



For More Information, Contact:

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PLANNING & ZONING BOARD AGENDA

BOARD MEMBERS: Chairman Will Hawthorne, Vice-Chairman Chris Lee, Steve Ambielli, Joseph Dunn, Jr., Henry Haddock, Mark Hide, and Gabriel Kotch.

OTHER ATTENDEES: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Attorney Dan Langley, Planning Consultant Ed Williams, Community Development Director Stephen Pash, Urban Designer Kelly Carson, Senior Planner Shane Friedman and Recording Secretary Edlyn Gonzalez and/or Colene Rivera.

Agenda for Monday, September 14, 2020 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 AUGUST 3, 2020 MEETING

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

3. 465 Palm Street (Jowers Family Enterprise LLC) Annex, FLU, Zoning

Parcel ID # 26-22-27-8110-01-150

4. 198 & 176 N West Crown Point Road (Crown Point) Annex, FLU, Zoning

Parcel ID # 13-22-27-5264-00-171

5. 15411, 15540, 15541 E Oakland Ave & 841 Tilden Oaks Trail (WSLD Oakland Park Land LLC) FLU Amendment

Parcel ID # 21-22-27-6100-16-000; 21-22-27-6100-00-007; 21-22-27-6100-15-000 and 21-22-27-6100-04-780

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

6. 12822 W COLONIAL DRIVE (CAR VIPS ORLANDO) SPECIAL EXCEPTION PERMIT

PARCEL ID # 25-22-27-9384-08-140

7. 403 S. Dillard Street S (Betty J's Florist) Special Exception Permit

Parcel ID # 13-22-27-5260-00-100

8. 275 Center Street (Habitat for Humanity) Special Exception Permit

Parcel ID # 13-22-27-5260-00-100

POSTED: SEPTEMBER 2, 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 COLENE RIVERA, 300 WEST PLANT STREET, WINTER GARDEN, FL 34787, (407) 656-4111, EXT 2021 - 48 HOURS IN ADVANCE OF THE MEETING.

VARIANCE (PUBLIC HEARING)

9. 275 Center Street (Habitat for Humanity) **Variance**
Parcel ID # 13-22-27-5260-00-100

10. 32 E Story Road (HV RE Holdings LLC) **Variance**
Parcel ID # 23-22-27-6504-03-013

11. 757 Bainbridge Loop (Hawthorne Side Yard Setback Variance) **Variance**
Parcel ID # 13-22-27-1793-01-600

PRELIMINARY PLAT / FINAL PLAT / LOT SPLIT

12. 275 Center Street (Habitat for Humanity) **Preliminary Plat**
Parcel ID # 13-22-27-5260-00-100

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, **October 5, 2020** at **6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida

POSTED: SEPTEMBER 2, 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.

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**Planning and Zoning Board
Regular Meeting Minutes
August 3, 2020**

1. CALL TO ORDER

Co-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.

Explanation of GoTo Webinar instructions were given due to virtual meeting.

Present: Co-Chairman Chris Lee in person and Board Members: Steve Ambielli, Joseph Dunn, Jr., Henry Haddock and Mark Hide via remote GoTo Webinar.

Absent: Chairman Will Hawthorne (Excused) and Board Member Gabe Kotch (Excused)

Staff Present: City Attorney Dan Langley, Community Development Director Steve Pash and Recording Secretary Edlyn Gonzalez.

2. APPROVAL OF MINUTES

Motion by Joseph Dunn, Jr to approve the regular meeting minutes of July 6, 2020.

Seconded by Mark Hide and carried unanimously 5 – 0.

Annexation / Future Land Use Map Amendment / Rezoning (Public Hearing)

3. Magnolia Street 524 (Winter Garden Animal Hospital) ANNEX and FLU

26-22-27-8110-01-050

Community Development Director Pash presented a request for annexation of the address of 524 Magnolia Street. This property would be designated as Low Density Residential with no zoning designation. Staff recommends approval of Ordinance 20-31 and Ordinance 20-32.

Board Member inquired if the veterinary clinic hospital location is already in the city limits? Staff confirmed yes, the clinic property is within the city limits. Applicant Lauren Prather of 13092 W Colonial Drive, Winter Garden, FL owner of the business discussed concerns about parking for business operation and her preference for this subject property to be located within the city limits as well for consistence with code, etc. Applicant Jo Thacker, 390 N Orange Ave, Orlando, FL was also available for questions and supported staff decision for annexing this property within the city.

Motion by Board Member, Mark Hide to approve the annexation of 524 Magnolia Street into the city limits of Winter Garden. Seconded by Board Member, Steve Ambielli and carried unanimously 5 – 0.

4. **Winter Garden Vineland Road – 1441 (UCP Winter Garden) PUD Rezoning**
26-22-27-0000-00-012

Community Development Director Pash presented a request to rezone the property to PUD (Planned Unit Development) for the address of 1441 Winter Garden Vineland Road. The proposed development includes a new single story 37,712 +/- square foot building that will be the new campus for local charter school United Cerebral Palsy (UCP) Winter Garden. The new school building will accommodate 325 students and offer educational therapy services. This project also includes associated site development of parking areas, play areas, sports courts, landscaping, and an expansion to an existing pond that extends into the parcel to the south. Staff recommend approval of Ordinance 20-26.

Board members inquired about planned entrance and exit as part of the agreement for this project? Community Development Director responded the proposed right-in, right-out access was determined as part of the development in accordance with code requirements and traffic study. Applicant, Dr. Ilene Wilkins, 1297 Winter Garden Vineland Road was available for questions.

Motion by Board Member, Henry Haddock to approve the PUD rezoning at 1441 Winter Garden Vineland Road subject to staff recommendations. Seconded by Board Member, Joseph Dunn, Jr. and carried unanimously 5 – 0.

5. **Colonial Drive W - 14120 thru 14230 (West Market PCD) PCD Amendment**
27-22-27-000-00-060 & 27-22-27-000-00-123

Community Development Director Pash presented a request to approve a PCD Amendment for the +/- 18.25 acre subject property at the address of 14120 through 14230 W Colonial Drive, which is the West Market PCD, to add an automotive service center to the list of approved uses. Staff recommends approval of Ordinance 20-30.

Board members inquired about the resident's concerns were with this project and how it was resolved? City staff stated the residents had a concern if the proposed business was a corporate owned store and if another auto repair shop was needed? The developer was able to show the residents that it was a viable business and research had been completed that the business served a need in the community. Residents were satisfied with these details.

Denise Solder at 1302 Winter Green Way, requested what type of business/ name of business that was being proposed at that this location? Staff stated it is a Firestone Services Center for changing tires and service of automobiles. Staff clarified that a gas station is not a permitted use in this development.

Motion by Board Member, Mark Hide to approve the PUD re-amendment use at 14120 – 14230 W Colonial Drive with staff conditions. Seconded by Board Co-Chair Chris Lee and carried unanimously 5 – 0.

Special Exception

6. **Lakeview Avenue S – 543 (Robbi & Co) Special Exception Permit**
23-22-27-2468-00-680

Community Development Director Pash presented a request to convert a portion of the existing garage / warehouse building (approx. 800 square feet) into a hair salon at 543 S Lakeview Avenue. Site and building modifications will be required to bring these buildings up to commercial standards. Staff recommends approval of the Special Exception subject to the condition outlined in the Staff Report.

Board asked about ADA parking location and concerns with backing out onto Story Road? Site Plan review is the next step and these details are being worked out. Applicants are also making efforts to save mature trees on this property. Staff stated that accommodations will be reviewed to access from Lakeview Avenue instead of Story Road.

Motion by Board Member, Henry Haddock to approve the Special Exception Permit for the address of 543 S Lakeview Avenue subject to staff conditions. Seconded by Board Member Mark Hide and carried unanimously 5 – 0.

Variance (Public Hearing)

7. **Seminole Street - 543 (Seminole Interior Lot) Variance**
23-22-27-7152-08-110

Community Development Director Pash presented a request for two variances for this property located 543 Seminole Street. If approved, these variances will allow a single family residence to be constructed with a side yard setback of 7.5' in lieu of the required ten (10) foot side yard setback, in addition to a front yard setback variance of 22 feet in lieu of the required 30 feet to allow for a front open air porch. Staff recommends approval of the variances subject to the conditions outlined in the Staff Report.

Motion by Board Member, Joseph Dunn, Jr to approve the variance for 543 Seminole Street interior lot. Seconded by Board Member Steve Ambielli and carried unanimously 4 – 0. (Co-Chairman Lee recused himself for this item as he had a conflict of interested for the project. His Voting Conflict application is on file.)

8. **Seminole Street (Seminole Corner Lot) Variance**
23-22-27-7152-08-111

Community Development Director Pash presented a request for two variances to property located on the northwest corner of Seminole Street and W. Story Road. If approved, these variances will allow a single family residence to be constructed with a side yard setback of 7.5' in lieu of the required ten (10) foot side yard setback variance of 22 feet in lieu of the required 30 feet addition to allow for an open air porch. Staff recommends approval of the variance subject to the condition outlined in the Staff Report.

Motion by Board Member, Mark Hide to approve the variance of Seminole Street corner lot. Seconded by Board Member Joseph Dunn, Jr and carried unanimously 4 – 0. (Co-Chairman Lee recused himself for this item as he had a conflict of interested for the project. His Voting Conflict application is on file.)

9. **Oakland Avenue E - 15155 (Ramos Residence) Variance**
21-22-27-000-00-125

Community Development Director Pash presented a request for a variance for property located 15155 Oakland Ave. This variance would allow a four (4) foot high fence, with five (5) foot high brick columns and a six (6) foot high gate, in the front yard in lieu of the required three (3) foot high maximum. Staff recommends approval of the variance subject to the conditions outlined in the Staff Report.

Motion by Board Member, Henry Haddock to approve this variance for the address of 15155 E Oakland Avenue subject to staff recommendations. Seconded by Board Co-Chair Chris Lee and carried unanimously 5 – 0.

Preliminary Plat/ Final Flat/ Lot Split

10. **Park Avenue N – 30 (30 North Park) Preliminary Plat**
22-22-27-000-00-090

Community Development Director Pash presented a request for a Preliminary Plat for the address of 30 N Park Avenue. The proposed Preliminary Plat is for 9 new townhome lots and two common area tracts for open space and stormwater (Tracts A & B). The proposed Preliminary Plat is consistent with City Code, the property's Planned Unit Development zoning, and has been reviewed and conditionally approved by the Development Review Committee (DRC). Staff recommends approval of the Preliminary Plat subject to the DRC conditions.

Board Members had concerns about the landscaping buffer on West Orange Bike trail near this site, distance between the buildings to trail and inquired about the rooftop structure? Community Development Director Pash confirmed the city landscape plans are established and approved and the design is similar to Park Place. The applicant Joe Hoffer of 525 W Plant Street commented that the distant from building to bike trail is 32 feet. There will not be a common rooftop area for the residents for this project, but 6 units will have rooftop patios.

Motion by Board Co-Chair Chris Lee to approve for the Preliminary Plat at 30 North Park Avenue with staff conditions. Seconded by Board Member Joseph, Dunn, Jr. and carried unanimously 5 – 0.

Adjournment

There being no further business, the meeting was adjourned at 7:14 p.m. to the next meeting scheduled for September 14, 2020 at 6:30 p.m.

ATTEST:

APPROVED:

Recording Secretary Colene Rivera

Chairman Will Hawthorne

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

Date: September 4, 2020 **Meeting Date:** September 14, 2020
Subject: 465 Palm Street (Annexation-FLU-Rezoning)
Project Name: 465 Palm Street
Parcel ID: 26-22-27-8110-01-150
Issue: The applicant is requesting annexation into the City of Winter Garden for the property located at 465 Palm Street.

Supplemental Material / Analysis:

Owner / Applicant: Jowers Family Enterprises
Current Zoning: County A-1
Proposed Zoning: R-1 Single-Family Residential
Current FLU: County - Low Density Residential
Proposed FLU: City – LR Low Density Residential

Summary: The applicant has requested annexation into the City and an amendment to the Future Land Use Map (FLUM) of the City’s Comprehensive Plan to designate the property as Low Density Residential and to rezone to R-1 Single-Family Residential. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City’s Comprehensive Plan to eliminate enclaves (See Staff Report).

Staff Recommendation(s):

Staff recommends approval of Ordinances 20-39, 20-40, and 20-41.

Next Step(s):

Follow all City regulations and apply for building permits.

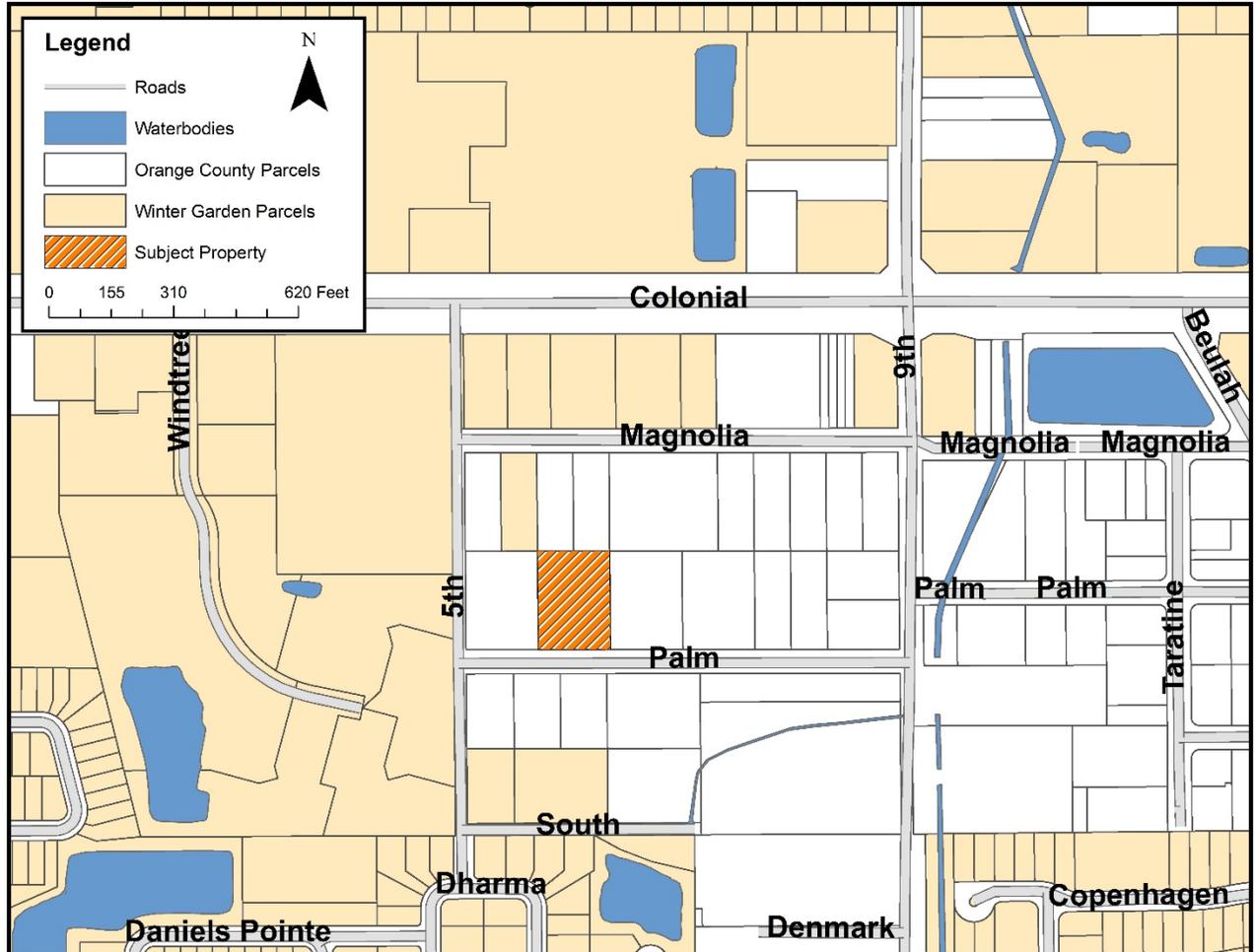
Attachment(s):

Location Map
Staff Report
Ords 20-39, 20-40, and 20-41

LOCATION MAP

465 Palm Street

Annexation-FLU-Rezoning



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

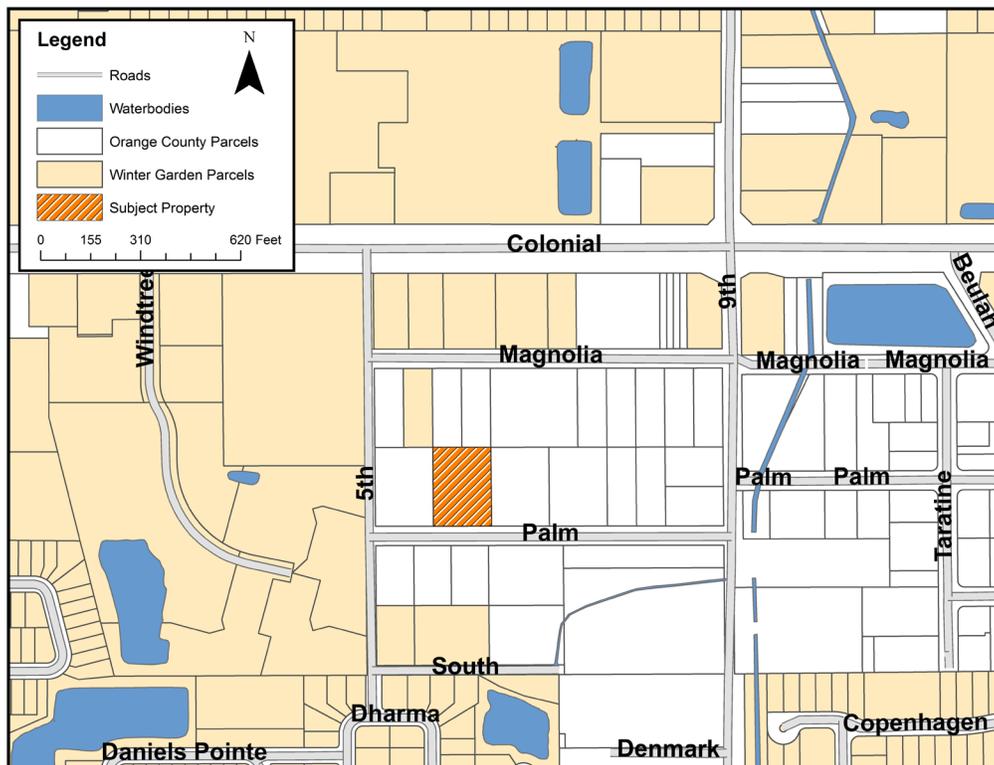
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: SEPTEMBER 1, 2020
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
465 PALM STREET (1.01 +/- ACRES)
PARCEL ID(s) #: 26-22-27-8110-01-150
APPLICANT: JOWERS FAMILY ENTERPRISES

INTRODUCTION

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

The subject property consists of a parcel located at 465 Palm Street, generally located east of 5th Street, west of 9th Street, south of Magnolia Street, and north of Palm Street and is approximately 1.01 ± acres in size. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City’s Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-1 Single-Family Residential District. The subject property is currently located in Unincorporated Orange County, is zoned A-1 Citrus Rural District, and has an Orange County Future Land Use designation of Low Density Residential.

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

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

EXISTING USE

The subject property currently developed with a single family house and detached garage building, as well as associated site development.

ADJACENT LAND USE AND ZONING

The properties to the north, south, east, and west of the subject property are all located within Unincorporated Orange County, are zoned A-1, and are developed with single-family residences. The property that touches the northwest corner of the subject property is located in the City of Winter Garden, rendering the subject property eligible for annexation. This property is zoned C-2, is developed with a professional office building, and is also owned by the Applicant.

PROPOSED USE

The applicant intends to annex the subject property in order to get City services.

PUBLIC FACILITY ANALYSIS

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

SUMMARY

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden’s Comprehensive Plan to eliminate enclaves. City Staff recommends approval of Ordinances 20-39, 20-40, and 20-41.

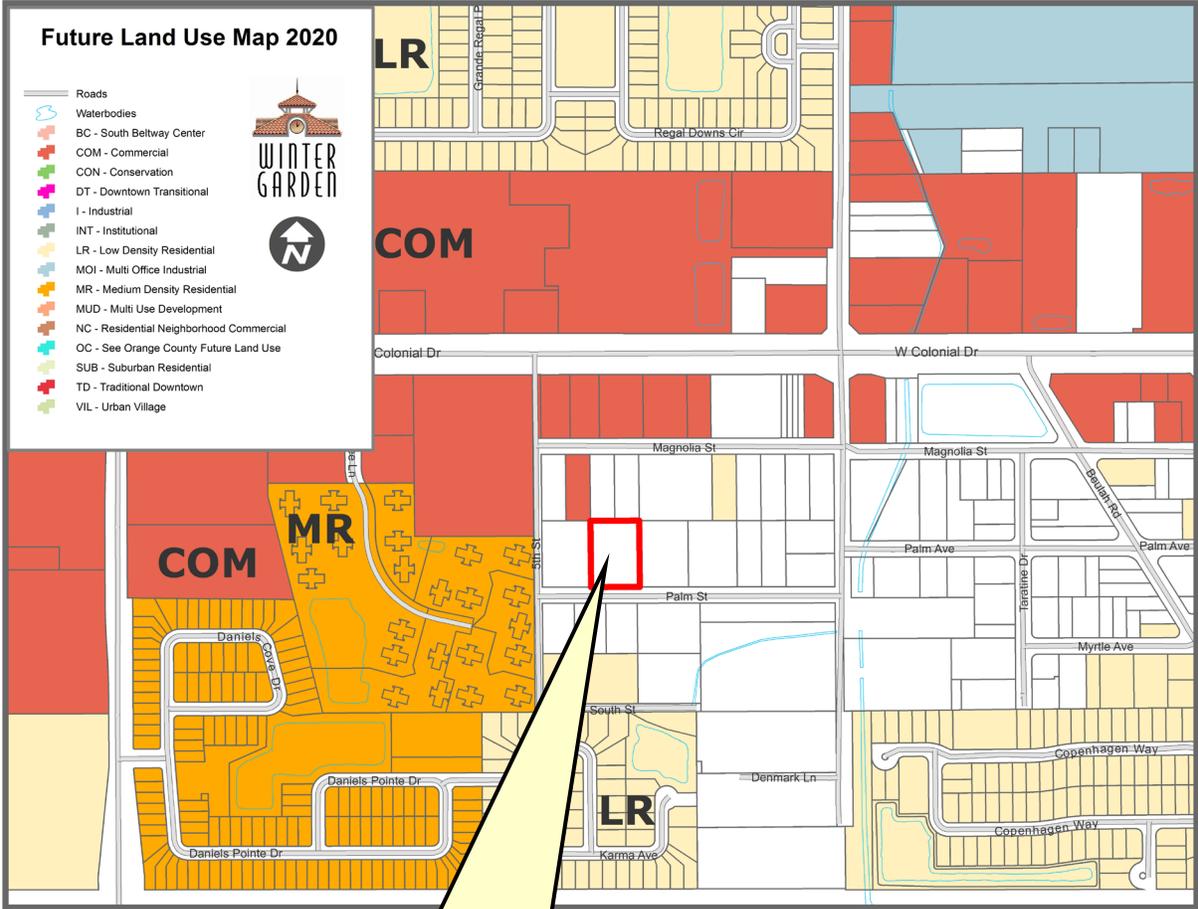
AERIAL PHOTO

465 Palm Street



FUTURE LAND USE MAP

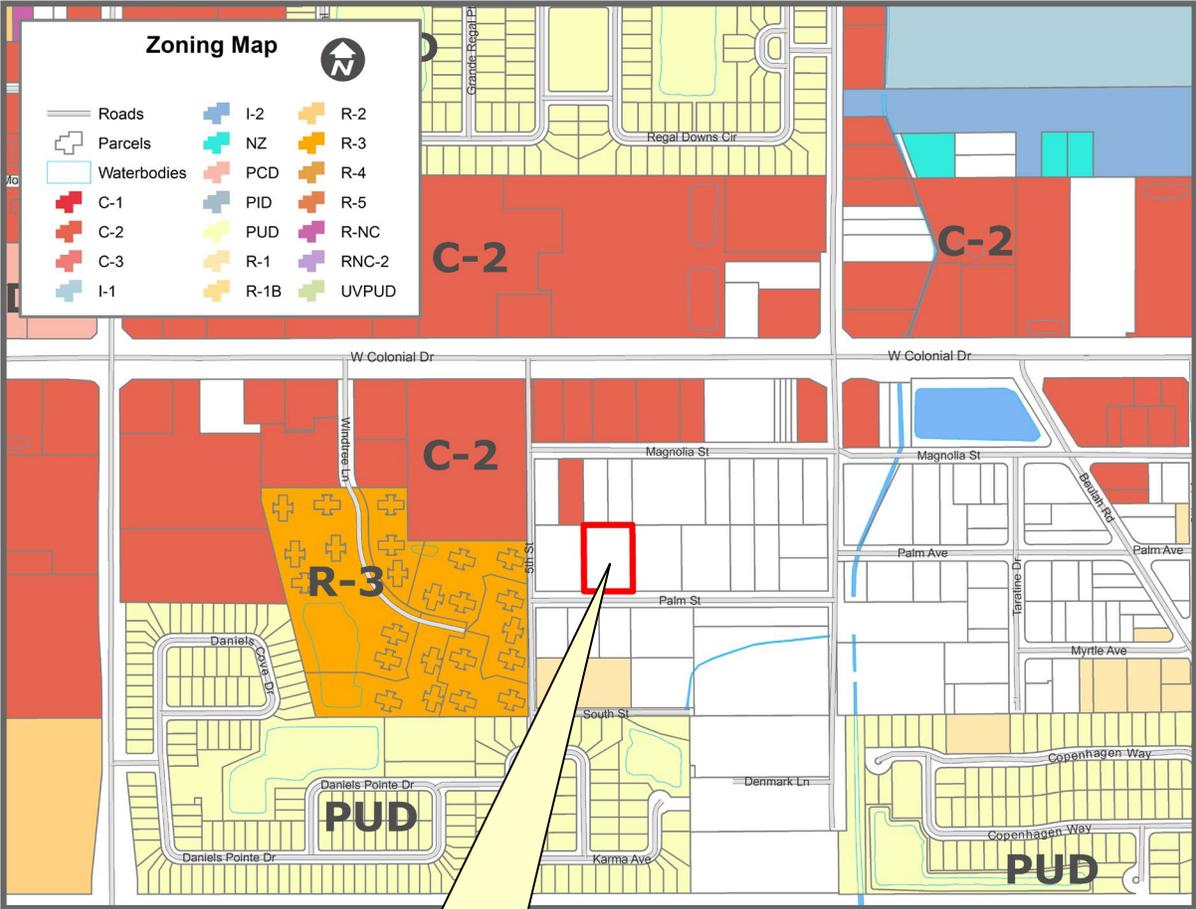
465 Palm Street



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

ZONING MAP

465 Palm Street



Subject property changed from
Orange County A-1 to City R-1

END OF STAFF REPORT

ORDINANCE 20-39

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.01 ± ACRES LOCATED AT 465 PALM STREET, EAST OF 5TH STREET, WEST OF 9TH STREET, SOUTH OF MAGNOLIA STREET, AND NORTH OF PALM STREET INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 1.01 ± acres located at 465 Palm Street, east of 5th Street, west of 9th Street, south of Magnolia Street, and north of Palm 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 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

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

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

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

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

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

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

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

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 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#: 26-22-27-8110-01-150

DESCRIPTION:

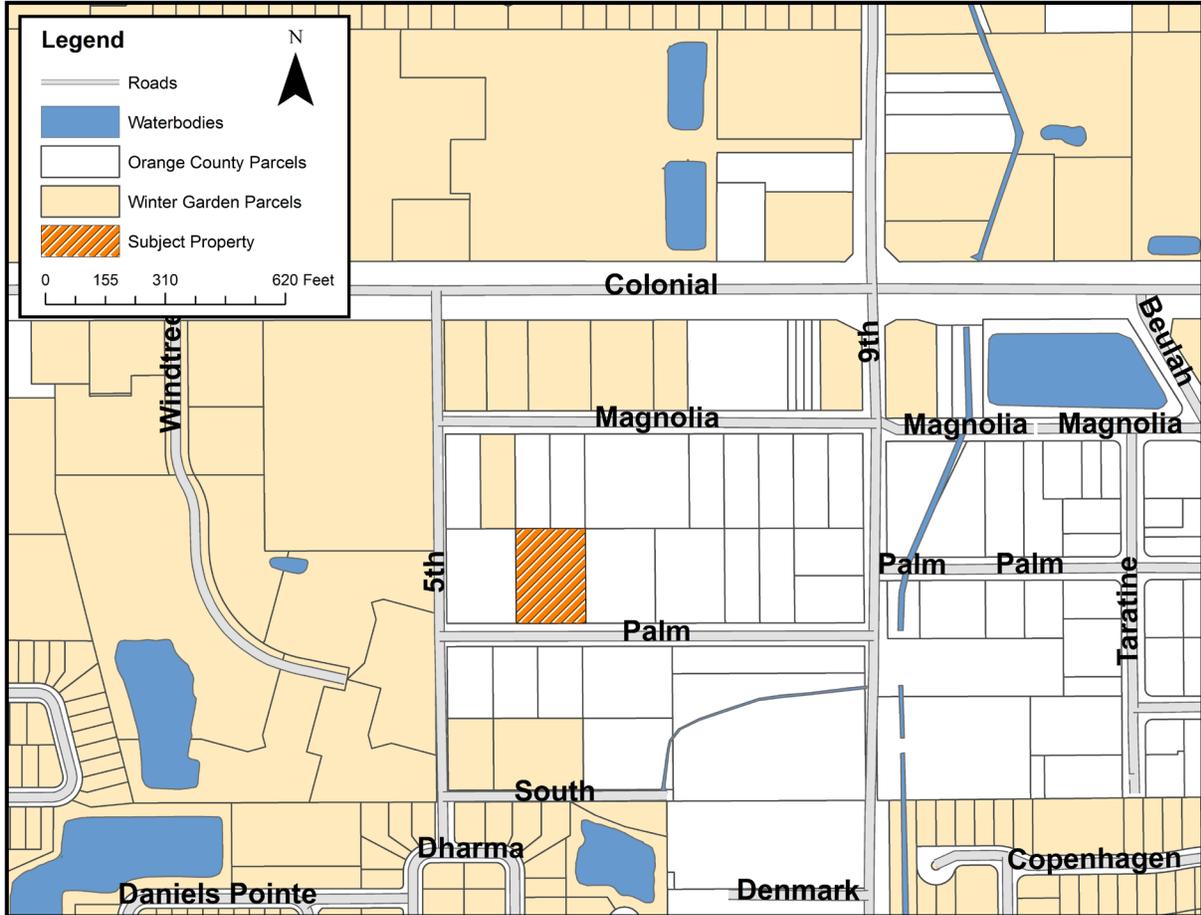
Lots 15 and 16, Block A, G.T. SMITH SUBDIVISION NO. 7, according to the Plat thereof, as recorded in Plat Book Q, Page 129, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Southwest corner of Lot 13, Block A of said G.T. SMITH SUBDIVISION NO. 7; thence run South 89°34'00" East 180.00 feet to the Southwest corner of said Lot 15 and the POINT OF BEGINNING; thence North 00°00'00" East 245.00 feet to the Northwest corner of said Lot 15; thence South 89°34'00" East 180.00 feet to the Northeast corner of said Lot 16; thence South 00°00'00" East 245.00 feet to the Southeast corner of said Lot 16; thence North 89°34'00" West 180.00 feet to the POINT OF BEGINNING.

Containing 1.012 acres, more or less.

ATTACHMENT "B"

LOCATION MAP

465 Palm Street



ORDINANCE 20-40

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 1.01 ± ACRES LOCATED AT 465 PALM STREET, EAST OF 5TH STREET, WEST OF 9TH STREET, SOUTH OF MAGNOLIA STREET, AND NORTH OF PALM STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as approximately 1.01 ± acres located at 465 Palm Street, east of 5th Street, west of 9th Street, south of Magnolia Street, and north of Palm 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 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 20-39, 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#: 26-22-27-8110-01-150

DESCRIPTION:

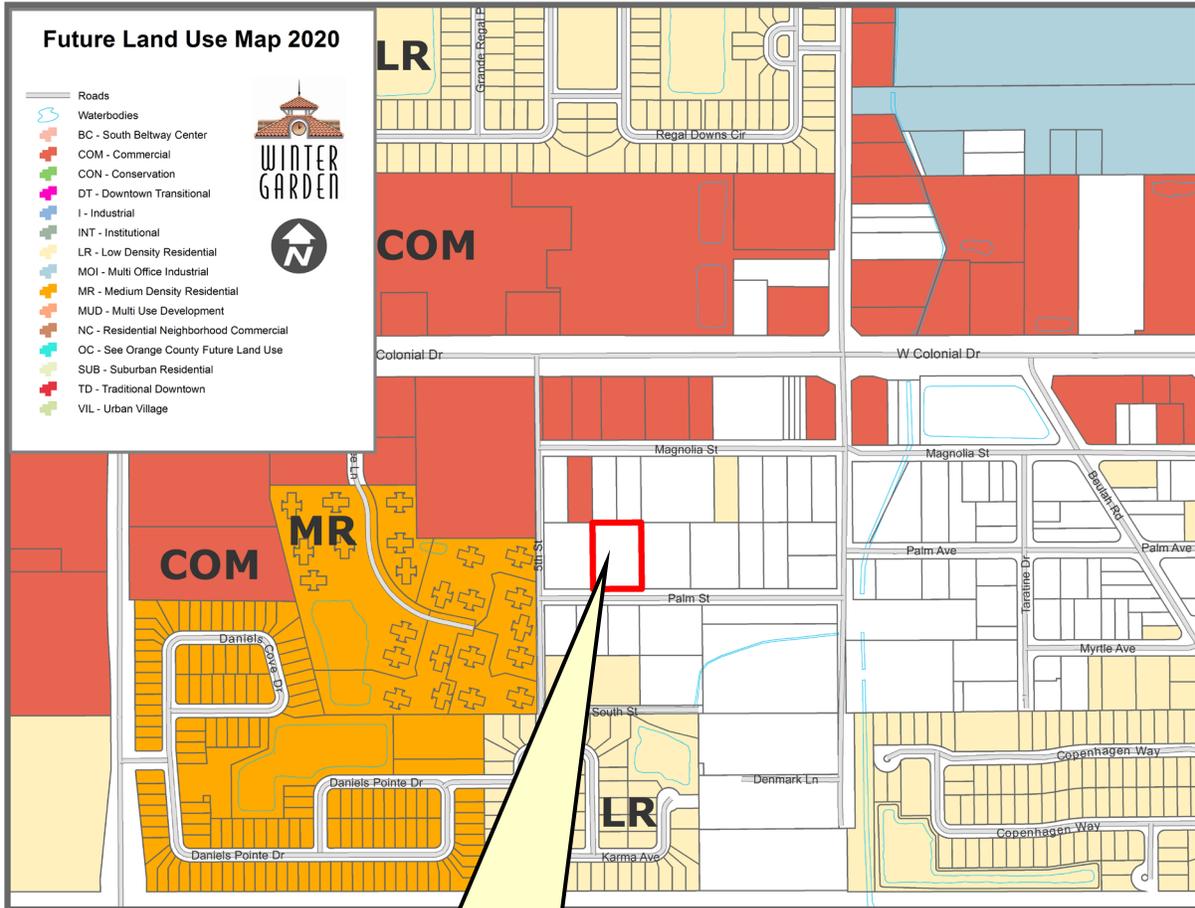
Lots 15 and 16, Block A, G.T. SMITH SUBDIVISION NO. 7, according to the Plat thereof, as recorded in Plat Book Q, Page 129, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Southwest corner of Lot 13, Block A of said G.T. SMITH SUBDIVISION NO. 7; thence run South 89°34'00" East 180.00 feet to the Southwest corner of said Lot 15 and the POINT OF BEGINNING; thence North 00°00'00" East 245.00 feet to the Northwest corner of said Lot 15; thence South 89°34'00" East 180.00 feet to the Northeast corner of said Lot 16; thence South 00°00'00" East 245.00 feet to the Southeast corner of said Lot 16; thence North 89°34'00" West 180.00 feet to the POINT OF BEGINNING.

Containing 1.012 acres, more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

465 Palm Street



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

ORDINANCE 20-41

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.01 ± ACRES LOCATED AT 465 PALM STREET, EAST OF 5TH STREET, WEST OF 9TH STREET, SOUTH OF MAGNOLIA STREET, AND NORTH OF PALM STREET FROM ORANGE COUNTY A-1 CITRUS RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 1.01 ± acres located at 465 Palm Street, east of 5th Street, west of 9th Street, south of Magnolia Street, and north of Palm Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Citrus Rural District to the City's R-1 Single-Family 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-1 Single-Family Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

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

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

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

SECTION 4: *Effective Date.* This Ordinance shall become effective

simultaneously upon the effective date of Ordinance 20-40 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:

ANGELA GRIMMAGE, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 26-22-27-8110-01-150

DESCRIPTION:

Lots 15 and 16, Block A, G.T. SMITH SUBDIVISION NO. 7, according to the Plat thereof, as recorded in Plat Book Q, Page 129, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Southwest corner of Lot 13, Block A of said G.T. SMITH SUBDIVISION NO. 7; thence run South 89°34'00" East 180.00 feet to the Southwest corner of said Lot 15 and the POINT OF BEGINNING; thence North 00°00'00" East 245.00 feet to the Northwest corner of said Lot 15; thence South 89°34'00" East 180.00 feet to the Northeast corner of said Lot 16; thence South 00°00'00" East 245.00 feet to the Southeast corner of said Lot 16; thence North 89°34'00" West 180.00 feet to the POINT OF BEGINNING.

Containing 1.012 acres, more or less.

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 4
(Public Hearing)

Date: September 4, 2020 **Meeting Date:** September 14, 2020
Subject: 198 and 176 North West Crown Point Road (Annexation-FLU-Rezoning)
Project Name: 198 and 176 North West Crown Point Road
Parcel ID: 13-22-27-5264-00-171 & 12-22-27-6496-05-009
Issue: The applicant is requesting annexation into the City of Winter Garden for the property located 198 and 176 North West Crown Point Road.

Supplemental Material / Analysis:

Owner / Applicant: TREC DEVELOPMENT, LLC
Current Zoning: County R-2
Proposed Zoning: C-2 Arterial Commercial
Current FLU: County - Low Density Residential
Proposed FLU: COM - Commercial

Summary: The applicant has requested annexation into the City and an amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property Commercial and to rezone to C-2 Arterial Commercial. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City's Comprehensive Plan to eliminate enclaves (See Staff Report).

Staff Recommendation(s):

Staff recommends approval of Ordinances 20-43, 20-44, and 20-45.

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

Attachment(s): Location Map
Staff Report
Ord 20-43, 20-44, and 20-45

LOCATION MAP

198 & 176 North West Crown Point Road

Annexation-FLU-Rezoning



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: SHANE FRIEDMAN, SENIOR PLANNER
DATE: SEPTEMBER 4, 2020
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
198 and 176 North West Crown Point Road (0.27 +/- ACRES)
PARCEL ID(s) #: 13-22-27-5264-00-171 & 12-22-27-6496-05-009
APPLICANT: TREC DEVELOPMENT LLC

INTRODUCTION

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

The subject properties consists of parcels located at 198 & 176 North West Crown Point Road, generally located east of Hennis Road, west of North West Crown Point Road, north of Pineloch Industrial Drive, and south of Railroad Avenue and is approximately 0.27 ± acres in size. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Commercial, and rezoning the property to C-2 Arterial Commercial District. The subject property is currently located in Unincorporated Orange County, is zoned R-2 Residential District, and has an Orange County Future Land Use designation of Low Density Residential.

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

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

EXISTING USE

The subject property currently undeveloped and vacant.

ADJACENT LAND USE AND ZONING

The property to the north and west of the subject properties is zoned C-2 Arterial Commercial, is developed with a church and single-family home, and is within the City's municipal limits. The property to south of the subject property is zoned I-2, is undeveloped and platted as a conservation area (Tract C) of the platted Pineloch Industrial Park, and is within the City's municipal limits. The property to the east of the subject property is zoned I-2, is developed with a large warehouse and outdoor storage for the Advanced Drainage System Company, and is within the City's municipal limits.

PROPOSED USE

The applicant intends to annex the subject property in order to construct a future office building. No plans have been submitted yet and the applicant would need to go through the site plan approval process and permitting process.

PUBLIC FACILITY ANALYSIS

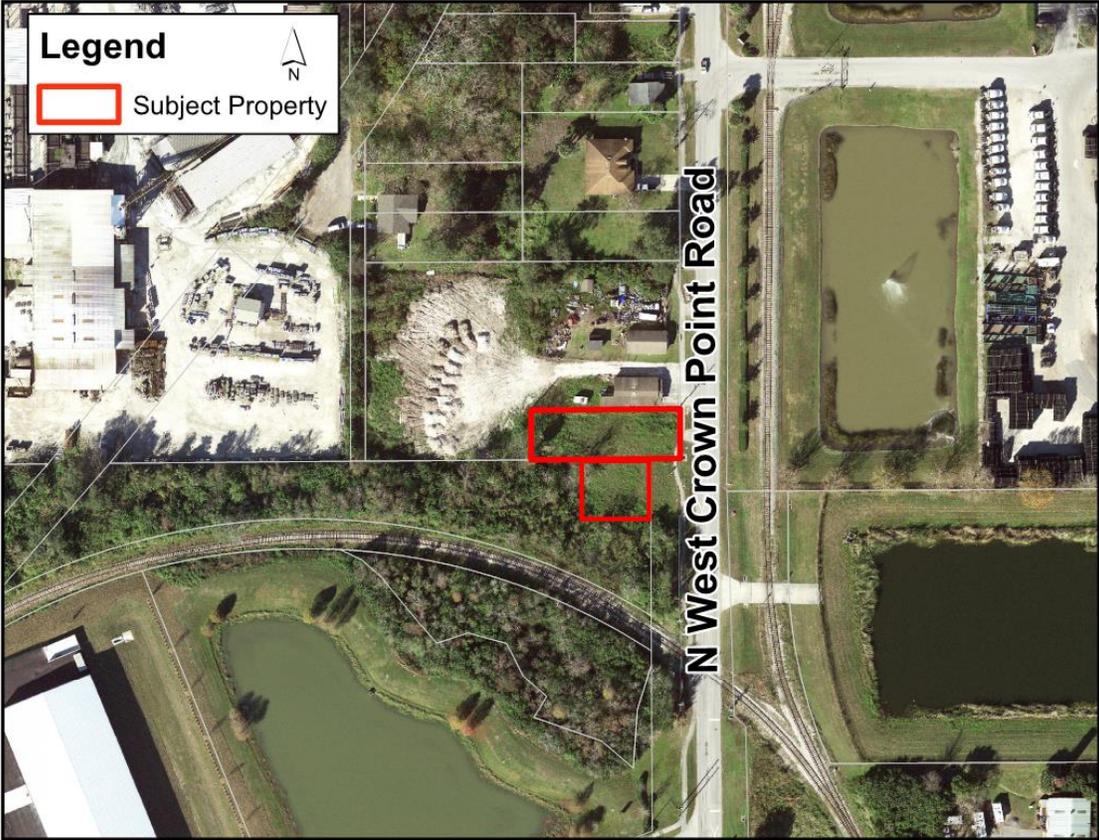
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

SUMMARY

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden’s Comprehensive Plan to eliminate enclaves. City Staff recommends approval of Ordinances 20-43, 20-44, and 20-45.

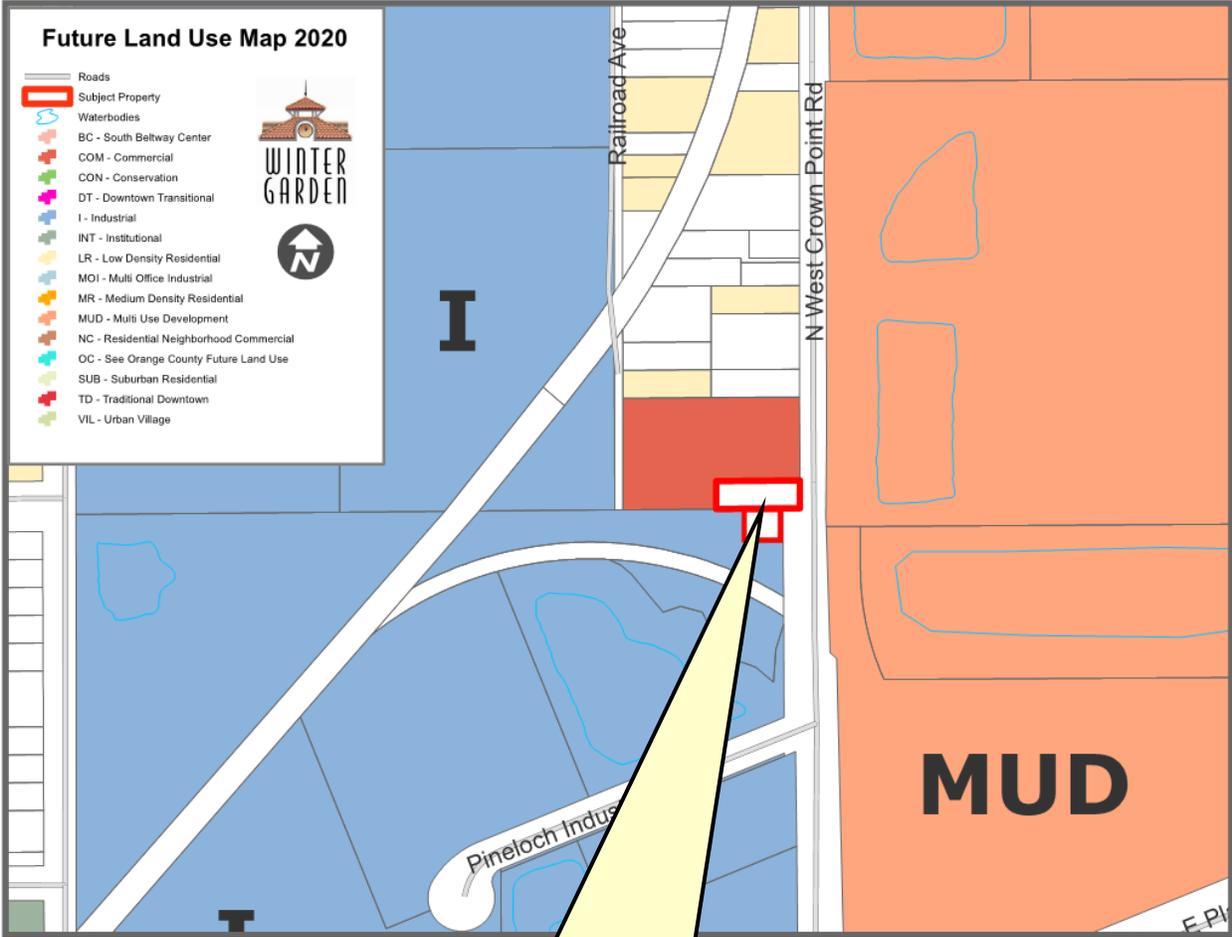
AERIAL PHOTO

198 & 176 West Crown Point Road N



FUTURE LAND USE MAP

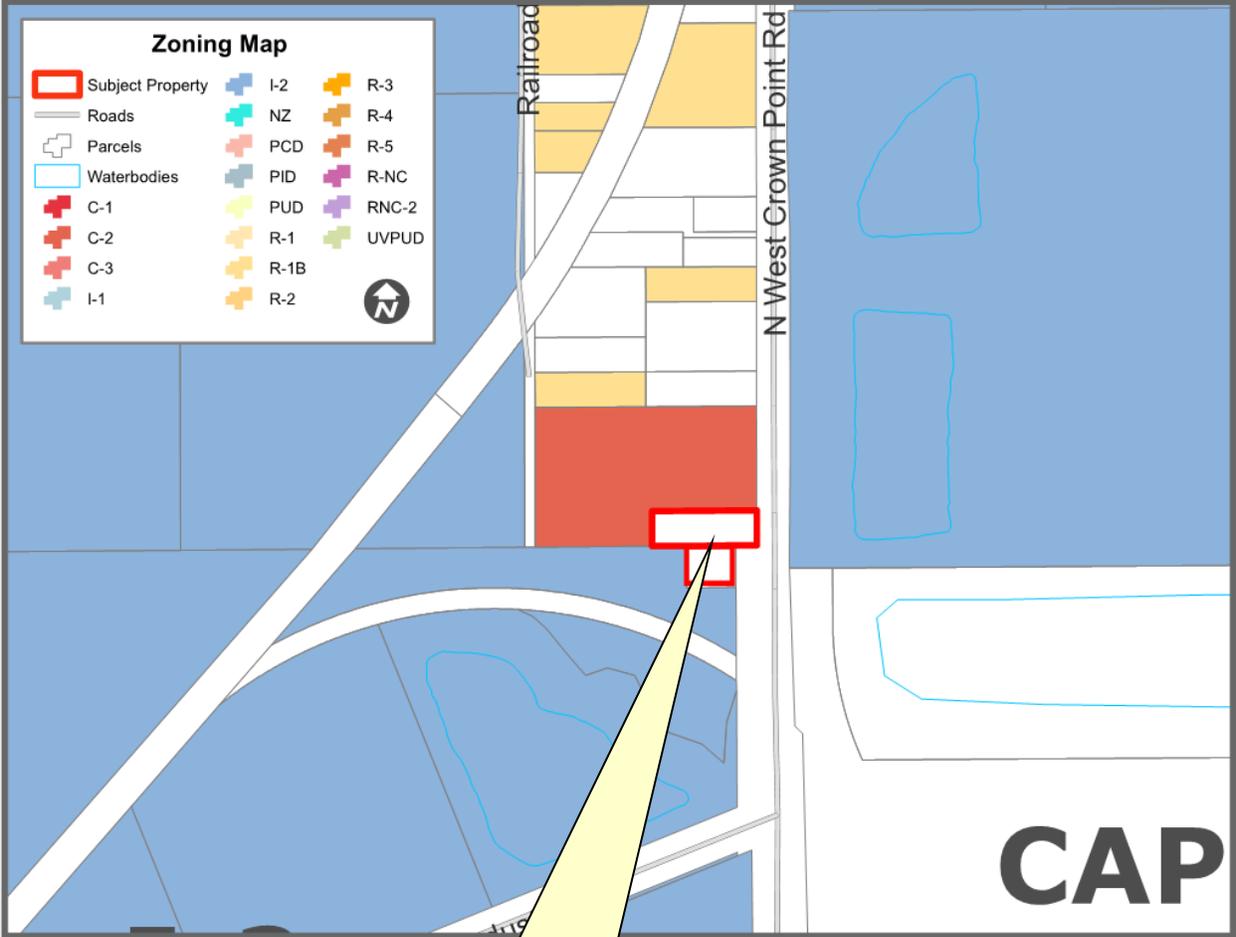
198 & 176 West Crown Point Road N



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

ZONING MAP

198 & 176 West Crown Point Road N



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

END OF STAFF REPORT

ORDINANCE 20-43

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.27 ± ACRES LOCATED AT 198 AND 176 NORTH WEST CROWN POINT ROAD, EAST OF HENNIS ROAD, WEST OF NORTH WEST CROWN POINT ROAD, NORTH OF PINELOCH INDUSTRIAL DRIVE, AND SOUTH OF RAILROAD AVENUE INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.27 ± acres 198 and 176 North West Crown Point Road, generally located east of Hennis Road, west of North West Crown Point Road, north of Pineloch Industrial Drive, and south of Railroad Avenue and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in

Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

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

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 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#: 13-22-27-5264-00-171 & 12-22-27-6496-05-009

DESCRIPTION:

BEGIN AT THE SOUTHEAST CORNER OF LOT 17, OF LOVELESS AND SEWELL SUBDIVISION, AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, RUN NORTH 50 FEET; THENCE WEST 150 FEET; THENCE SOUTH 50 FEET; THENCE EAST 150 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH;

THAT PART OF BLOCK E, OF OVERSTREET CRATE COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK F, PAGE 9, PUBLIC RECORDS OR ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 17, LOVELESS AND SEWELL SUBDIVISION AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, RUN SOUTHERLY IN AN EXTENSION OF EAST BOUNDARY OF SAID LOT 17 FOR 60 FEET, THENCE WESTERLY PARALLEL TO SOUTH BOUNDARY LINE OF SAID LOT 100 FEET, THENCE NORTH 60 FEET TO INTERSECTION WITH SOUTH LINE OF SAID LOT 17, THENCE EASTERLY ALONG SAID LINE TO POINT OF BEGINNING.

LESS ROAD RIGHT OF WAY ON EAST.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.27 ACRES MORE OR LESS.

ATTACHMENT "B"

LOCATION MAP
198 & 176 N West Crown Point Road



ORDINANCE 20-44

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 0.27 ± ACRES LOCATED AT 198 AND 176 NORTH WEST CROWN POINT ROAD, EAST OF HENNIS ROAD, WEST OF NORTH WEST CROWN POINT ROAD, NORTH OF PINELOCH INDUSTRIAL DRIVE, AND SOUTH OF RAILROAD AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as approximately 0.27 ± acres approximately 0.27 ± acres 198 and 176 North West Crown Point Road, generally located east of Hennis Road, west of North West Crown Point Road, north of Pineloch Industrial Drive, and south of Railroad Avenue, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Commercial; and

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

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

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

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 20-43, 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#: 13-22-27-5264-00-171 & 12-22-27-6496-05-009

DESCRIPTION:

BEGIN AT THE SOUTHEAST CORNER OF LOT 17, OF LOVELESS AND SEWELL SUBDIVISION, AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, RUN NORTH 50 FEET; THENCE WEST 150 FEET; THENCE SOUTH 50 FEET; THENCE EAST 150 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH;

THAT PART OF BLOCK E, OF OVERSTREET CRATE COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK F, PAGE 9, PUBLIC RECORDS OR ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 17, LOVELESS AND SEWELL SUBDIVISION AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, RUN SOUTHERLY IN AN EXTENSION OF EAST BOUNDARY OF SAID LOT 17 FOR 60 FEET, THENCE WESTERLY PARALLEL TO SOUTH BOUNDARY LINE OF SAID LOT 100 FEET, THENCE NORTH 60 FEET TO INTERSECTION WITH SOUTH LINE OF SAID LOT 17, THENCE EASTERLY ALONG SAID LINE TO POINT OF BEGINNING.

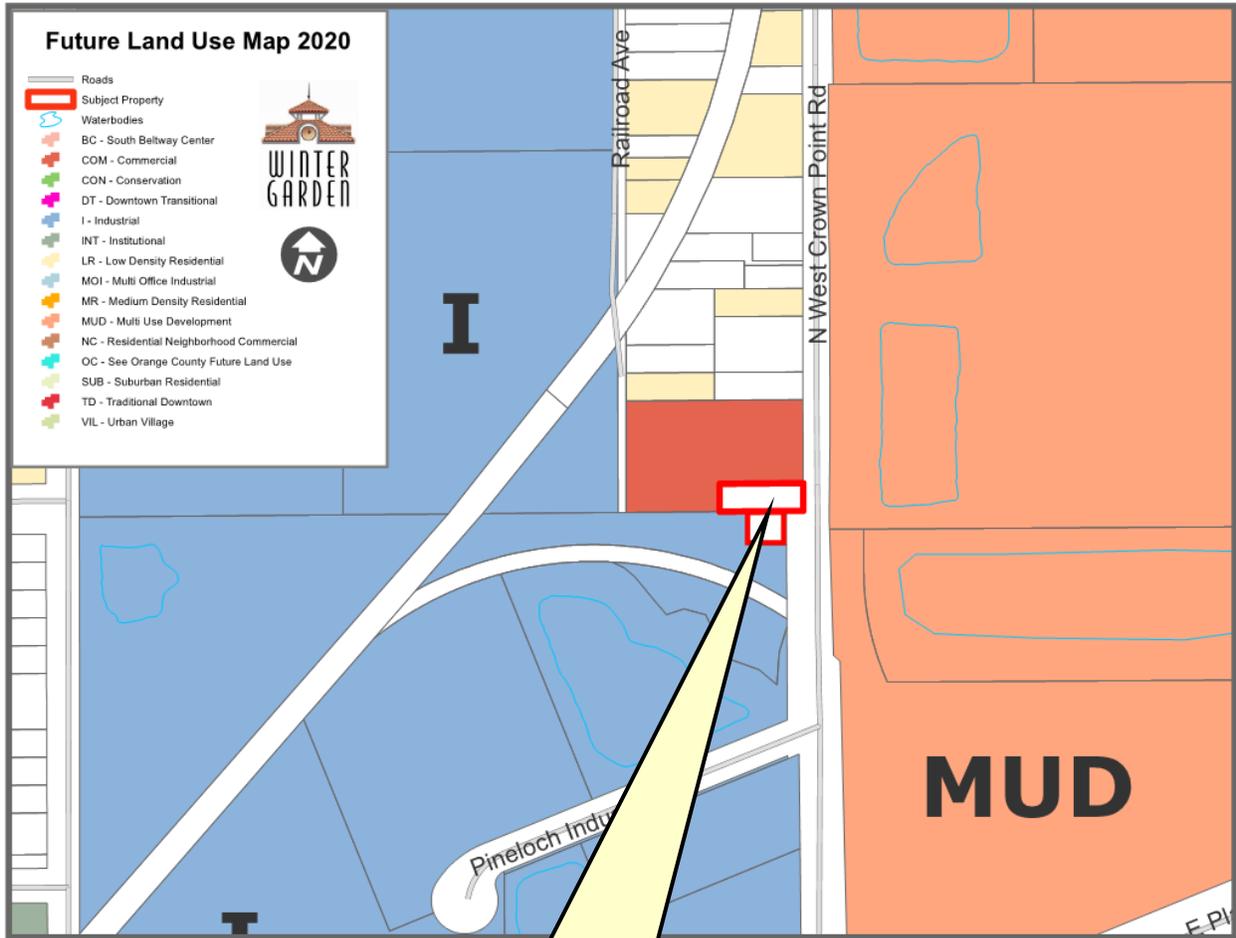
LESS ROAD RIGHT OF WAY ON EAST.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.27 ACRES MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

198 & 176 N West Crown Point Road



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

ORDINANCE 20-45

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.27 ± ACRES LOCATED AT 198 AND 176 NORTH WEST CROWN POINT ROAD, EAST OF HENNIS ROAD, WEST OF NORTH WEST CROWN POINT ROAD, NORTH OF PINELOCH INDUSTRIAL DRIVE, AND SOUTH OF RAILROAD AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.27 ± acres 198 and 176 North West Crown Point Road, generally located east of Hennis Road, west of North West Crown Point Road, north of Pineloch Industrial Drive, and south of Railroad Avenue, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City's C-2 Arterial Commercial District zoning classification, therefore; and

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

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

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

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

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

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

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 20-44 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:

ANGELA GRIMMAGE, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 13-22-27-5264-00-171 & 12-22-27-6496-05-009

DESCRIPTION:

BEGIN AT THE SOUTHEAST CORNER OF LOT 17, OF LOVELESS AND SEWELL SUBDIVISION, AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, RUN NORTH 50 FEET; THENCE WEST 150 FEET; THENCE SOUTH 50 FEET; THENCE EAST 150 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH;

THAT PART OF BLOCK E, OF OVERSTREET CRATE COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK F, PAGE 9, PUBLIC RECORDS OR ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 17, LOVELESS AND SEWELL SUBDIVISION AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, RUN SOUTHERLY IN AN EXTENSION OF EAST BOUNDARY OF SAID LOT 17 FOR 60 FEET, THENCE WESTERLY PARALLEL TO SOUTH BOUNDARY LINE OF SAID LOT 100 FEET, THENCE NORTH 60 FEET TO INTERSECTION WITH SOUTH LINE OF SAID LOT 17, THENCE EASTERLY ALONG SAID LINE TO POINT OF BEGINNING.

LESS ROAD RIGHT OF WAY ON EAST.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.27 ACRES MORE OR LESS.

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 5
(Public Hearing)

Date: September 4, 2020 **Meeting Date:** September 14, 2020
Subject: 15411, 15540, 15541 E Oakland Ave & 841 Tilden Oaks Trail (FLU Amendment)
Project Name: 15411, 15540, 15541 E Oakland Ave & 841 Tilden Oaks Trail
Parcel ID: 21-22-27-6100-16-000; 21-22-27-6100-00-007; 21-22-27-6100-15-000; 21-22-27-6100-04-780
Issue: The applicant is requesting future land use amendment for the property located at 15411, 15540, 15541 E Oakland Ave & 841 Tilden Oaks Trail.

Supplemental Material / Analysis:

Owner / Applicant: Tilden Oaks, LLC
Current Zoning: PUD
Proposed Zoning: N/A
Current FLU: LR Low Density Residential
Proposed FLU: NC Residential Neighborhood Commercial

Summary: The applicant has requested an amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as (NC) Residential Neighborhood Commercial. The proposed Future Land Use Amendment from Low Density Residential to Residential Neighborhood Commercial will ensure the subject property has a Future Land Use designation that is consistent with the property's PUD zoning regulations (See Staff Report).

Staff Recommendation(s):

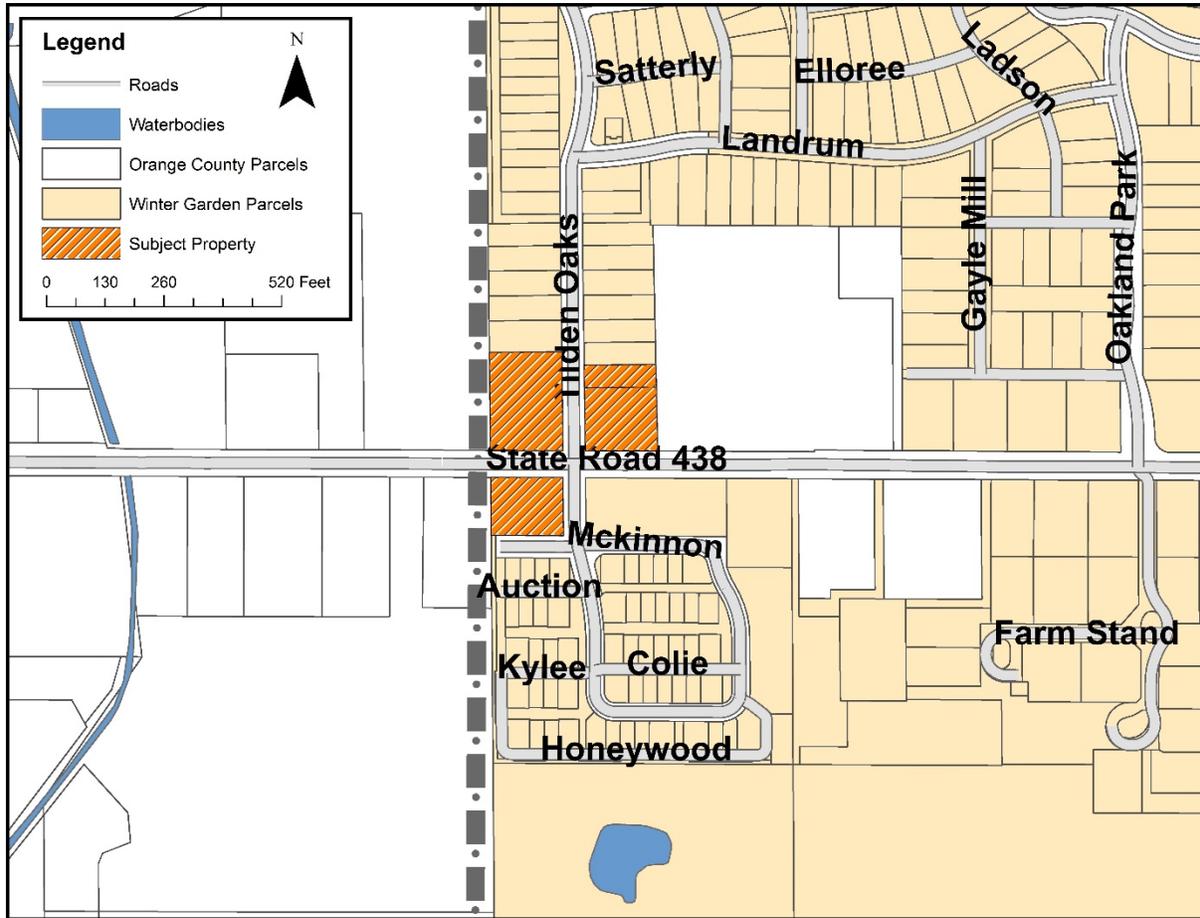
Staff recommends approval of Ordinance 20-42.

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

Attachment(s): Location Map
Staff Report
Ord 20-42

LOCATION MAP

15411, 15540, 15541 E Oakland Ave & 841 Tilden Oaks Trail
Future Land Use Amendment



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

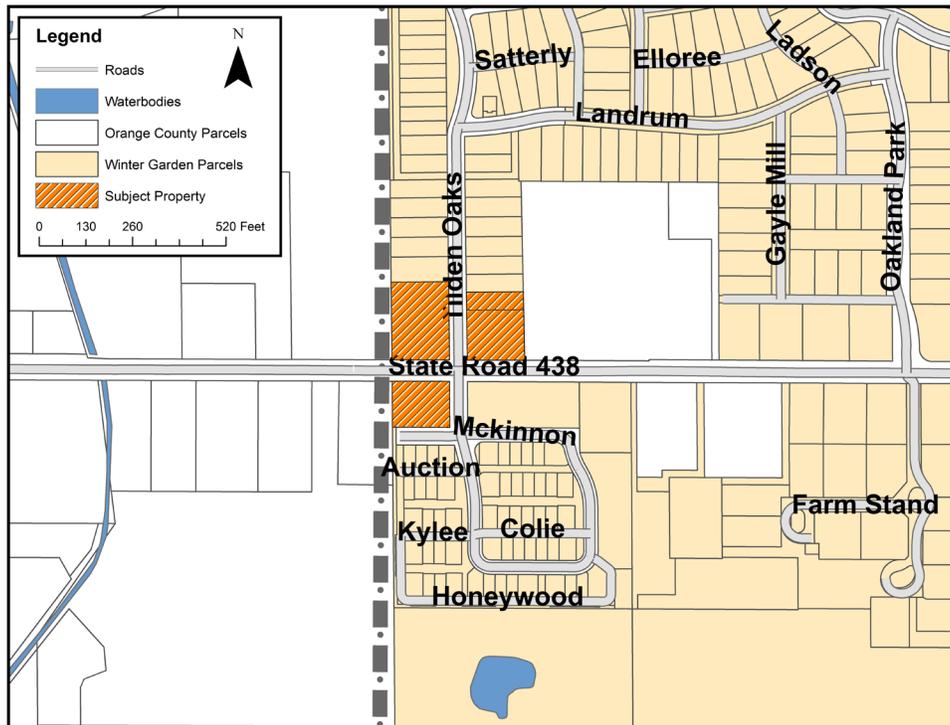
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: SEPTEMBER 1, 2020
SUBJECT: FUTURE LAND USE AMENDMENT
15411, 15540, 15541 E Oakland Ave & 841 Tilden Oaks Trail (1.96 +/- ACRES)
PARCEL ID(s) #: 21-22-27-6100-16-000; 21-22-27-6100-00-007;
21-22-27-6100-15-000; 21-22-27-6100-04-780
APPLICANT: TILDEN OAKS LLC

INTRODUCTION

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

The subject property consists of four parcels located at 15411, 15540, 15541 E Oakland Ave & 841 Tilden Oaks Trail, generally located on the northwest, northeast, and southwest corners of E Oakland Ave and Tilden Oaks Trail and is approximately 1.96 ± acres in size. The map below depicts the proximity of the subject property to the City's jurisdictional 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 (NC) Residential Neighborhood Commercial. The subject property is currently zoned PUD Planned Unit Development (Oakland Park PUD, Ordinance 12-08), and has a Future Land Use designation of Low Density Residential.

In accordance with the City's Comprehensive Plan, properties designated with the Residential-Neighborhood Commercial land use category are required to be developed at a floor area ratio not greater than 0.35. Gross residential density shall be not greater than 6 dwelling units per acre. All uses shall have a maximum height of 35 feet. This designation shall provide for permitted low density residential uses and neighborhood commercial and professional uses. The mix should have a minimum of 80% residential uses. Uses should be located on collector and minor arterial streets close to low density residential areas. The zoning classifications that are consistent with the Residential Neighborhood Commercial classification are PUD, R-NC, and INT.

EXISTING USE

The subject property is currently vacant, and is part of the recently-platted Oakland Park Phase 5 subdivision.

ADJACENT LAND USE AND ZONING

There are two properties to the west of the subject property, both of which are located within the Town of Oakland. One is a vacant property zoned A-1, and the other is a vacant property zoned PUD. The latter is part of the Town of Oakland's side of the Oakland Park development. The property to the east of the subject property is developed with several residential structures, is zoned A-1, and is located in Un-Incorporated Orange County. The properties to the north and south of the subject property are vacant residential properties that are part of the Oakland Park Phase 5 subdivision.

PROPOSED USE

The applicant intends to develop the subject property with several neighborhood-oriented commercial uses. The final end-users have not yet been identified, but possible uses that have been discussed include a neighborhood café, boutique Italian market, yoga studio, and professional offices. These commercial uses will be required to go thorough the City's Site Plan Approval process, where they will be reviewed for consistency with the City's Land Development Code, Comprehensive Plan, and Oakland Park PUD Ordinance 12-08. This review includes ensuring the development is harmonious and non-disruptive to the adjacent residential properties, and will require a detailed review of architectural elevations and property buffering. High intensity uses, noxious uses, or any other use that is deemed incompatible within a largely residential setting will not be permitted.

PUD ANALYSIS

Per Ordinance 12-08, the subject property falls within the T4-O Neighborhood General – Open Transect Zone (2.2 acres maximum). The permitted uses listed within the T4-O transect zone are as follows:

- Residential, including:
 - Dwelling, single family (attached)
 - Dwelling unit, multi-family
 - Dwelling unit, accessory
- Neighborhood-Oriented Commercial
- Civic uses, including:
 - Churches
 - Schools
 - Community facilities, including pavilions, public restrooms, and utility structures

As stated above, neighborhood-oriented commercial uses are permitted in the T4-O transect zone. The proposed Future Land Use Amendment from Low Density Residential to Residential Neighborhood Commercial will ensure the subject property has a Future Land Use designation that is consistent with the property's PUD zoning regulations.

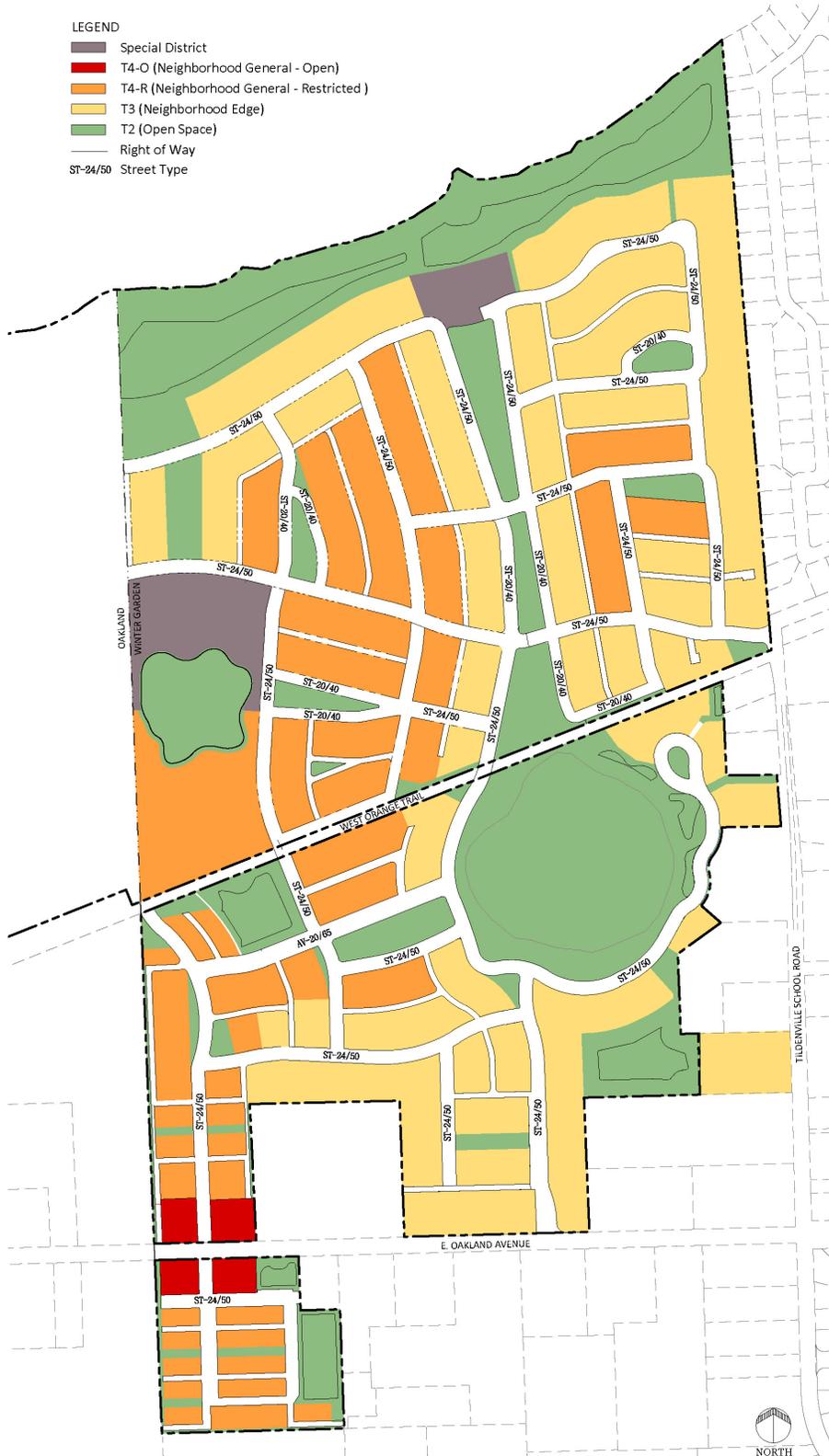
Furthermore, the subject property is noted in the PUD as being part of Oakland Park's Village Center, which is intended to be a mixed use area with both residential and commercial uses. Developing the Village Center is an important part of how Oakland Park will meet its stated purpose of creating a vibrant and walkable traditional neighborhood that aims to, "foster civic pride, encourage a healthier lifestyle and conserve resources".

SUMMARY

City Staff recommends approval of Ordinance 20-42. Amending the subject property's Future Land Use Designation from Low Density Residential to Residential Neighborhood Commercial will ensure the subject property conforms to the regulations and stated goals of the Oakland Park PUD (Ord 12-08).

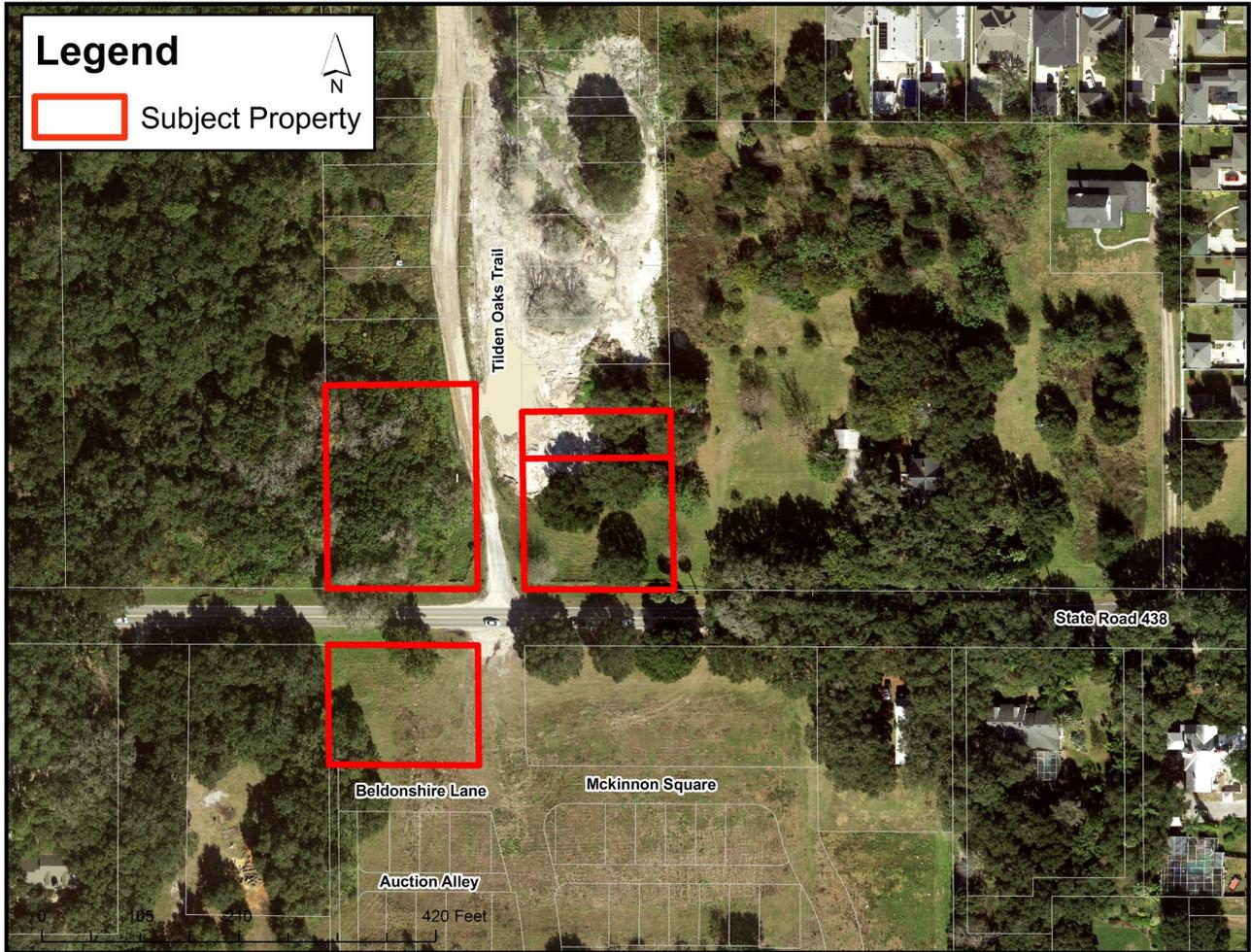
OAKLAND PARK – LAND USE & REGULATORY PLAN

- LEGEND
- Special District
 - T4-O (Neighborhood General - Open)
 - T4-R (Neighborhood General - Restricted)
 - T3 (Neighborhood Edge)
 - T2 (Open Space)
 - Right of Way
 - ST-24/50 Street Type



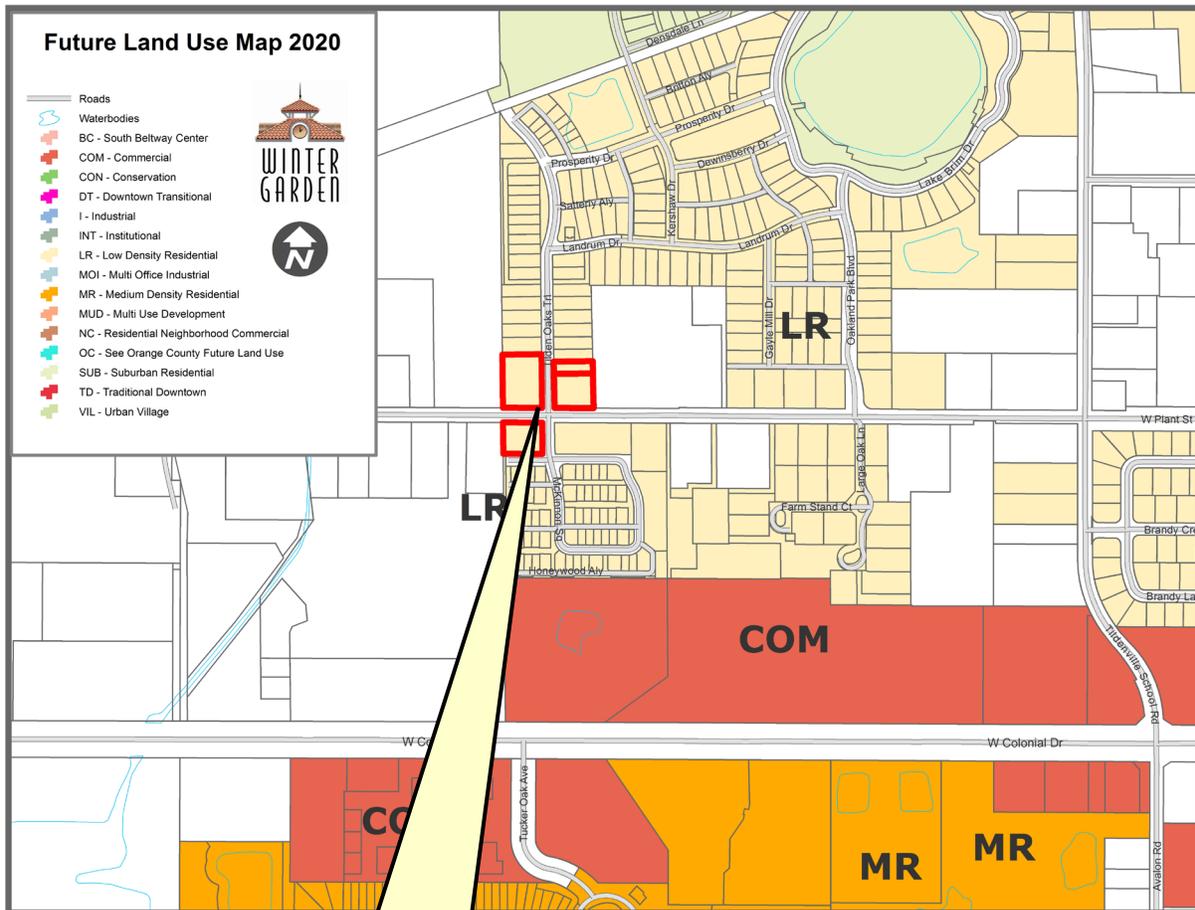
AERIAL PHOTO

15411, 15540, 15541 E Oakland Ave & 841 Tilden Oaks Trail



FUTURE LAND USE MAP

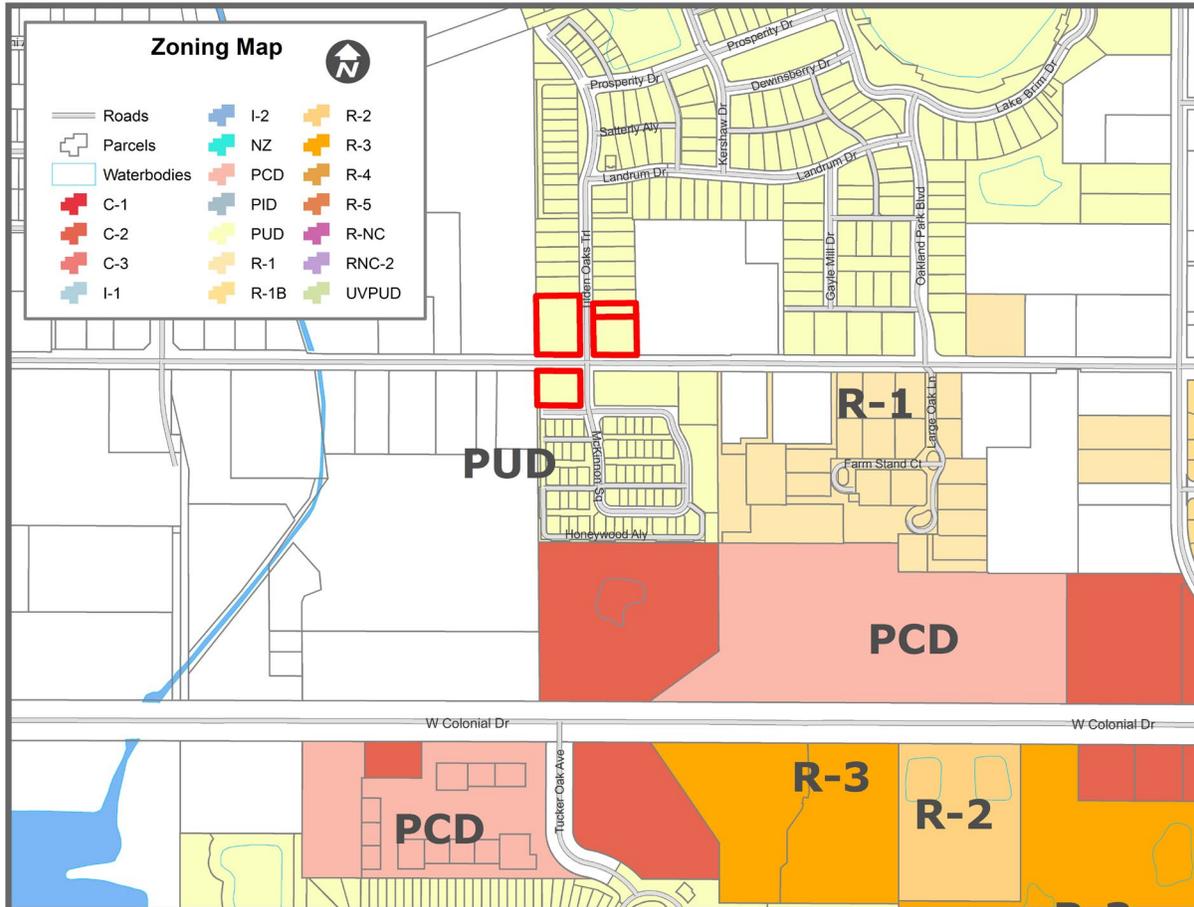
15411, 15540, 15541 E Oakland Ave & 841 Tilden Oaks Trail



Subject property changed from Low Density Residential to Residential Neighborhood Commercial

ZONING MAP

15411, 15540, 15541 E Oakland Ave & 841 Tilden Oaks Trail



END OF STAFF REPORT

ORDINANCE 20-42

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 1.96 ± ACRES LOCATED AT 15411, 15540, AND 15541 E OAKLAND AVE AND 841 TILDEN OAKS TRAIL, ON THE NORTHWEST, NORTHEAST, AND SOUTHWEST CORNERS OF E OAKLAND AVE AND TILDEN OAKS TRAIL, FROM LOW DENSITY RESIDENTIAL TO RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as approximately 1.96 ± acres located at 15411, 15540, 15541 E Oakland Ave and 841 Tilden Oaks Trail, on the northwest, northeast, and southwest corners of E Oakland Ave and Tilden Oaks Trail, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Low Density Residential to Residential Neighborhood Commercial; and

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

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property from Low Density Residential to Residential Neighborhood 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#: 21-22-27-6100-16-000; 21-22-27-6100-00-007; 21-22-27-6100-15-000;
21-22-27-6100-04-780

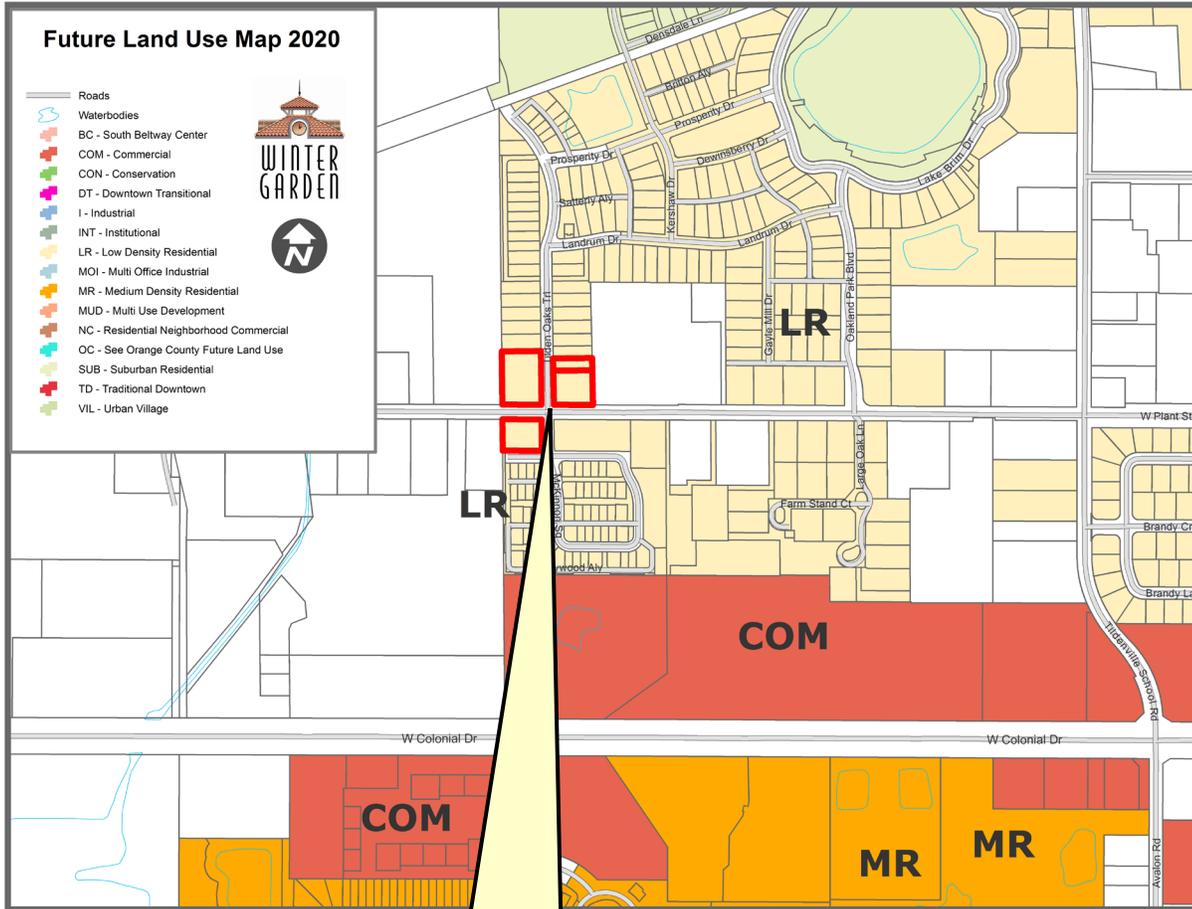
DESCRIPTION:

Tract G, Tract O, Tract P, & Lot 478, OAKLAND PARK UNIT 5, according to the plat thereof as recorded in Plat Book 101, Pages 73 through 78 of the Public Records of Orange County, Florida.

ATTACHMENT "B"

FUTURE LAND USE MAP

15411, 15540, 15541 E Oakland Ave & 841 Tilden Oaks Trail



Subject property changed from Low Density Residential to Residential Neighborhood Commercial

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 6
(Public Hearing)

Date: September 4, 2020 **Meeting Date:** September 14, 2020
Subject: 12822 W. COLONIAL DRIVE (Special Exception Permit)
Project Name: CAR VIPS ORLANDO
Parcel ID: 25-22-27-9384-08-140
Issue: The applicant is requesting a special exception permit for the property located at 12822 W. COLONIAL DRIVE

Supplemental Material / Analysis:

Owner / Applicant: JIBJANIN LLC
Current Zoning: C-2
Proposed Zoning: N/A
Current FLU: COM Commercial
Proposed FLU: N/A

Summary: The applicant is requesting a special exception permit. If approved, this special exception will allow the applicant to operate an automobile sales facility with a temporary modular building (See Staff Report).

Staff Recommendation(s):

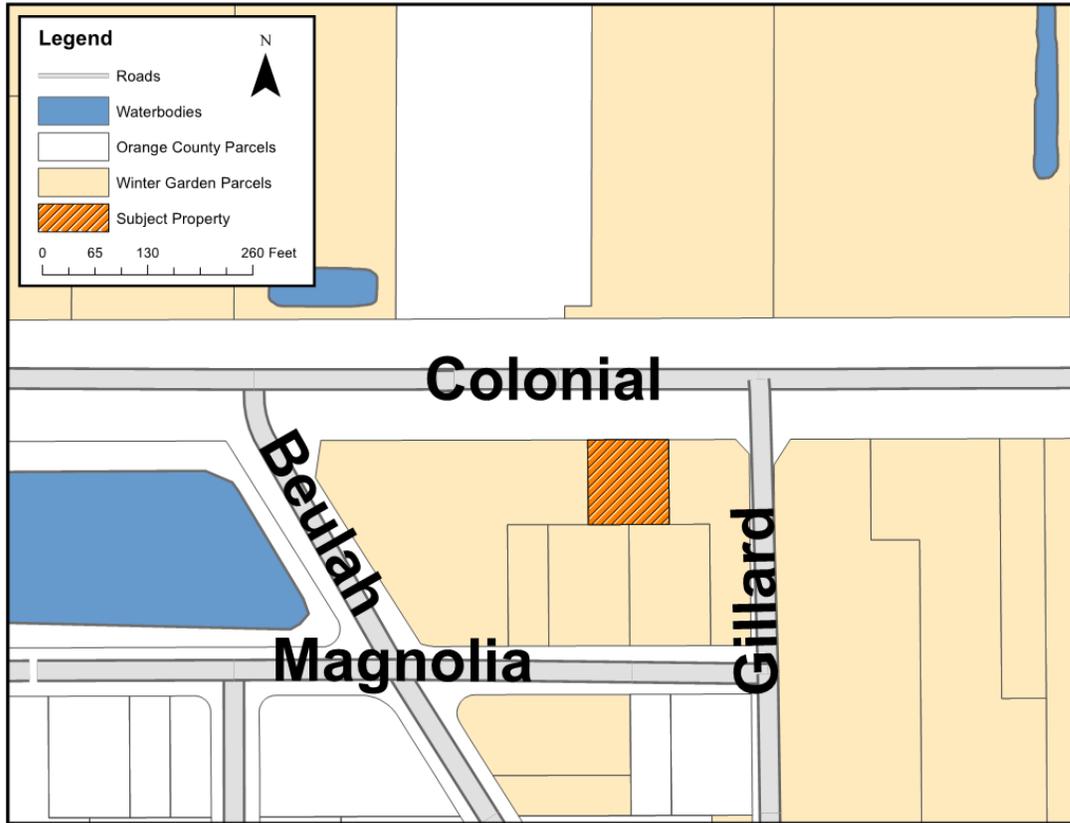
Staff recommends approval of the special exception subject to the condition outlined in the Staff Report.

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

Attachment(s): Location Map
Staff Report

LOCATION MAP

12822 W. COLONIAL DRIVE



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

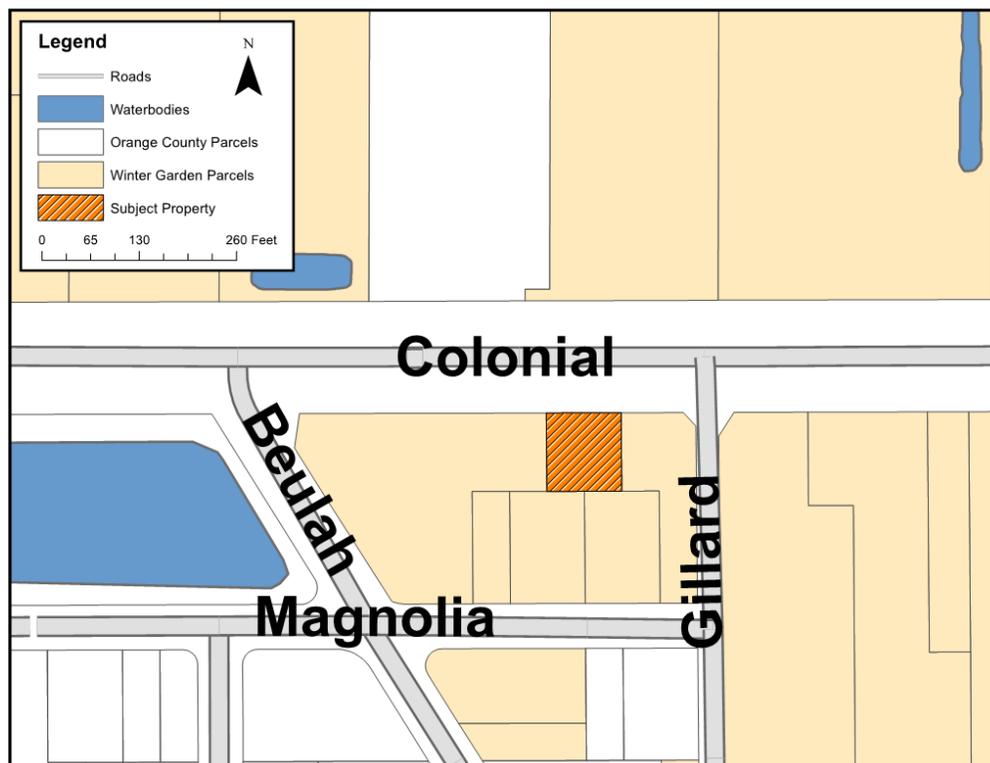
TO: PLANNING AND ZONING BOARD
PREPARED BY: SHANE FRIEDMAN, SENIOR PLANNER
DATE: SEPTEMBER 4, 2020
SUBJECT: SPECIAL EXCEPTION PERMIT
12822 W. COLONIAL DRIVE (0.24 ± ACRES)
PARCEL ID # 25-22-27-9384-08-140

APPLICANT: JIBJANIN LLC

INTRODUCTION

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

The subject property is located at 1288 W Colonial Drive and is approximately 0.24 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



The applicant is requesting a Special Exception Permit in order to operate an automobile sales lot, with an office in a modular building, in C-2 Arterial Commercial zoning district. The subject property is located within the City of Winter Garden's municipal limits, carries the zoning designation of C-2 Arterial Commercial, and is designated Commercial (COM) on the Future Land Use Map of the Comprehensive Plan.

CURRENT USE

The subject property contains one single-story dilapidated modular building and parking lot that was previously used as an automobile sales facility.

ADJACENT LAND USE AND ZONING

The properties to the north and west are zoned C-2 Arterial Commercial District, are developed with two restaurants and a gas station respectively, and are within the City's municipal limits. The property to the east is zoned C-2 Arterial Commercial District, is within the City's municipal limits, and is developed with retail and warehouse space. The property to the south is an undeveloped parking area for the property to the east and is also zoned C-2 Arterial Commercial District.

PROPOSED USE

The applicant is proposing to open a new automobile sales facility with an office in a modular building. The current auto sales business had been operating for years at this location, however they have closed and the past approvals and business tax receipts for this location have lapsed. The auto sales center has switched owners this year and the current owner(s) are seeking similar approvals.

ANALYSIS

Section 118-579(3) of City Code allows special exception uses, such as automobile sales and service, for the C-2 Arterial Commercial District. Currently the proposed use is compatible with the existing automobile service related businesses in that area.

SUMMARY

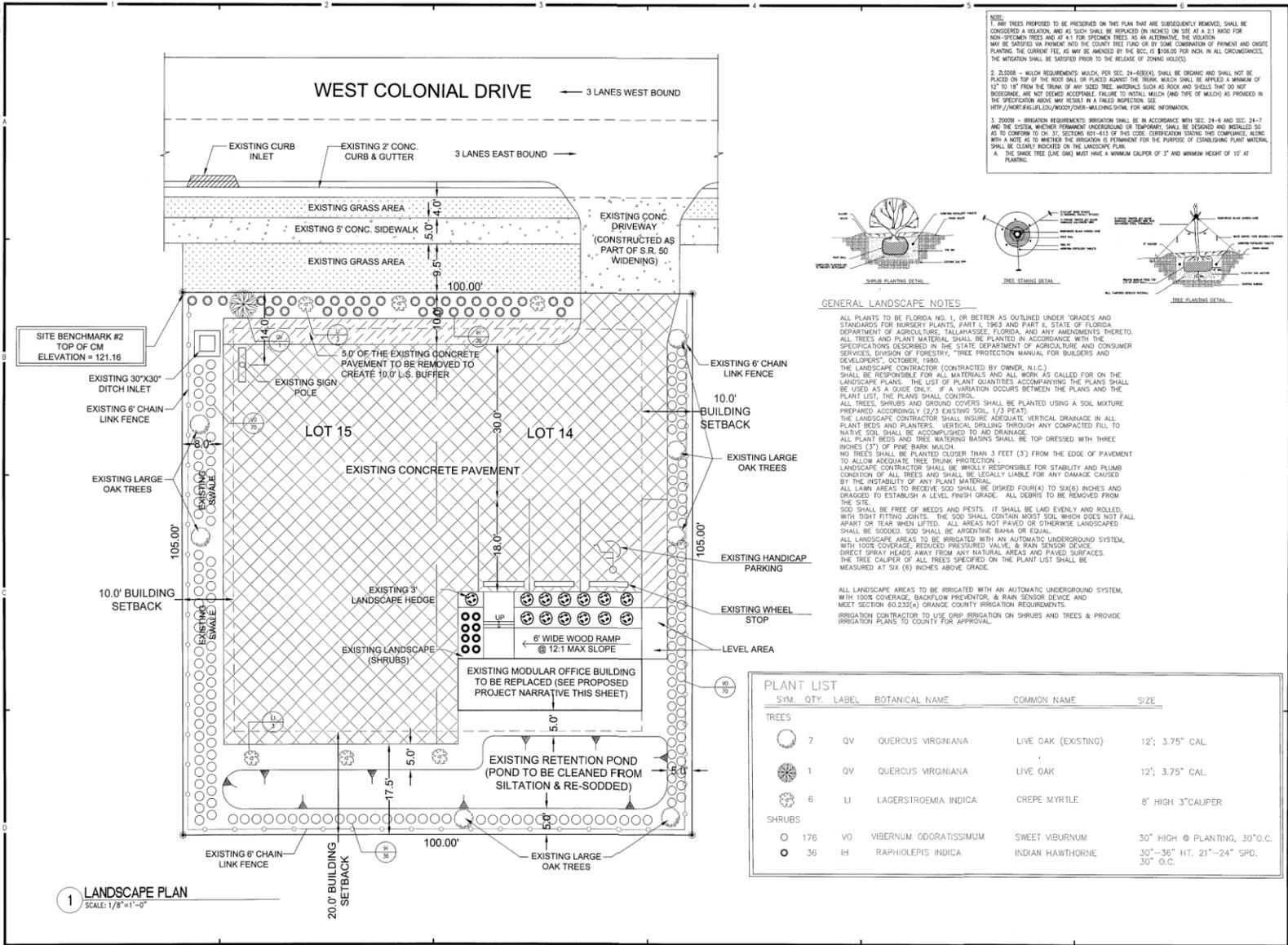
City Staff recommends approval of the proposed special exception permit to allow automobile sales in C-2 Arterial Commercial District subject to the following condition(s):

- 1) Applicant/property owner will replace the existing modular building with new modular building that can stay on site for no more than two (2) years. When the two (2) years expires the applicant/property owner must remove the modular building and construct a new building for commercial activity.
- 2) Applicant will be required to update landscaping, according to the landscaping plan provided by the applicant, before any business tax receipt is issued.

AERIAL PHOTO
12822 W. COLONIAL DRIVE



ARCHENICS



NOTE:
 1. ANY TREES PROPOSED TO BE PRESERVED ON THIS PLAN THAT ARE SUBSEQUENTLY REMOVED, SHALL BE CONSIDERED A VIOLATION, AND 6" SOD SHALL BE REPLACED IN INCHES ON SITE AT A 2:1 RATIO FOR NON-SPECIMEN TREES AND AT 4:1 FOR SPECIMEN TREES AS AN ALTERNATIVE. THE VIOLATION MAY BE REMEDIED BY PLACING INTO THE COURSE THE TREE AND/OR BY SOME COMBINATION OF PLANTING AND/OR REPLANTING. THE CURRENT FEE, AS MAY BE AMENDED BY THE B.C.C. IS \$100.00 PER SOD. IN ALL CIRCUMSTANCES, THE VIOLATION SHALL BE SATISFIED PRIOR TO THE RELEASE OF ZONING RECORDS.
 2. 2009B - MULCH REQUIREMENTS: MULCH, PER SEC. 24-6(8)(A), SHALL BE ORGANIC AND SHALL NOT BE PLACED ON TOP OF THE ROOT BALL OR PLACED AGAINST THE TRUNK. MULCH SHALL BE APPLIED A MINIMUM OF 1" TO 1.5" FROM THE TRUNK OF ANY SIZED TREE. BRANCHED, SUCH AS ROCK AND SHELLS THAT DO NOT BIODEGRADE, ARE NOT DEEMED ACCEPTABLE. FAILURE TO INSTALL MULCH (AND TYPE OF MULCH) AS PROVIDED IN THE SPECIFICATION ABOVE MAY RESULT IN A FAILED INSPECTION. SEE [HTTP://WWW.FDOT.STATE.FL.US/WORKING/OVER-MULCHING.SHTM](http://www.fdot.state.fl.us/working/over-mulching.shtm) FOR MORE INFORMATION.
 3. 2009B - IRRIGATION REQUIREMENTS: IRRIGATION SHALL BE IN ACCORDANCE WITH SEC. 24-6 AND SEC. 24-7 AND THE SYSTEM, WHETHER PERMANENT UNDERGROUND OR TEMPORARY, SHALL BE DESIGNED AND INSTALLED SO AS TO COMPLY TO OR, TO, SECTION 601-413 OF THIS CODE, CERTIFICATION STATING THE COMPLIANCE, ALONG WITH A NOTE AS TO WHETHER THE IRRIGATION IS PERMANENT FOR THE PURPOSE OF ESTABLISHING PLANT MATERIAL, SHALL BE CLEARLY INDICATED ON THE LANDSCAPE PLAN.
 A. THE SHADE TREE (LIVE OAK) MUST HAVE A MINIMUM CALIPER OF 3" AND MINIMUM HEIGHT OF 10' AT PLANTING.



GENERAL LANDSCAPE NOTES
 ALL PLANTS TO BE FLORIDA NO. 1, OR BETTER AS OUTLINED UNDER "GRADES AND STANDARDS FOR NURSERY PLANTS, PART I, 1963 AND PART II, STATE OF FLORIDA DEPARTMENT OF AGRICULTURE, TALLAHASSEE, FLORIDA, AND ANY AMENDMENTS THERETO. ALL TREES AND PLANT MATERIAL SHALL BE PLANTED IN ACCORDANCE WITH THE SPECIFICATIONS DESCRIBED IN THE STATE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, "TREE PROTECTION MANUAL FOR BUILDERS AND DEVELOPERS", OCTOBER, 1980.
 THE LANDSCAPE CONTRACTOR (CONTRACTED BY OWNER, N.I.C.) SHALL BE RESPONSIBLE FOR ALL MATERIALS AND ALL WORK AS CALLED FOR ON THE LANDSCAPE PLANS. THE LIST OF PLANT QUANTITIES ACCOMPANYING THE PLANS SHALL BE USED AS A GUIDE ONLY. IF A VARIATION OCCURS BETWEEN THE PLANS AND THE PLANT LIST, THE PLANS SHALL CONTROL.
 ALL TREES, SHRUBS AND GROUND COVERS SHALL BE PLANTED USING A SOIL MIXTURE PREPARED ACCORDINGLY (2/3 EXISTING SOIL, 1/3 PEAT).
 THE LANDSCAPE CONTRACTOR SHALL INSURE ADEQUATE VERTICAL DRAINAGE IN ALL PLANT BEDS AND PLANTERS. VERTICAL DRILLING THROUGH ANY COMPACTED FILL TO NATIVE SOIL SHALL BE ACCOMPLISHED TO AID DRAINAGE.
 ALL PLANT BEDS AND TREE WATERING BASINS SHALL BE TOP DRESSED WITH THREE INCHES (3") OF FINE BARK MULCH.
 NO TREES SHALL BE PLANTED CLOSER THAN 3 FEET (3') FROM THE EDGE OF PAVEMENT TO ALLOW ADEQUATE TREE TRUNK PROTECTION.
 LANDSCAPE CONTRACTOR SHALL BE WHOLLY RESPONSIBLE FOR STABILITY AND PLUMB CONDITION OF ALL TREES AND SHALL BE LEGALLY LIABLE FOR ANY DAMAGE CAUSED BY THE INSTABILITY OF ANY PLANT MATERIAL.
 ALL LAWN AREAS TO RECEIVE SOD SHALL BE DISHED FOUR(4) TO SIX(6) INCHES AND DRAGGED TO ESTABLISH A LEVEL FINISH GRADE. ALL DEBRIS TO BE REMOVED FROM THE SITE.
 SOD SHALL BE FREE OF WEEDS AND PESTS. IT SHALL BE LAID EVENLY AND ROLLED, WITH TIGHT FITTING JOINTS. THE SOD SHALL CONTAIN MOST SOIL WHICH DOES NOT FALL APART ON TEAR WHEN LIFTED. ALL AREAS NOT PAVED OR OTHERWISE LANDSCAPED SHALL BE SODDED. SOD SHALL BE ARGENTINE, BAHIA OR EQUAL.
 ALL LANDSCAPE AREAS TO BE IRRIGATED WITH AN AUTOMATIC UNDERGROUND SYSTEM, WITH 100% COVERAGE, REDUCED PRESSURE VALVE, & RAIN SENSOR DEVICE. DIRECT SPRAY HEADS AWAY FROM ANY NATURAL AREAS AND PAVED SURFACES. THE TREE CALIPER OF ALL TREES SPECIFIED ON THE PLANT LIST SHALL BE MEASURED AT SIX (6) INCHES ABOVE GRADE.
 ALL LANDSCAPE AREAS TO BE IRRIGATED WITH AN AUTOMATIC UNDERGROUND SYSTEM, WITH 100% COVERAGE, BACKFLOW PREVENTOR, & RAIN SENSOR DEVICE AND MEET SECTION 90.232(4) ORANGE COUNTY IRRIGATION REQUIREMENTS.
 IRRIGATION CONTRACTOR TO USE DRIP IRRIGATION ON SHRUBS AND TREES & PROVIDE IRRIGATION PLANS TO COUNTY FOR APPROVAL.

PLANT LIST						
SYM.	QTY.	LABEL	BOTANICAL NAME	COMMON NAME	SIZE	
TREES						
○	7	QV	QUERCUS VIRGINIANA	LIVE OAK (EXISTING)	12'; 3.75" CAL.	
○	1	QV	QUERCUS VIRGINIANA	LIVE OAK	12'; 3.75" CAL.	
○	6	LI	LAGERSTROEMIA INDICA	CREPE MYRTLE	8' HIGH 3" CALIPER	
SHRUBS						
○	176	VO	VIBERNUM ODORATISSIMUM	SWEET VIBURNUM	30" HIGH @ PLANTING, 30" O.C.	
○	36	IH	RAPHOLEPIES INDICA	INDIAN HAWTHORNE	30"-36" HT. 21"-24" SPD. 30" O.C.	

1 LANDSCAPE PLAN
 SCALE: 1/8"=1'-0"

NO.	DATE	DESCRIPTION

WEST COLONIAL
 12822 W. COLONIAL DRIVE,
 WINTER GARDEN, FL.
 OWNER:
 METROWEST PROPERTY MANAGEMENT, LLC

ARCHENICS
 LANDSCAPE ARCHITECTS
 12822 W. COLONIAL DRIVE, WINTER GARDEN, FL. 32787
 (407) 399-2214
 WWW.ARCHENICS.COM

ROBBY R. JOSHI, RA, NCARB
 LE #0010214

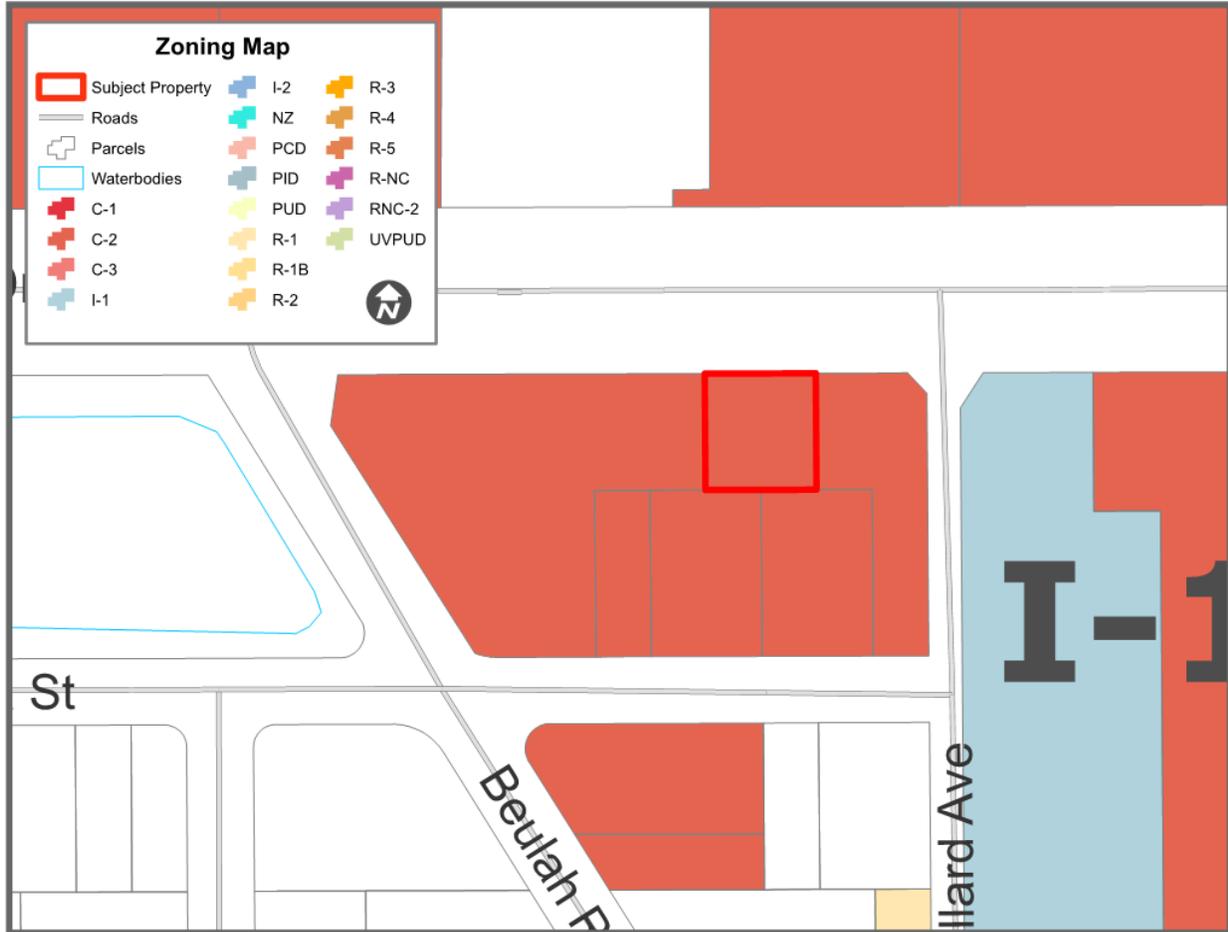
LANDSCAPE PLAN
 DATE: 06/10/20
 PROJECT No. 20-015

A-012

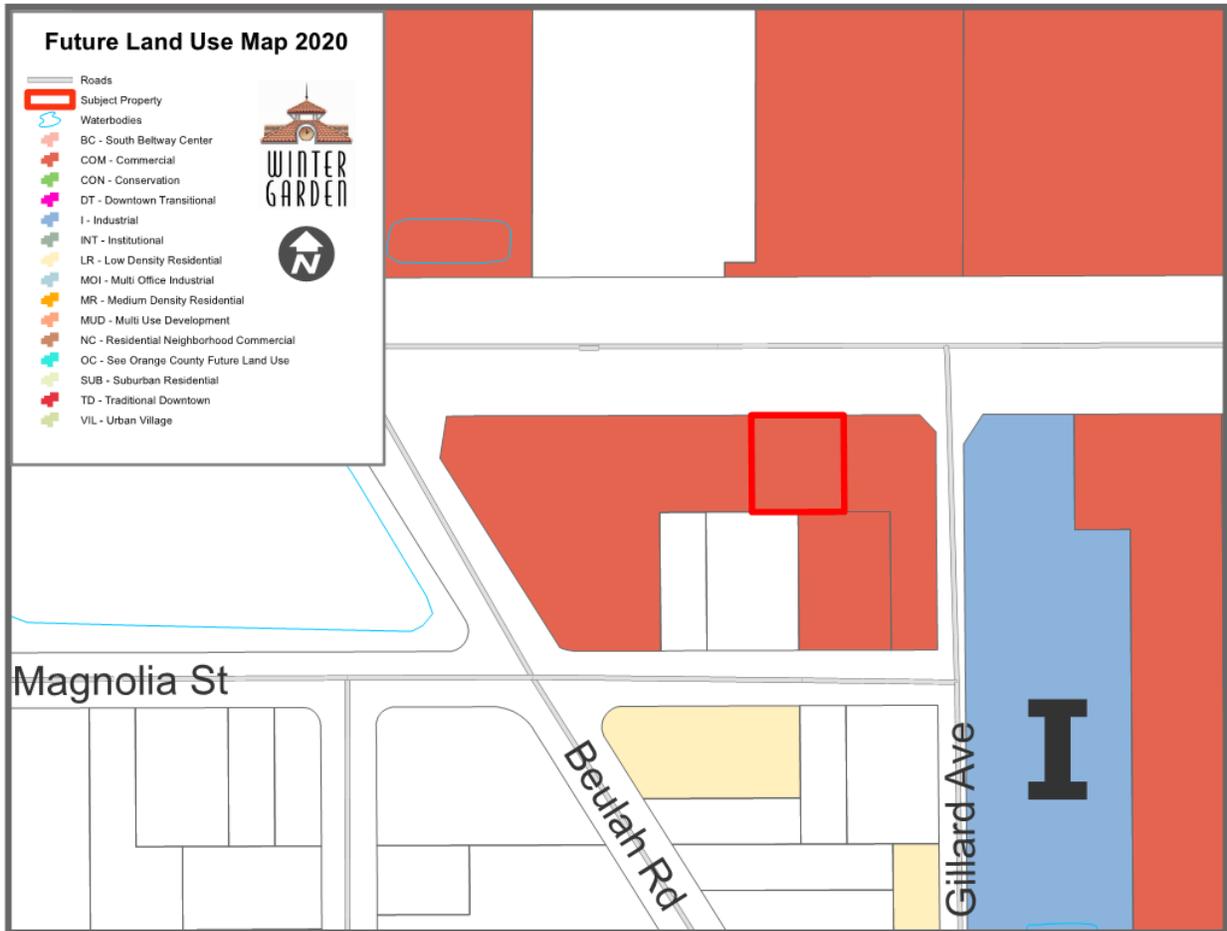
SITE PHOTOS
12822 W. COLONIAL DRIVE



ZONING MAP
12822 W. COLONIAL DRIVE



FUTURE LAND USE MAP
12822 W. COLONIAL DRIVE



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 7
(Public Hearing)

Date: September 4, 2020 **Meeting Date:** September 14, 2020
Subject: 403 S Dillard Street (Special Exception Permit)
Project Name: Betty J's Florist
Parcel ID: 23-22-27-7948-03-050
Issue: The applicant is requesting a special exception permit for the property located at 403 S Dillard Street

Supplemental Material / Analysis:

Owner / Applicant: BETTY J's FLORIST
Current Zoning: C-3
Proposed Zoning: N/A
Current FLU: COM Commercial
Proposed FLU: N/A

Summary: The applicant is requesting a special exception permit. If approved, this special exception will allow the applicant to operate a retail florist store in C-3 Professional Office zoning district (See Staff Report).

Staff Recommendation(s):

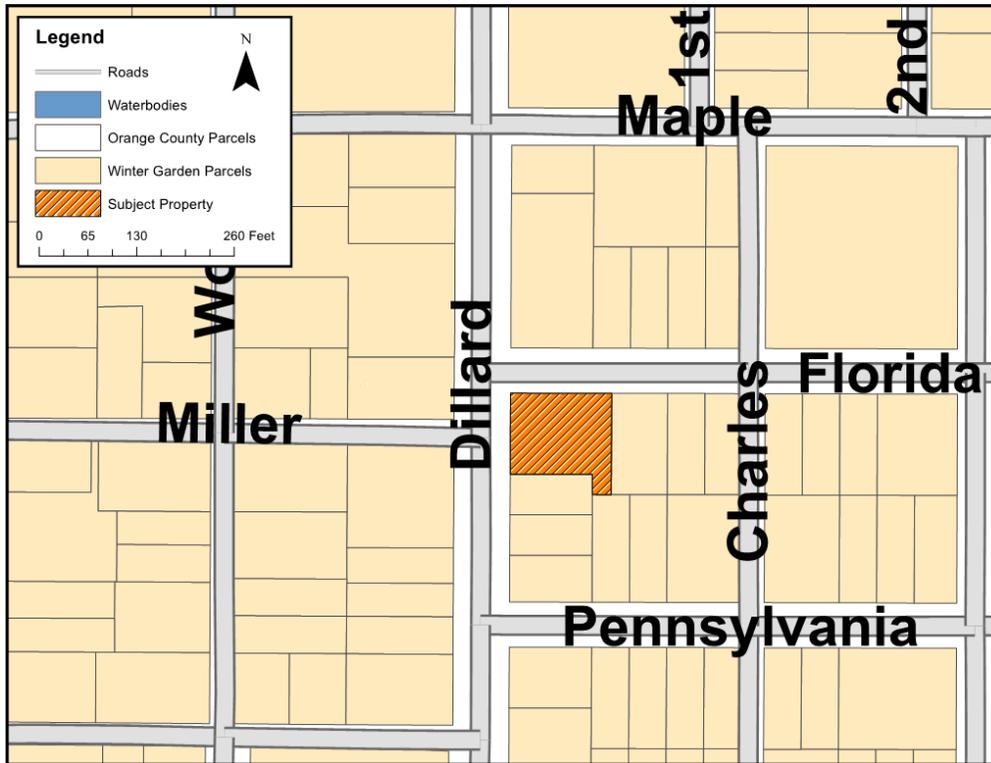
Staff recommends approval of the special exception subject to the condition outlined in the Staff Report.

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

Attachment(s): Location Map
Staff Report

LOCATION MAP

403 S Dillard Street



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

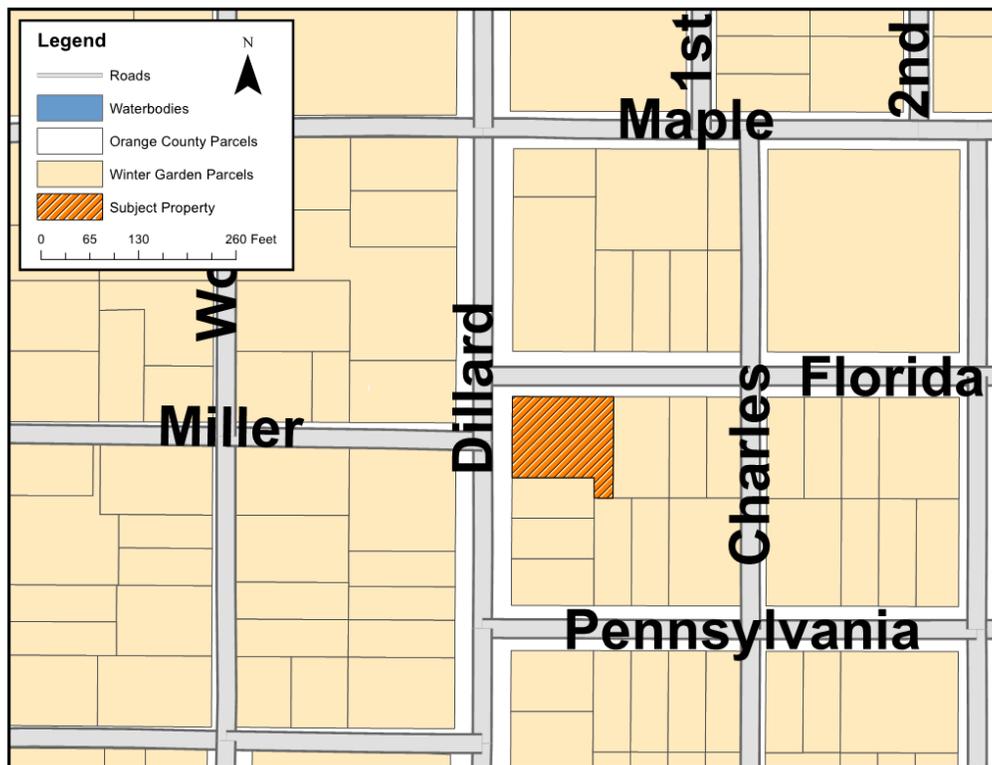
TO: PLANNING AND ZONING BOARD
PREPARED BY: SHANE FRIEDMAN, SENIOR PLANNER
DATE: SEPTEMBER 4, 2020
SUBJECT: SPECIAL EXCEPTION PERMIT
403 S Dillard Street (0.35 ± ACRES)
PARCEL ID # 23-22-27-7948-03-050

APPLICANT: BETTY J's FLORIST

INTRODUCTION

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

The subject property is located at 403 S Dillard Street and is approximately 0.35 ± acres in size, located at the corner of Florida Avenue and Dillard Street. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



The applicant is requesting a Special Exception Permit in order to operate a retail florist store in C-3 Professional Office zoning district. The subject property is located within the City of Winter Garden's municipal limits, carries the zoning designation of C-3 Professional Office District, and is designated Commercial (COM) on the Future Land Use Map of the Comprehensive Plan.

CURRENT USE

The subject property contains one single-story commercial building currently being renovated.

ADJACENT LAND USE AND ZONING

The properties to the north, south, and west are developed with various office/commercial buildings, are zoned C-3 Professional Office District, and are within the City's municipal limits. The property to the east of the subject property is developed with a single-family home, is zoned R-2 Residential District, and is within the City's municipal limits.

PROPOSED USE

The applicant is not proposing to construct any buildings or offices and will simply be tenants of the newly renovated commercial building. The applicant intends to operate a retail florist shop.

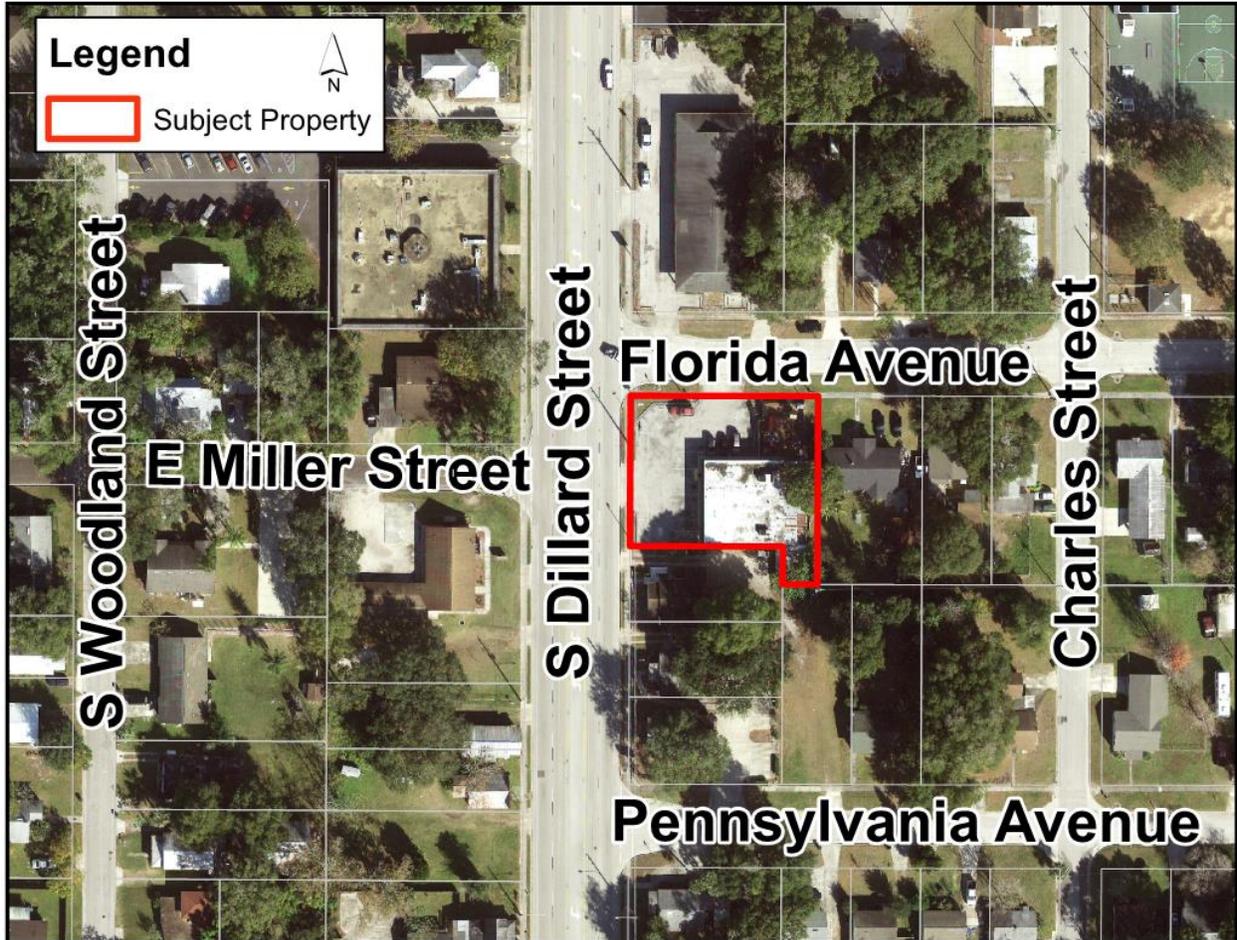
ANALYSIS

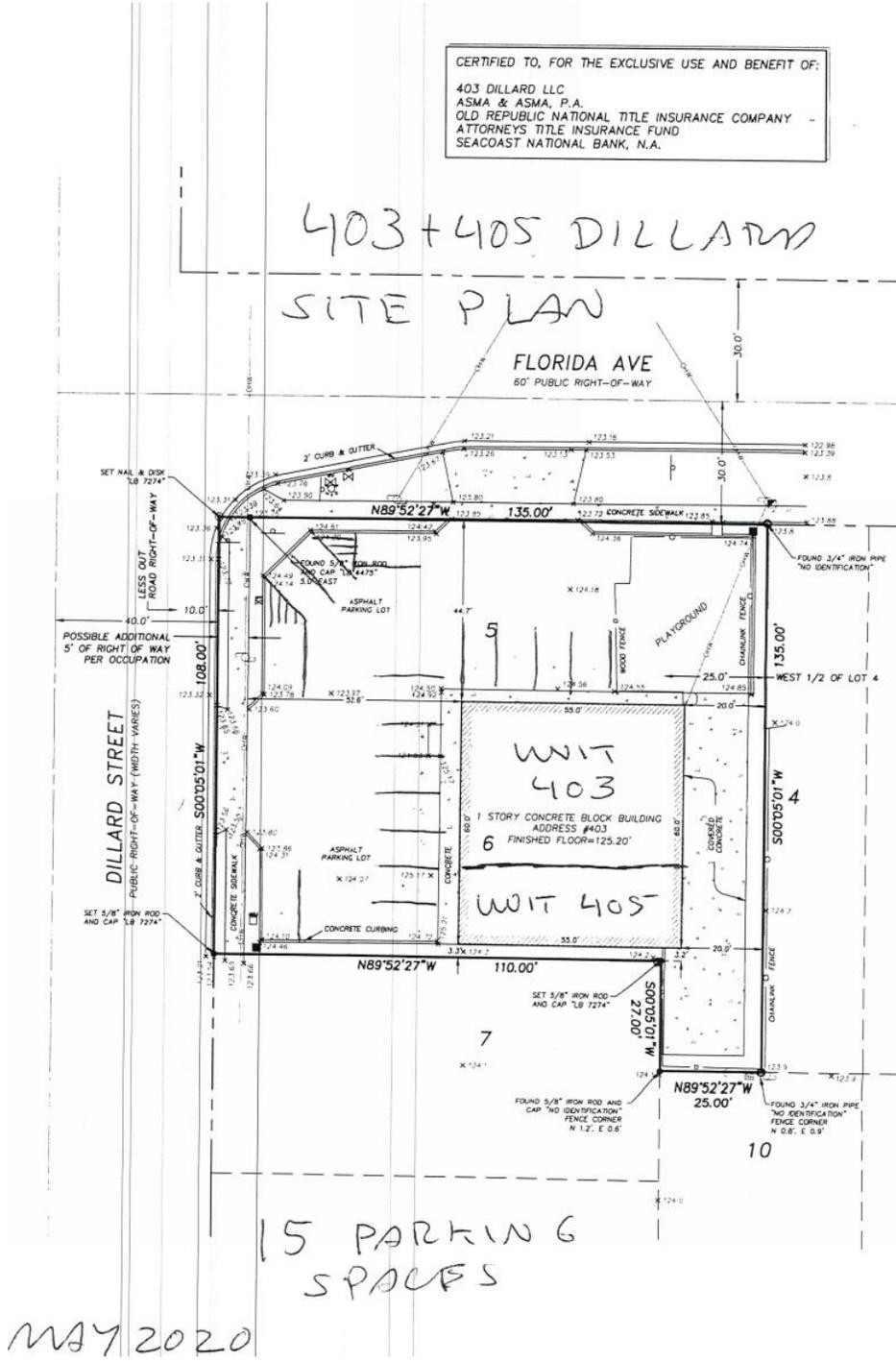
Section 118-629(3) of City Code allows special exception uses for the C-3 Professional Office District which the Planning and Zoning Board determines is compatible with the permitted uses in C-3. The proposed use is not out of character with the businesses along Dillard Street that provide services as well as some retail. The existing commercial location and parking is more than adequate to accommodate the proposed use. In addition, the plans to redo Dillard Street and make it a pedestrian friendly commercial district are consistent with the proposed use.

SUMMARY

City Staff recommends approval of the proposed special exception permit to allow the applicant to operate a retail florist shop, at 403 S Dillard Street, in C-3 Professional Office District.

AERIAL PHOTO
403 S Dillard Street

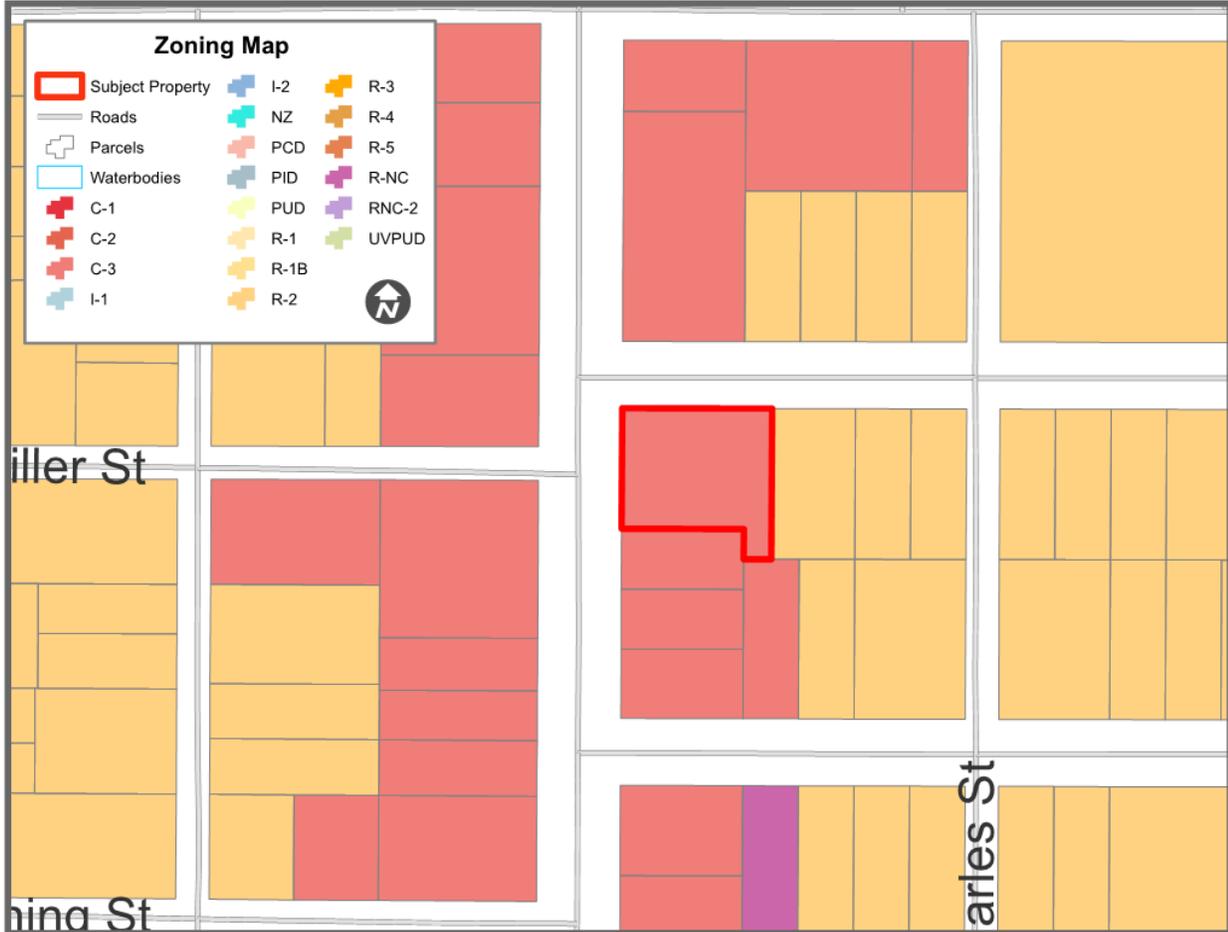




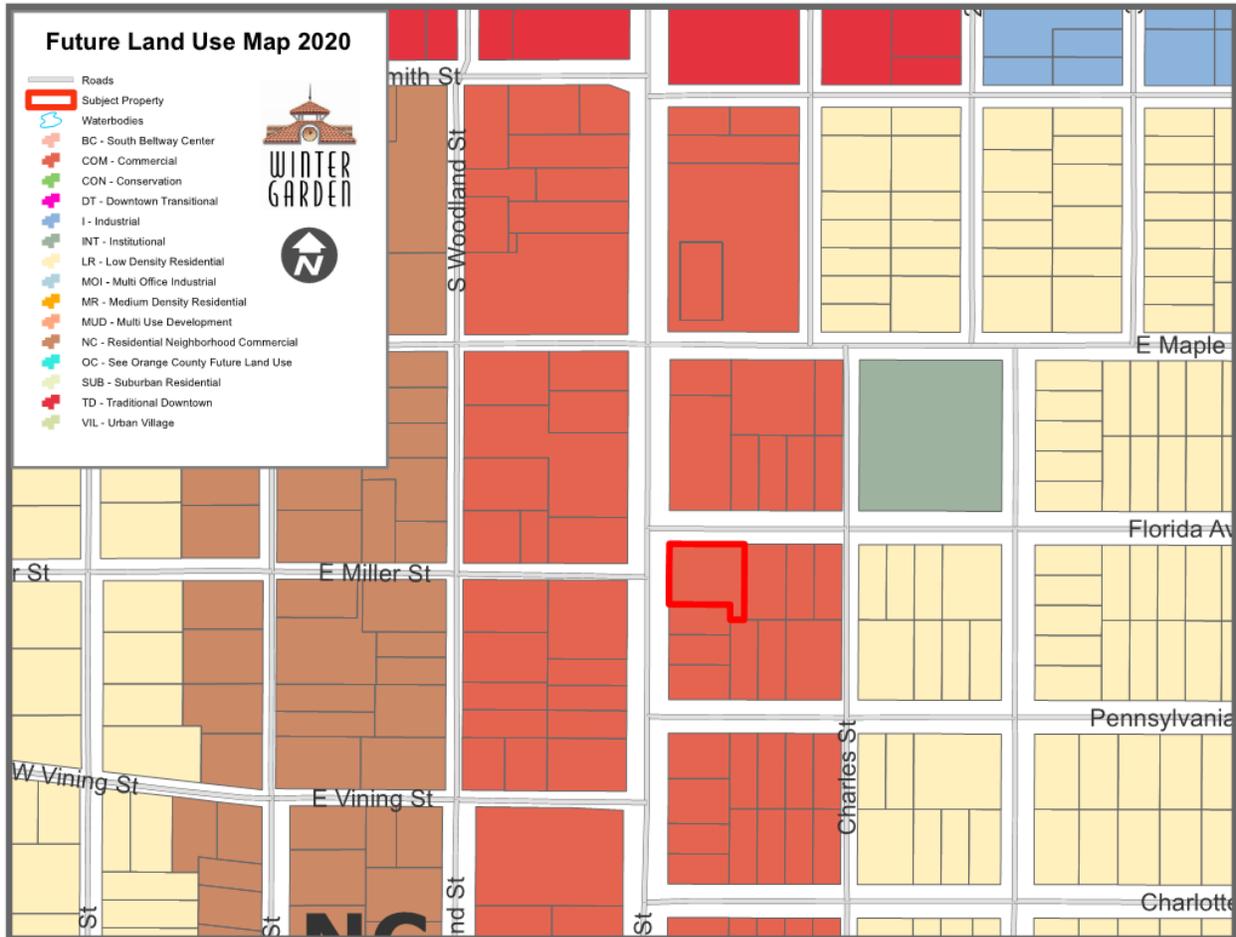
SITE PHOTOS
403 S Dillard Street



ZONING MAP
403 S Dillard Street



FUTURE LAND USE MAP 403 S Dillard Street



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 8
(Public Hearing)

Date: September 4, 2020 **Meeting Date:** September 14, 2020
Subject: 275 Center Street (Special Exception Permit)
Project Name: 275 Center Street SEP
Parcel ID: 13-22-27-5260-00-100
Issue: The applicant is requesting a Special Exception Permit for the property located at 275 Center Street.

Supplemental Material / Analysis:

Owner / Applicant: West Orange Habitat for Humanity
Current Zoning: RNC-2 Residential Neighborhood Commercial 2
Proposed Zoning: N/A
Current FLU: NC Residential Neighborhood Commercial
Proposed FLU: N/A

Summary: The applicant is requesting a Special Exception Permit to allow construction of four single-family homes arranged in a tandem-style layout, with two of the homes facing Center Street and two of the homes facing an interior courtyard. The project also includes associated site development including a shared driveway that leads to individual parking areas (two spaces each), walkways, site landscaping and buffering, and stormwater areas (See Staff Report).

Staff Recommendation(s):

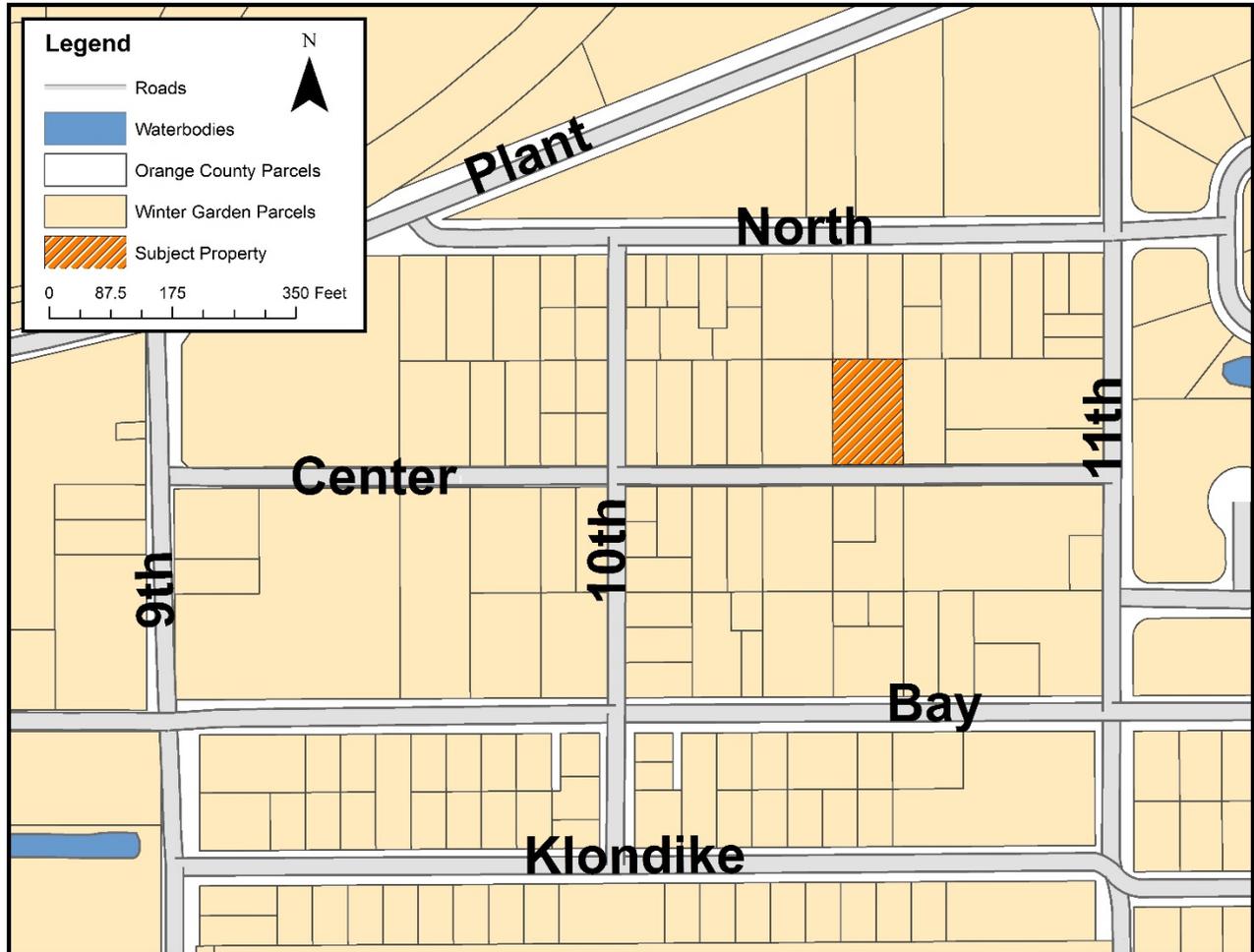
Staff recommends approval of the Special Exception Permit subject to the conditions outlined in the Staff Report.

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

Attachment(s): Location Map
Staff Report

LOCATION MAP

275 Center Street
Special Exception Permit



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

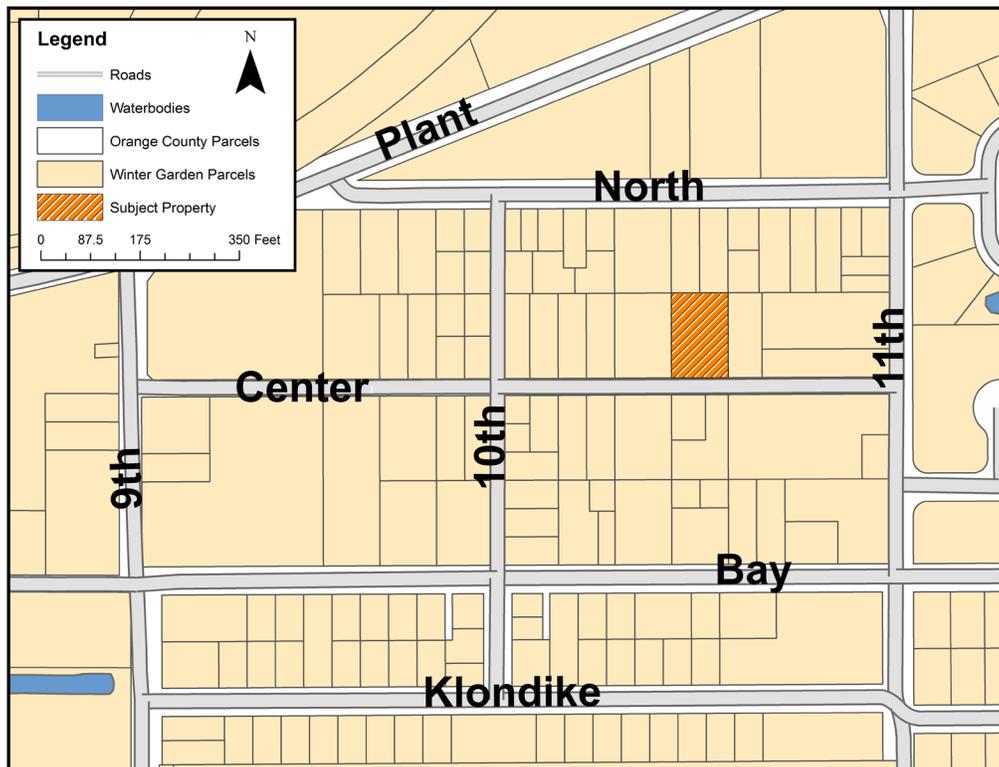
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: SEPTEMBER 3, 2020
SUBJECT: SPECIAL EXCEPTION PERMIT
275 Center Street (0.34 +/- Acres)
PARCEL ID # 13-22-27-5260-00-100

APPLICANT: West Orange Habitat for Humanity

INTRODUCTION

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

The subject property is located at 275 Center Street. The map below depicts the location of the subject property within the City of Winter Garden's municipal limits.



The applicant is requesting a Special Exception Permit in order to allow the development of tandem housing on the property. The subject property carries the zoning designation RNC-2 (Residential Neighborhood Commercial 2 District) and is designated NC (Residential Neighborhood Commercial) on the Future Land Use Map of the City's Comprehensive Plan.

CURRENT USE

The subject property is currently vacant.

ADJACENT LAND USE AND ZONING

All of the adjacent properties are zoned RNC-2 and are located within the City of Winter Garden's municipal limits. The properties to the north, east, and west are vacant. There are two properties to the south of the subject property: one is vacant and the other is developed with a single-family home.

PROPOSED USE

The applicant is requesting the special exception permit to allow construction of four single-family homes arranged in a tandem-style layout, with two of the homes facing Center Street and two of the homes facing an interior courtyard. The two street-facing homes will each be 1.5 stories and have four bedrooms, two baths, and +/- 1,500 square feet. They will feature Florida vernacular architecture with lap siding, a gable roof, and a large wrap around front porch. The two courtyard homes will also feature Florida vernacular architecture with a gable roof and a front porch. These homes will be built as single story, two bedrooms and one bathroom homes with +/- 800 square feet. However, the structure is being designed so the future homeowner is able to build a second story with additional bedrooms and bathroom without adversely affecting the first floor layout.

The project also includes associated site development including a shared driveway that leads to individual parking areas (two spaces each), walkways, site landscaping and buffering, and stormwater areas.

ANALYSIS

The property is zoned RNC-2 Residential Neighborhood Commercial 2, which permits tandem housing by special exception:

Sec. 118-514. - Special exceptions.

Special exception uses and structures in the RNC-2 zoning districts are as follows:

- (9) Tandem housing (as defined in section 118-519).

The City has collaborated closely with the applicant, who is West Orange Habitat for Humanity, on the concept for the tandem development. In 2017, the City initiated a Master Planning process for all of East Winter Garden that involved hands-on community meetings and workshops, a three day open planning studio, and multiple small group conversations with stakeholders and community participants. The result of this process was the East Winter Garden Plan, which is intended to "help city leaders, the business community, non-profit organizations, and residents, ensure that change in East Winter Garden diversifies the neighborhood's economy, increases

employment opportunities, improves the health of residents, improves homeownership and housing conditions, and upgrades the quality of life”.

One of the major “big ideas” in the East Winter Garden Plan is to “Increase homeownership and improve housing quality while respecting the scale of the existing community”. The proposed tandem housing development falls directly in line with this stated goal. Habitat for Humanity is the organization that will be developing the houses, and their stated mission is to increase homeownership by bringing people together to “build homes, communities, and hope”.

SUMMARY

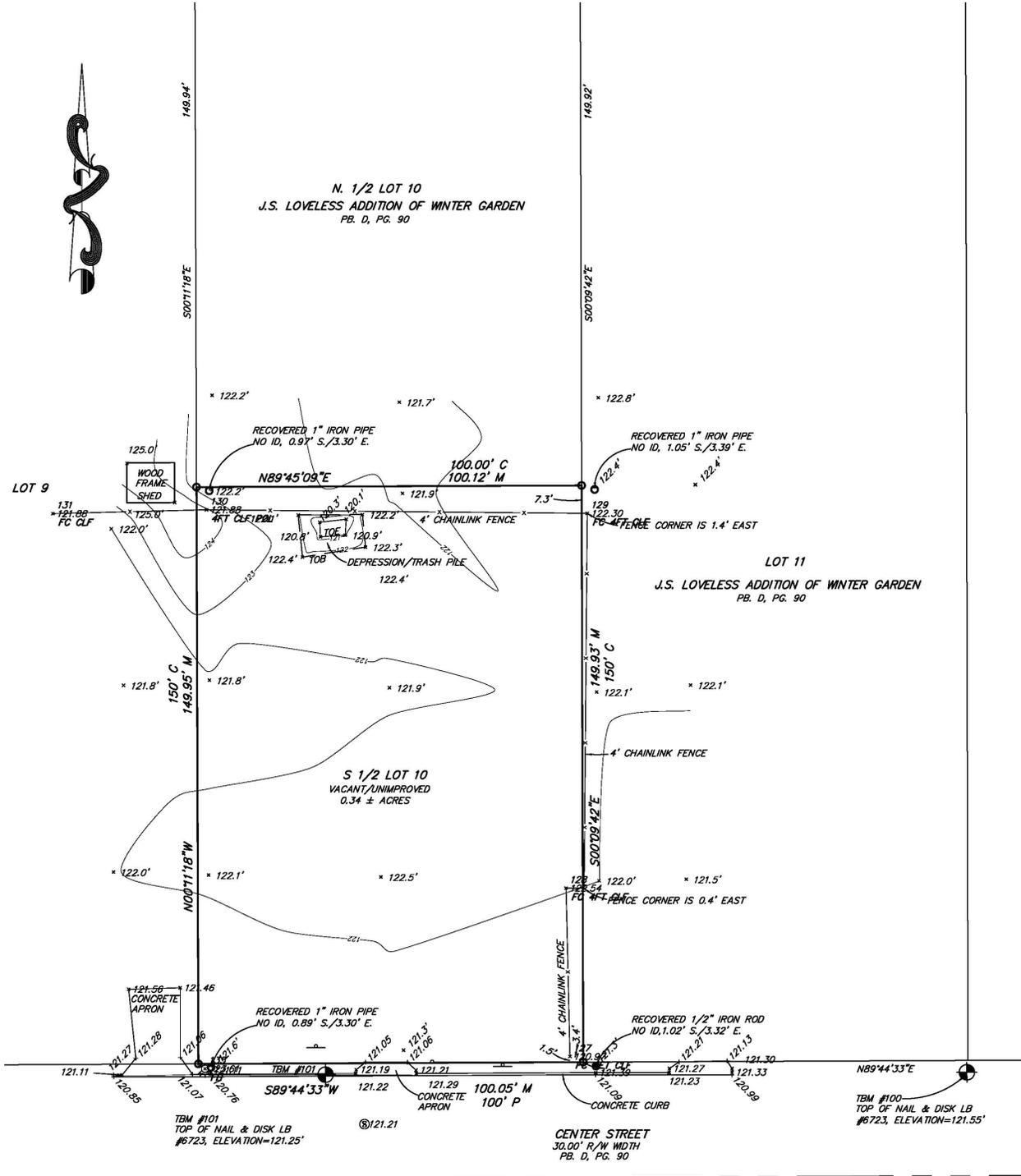
City Staff recommends approval of the proposed special exception permit to allow the development of tandem housing on the subject property with the following conditions:

- 1) The development shall adhere to all other code requirements for development in the RNC-2 zoning district including buffering, landscaping, impervious surface ratios, etc. A construction plan set is required to be submitted depicting grading & drainage, utilities, and site design. The Final Plat is required to be approved by the City Commission.
- 2) A minimum 5’ sidewalk shall be installed along the Center Street frontage.

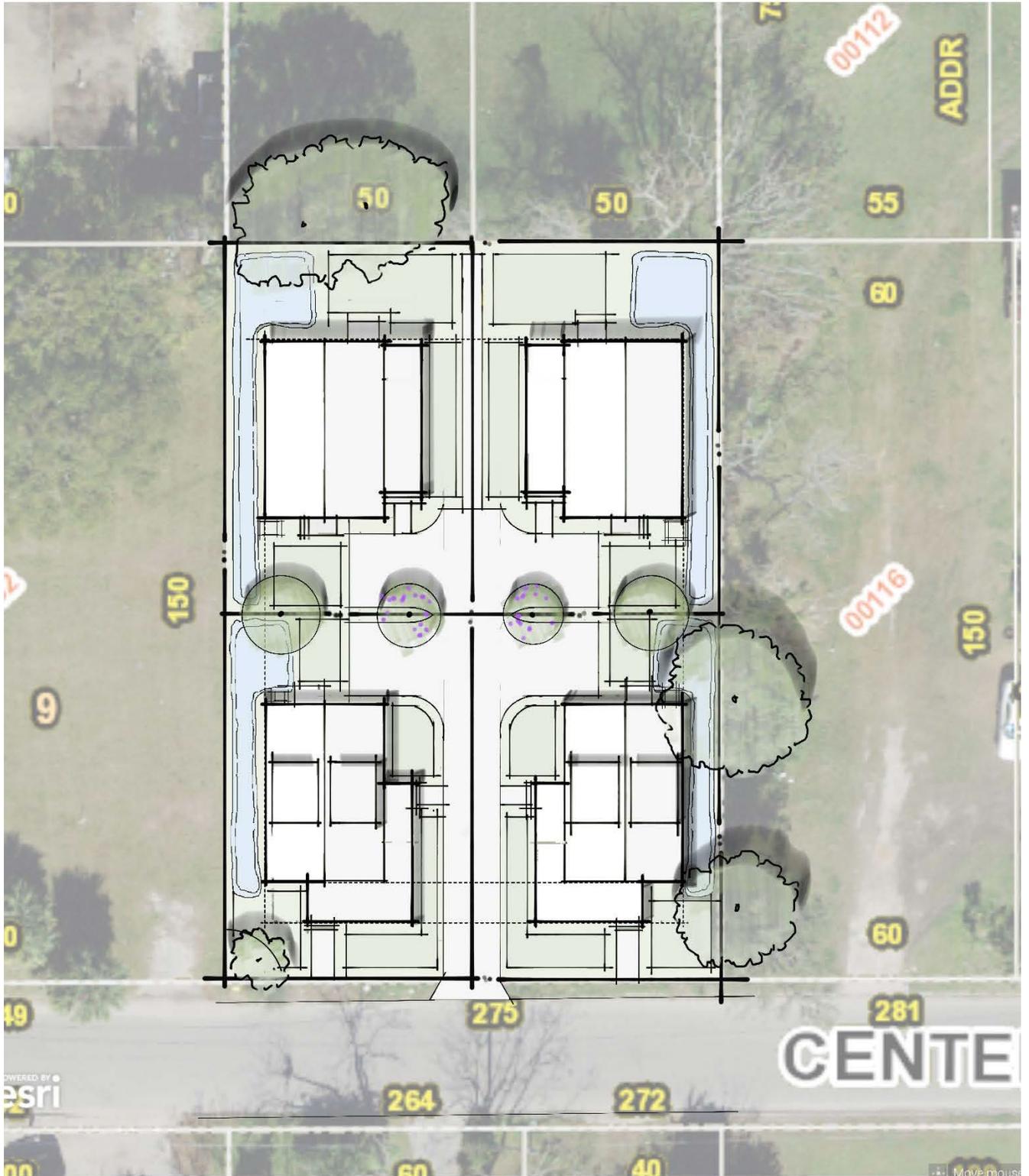
AERIAL PHOTO
275 Center Street



PROPERTY SURVEY
275 CENTER STREET



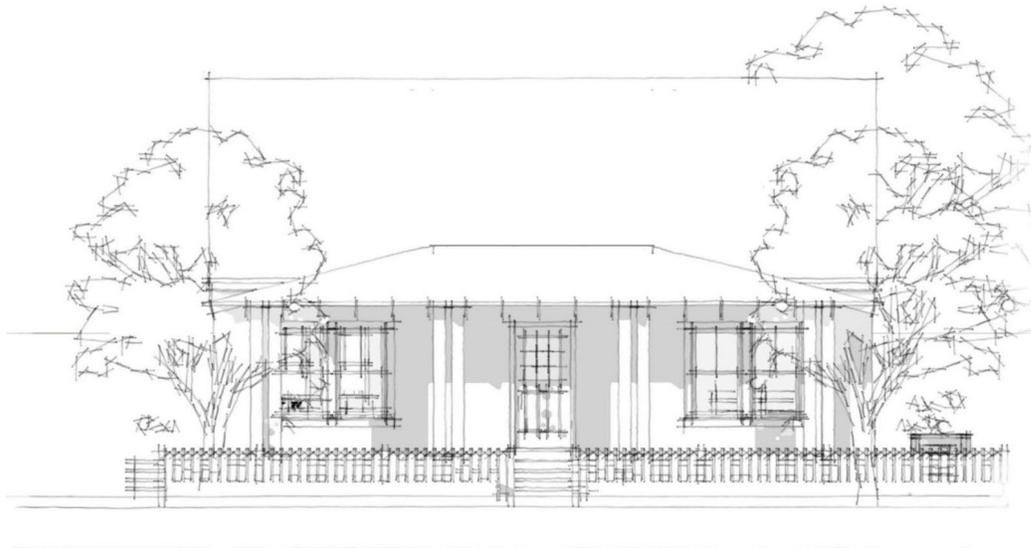
PROPOSED SITE PLAN
275 Center Street



PROPOSED ELEVATIONS
275 CENTER STREET



Street-Facing Homes
(1.5 Stories, 4 Bed)

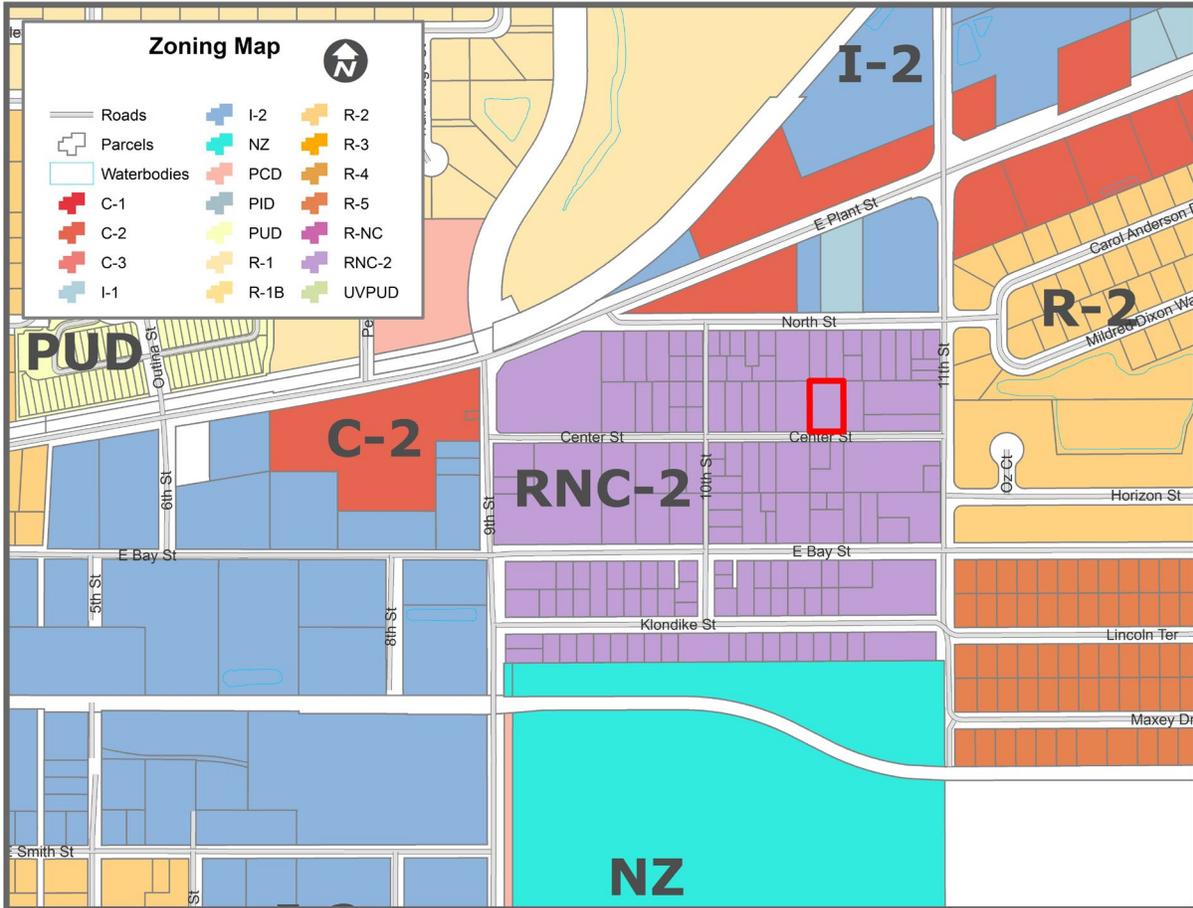


Courtyard Cottages
(1 Story, 2 Bed)

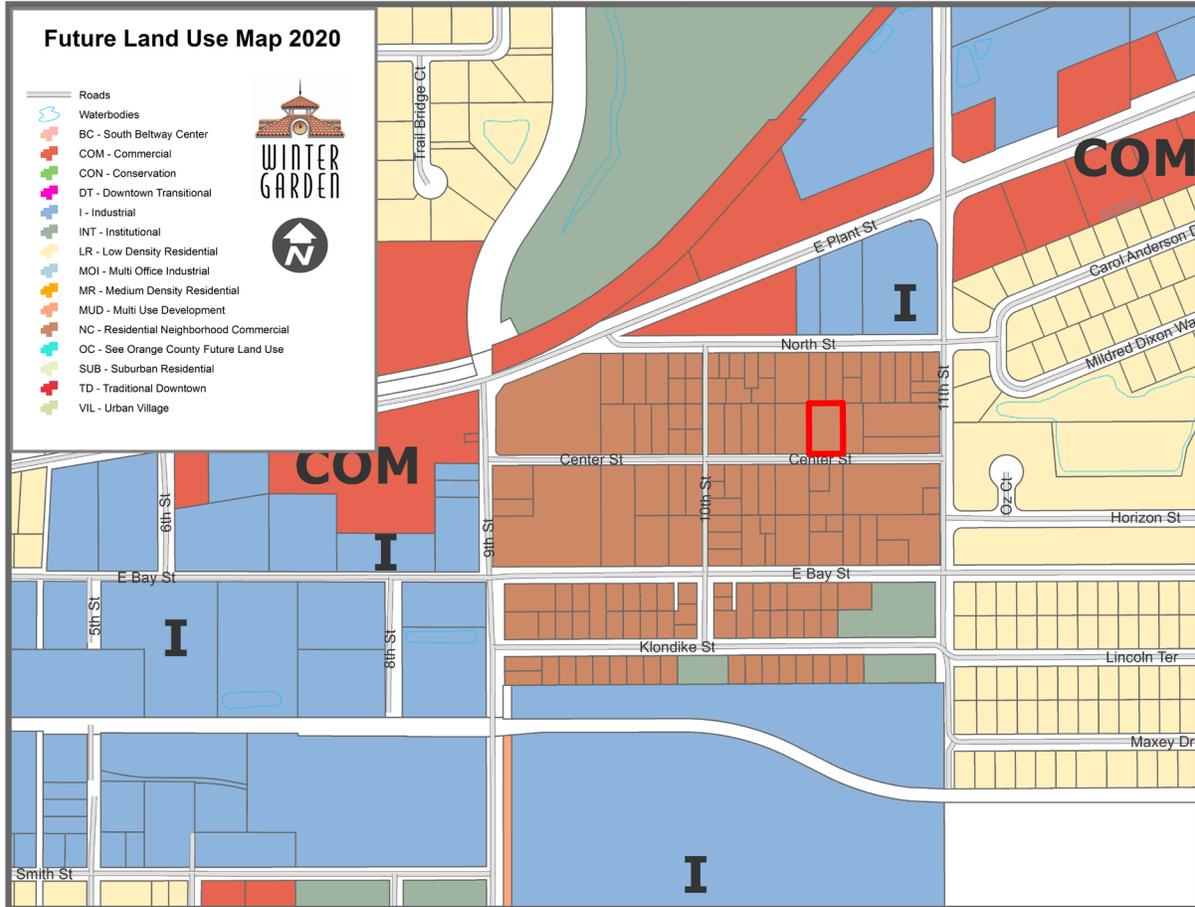
SITE PHOTOS
275 CENTER STREET



ZONING MAP 275 Center Street



FUTURE LAND USE MAP 275 Center Street



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 9
(Public Hearing)

Date: September 4, 2020 **Meeting Date:** September 14, 2020
Subject: 275 Center Street (Variance)
Project Name: 275 Center Street Variance
Parcel ID: 13-22-27-5260-00-100
Issue: The applicant is requesting variances for the property located at 275 Center Street.

Supplemental Material / Analysis:

Owner / Applicant: West Orange Habitat for Humanity
Current Zoning: RNC-2 Residential Neighborhood Commercial 2
Proposed Zoning: N/A
Current FLU: NC Residential Neighborhood Commercial
Proposed FLU: N/A

Summary: The applicant is requesting a variance to Winter Garden Code of Ordinances Section 118-519 (1) & (2)d for an 0.34 ± acre property located at 275 Center Street. If approved, this variance will allow tandem houses to be built with a front yard setback of 16 feet in lieu of the minimum required 20 feet, internal side setbacks of 12 feet in lieu of the minimum required 15 feet, have a minimum living area of 800 square feet in lieu of the minimum required 1,200 square feet, and provide uncovered paved parking stalls in lieu of the requirement for a garage or carport (See Staff Report).

Staff Recommendation(s):

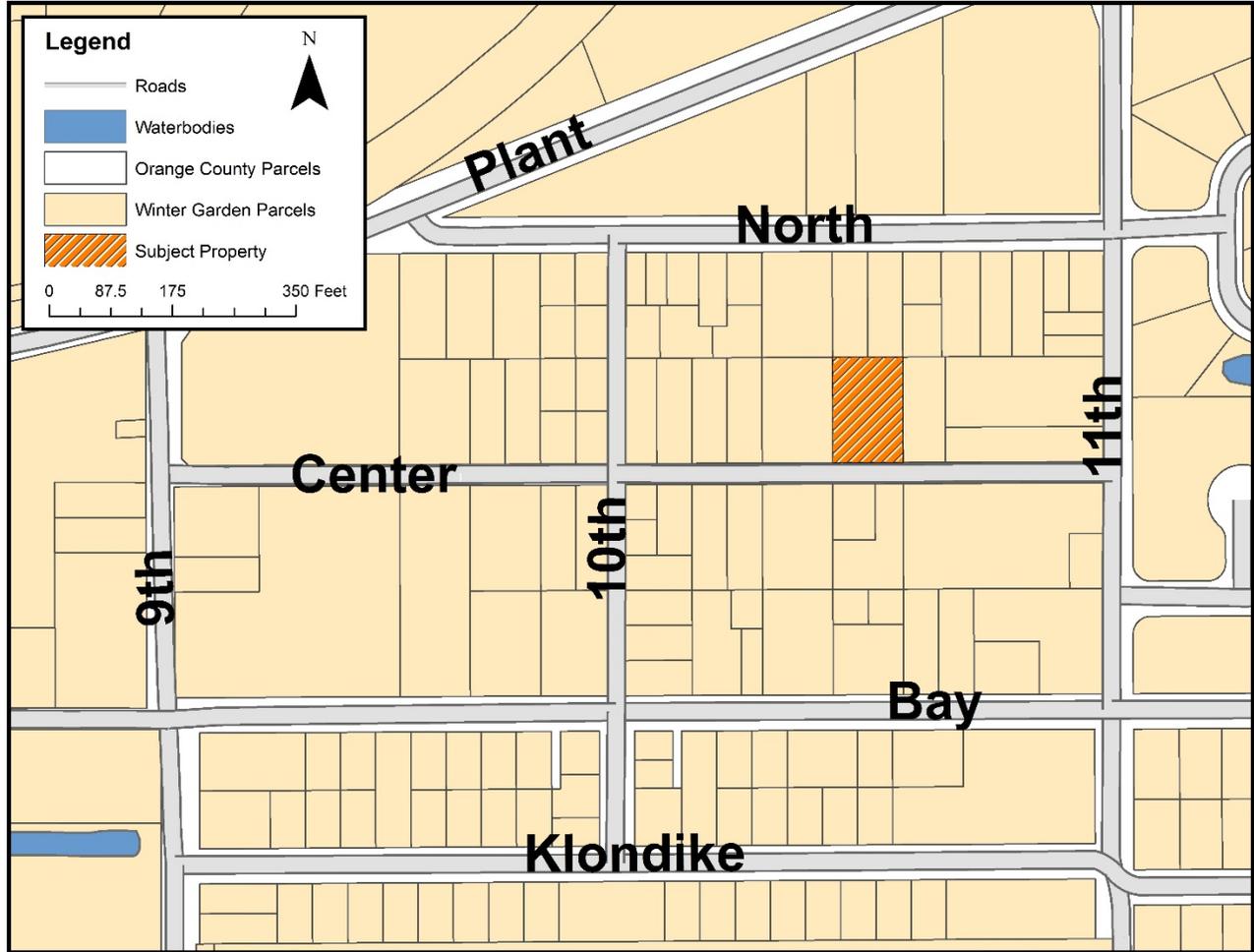
Staff recommends approval of the variances subject to the conditions outlined in the Staff Report.

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

Attachment(s): Location Map
Staff Report

LOCATION MAP

275 Center Street
Variances



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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STAFF REPORT

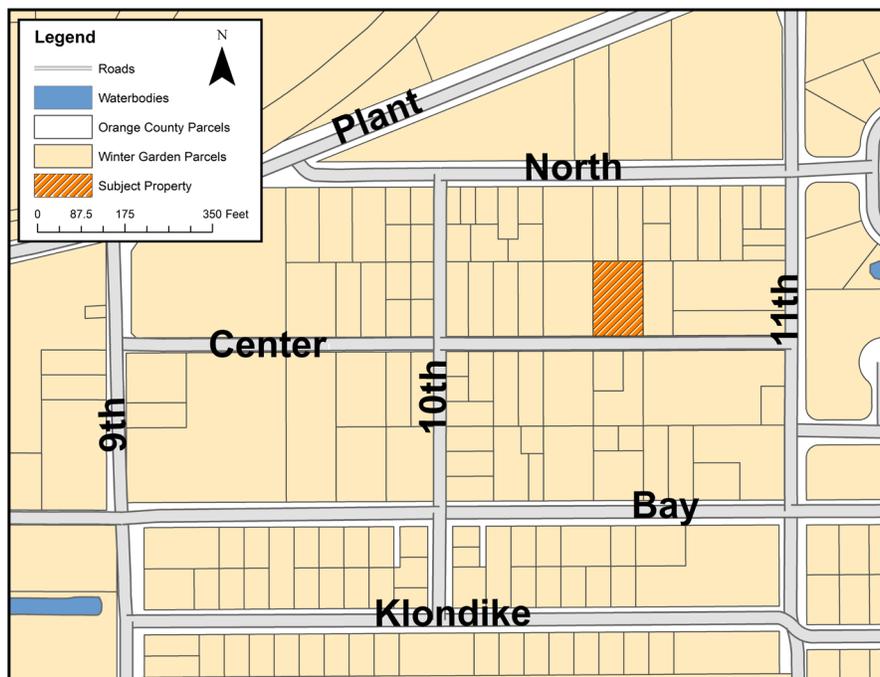
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: SEPTEMBER 3, 2020
SUBJECT: VARIANCE
275 Center Street (0.34 +/- ACRES)
PARCEL ID # 13-22-27-5260-00-100

APPLICANT: West Orange Habitat for Humanity

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 275 Center Street in Winter Garden, Florida. The request is to allow tandem houses to be built with a front yard setback of 16 feet in lieu of the minimum required 20 feet, internal side setbacks of 12 feet in lieu of the minimum required 15 feet, have a minimum living area of 800 square feet in lieu of the minimum required 1,200 square feet, and provide uncovered paved parking stalls in lieu of the requirement for a garage or carport.

The subject property, located at 275 Center Street, is an approximately 0.34 ± 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 RNC-2 (Residential Neighborhood Commercial 2 District) and is designated NC (Residential Neighborhood Commercial) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently vacant.

ADJACENT LAND USE AND ZONING

All of the adjacent properties are zoned RNC-2 and are located within the City of Winter Garden's municipal limits. The properties to the north, east, and west are vacant. There are two properties to the south of the subject property: one is vacant and the other is developed with a single-family home.

PROPOSED USE

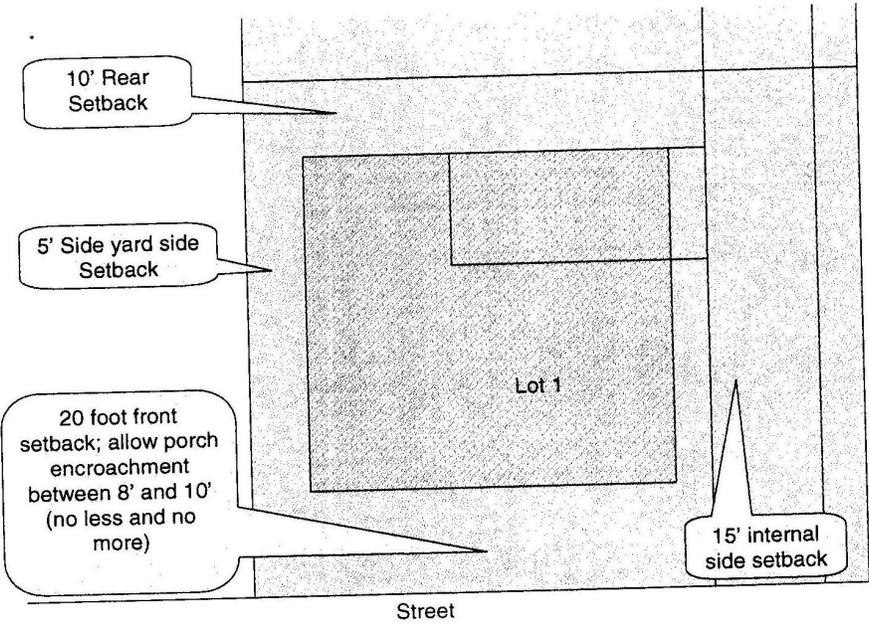
The applicant is requesting the variances to allow construction of four single-family homes arranged in a tandem-style layout, with two of the homes facing Center Street and two of the homes facing an interior courtyard. The two street-facing homes will each be 1.5 stories and have four bedrooms, two baths, and +/- 1,500 square feet. They will feature Florida vernacular architecture with lap siding, a gable roof, and a large wrap around front porch. The two courtyard homes will also feature Florida vernacular architecture with a gable roof and a front porch. These homes will be built as single story, two bedrooms and one bathroom homes with +/- 800 square feet. However, the structure is being designed so the future homeowner is able to build a second story with additional bedrooms and bathroom without adversely affecting the first floor layout.

The project also includes associated site development including a shared driveway that leads to individual parking areas (two spaces each), walkways, site landscaping and buffering, and stormwater areas.

CODE REFERENCE

Sec. 118-519 (1) & (2)d. of the City Code of Ordinances addresses requirements for tandem house development in the RNC-2 district. This section states,

- (1) General. Tandem housing allows two detached single family residential units along the street front and two detached single family residential units in the rear all connected by a common center driveway. The minimum lot dimension and zoning requirements for tandem housing are identified below in the "four lot" tandem housing illustration:*



(NTS)

In addition to the above...The minimum living area for a tandem house is 1,200 square feet...

(2) Design criteria for tandem houses. The intent of these design criteria is to assist in the review and evaluation of building design during preliminary and final plan. All tandem housing must have the following:

- ...
d) Porch and garage: All tandem houses shall include a garage or carport, constructed with the same materials as the dwelling. In addition, all tandem house dwellings that face the street shall include an open (but covered) front porch that is a minimum of 130 square feet under roof in size. The internal driveways must be either concrete or brick. No asphalt.*

The applicant is seeking a variance to the minimum front & side yards, minimum living area, and covered parking requirements.

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 tandem houses to be built with a front yard setback of 16 feet in lieu of the minimum required 20 feet, internal side setbacks of 12 feet in lieu of the minimum required 15 feet, have a minimum living area of 800 square feet in lieu of the minimum required 1,200 square feet, and provide uncovered paved parking stalls in lieu of the requirement for a garage or carport will not negatively impact nearby property owners or the standard of living of the citizens of the City. The majority of the properties that surround the subject property are currently vacant. The residential property to the south of the subject property, which was constructed in 1987, would not meet the current setback standards per code.

Much care and attention has gone into the design of the tandem homes themselves to ensure they are high quality and will be welcomed additions to the neighborhood. The homes include many enhanced façade features and design elements such as lap siding, window and door trim, double-hung windows, porches, and elevated stem wall construction. The two street-facing homes will feature large, wrap around porches, which not only enhance the homes' aesthetics, but will also contribute to a vibrant area, promoting neighborhood socializing and safety ("eyes on the street").

The front porches on the street-facing homes meet the maximum porch encroachment requirements per code (8 feet); only the main body of the home does not meet the minimum 20' front setback. The variance request for the internal side setback is to accommodate the front porch wrapping around the side of the house, increasing the functionality and aesthetics.

The two smaller, +/- 800 square foot bungalow-style homes in the interior of the development are intended to help homeowners grow into their homes as their needs and finances change over time. While initially constructed as smaller two-bedroom dwellings, the design is conducive to vertical expansion. In this way, the homes are flexible for a range of homeowner incomes and space requirements.

The parking areas will be located in the rear of the street-facing homes, and will be visually buffered from the street by the homes themselves.

- (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 proposed variances will allow reasonable use of the property. In 2017, the City initiated a Master Planning process for all of East Winter Garden that involved hands-on community meetings and workshops, a three day open planning studio, and multiple small group conversations with stakeholders and community participants. The result of this process was the East Winter Garden Plan, which is intended to "help city leaders, the business community, non-profit organizations, and residents, ensure that change in East Winter Garden diversifies the neighborhood's economy, increases employment opportunities, improves the health of residents, improves homeownership and housing conditions, and upgrades the quality of life".

One of the major "big ideas" in the East Winter Garden Plan is to "Increase homeownership and improve housing quality while respecting the scale of the existing community". The proposed tandem housing development falls directly in line with this stated goal. Habitat for Humanity is the organization that will be developing the houses, and their stated mission is to increase homeownership by bringing people together to "build homes, communities, and hope".

(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. Denying this application benefits neither the property owner nor the City.

(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 a residential neighborhood commercial character.

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

The variances requested are the minimum variances that will make reasonable use of the land. The proposed tandem house development will be required to meet all of the other requirements of the RNC-2 zoning district including landscaping, buffering, parking, ISR maximums, etc. The proposed homes will be an asset to the East Winter Garden community, focusing on the goal of promoting homeownership through the development of quality housing while staying true to the character of area.

SUMMARY AND STAFF RECOMMENDATION

City Staff recommends approval of the variance to Section 118-519 (1) & (2)d to allow tandem houses to be built with a front yard setback of 16 feet in lieu of the minimum required 20 feet, internal side setbacks of 12 feet in lieu of the minimum required 15 feet, have a minimum living area of 800 square feet in lieu of the minimum required 1,200 square feet, and provide uncovered paved parking stalls in lieu of the requirement for a garage or carport, with the following conditions:

- 1) The development shall adhere to all other code requirements for development in the RNC-2 zoning district including buffering, landscaping, impervious surface ratios, etc. A construction plan set is required to be submitted depicting grading & drainage, utilities, and site design. The Final Plat is required to be approved by the City Commission.
- 2) A minimum 5' sidewalk shall be installed along the Center Street frontage.

NEXT STEPS

Follow all City regulations and apply for building permits.

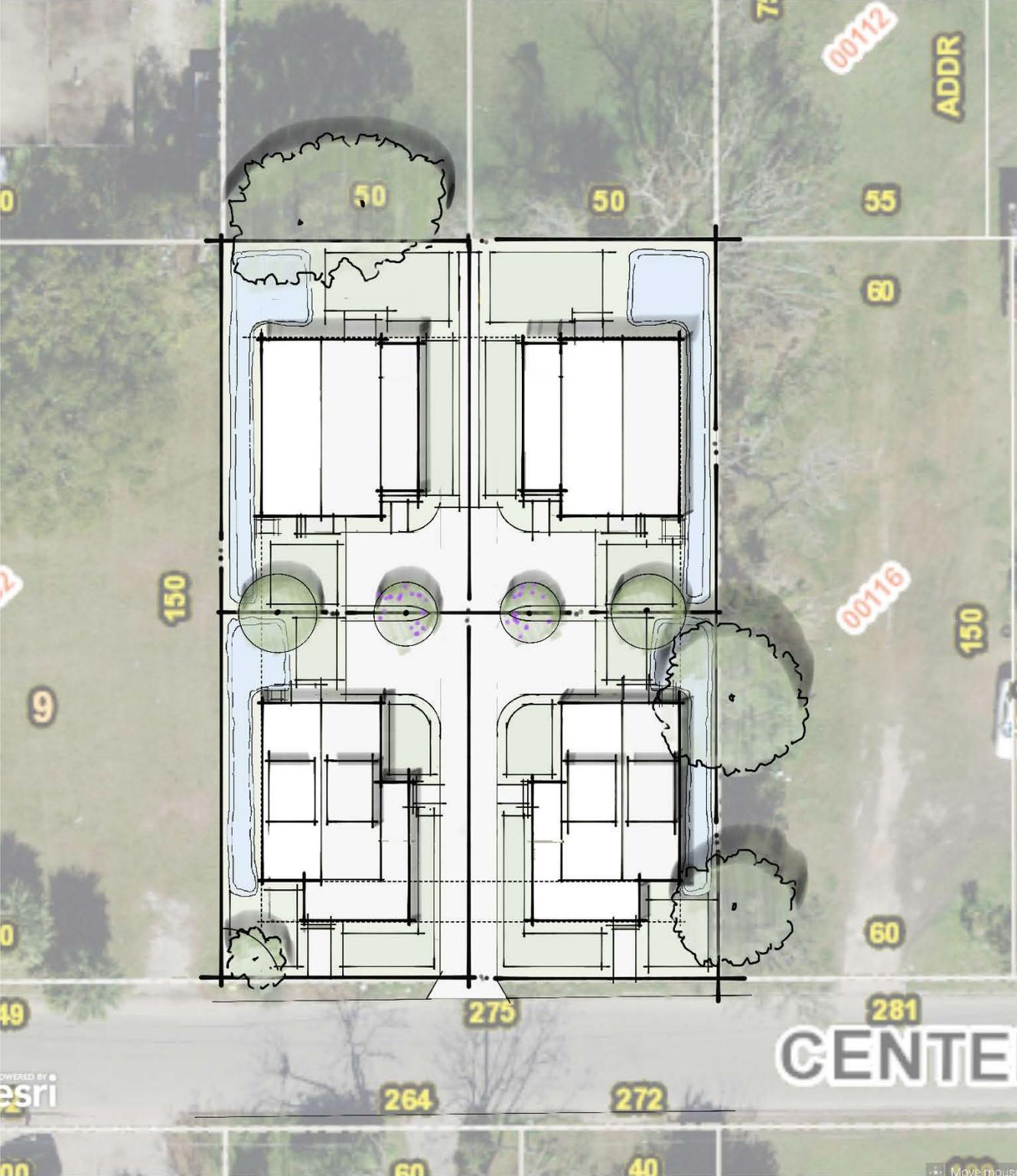
ATTACHMENTS

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

AERIAL PHOTO
275 Center Street



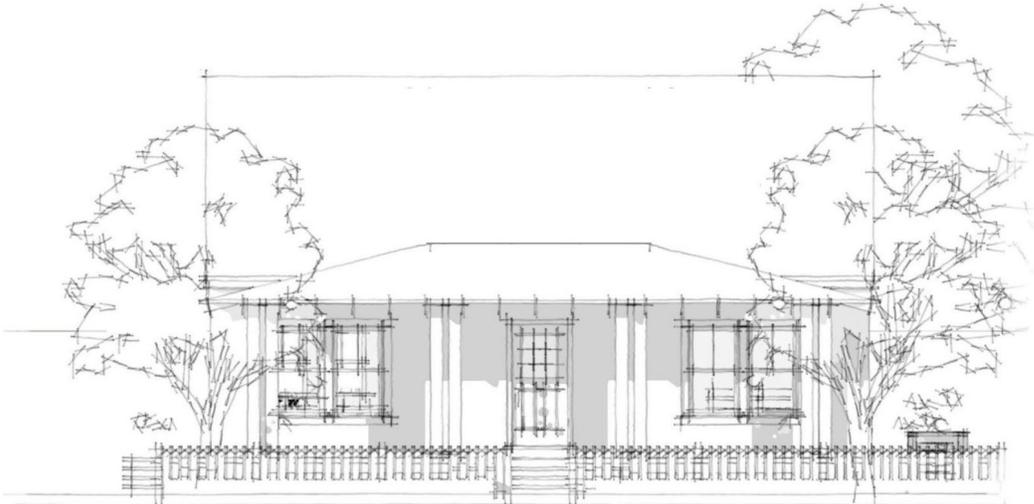
PROPOSED SITE PLAN
275 Center Street



PROPOSED ELEVATIONS
275 Center Street



Street-Facing Homes
(1.5 Stories, 4 Bed)



Courtyard Cottages
(1 Story, 2 Bed)

SITE PHOTOS
275 Center Street



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 10
(Public Hearing)

Date: September 4, 2020 **Meeting Date:** September 14, 2020
Subject: 32 E Story Road (Variance)
Project Name: 32 E Story Road Variance
Parcel ID: 23-22-27-6504-03-013
Issue: The applicant is requesting a front setback variance for the property located at 32 E Story Road.

Supplemental Material / Analysis:

Owner / Applicant: Hv Re Holdings LLC
Current Zoning: C-2
Proposed Zoning: N/A
Current FLU: COM Commercial
Proposed FLU: N/A

Summary: The applicant is requesting a variance to Winter Garden Code of Ordinances Section 118-586(1)(a) for an 0.42 ± acre property located at 32 E Story Road. If approved, this variance will allow a covered front porch for a veterinary office to be constructed with a front yard setback of thirty two (32) feet in lieu of the minimum required forty (40) foot front yard setback (See Staff Report).

Staff Recommendation(s):

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

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

Attachment(s): Location Map
Staff Report

LOCATION MAP

32 E Story Road
Variance



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: SEPTEMBER 2, 2020
SUBJECT: VARIANCE
32 E Story Road (0.42 +/- ACRES)
PARCEL ID #23-22-27-6504-03-013

APPLICANT: Hv Re Holdings LLC

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 32 E Story Road in Winter Garden, Florida. The request is to allow a covered front porch for a veterinary office to be constructed with a front yard setback of thirty two (32) feet in lieu of the minimum required forty (40) foot front yard setback.

The subject property, located at 32 E Story Road, is an approximately 0.42 ± 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 C-2 (Arterial Commercial District) and is designated COM (Commercial) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently vacant.

ADJACENT LAND USE AND ZONING

All of the adjacent properties are zoned C-2 and are located within the City of Winter Garden's municipal limits. The property to the south of the subject property, known as the West Orange Shopping Center, is developed with a retail strip center featuring a Key Foods grocery store and a number of retail shops and personal services. The property to the west is developed with two commercial buildings featuring professional office uses. The property to the east is currently vacant – the office and restaurant building that was previously located there was recently demolished after being subjected to fire damage. The property to the north features a parking lot and storage area that is used by the adjacent commercial property to the east.

PROPOSED USE

The applicant is requesting the variance to allow the construction of a +/- 2,887 square foot veterinary office / animal hospital with associated site development including parking areas, landscaping, and a stormwater retention pond. The proposed building features a Florida Vernacular architectural style, of which large covered porches are a common feature. The front porch would encroach 8' into the required front setback, while the front façade of the primary structure would meet the 40' setback requirement.

CODE REFERENCE

Sec. 118-586(1)(a). of the City Code of Ordinances addresses minimum front yard requirements for buildings in the C-2 Zoning District. This section states,

In the C-2 arterial commercial district, the minimum building setbacks are as follows:

- (1) Generally.*
 - a. Front: 40 feet, except State Road 50 shall be 50 feet.*

The applicant is seeking a variance to the minimum front yard requirements.

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 proposed veterinary clinic to have a covered front porch that is located 32' from the front property line instead of the required 40' should not cause a negative impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The subject property is located in an area where the commercial development begins to transition into a residential-neighborhood commercial area, where there are a number of commercial buildings that were converted from residential structures. The proposed architecture takes cues from the more residential character of the area, utilizing Florida Vernacular architecture (most commonly used in residential structures) with sloped gable and hip roofs, lap siding, double hung windows, tapered columns, and a large, wrap-around front porch. The result is a proposed building that is consistent with the character of the surrounding neighborhood, providing a more residential appearance.

- (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 proposed variance will allow reasonable use of the property. Properties that fall into the C-2 zoning district are most commonly found along major arterial roads such as West State Road 50 and East Plant Street. Story road is a smaller, two-lane collector street that will not experience the same vehicular volumes or speeds as arterial roads. Story Road is intended to be more walkable, especially considering the subject property is so close to Dillard Street, which will soon be completely redeveloped to make it more conducive to pedestrian and bicycle users. It is generally considered more pedestrian-friendly to orient commercial structures closer to the street sidewalk to create a comfortable architectural edge that is not interrupted by a large parking lot or vacant yard. The proposed site also provides a direct pedestrian connection from the Story Road sidewalk to the front door, further enhancing the walkability of the development.

The proposed development is not out of character with other nearby properties. The property located to the west of the subject property features a commercial building that does not meet the required 40' setback per the C-2 zoning district; it was constructed in 1953. Furthermore, the property located two parcels west of the subject property at 603 South Main St was recently developed with a +/- 8,200 square foot commercial building that features a covered front porch that is set back 5' from the property line adjacent to E Story Road.

- (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. Denying this application benefits neither the property owner nor the City.

- (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 a pedestrian-oriented commercial character.

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

denied.

The variance requested is the minimum variance that will make reasonable use of the land. The proposed veterinary office / animal hospital will be required to meet all of the other requirements of the C-2 zoning district including landscaping, buffering, parking, ISR maximums, etc. The proposed building features an architectural style that will fit in well with the adjacent commercial and residential development, while the site design addresses pedestrian comfort and connectivity.

SUMMARY AND STAFF RECOMMENDATION

City Staff recommends approval of the variance to Section 118-586 (1)(a) to allow a covered front porch for a veterinary office to be constructed with a front yard setback of thirty two (32) feet in lieu of the minimum required forty (40) foot front yard setback, with the following condition:

- 1) The development shall adhere to all other code requirements for development in the C-2 zoning district including buffering, landscaping, impervious surface ratios, etc. The Site Plan is required to be approved by the City Commission.

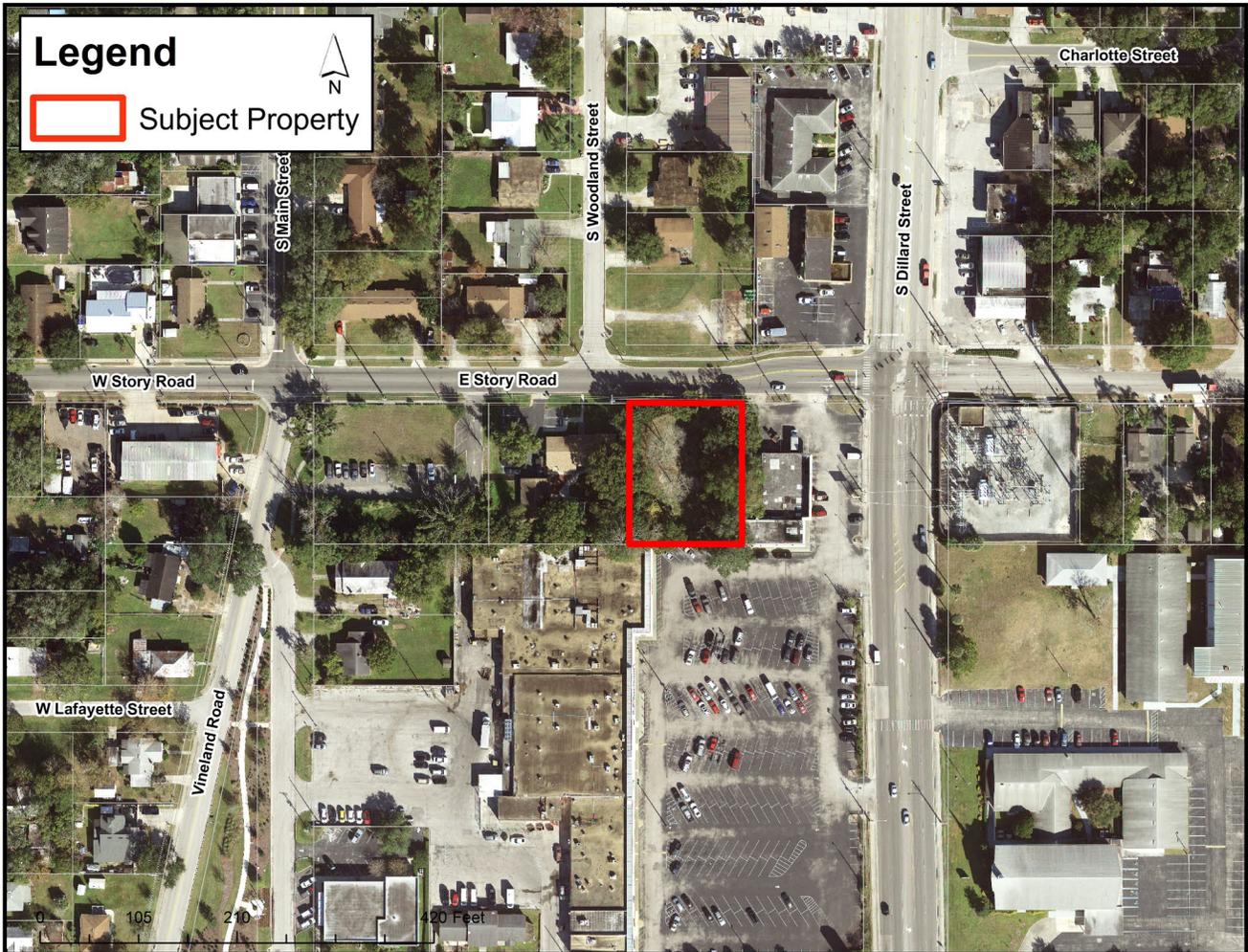
NEXT STEPS

Follow all City regulations and apply for building permits.

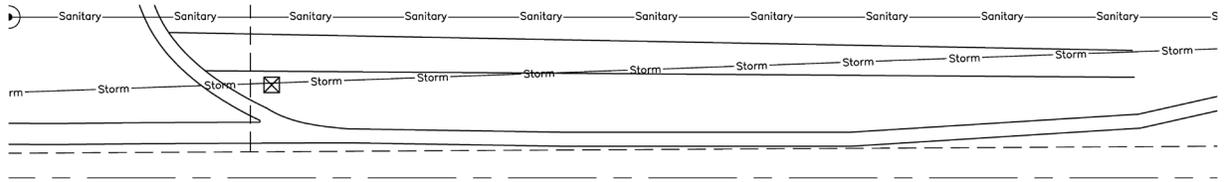
ATTACHMENTS

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

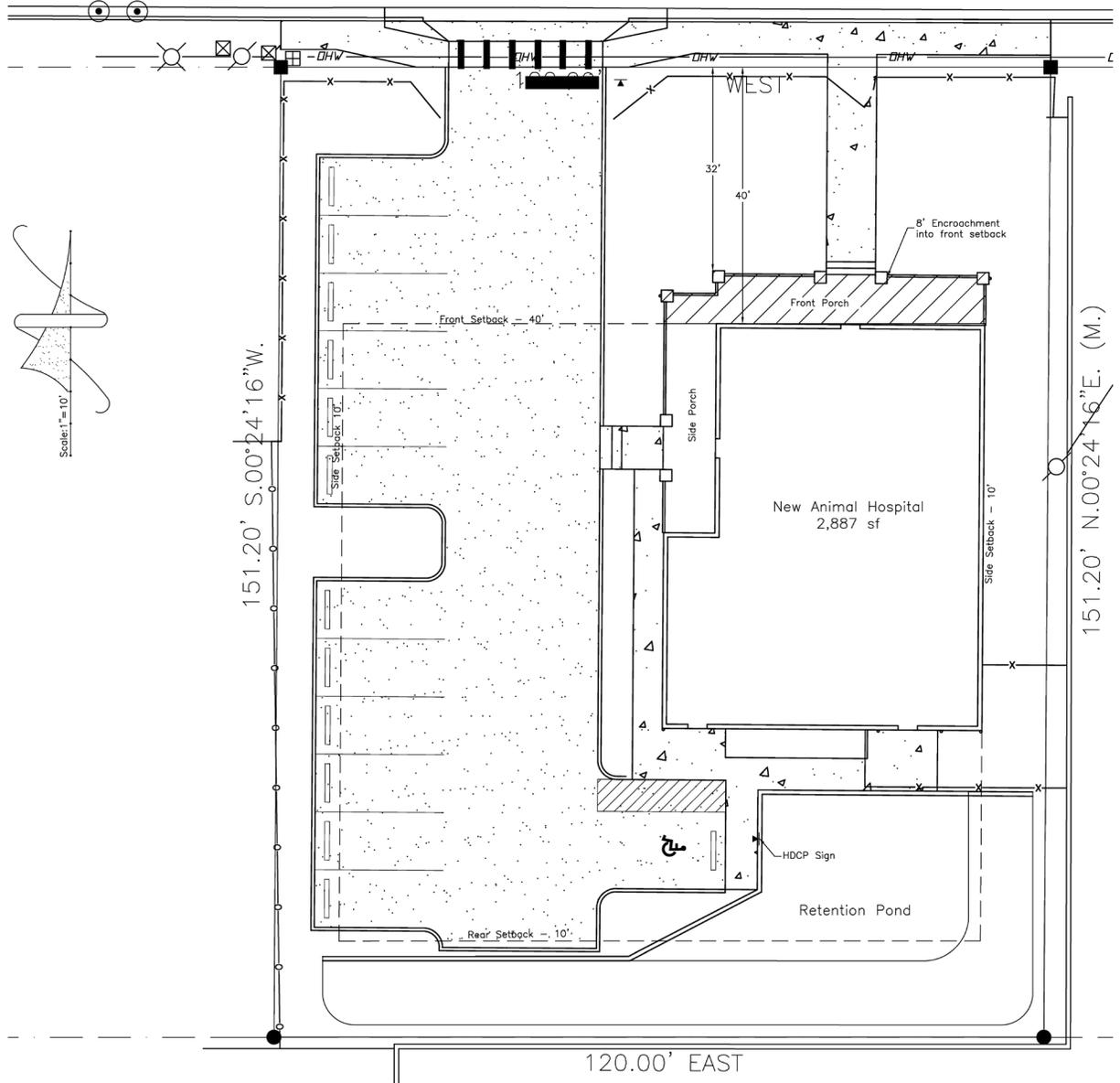
AERIAL PHOTO
32 E Story Road



PROPOSED SITE PLAN
32 E Story Road



STORY ROAD



PROPOSED ELEVATIONS
32 E Story Road



Siding
James Hardie Cement Board Siding
Color: Boothbay Blue

Trim
James Hardie Cement Board Trim
Color: White

Asphalt Shingles
Timberline, 30-Year Shingle
Color: Light to Medium Gray

Stone
Coronado Artisan Ledge Cypress Point



Siding
James Hardie Cement Board Siding
Color: Boothbay Blue

Trim
James Hardie Cement Board Trim
Color: White

Asphalt Shingles
Timberline, 30-Year Shingle
Color: Light to Medium Gray

Stone
Coronado Artisan Ledge Cypress Point

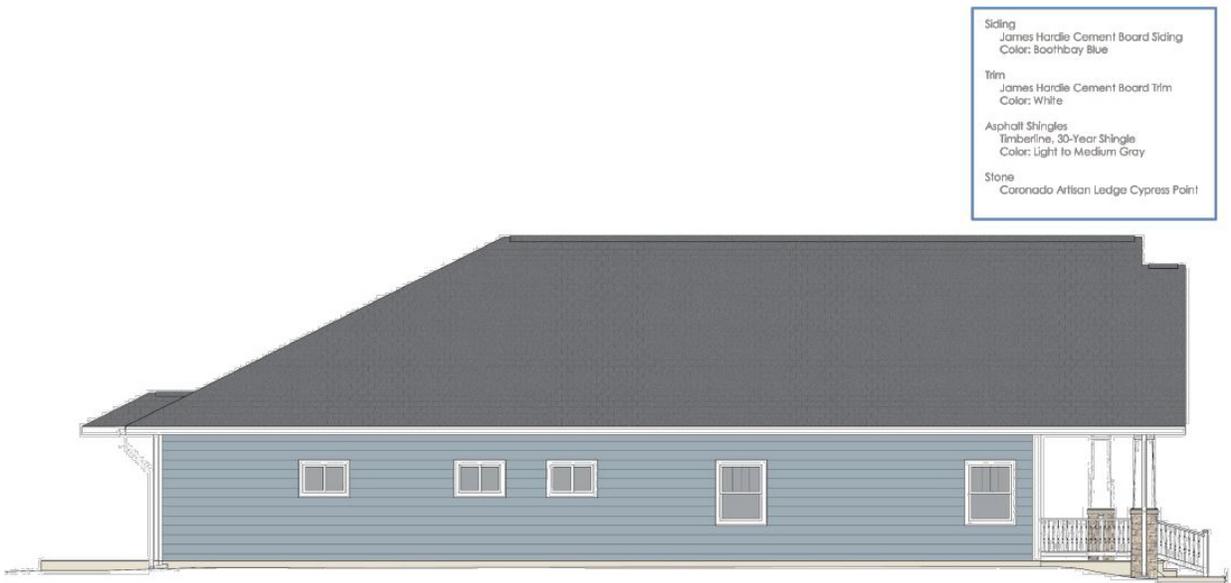


Siding
James Hardie Cement Board Siding
Color: Boothbay Blue

Trim
James Hardie Cement Board Trim
Color: White

Asphalt Shingles
Timberline, 30-Year Shingle
Color: Light to Medium Gray

Stone
Coronado Artisan Ledge Cypress Point



Siding
James Hardie Cement Board Siding
Color: Boothbay Blue

Trim
James Hardie Cement Board Trim
Color: White

Asphalt Shingles
Timberline, 30-Year Shingle
Color: Light to Medium Gray

Stone
Coronado Artisan Ledge Cypress Point

SITE PHOTOS
32 E Story Road



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 11
(Public Hearing)

Date: September 4, 2020 **Meeting Date:** September 14, 2020
Subject: 757 Bainbridge Loop (Variance)
Project Name: 757 Bainbridge Loop
Parcel ID: 13-22-27-1793-01-600
Issue: The applicant is requesting a variance for the property located at 757 Bainbridge Loop.

Supplemental Material / Analysis:

Owner / Applicant: Hawthorne Property
Current Zoning: PUD
Proposed Zoning: N/A
Current FLU: LR Low Density Residential
Proposed FLU: N/A

Summary: The applicant is requesting a variance to Winter Garden Code of Ordinances Section 118-308(1)b for the property located at 757 Bainbridge Loop. If approved, this variance will allow a side yard setback of 5 feet, in lieu of the required 10 feet, in order to build a third attached garage bay (See Staff Report).

Staff Recommendation(s):

Staff recommends approval of the variance subject to the condition(s) outlined in the Staff Report.

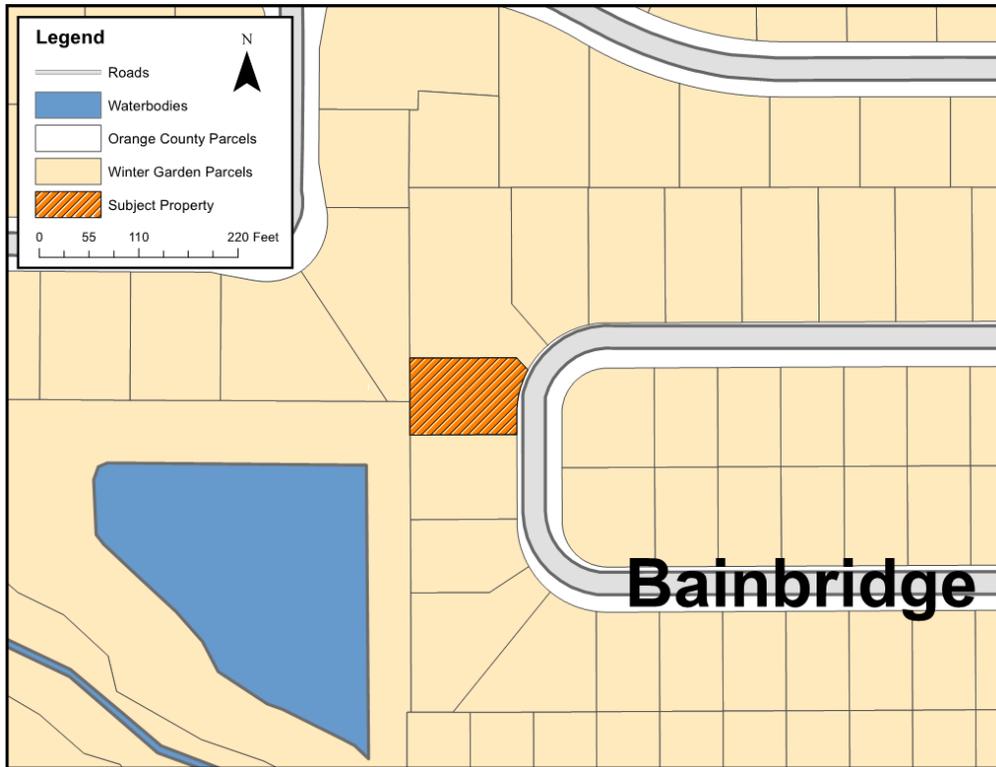
Next Step(s): Follow all City regulations and apply for building permits.

Attachment(s): Location Map
Staff Report

LOCATION MAP

757 Bainbridge Loop

Variance



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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STAFF REPORT

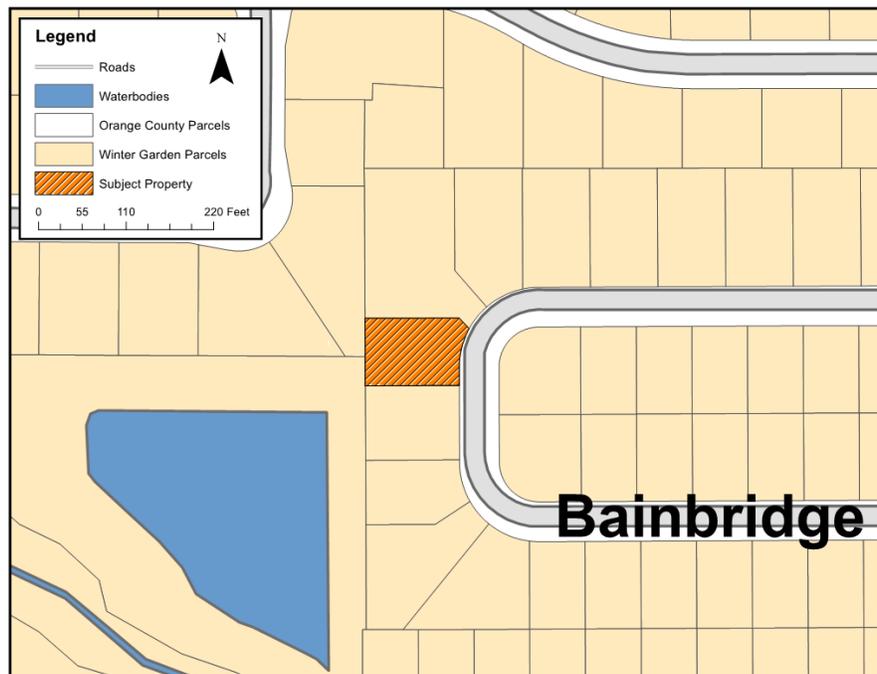
TO: PLANNING AND ZONING BOARD
PREPARED BY: Shane Friedman, Senior Planner
DATE: September 4, 2020
SUBJECT: VARIANCE
757 Bainbridge Loop (0.24 ± ACRES)
PARCEL ID #13-22-27-1793-01-600

APPLICANT: James & Alyson Hawthorne

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 2508 Prairie View Drive in Winter Garden, Florida. The request is to allow a 5 foot side yard setback in the lieu of the required 10 foot in order to construct a third attached garage bay.

The subject property, located on Bainbridge Loop, is an approximately 0.24 ± 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 PUD (Planned Unit Development) 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 single-family home in the Covington Chase Subdivision.

ADJACENT LAND USE AND ZONING

The properties to the south, east, and north of the subject property are developed with single-family residences, are zoned PUD, and are in the City of Winter Garden's Municipal limits. The property to the west is developed with a single-family home, is zoned R-1, and City of Winter Garden's Municipal limits.

PROPOSED USE

The applicant is requesting the variance to allow the construction of a third garage bay that is 11.3' x 20.0'. The roof of the proposed garage will be gabled and match the exterior of the house. The property owners did receive approval from the neighborhood's Homeowners Association (HOA).

CODE REFERENCE

The Covington Chase Planned Unit Development (PUD) Ordinance 04-39 states in Section I (b) that all properties must conform to general zoning requirements of the R-1 Residential zoning district. Therefore the request will be a variance of the R-1 zoning district regulations.

Sec. 118-308. of the City Code of Ordinances addresses the minimum yard requirements for single-family dwellings in the R-1 Zoning District. This section states,

In the R-1 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 side yard setback in order to construct an 11.3' x 20.0' 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 property to the north of the subject property is a flag lot with the home setback

approximately 40 feet from the side property line that will have the garage addition. This is the same for the property in the rear, which is also a large lot, and setback approximately 71 feet from the rear corner of the applicant's home. The requested variance should cause little, if any, interference with the reasonable enjoyment of 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 residential nature of the property. The applicant is requesting to add a third garage bay which is typical for a home this size and is similar to other homes in this subdivision (Please see exhibits). The applicants have received approval from their HOA regarding this request as well as a letter of support from the neighbor to the south of the subject property.

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

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

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

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

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

The variance requested is the minimum variance that will make reasonable use of the land as the request is to construct a third car garage bay. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Section 118-308(1)b to allow construction of an attached garage with a 5 foot rear yard setback in lieu of the 10 foot requirement subject to the following condition(s):

- 1) The garage will be built to the size and specification as provided by the applicant and as shown in the attachments of this report.
- 2) The garage must match the stucco and roof of the home.
- 3) The relocation of the A/C pads or any external structures cannot be moved into any drainage and utility easements.

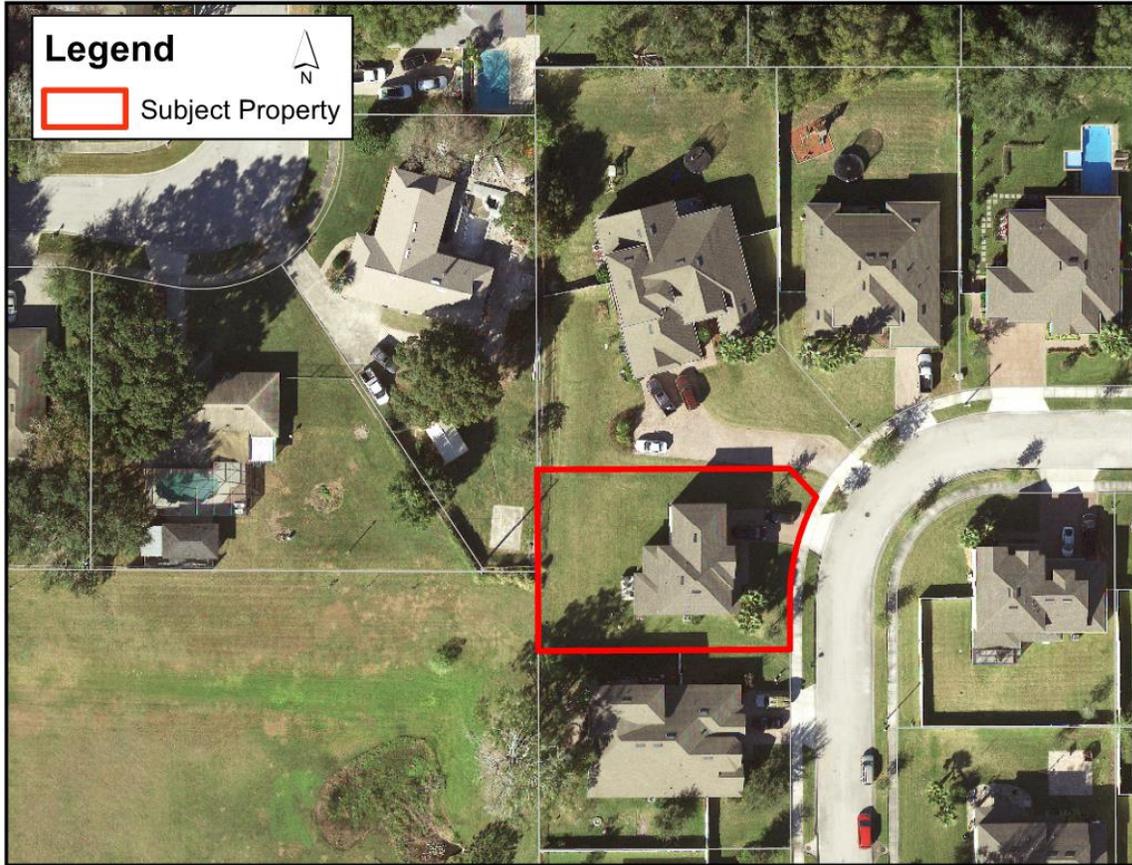
NEXT STEP

Follow all City regulations and apply for building permits.

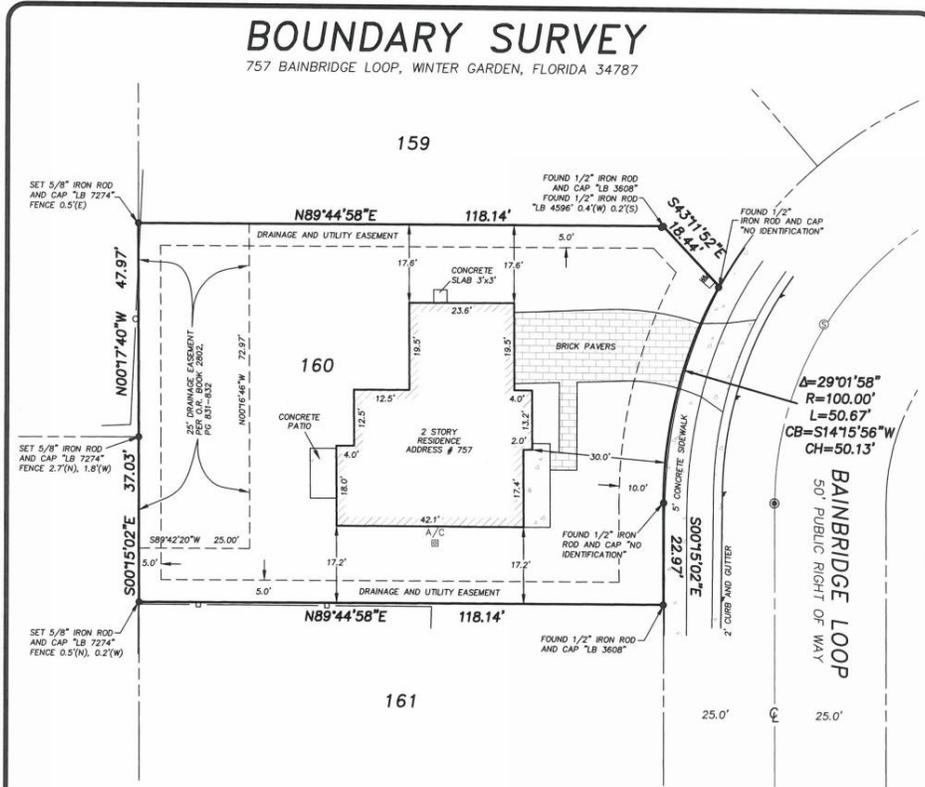
ATTACHMENTS

- Aerial Photo
- Survey
- Site Photos

AERIAL PHOTO
757 Bainbridge Loop



Survey and Site Plan
757 Bainbridge Loop



DESCRIPTION:

LOT 160, COVINGTON PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 68, PAGES 112 THROUGH 119 INCLUSIVE, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

SURVEYORS NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
3. REVISIONS DO NOT CONSTITUTE A RE-CERTIFICATION OF THE EXISTING FIELD CONDITIONS OF THIS SURVEY.
4. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF BAINBRIDGE LOOP BEING S00°15'02"E (ASSUMED).
5. THE DESCRIPTION SHOWN HEREON WAS SUPPLIED BY THE CLIENT.
6. THE LANDS SHOWN HEREON LIE ENTIRELY WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN) ACCORDING TO "FIRM" MAP NO. 12095C0205F, COMMUNITY NO. 120187 0205 F, DATED SEPTEMBER 25, 2009.
7. THE ELECTRONIC FILE FOR THIS PROJECT IS THE PROPERTY OF BISHMAN SURVEYING AND MAPPING, INC. AND IS NOT THE PROPERTY OF THE CLIENT.

LEGEND

LB	LICENSED BUSINESS
O.R.	OFFICIAL RECORDS BOOK
R	RADIUS
Δ	CENTRAL ANGLE
L	LENGTH
CH	CHORD
CB	CHORD BEARING
●	IRON ROD & CAP
—	CENTERLINE
⊕	WATER METER
A/C	AIR CONDITIONER
⊕	SANITARY MANHOLE
—	VINYL FENCE
—	CHAIN LINK FENCE



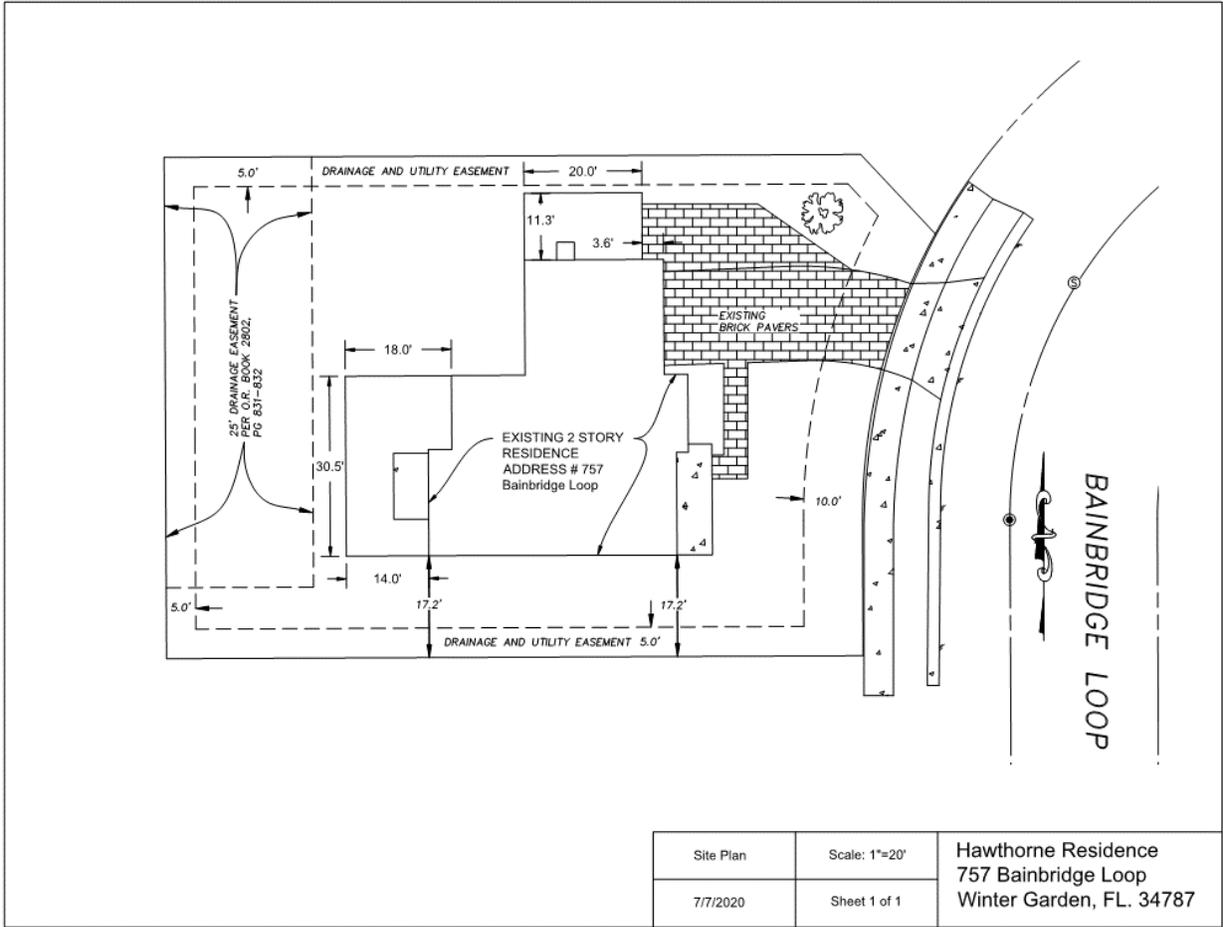
CERTIFIED TO, FOR AND THE EXCLUSIVE BENEFIT OF:

- JAMES WILLIAM HANTHORNE AND ALYSON LINDSEY HAWTHORNE
- CLEAR TITLE OF FLORIDA, LLC
- FIDELITY NATIONAL TITLE INSURANCE COMPANY
- WATERSTONE MORTGAGE COMPANY

JOB NUMBER:	16122.000
SURVEY DATE:	10-28-2016
FIELD BY:	T. CONARD
FIELD BOOK:	1608
PAGES:	49
FIELD FILE:	16122TC.M.F
DRAWING FILE:	16122-1.DWG


 ARON D. BISHMAN, P.S.M. FLORIDA REGISTRATION NO. 5668

BISHMAN
 Surveying & Mapping, Inc.
 CERTIFICATE OF AUTHORIZATION LB 7274
 32 W. PLANT STREET Phone No. 407.905.8877
 WINTER GARDEN, FL 34787 Fax No. 407.905.8875

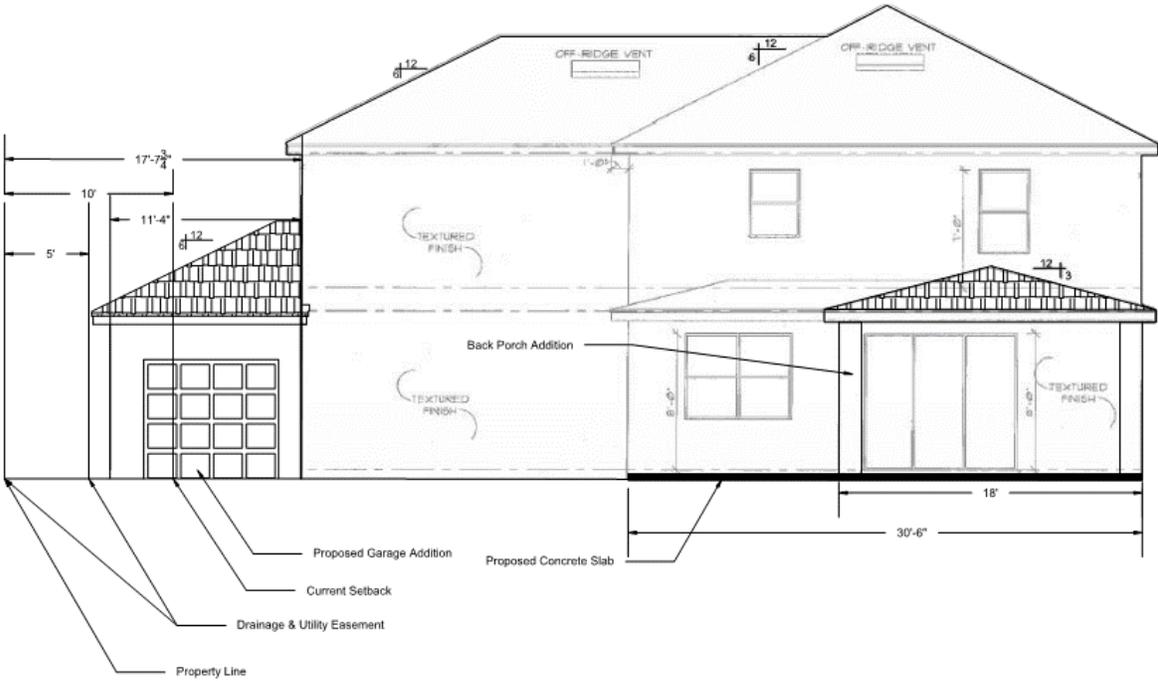


ELEVATIONS
757 Bainbridge Loop



Proposed Front Elevation

Notes:
 1. All proposed architectural components and colors to match existing house.



Proposed Rear Elevation



Proposed Side Elevation (Looking South)

EXAMPLE OF EXISTING GARAGE IN NEIGHBORHOOD



SITE PHOTO
757 Bainbridge Loop



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 12

Date: September 4, 2020 **Meeting Date:** September 14, 2020
Subject: 275 Center Street (Preliminary Plat)
Project Name: 275 Center Street Pre-Plat
Parcel ID: 13-22-27-5260-00-100
Issue: The applicant is requesting Preliminary Plat approval for the property located at 275 Center Street.

Supplemental Material / Analysis:

Owner / Applicant: West Orange Habitat for Humanity
Current Zoning: RNC-2 Residential Neighborhood Commercial 2
Proposed Zoning: N/A
Current FLU: NC Residential Neighborhood Commercial
Proposed FLU: N/A

Summary: The applicant is requesting approval of the Preliminary Plat for the +/- 0.34 acre subject property, which is the 275 Center Street or Chriswell Court Subdivision, to subdivide the property into 4 single family residential lots in a tandem style configuration. The proposed Preliminary Plat is consistent with City Code, the property's RNC-2 zoning, and has been reviewed and conditionally approved by the Development Review Committee (See Staff Report).

Staff Recommendation(s):

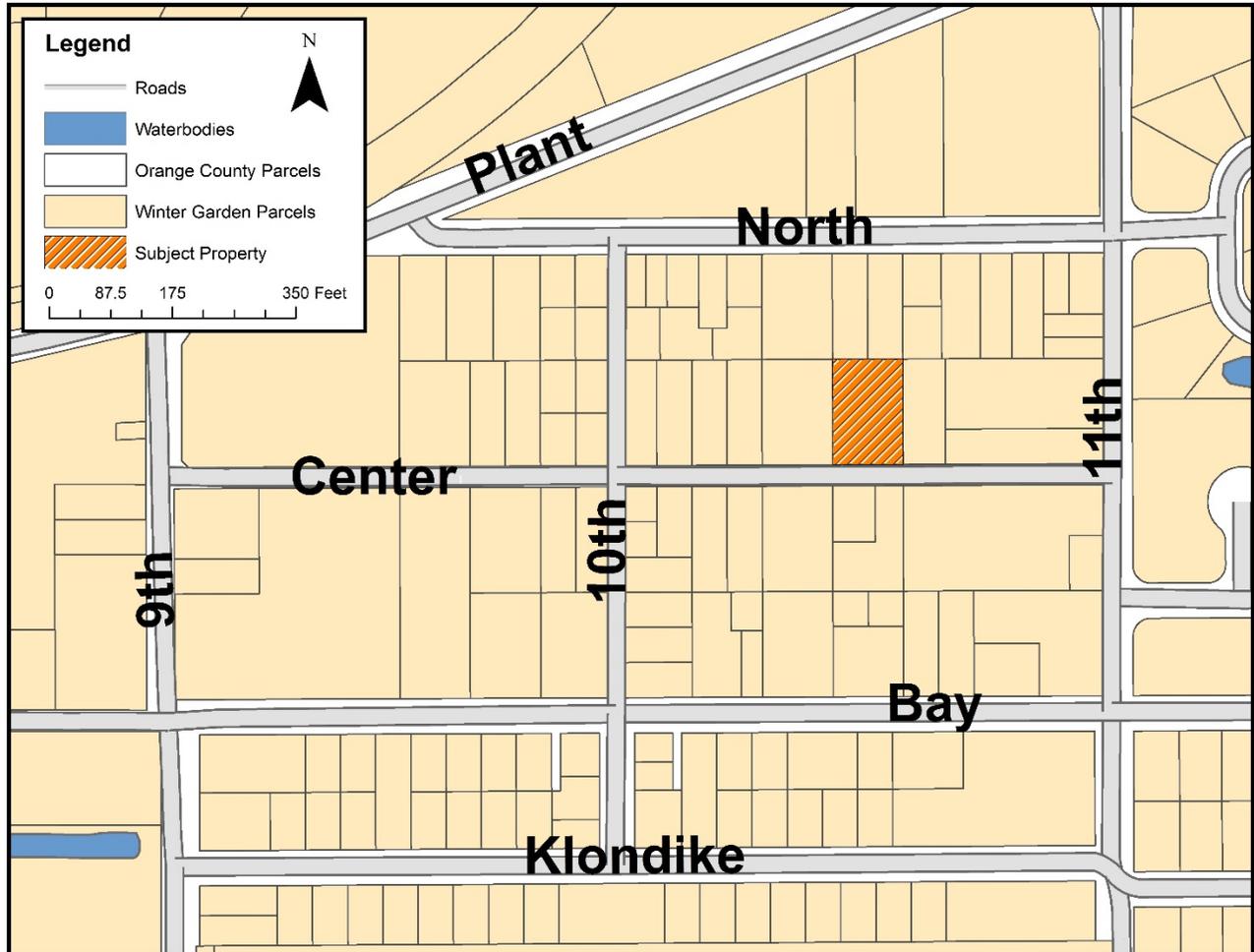
Staff recommends approval of the Preliminary Plat subject to the conditions outlined in the Staff Report.

Next Step(s): Apply for Final Plat approval.

Attachment(s): Location Map
Staff Report
Preliminary Plat for 275 Center Street

LOCATION MAP

275 Center Street
Preliminary Plat



CITY OF WINTER GARDEN
PLANNING & ZONING DIVISION

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

STAFF REPORT

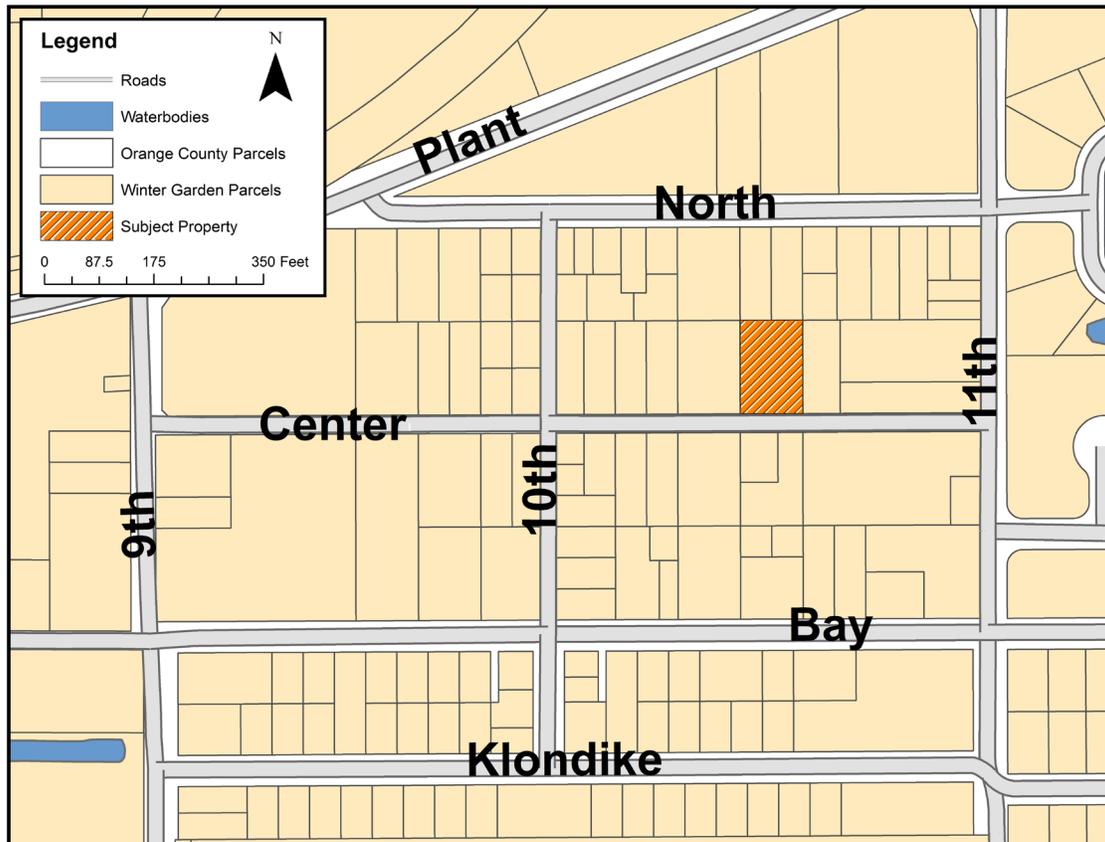
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: SEPTEMBER 3, 2020
SUBJECT: PRELIMINARY PLAT – 275 Center Street
275 Center Street (0.34 +/- Acres)
PARCEL ID # 13-22-27-5260-00-100

APPLICANT: West Orange Habitat for Humanity

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 275 Center Street, is an approximately 0.34 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting approval of the Preliminary Plat of the 0.34 ± acre property, which is known as the 275 Center Street or Chriswell Court subdivision, to develop 4 new single family homes in a tandem-style configuration. The subject property is located within the City of Winter Garden's municipal limits, carries the zoning designation RNC-2 (Residential Neighborhood Commercial 2 District) and is designated NC (Residential Neighborhood Commercial) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently vacant.

ADJACENT LAND USE AND ZONING

All of the adjacent properties are zoned RNC-2 and are located within the City of Winter Garden's municipal limits. The properties to the north, east, and west are vacant. There are two properties to the south of the subject property: one is vacant and the other is developed with a single-family home.

PROPOSED USE

The proposed development includes developing four single-family homes arranged in a tandem-style layout, with two of the homes facing Center Street and two of the homes facing an interior courtyard. The two street-facing homes will each be 1.5 stories and have four bedrooms, two baths, and +/- 1,500 square feet. They will feature Florida vernacular architecture with lap siding, a gable roof, and a large wrap around front porch. The two courtyard homes will also feature Florida vernacular architecture with a gable roof and a front porch. These homes will be built as single story, two bedrooms and one bathroom homes with +/- 800 square feet. However, the structure is being designed so the future homeowner is able to build a second story with additional bedrooms and bathroom without adversely affecting the first floor layout.

The project also includes associated site development including a shared driveway that leads to individual parking areas (two spaces each), walkways, site landscaping and buffering, and stormwater areas.

All four proposed lots will be similarly sized (approximately 50' x 75'), and there will be a 20' wide central access easement to accommodate a shared driveway leading to the parking areas, as well as easements for utilities, drainage, and a sidewalk along Center Street. Tandem housing is a Special Exception use per the property's RNC-2 zoning district. The minimum lot size required for tandem housing in the RNC-2 code section is 3,750 square feet, which every lot in the proposed subdivision will meet.

SUMMARY

City Staff recommends conditional approval of the Preliminary Plat subject to the following condition(s):

- Tree removal shall adhere to the City's Tree Protection Ordinance – separate review, approval and permit is required. Coordinate with the Building Department (Steve Pash) on any tree removal and protection. Additional landscaping and tree replacement may be required with final plan.
- Utility and drainage plans have not been provided. All utility services shall be installed per City Standards and Detail Sheets for utilities and public works.

- 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 domestic water supply and reuse water. 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.
- 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.
- Permits or exemptions may be required from SJRWMD and FDEP for water and sewer and FDEP NPDES NOI as may be applicable.
- Any screen walls or retaining walls shall require a separate permit from the Building Department.
- Streetlighting on all street frontages is required pursuant to City Code – dark skies lighting is required.
- Min 5' wide sidewalks are required to be constructed along Center St.
- The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
- All work shall conform to City of Winter Garden standards and specifications.
- 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.
- The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
- 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.
- 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 (less what has already been paid).

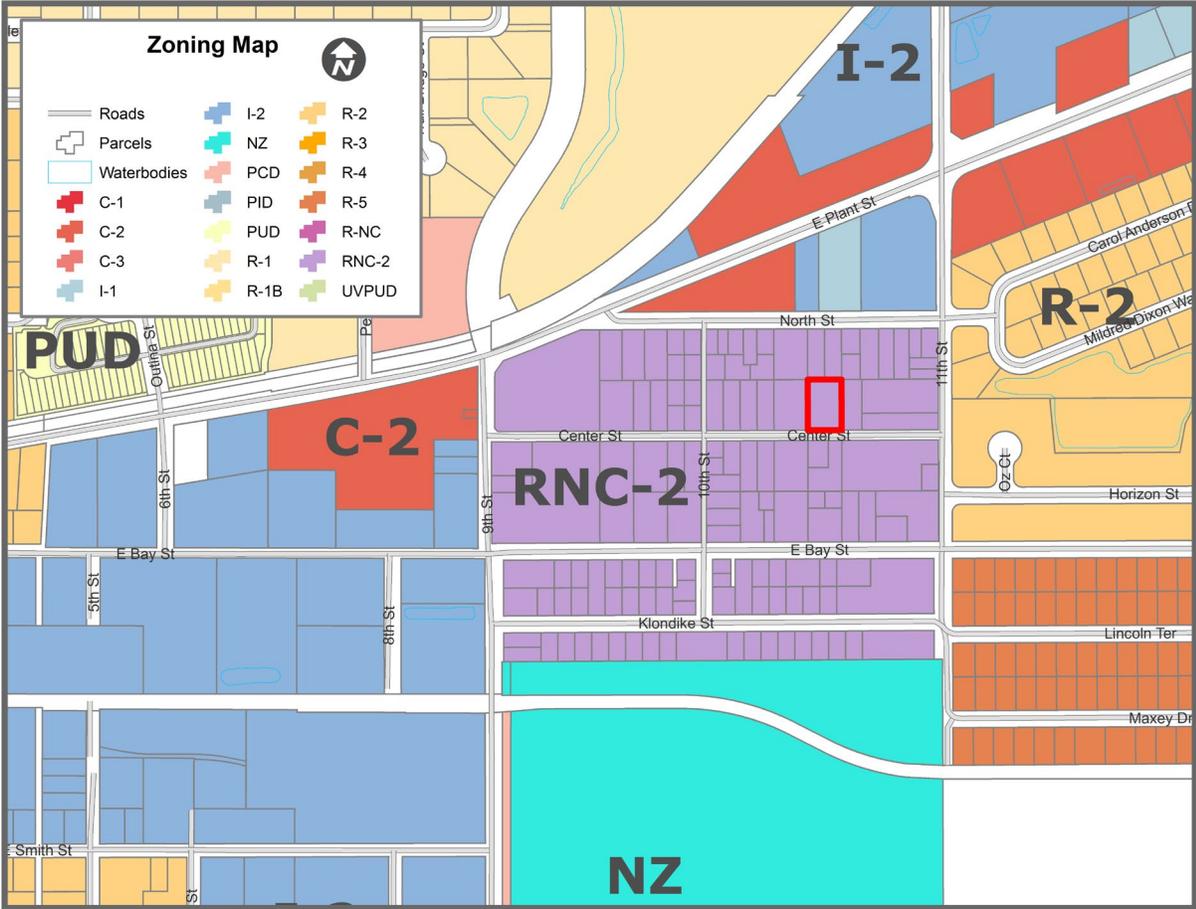
MAPS

- Aerial Photo
- Zoning Map
- Future Land Use Map

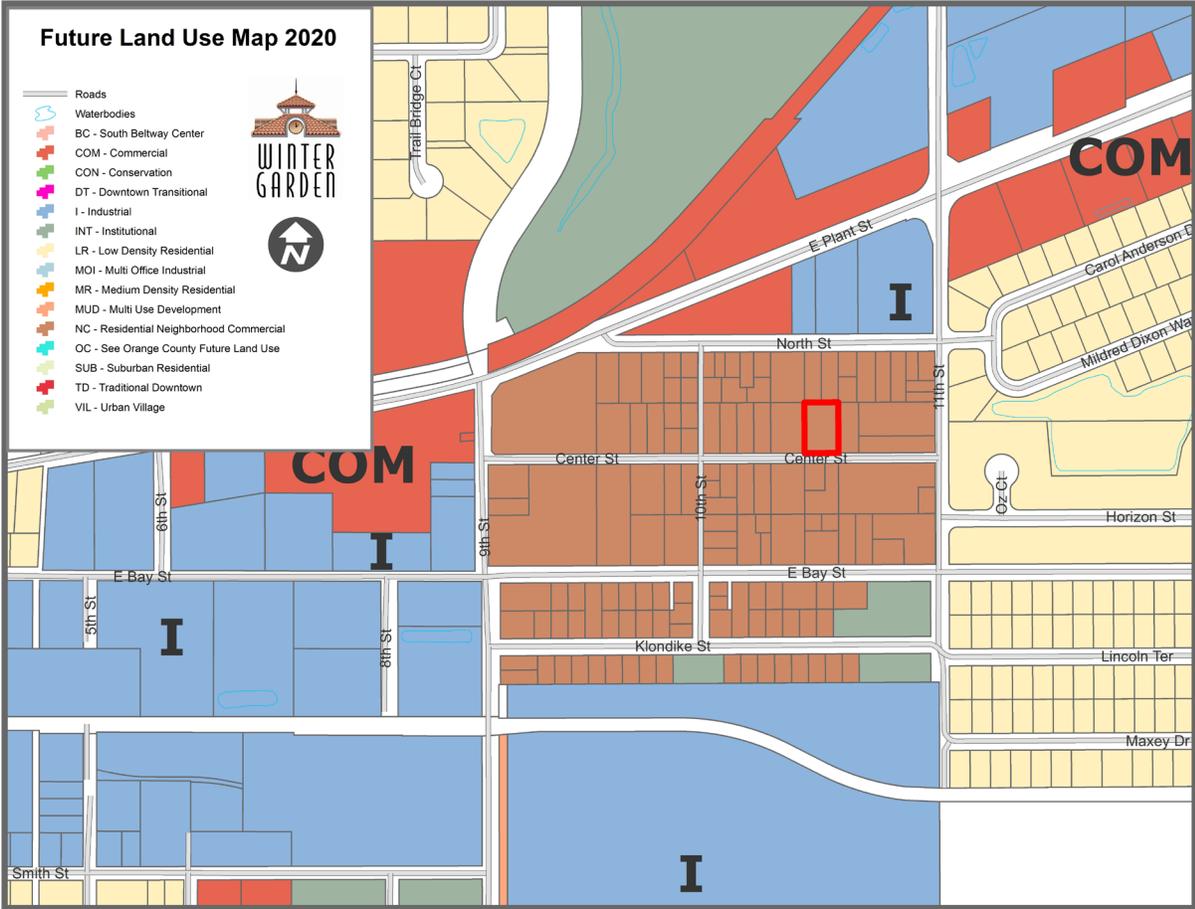
AERIAL PHOTO
275 Center St



ZONING MAP
275 Center Street



FUTURE LAND USE MAP
275 Center Street



END OF STAFF REPORT

