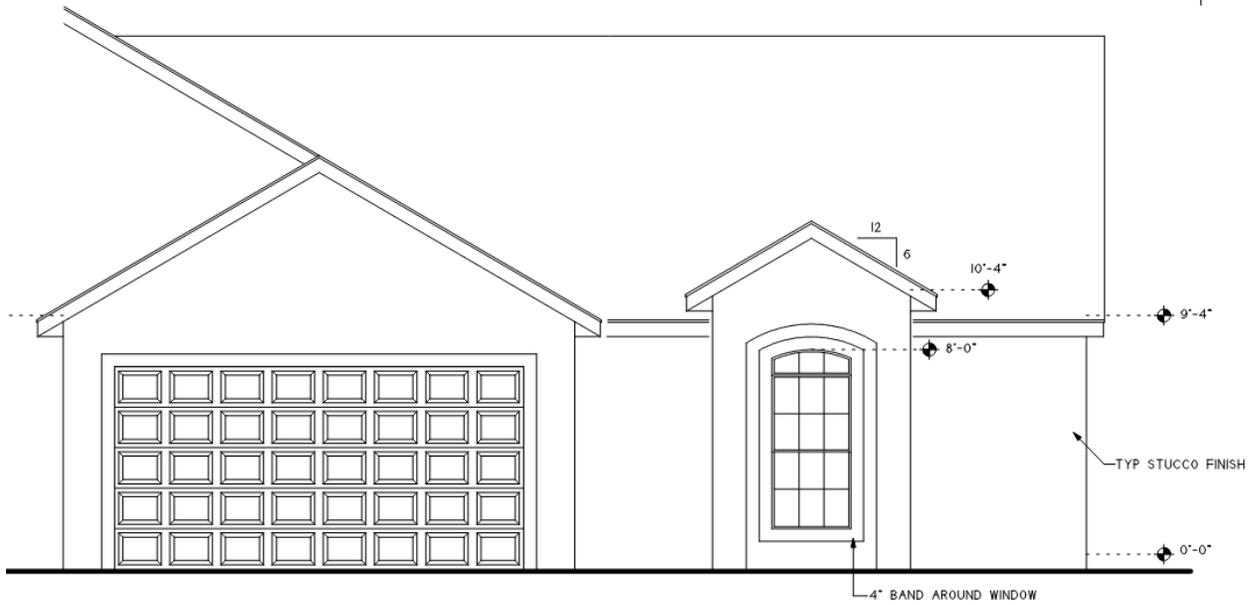


**Boundary Survey with proposed addition**

Proposed side setbacks.

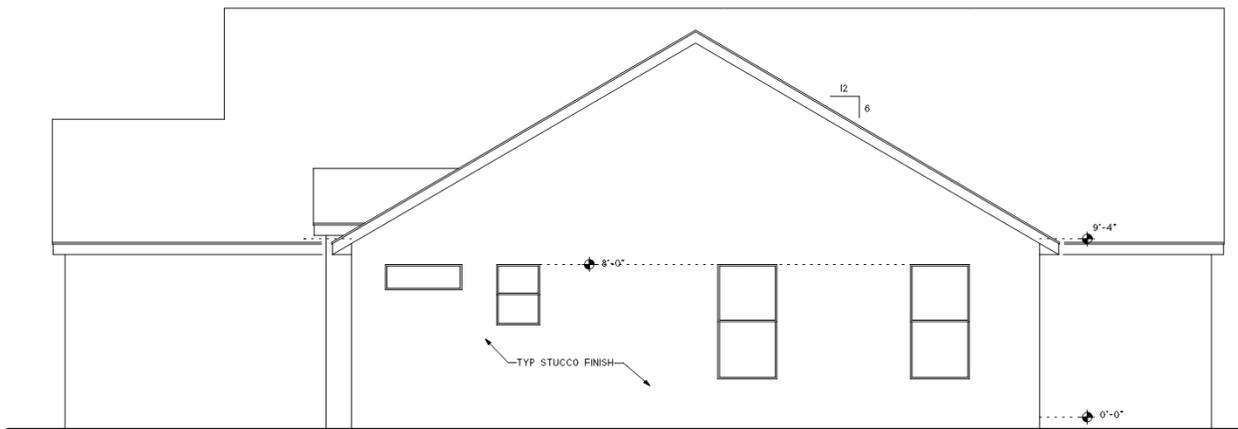


### Proposed Addition Elevations



FRONT ELEVATION

SCALE 1/4" = 1'-0"



SIDE ELEVATION

SCALE 1/4" = 1'-0"



**Property Photos**  
**306 S Highland Avenue**



Side yard - location of proposed addition

