



**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., 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, and Senior Planner Shane Friedman

### Agenda for October 5, 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 SEPTEMBER 14, 2020 MEETING**

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

3. **1001 W Plant Street (WS-2 A Found Life) PUD Rezoning**  
Parcel ID # 22-22-27-0000-00-009 & 22-22-27-0000-00-146
4. **199 S Main Street & 158 S Woodland Street (Smith Street Luxury Studios) PUD Rezoning**  
Parcel ID # 23-22-27-2888-09-064 & 23-22-27-7968-00-021
5. **855 & 955 S Dillard Street (Central Parc at Winter Garden) PCD Rezoning**  
Parcel ID # 12-22-27-6496-21-008 & 12-22-27-6496-21-013
6. **21 W Smith Street (Smith & Boyd Commercial Bldg.) Rezoning**  
Parcel ID # 23-22-27-2888-08-071

#### **SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

7. **321 S Dillard Street Suite 329 (Wave Media Systems) SEP**  
Parcel ID # 23-22-27-7948-02-060

**ADJOURN** to the next regular Planning and Zoning Board meeting on Monday, **November 2, 2020** at **6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida

POSTED: SEPTEMBER 25, 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.



**Planning and Zoning Board  
Regular Meeting Minutes  
September 14, 2020**

**1. CALL TO ORDER**

Chairman Will Hawthorne called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:33 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: Chairman Will Hawthorne in person, and Co-Chairman Chris Lee, Board Members Steve Ambielli, Joseph Dunn, Jr., Henry Haddock and Gabe Kotch via remote GoTo Webinar.

Absent: Board Member Mark Hide (Excused)

Staff Present: City Attorney Kurt Ardaman, Community Development Director Steve Pash, IT Director Chad Morrill and Recording Secretary Edlyn Gonzalez.

**2. APPROVAL OF MINUTES**

*Motion by Co-Chairman Lee to approve the regular meeting minutes of August 3, 2020. Seconded by Board Member Dunn and carried unanimously 6 – 0.*

**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

Community Development Director Pash presented a request for annexation of 465 Palm Street. This property would be designated as Low Density Residential and a zoning of R-1 Single-Family Residential. Staff recommends approval of Ordinances 20-39, 20-40 & 20-41.

*Motion by Co-Chairman Lee to approve the annexation of 465 Palm Street into the city limits of Winter Garden with staff conditions. Seconded by Chairman Hawthorne and carried unanimously 6 – 0.*

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

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

Community Development Director Pash presented a request for annexation of the address of 176 and 198 North West Crown Point Road. This property would be designated as Commercial with a zoning of C-2 Arterial Commercial and Commercial Future Land Use. Staff recommends approval of Ordinances 20-43, 20-44 & 20-45.

Chairman Hawthorne inquired about the odd shape along North West Crown Point Road. Staff confirmed it was part of the city's right-of-way.

***Motion by Board Member Kotch to approve the annexation of 198 & 176 North West Crown Point Road into the city limits of Winter Garden with staff recommendations. Seconded by Board Member Haddock and carried unanimously 6 – 0.***

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

Community Development Director Pash presented a request to amend the Future Land Use designation for 15411, 15540, 15541 East Oakland Avenue & 841 Tilden Oaks Trail. This property would be designated as Residential Neighborhood Commercial which is consistent with the property's PUD zoning regulations for light retail and office uses. Staff recommends approval of Ordinance 20-42.

Chairman Hawthorne inquired what light retail entails. Staff explained this could be a small restaurant, coffee shop, neighborhood oriented business. Also Chairman Hawthorne asked if this area would have a traffic signal. Staff confirmed it is currently being installed.

***Motion by Co-Chairman Member Lee to approve the FLU Amendment for the properties of 15411, 15540, 15541 East Oakland Avenue & 841 Tilden Oaks Trail for ordinance 20-42 with staff conditions. Seconded by Board Member Dunn and carried unanimously 6 – 0.***

**SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

6. **12822 W COLONIAL DRIVE (CAR VIPs ORLANDO) SPECIAL EXCEPTION PERMIT  
PARCEL ID # 25-22-27-9384-08-140**

Community Development Director Pash presented a request to approve a special exception permit to operate an automobile sales facility with a temporary modular building at the address of 12822 West Colonial Drive. Staff recommends approval of the Special Exception subject to the conditions outlined in the Staff Report.

Chairman Hawthorne inquired what happens after the two year timeframe for the modular building. Staff stated that the applicant intends to build a new building at the location. Co-Chairman Lee asked if the two year timeframe window came from the applicant or city staff. Staff stated that the original owner discussed with city staff the two year window and current owner will honor this timeframe.

***Motion by Board Member Ambielli to approve the Special Exception Permit for the address of 12822 West Colonial Drive with staff conditions. Seconded by Board Member Kotch and carried unanimously 6 – 0.***

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

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

Community Development Director Pash presented a request to approve a special exception permit to allow the applicant to operate a retail florist store in C-3 Professional Office zoning district at the address of 403 S. Dillard Street. Staff recommends approval of the Special Exception subject to the conditions outlined in the Staff Report.

***Motion by Co-Chairman Member Lee to approve the Special Exception Permit. Seconded by Board Member Dunn and carried unanimously 6 – 0.***

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

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

Community Development Director Pash presented a request to approve a special exception permit at the address of 275 Center Street to allow construction of four single-family homes arranged in a tandem-style layout. The homes would also have shared a driveway that leads to individual parking area, walkways, site landscaping and buffering, and storm water areas. Staff recommends approval of the Special Exception subject to the conditions outlined in the Staff Report.

Co-Chairman Lee asked about parking in-between the two rows of homes. Staff confirmed parking would be in-between the homes as pictured in the layout.

Applicant Marilyn Hattaway of Habitat for Humanity at 13369 W Colonial Drive, spoke about various representatives from Habitat from Humanity and expressed gratitude that this project was being presented to this board.

***Motion by Board Member Kotch to approve the Special Exception Permit with staff recommendations. Seconded by Chairman Hawthorne and carried unanimously 6 – 0.***

**VARIANCE (PUBLIC HEARING)**

9. **275 Center Street (Habitat for Humanity) Variance**

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

Community Development Director Pash presented a request to approve a variance for the property located at 275 Center Street. 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 for back two units only, and provide uncovered paved parking stalls in lieu of the requirement for a garage or carport. Staff recommends approval of the variances subject to the conditions outlined in the Staff Report.

Applicant Marilyn Hattaway of Habitat for Humanity at 13369 W Colonial Drive, expressed gratitude that this project was able to be presented to this board.

***Motion by Chairman Hawthorne to approve the variances at 275 Center Street for Habitat for Humanity with the staff conditions. Seconded by Board Member Dunn and carried unanimously 6-0.***

**10. 32 E Story Road (HV RE Holdings LLC) Variance**

Parcel ID # 23-22-27-6504-03-013

Community Development Director Pash presented a request to approve a variance for the property located at 32 East Story Road. 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. Staff recommends approval of the variance subject to the conditions outlined in the Staff Report.

Board Member Dunn inquired if the city accounts for competition nearby? Staff stated it is the applicant's responsibility to perform market research in the area, not the city. Chairman Hawthorne, asked about conditions to remain open air for the porch? Staff stated that these conditions are not in place.

Darcy Unroe of Unroe Engineering stated that he represented the applicant for this project and was available for questions.

***Motion by Co-Chairman Lee to approve the variances request at 32 E Story Road with any staff conditions. Seconded by Board Member Ambielli and carried unanimously 6-0.***

**11. 757 Bainbridge Loop (Hawthorne Side Yard Setback Variance) Variance**

Parcel ID # 13-22-27-1793-01-600

*[Chairman Hawthorne recused himself from this project due to a conflict of interest. Co-Chairman Lee took over to lead this project.]*

Community Development Director Pash presented a request to approve a variance 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. Staff recommends approval of the variance subject to the condition(s) outlined in the Staff Report.

Board Member Ambielli asked if there is an HOA approval for this variance. Staff stated yes.

***Motion by Board Member Dunn to approve this various subject to the staff conditions. Seconded by Board Member Haddock and carried unanimously 5-0. (Hawthorne recused on this vote)***

*[Chairman Hawthorne back on the board as a voting member and acting chairman.]*

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

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

Community Development Director Pash presented a request for a Preliminary Plat approval for 275 Center Street or Chriswell Court Subdivision, to subdivide the property into four 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. Staff recommends approval of the Preliminary Plat subject to the conditions outlined in the Staff Report.

Chairman Hawthorne inquired if this was a public hearing as well for public to comment on this item? City Staff's legal counsel advised yes to make that offer for public comment.

***Motion by Chairman Hawthorne to approve this preliminary plat for the address of 275 Center Street. Seconded by Board Member Dunn and carried unanimously 6-0.***

Chairman Hawthorne expressed appreciation to Board Member Henry Haddock for his years of service and dedication to the Planning and Zoning Board. This was Haddock's last meeting before resigning his board position. Board Member Haddock thanked the Planning and Zoning Board and staff, as well as voiced his gratitude and appreciation for the opportunity to serve on this board.

**Adjournment**

There being no further business, the meeting was adjourned at 7:11 p.m. to the next meeting scheduled for October 5, 2020 at 6:30 p.m.

ATTEST:

APPROVED:

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Recording Secretary Colene Rivera

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Chairman Will Hawthorne

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

**Date:** September 28, 2020                      **Meeting Date:** October 5, 2020  
**Subject:** 1001 W Plant Street (Rezoning)  
**Project Name:** 1001 W Plant Street  
**Parcel ID:** 22-22-27-0000-00-009 & 22-22-27-0000-00-146  
**Issue:** The applicant is requesting to rezone the property located at 21 West Smith Street.

**Supplemental Material / Analysis:**

**Owner / Applicant:** Found Life Church, INC. // Whitestone Construction Group, LLC.  
**Current Zoning:** R-2 (Residential District)  
**Proposed Zoning:** PUD (Planned Unit Development)  
**Current FLU:** LR – Low Density Residential  
**Proposed FLU:** N/A

**Summary:** The applicant has requested to rezone the 15.83 ± acre property, generally located on the north side of West Plant Street and west of Lakeview Road, from R-2 (Residential District) to PUD (Planned Unit Development). The PUD will allow the development of a 60 bed Assisted Living Facility, the development of a 25,000 square foot gymnasium and 10,000 square foot expansion of the existing Church. The project also includes associated site improvements such as recreation areas, open space, and stormwater ponds (See Staff Report).

**Staff Recommendation(s):**

Staff recommends approval of Ordinances 20-37.

**Next Step(s):**

Follow all City regulations and apply for building permits.

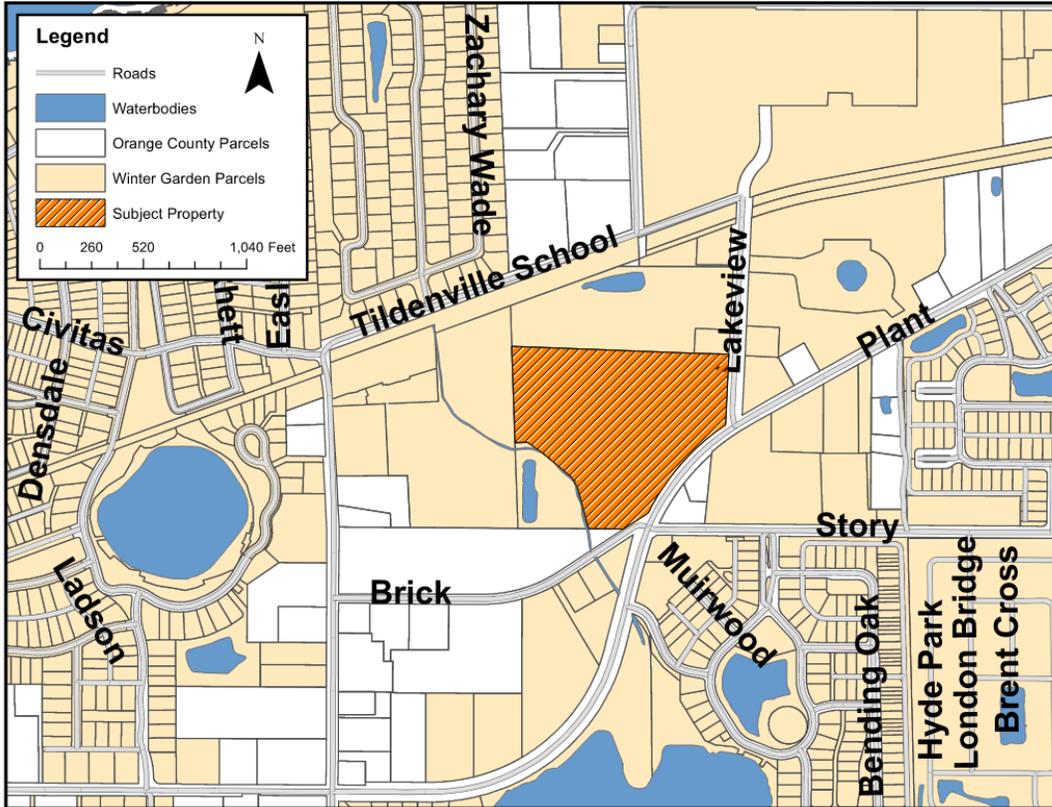
**Attachment(s):**

Location Map  
Staff Report  
Ord 20-37

# LOCATION MAP

1001 W Plant Street

## Rezoning



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

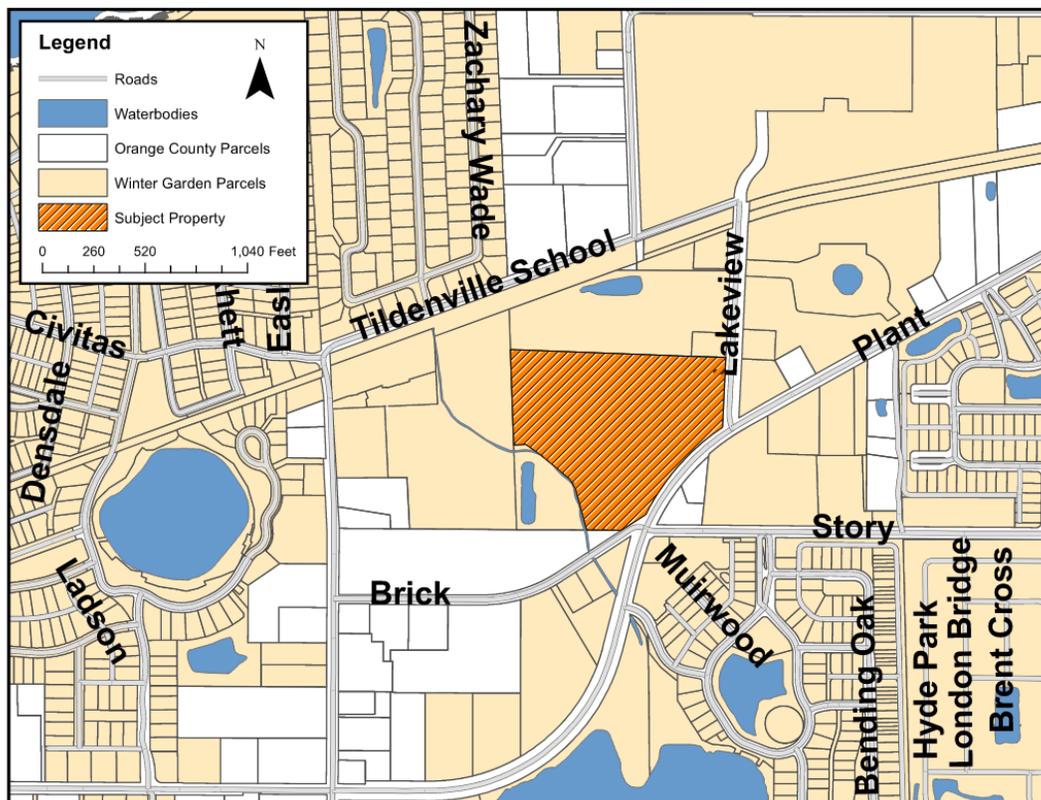
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** SHANE FRIEDMAN, SENIOR PLANNER  
**DATE:** September 25, 2020  
**SUBJECT:** REZONING  
**1001 W Plant Street (15.83+/- ACRES)**  
**PARCEL ID # 22-22-27-0000-00-009 & 22-22-27-0000-00-146**

**APPLICANT:** Found Life Church, INC. // Whitestone Construction Group, LLC.

### INTRODUCTION

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

The subject property is located on the north side of West Plant Street and west of Lakeview Road and is approximately 15.83 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting to rezone 15.83 ± acres of land to Planned Unit Development (PUD). The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-2 (Single-Family Residential District) in the City of Winter Garden. The subject property is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

### **EXISTING USE**

The subject property is currently developed with a two-story church (14,860 sf), two accessory buildings and a mixture of grass and paved parking areas.

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

There are two properties to north that abut the subject property, one being developed with a single-family home (zoned R-1) and the other developed with five single-story assisted living facilities (zoned R-2). The properties located to the east are developed with single-family homes, are zoned R-1, and are located within the City. The property to the west is unimproved vacant non-agricultural acreage zoned R-1, and located in the City. The properties to the south are zoned A-1, located in Un-incorporated Orange County, and consist of Tildenville Elementary School and several lots developed with single-family homes. To the south of the subject property is also located New Hope Primitive Baptist Church, which is zoned R-2, and is located within the City. At the intersection of Plant Street and W Story Road, south of the subject property, is located an undeveloped commercial property, zoned PCD, and is within the City's municipal limits.

### **PROPOSED USE**

The entire property was originally owned by the Found Life Church and they decided to partner with the developers of the Golden Pond Assisted Living Facility (ALF) north of the subject property to propose this Planned Unit Development (PUD) project. The PUD will consist of a 60 bed (32,570 sf) Assisted Living Facility, 150 seat (10,000 sf) expansion of the existing church, and a new 500 seat (25,000 sf) gymnasium to be used by the church. The other improvements to the site will consist of open space walking path around the dry and wet retention pond, a tot lot, parking, and enhanced landscaping. Since the submittal of this request the Found Life Church has sold the land that will consist of the ALF to the Golden Pond developers.

### **PUBLIC FACILITY ANALYSIS**

The property will have access to Lakeview Road and the applicant will be constructing a new road to provide access. Future construction of the church expansion and new gymnasium will require cross access between the AFL and church. Water, sewer, and reclaimed utilities by the City of Winter Garden will be required for any new development of the property. At such time that the property is developed, all necessary utility lines will be extended and connections made, all extension and connection costs shall be borne by the property owner.

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

under the First Response System.

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

### **SUMMARY**

The proposed ALF development is a reasonable and low intensity use of the land and would not generate a significant increase in traffic volume that is typically generated by single-family residential uses, and represents a use that is compatible with the area. The future gymnasium is a recreational facility to be used by the church and should not create any new traffic volume.

A virtual Community Meeting was held on August 24, 2020 at which time the applicant presented the proposal to develop a 32,570 square foot Assisted Living Facility on the 15.83 ± acre property. The comments generated from the Community Meeting primarily focused on the allowed heights of the buildings. All concerns have been addressed by the applicant and staff through the use of the PUD zoning designation and limiting the heights to (35 feet) with an allowance of 45 feet for church steeples or architectural features. Staff has coordinated with the applicant to ensure that the development of the property will be consistent with the surrounding residential communities both in the scale and size of the building as well as the open space standards and impervious surface ratio criteria.

The proposed rezoning from R-2 to PUD is consistent with the City's Comprehensive Plan and the City of Winter Garden Code of Ordinances. Staff recommends approval of the proposed Ordinance to rezone the subject property from R-2 to PUD subject to the conditions in Ordinance 20-37.

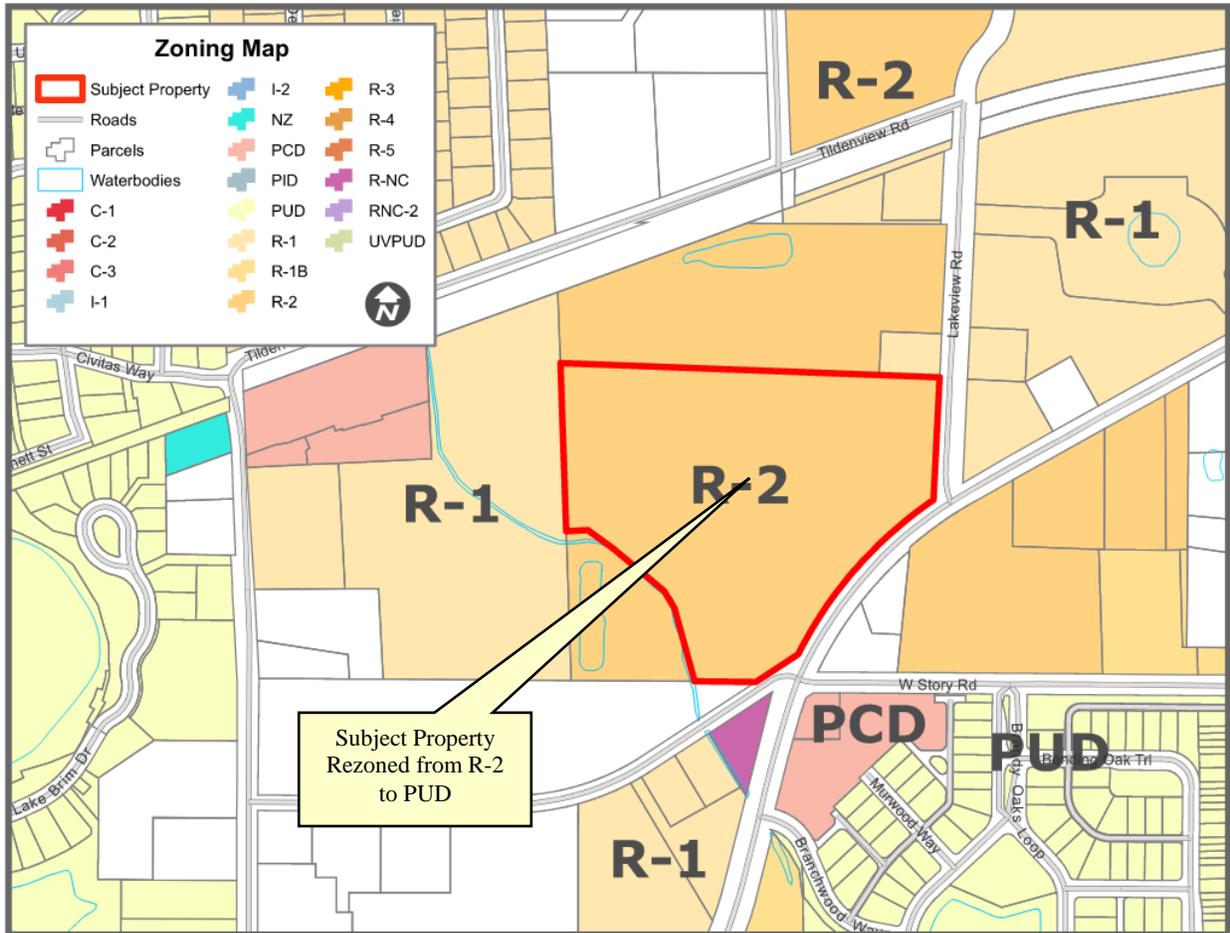
**AERIAL PHOTO**  
**1001 W Plant Street**



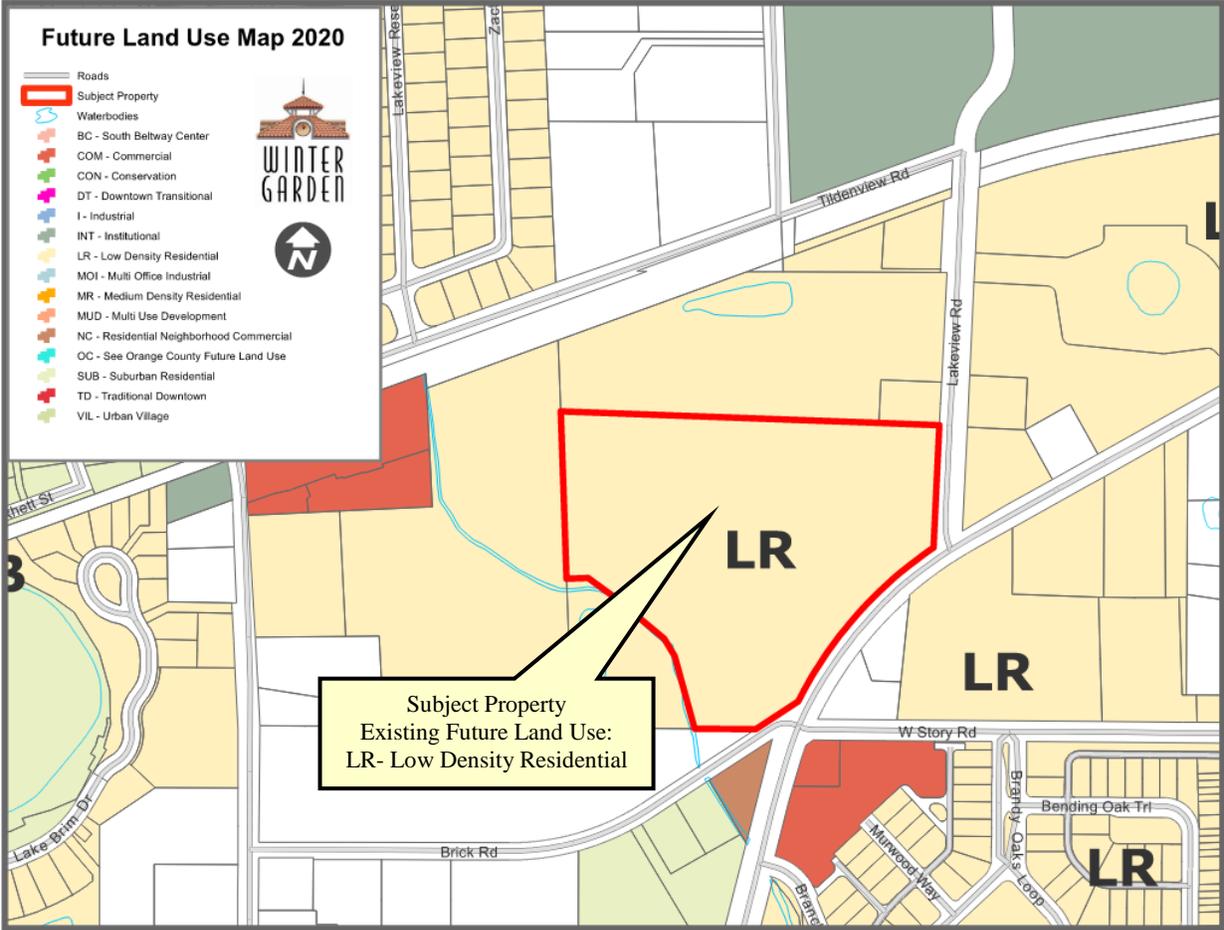
**SITE PHOTOS**  
**1001 W Plant Street**



### ZONING MAP 1001 West Plant Street



**FUTURE LAND USE MAP**  
**1001 West Plant Street**



**END OF STAFF REPORT**

## ORDINANCE 20-37

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 15.83 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON WEST PLANT STREET, WEST OF LAKEVIEW ROAD AND SOUTH OF TILDENVILLE SCHOOL ROAD, FROM R-2 (RESIDENTIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE A FOUND LIFE PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner(s) of real property generally described as approximately 15.83 ± acres of certain real property generally located on West Plant Street, West of Lakeview Road and East and South of Tildenville School Road in Winter Garden, Florida, being more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from R-2 to PUD;

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

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

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

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

- a. **Conceptual Plan-** All development on the Property must substantially conform to the requirements identified in the A Found Life PUD Plan attached hereto as Exhibit “B.” Should any conflict be found between this Ordinance and the A Found Life PUD Plan attached hereto as Exhibit “B”, then the standards and conditions established by this Ordinance shall control.
- b. **Zoning-** Due to the nature of the permitted uses set forth in this Ordinance, the following sections of Article V, Division 2 of the City Code of Ordinances

regarding Residential Planned Unit Developments shall not apply to the Property: section 118-860, section 118-921, section 118-923, section 118-925, and section 118-927. Unless specifically noted elsewhere in Exhibit “B” attached hereto, or expressly provided for herein, all development on the Property must comply with the general zoning requirements of the Residential Planned Unit Development zoning district. These requirements include any approval procedure of the Residential Planned Unit Development zoning district.

**c. Permitted Uses-** With respect to the A Found Life PUD area as identified in Exhibit “B” attached hereto, the only permitted use shall be an Assisted Living Facility, Church, and Gymnasium.

**d. Prohibited Uses-** Unless specifically identified by this Ordinance as a permitted use, all other uses are prohibited. Without limiting the foregoing, all uses prohibited by Section 118-858(5), City of Winter Garden Code of Ordinances are prohibited on the Property.

**e. Design Criteria/Architectural Standards-**

**1. Maximum Building Length-** Notwithstanding Section 118-925 of the City Code of Ordinances, the maximum length of the Assisted Living Facility building shall be 285 feet as shown in the A Found Life PUD area as identified in Exhibit “B”.

**2. Maximum Building Height-**

With respect to the A Found Life PUD Area as identified in Exhibit “B” attached hereto, maximum building height shall not exceed two stories (35 feet), and architectural features (church steeple elements) shall not exceed 45 feet.

**3. Building Elevations-**

The “Gymnasium” shown in Exhibit “B” of this Ordinance is not a final and approved elevation. The elevation provided will be used as a guiding document for future development, all final elevations will be subject to staff review and approval during the Site Plan Approval process.

The expansion of the church building and any proposed elevations will be reviewed at the Site Plan Approval process as well. All proposed elevations must show cohesive design elements that align with the surrounding buildings and residential character of the area.

**4. Outdoor/Indoor Recreation Area –**

The outdoor recreation area shall be designed to be consistent with the architecture of the main buildings or to complement the architecture of the buildings. The outdoor area will provide residents of the Assisted Living Facility access to gardens and a trail around the pond. The Gymnasium and tot lot will provide recreation and gathering areas for the church.

**5. Signage-** All signage proposed for the Property shall conform to the requirements and regulations pertaining to specified commercial corridors within the City of Winter Garden as defined in Chapter 118, Article X, Division 2 of the City of Winter Garden Code of Ordinances. The signage shall be reviewed at time of Site Plan Review.

**6. Impervious Surface Area Ratio-** The maximum impervious surface area ratio for the Property (not including the wet pond surface area) shall be consistent with the overall maximum impervious surface area ratio that the Planned Unit Development is designated and permitted for by Saint John’s River Water Management District.

**7. Common Open Space-**

The minimum common open space provided for the Property shall be 20%. For the purposes of this Ordinance the area identified as “open space” on Exhibit “B” and some retention areas may be considered as contribution toward fulfillment of open space requirements.

Specifically, dry retention may contribute to the fulfillment of the common open space requirement, and wet bottom retention areas may partially contribute to fulfilling open space requirements. Additionally, pervious surfaces, unless specifically identified below, may be calculated as common open space for the Property; however the following will not be considered as contributing to the common open space requirement for the Property:

- Any impervious surface as defined in Chapter 106 of the City Code of Ordinances.
- Parking Areas
- Road rights-of-way
- Required minimum yards & building spacing

**8. Dark Skies-** all exterior lighting shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Exterior lighting shall be designed as dark skies lighting in a

consistent and coordinated manner for the entire project in compliance with the requirements of Chapter 118, Article X, Division 4 of the City Code of Ordinances.

- f. **Delivery Hours-** No deliveries shall occur between the hours of 7:00pm and 7:00am.
  
- g. **Staff Conditions-** All development on the Property must comply with the following staff conditions:
  - 1. An engineered site plan meeting all requirements of the City Code of Ordinances shall be submitted for review and approval by City staff and City Commission prior to commencement of any construction.
  - 2. All utilities required for the development shall be run to the site at the developer's expense, including potable water, reclaimed water and sanitary sewer. 100% of all water and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.
  - 3. All irrigation on the site shall be designed to be supplied by reclaimed water. An exception may be granted for the enclosed courtyards to use potable water and will be considered at final site plan review.
  - 4. There exists a +20' wide drainage easement along the west side of the property that has been shown (as recorded in O.R. Book 5576, pages 4588-4593 of the Public Records of Orange County, FL). No improvements (buildings, pavement, etc.) shall be constructed within this easement without specific approval from the City Engineer (to ensure maintenance capabilities of the open drainage ditch).
  - 5. Platting will be required providing easements for cross access, drainage and utilities, as well as providing an entity for maintenance of shared facilities. Plat shall be recorded prior to issuance of a certificate of occupancy of any building and shall include any and all R/W, lift station, or other fee simple conveyances to the City.
  - 6. The new east-west road alignment shown shall be constructed by the development as part of the platting process, including dedication of right-of-way (50' minimum) per Code. Prior to the issuance of any certificate of occupancy, the Owner/Developer shall convey to the City via special warranty deed fee simple ownership of the right-of-way free and clear of all mortgages, liens and encumbrances. Prior to conveyance, Owner/Developer shall obtain and provide to the City for review, a property information report from a title company (or

attorney title opinion) and licensed surveyor prepared sketch and legal description and boundary survey for the right-of-way land being conveyed showing the ownership and all mortgages, easements and encumbrances. Owner/Developer shall be responsible for paying all documentary stamp taxes, recording fees and all pro-rated taxes and special assessments to the date of the conveyance of the right-of-way as required by general law. To the extent applicable, Owner/Developer shall comply with the beneficial interest disclosure requirements of Section 286.23, Fla. Stat.

7. The typical roadway section shall be per City Standards: Right-of-way width shall be a minimum of 50 feet with minimum roadway pavement width of 24' as required by City Code (12' minimum each lane); 16' minimum lane width for any divided portion (additional width may be required if parking is allowed); 18" of clean fill with no more than 5% passing a #200 sieve required under the 12" thick stabilized subbase; 98% density required on all compaction; 2" minimum asphalt thickness; 10" minimum soil cement or crushed concrete base thickness (no limerock); 6" underdrains each side; minimum 24" wide concrete curb and gutter required (or Miami curb); 5' wide concrete sidewalks required on both sides of street; minimum 10' wide drainage, utility and sidewalk encroachment easements required adjacent to all rights-of-way. All construction shall meet City of Winter Garden requirements for drainage, roadways and utilities (see City Standard Details available on-line at [cwgdh.com](http://cwgdh.com)).
8. Landscaping shall not encroach on required sight lines at intersections or driveways. Design Engineer shall provide certification with final construction plans that sight distance requirements are being met.
9. No trees shall be planted over or within 5 feet of any utility lines. Only sod or shrubs may be planted over utility lines.
10. Tree Removal Permit issued by the City of Winter Garden Building Department will be required prior to final plan approval. As required by Code (Sec. 114-70), submittal of the Tree Removal Permit application is required with the preliminary plat submittal. Coordinate with Building Department (Steve Pash).
11. Minimum 5' wide concrete sidewalks shall be constructed along all street frontages pursuant to Code. Any damaged, broken or cracked sections (including existing curbs and pavement) shall be replaced prior to issuance of certificate of occupancy. Internal sidewalks shall connect to the public sidewalks in the right-of-way per ADA.

12. All dumpsters shall be enclosed and shall provide 12' minimum inside clearance each way. Approval from Public Services Solid Waste Division is required.
13. No conceptual utility plans have been provided. This will be reviewed and commented on further at the preliminary plat and final construction plan phases (i.e. lift station, connection points, line sizes, etc.).
14. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer. Final plans shall detail all connections including fire protection, reuse water and domestic water supply. All irrigation on the site shall be designed to be supplied by reclaimed water when available and shall be served by a jumper to potable water until that time. The plan does not show irrigation of the sites or common areas. It should also be noted that the buildings over 6,000 s.f will require fire sprinklers subject to review and approval by the Building and Fire Departments.
15. 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. Gravity sanitary laterals and pipes shall be SDR 26 per City standards. Use City Standard Detail Sheets for utilities and public works. All on-site utilities shall be privately owned and maintained.
16. A lift station will be required to serve multiple owners and connect to the force main on Plant Street or Lakeview Road. The lift station shall be owned and maintained by the City and will be installed per City Standards. A minimum 30'x30' fee simple tract will be required.
17. All utilities shall conform to Chapter 78 of the City Code. Impact fees will be required for any utility connections and shall be paid prior to issuance of building permit and City execution of FDEP permit applications. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer. 100% of all required water, irrigation and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.
18. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others, including by way of any

development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.

19. Geotechnical and environmental reports were submitted and will be reviewed further as design continues.
20. Streetlighting both internally and on all street frontages is required pursuant to City Code – dark skies lighting is required.
21. Permits or exemptions shall be provided from SJRWMD for stormwater and FDEP for water, wastewater and NPDES NOI.
22. Fire sprinkler systems will be required on all buildings over 6,000 s.f. with Point of Service (POS), backflow prevention, etc. shown. All work downstream of the POS shall be performed by a licensed fire sprinkler contractor. Show with final plans.
23. Any screen walls or retaining walls shall require a separate permit from the Building Department.
24. The use of Thermoplastic pipe shall meet all City material and installation requirements as specified in the City's Standards & Specifications including Class I bedding, HP polypropylene pipe, laser profiling, installation per ASTM D2321, etc. (see under on-line forms on website).
25. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
26. All work shall conform to City of Winter Garden standards and specifications.
27. 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.

28. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
29. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others, including by way of any development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
30. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of **2.25%** of the cost of all site improvements shall be paid prior to issuance of the building permit.

## **SECTION 2: *General Requirements.***

- a. **Development Agreement-** A Development Agreement shall be drafted, approval obtained and recorded prior to approval of any site or building permits for the Property. The Development Agreement shall address matters to include, but not limited to, project phasing, right-of-way improvement and conveyance, easements, vehicular access to the site including connection to Lakeview Road, restriction of additional curb-cuts, provision for cross access, design standards, signage, impact fees, stormwater, drainage, utilities and other off-site public infrastructure improvements.

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

**SECTION 3: Zoning Map.** The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

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

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2020.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2020.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_

ANGELA GRIMMAGE, City Clerk

**Exhibit "A"**

**Parcel ID:** 22-22-27-0000-00-009 & 22-22-27-0000-00-146

**Legal Description**

A PORTION OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE RUN SOUTH 89°34'44" EAST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22 FOR A DISTANCE OF 143.58 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°34'44" EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 161.11 FEET TO A POINT OF THE SOUTHWESTERLY BOUNDARY OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3383, PAGE 1260 AS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTH LINE RUN THE FOLLOWING FIVE (5) COURSES ALONG SAID SOUTHWESTERLY BOUNDARY: NORTH 14°57'26" WEST FOR A DISTANCE OF 218.14 FEET; NORTH 30°29'33" WEST FOR A DISTANCE OF 58.52 FEET; THENCE NORTH 49°51'44" WEST FOR A DISTANCE OF 190.85 FEET; THENCE NORTH 53°34'27" WEST FOR A DISTANCE OF 90.68 FEET; THENCE SOUTH 88°03'58" WEST FOR A DISTANCE OF 59.88 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22, SAID POINT BEING 434.04 FEET NORTHERLY OF THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE RUN NORTH 02°31'34" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 479.41 FEET TO THE NORTH BOUNDARY LINE OF THE LAND DESCRIBED IN SAID OFFICIAL RECORDS BOOK 3383, PAGE 1260; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 87°47'32" EAST ALONG SAID NORTH BOUNDARY LINE FOR A DISTANCE OF 1093.33 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF LAKEVIEW ROAD; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 02°04'22" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 337.27 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF PLANT STREET (SR 438), SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 1040.00 FEET, THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE RUN SOUTHWESTERLY THROUGH A CENTRAL ANGLE OF 33°42'03" FOR AN ARC LENGTH OF 611.72 FEET, A CHORD BEARING OF SOUTH 41°38'01" WEST FOR A CHORD DISTANCE OF 602.94 FEET; THENCE RUN SOUTH 56°58'11" WEST FOR A DISTANCE OF 158.40 FEET TO THE POINT OF BEGINNING.

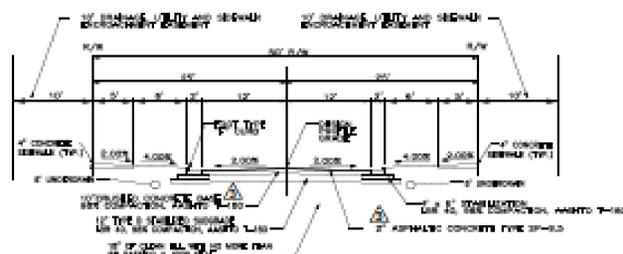
CONTAINING 15.83 ACRES, MORE OR LESS.

Exhibit "B"

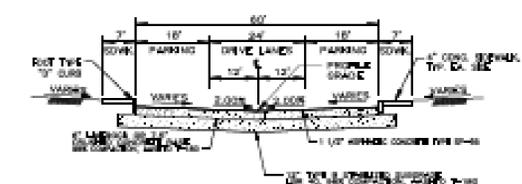
# **COVER PAGE**

## **A Found Life PUD**

### **(10 PAGES - ATTACHED)**



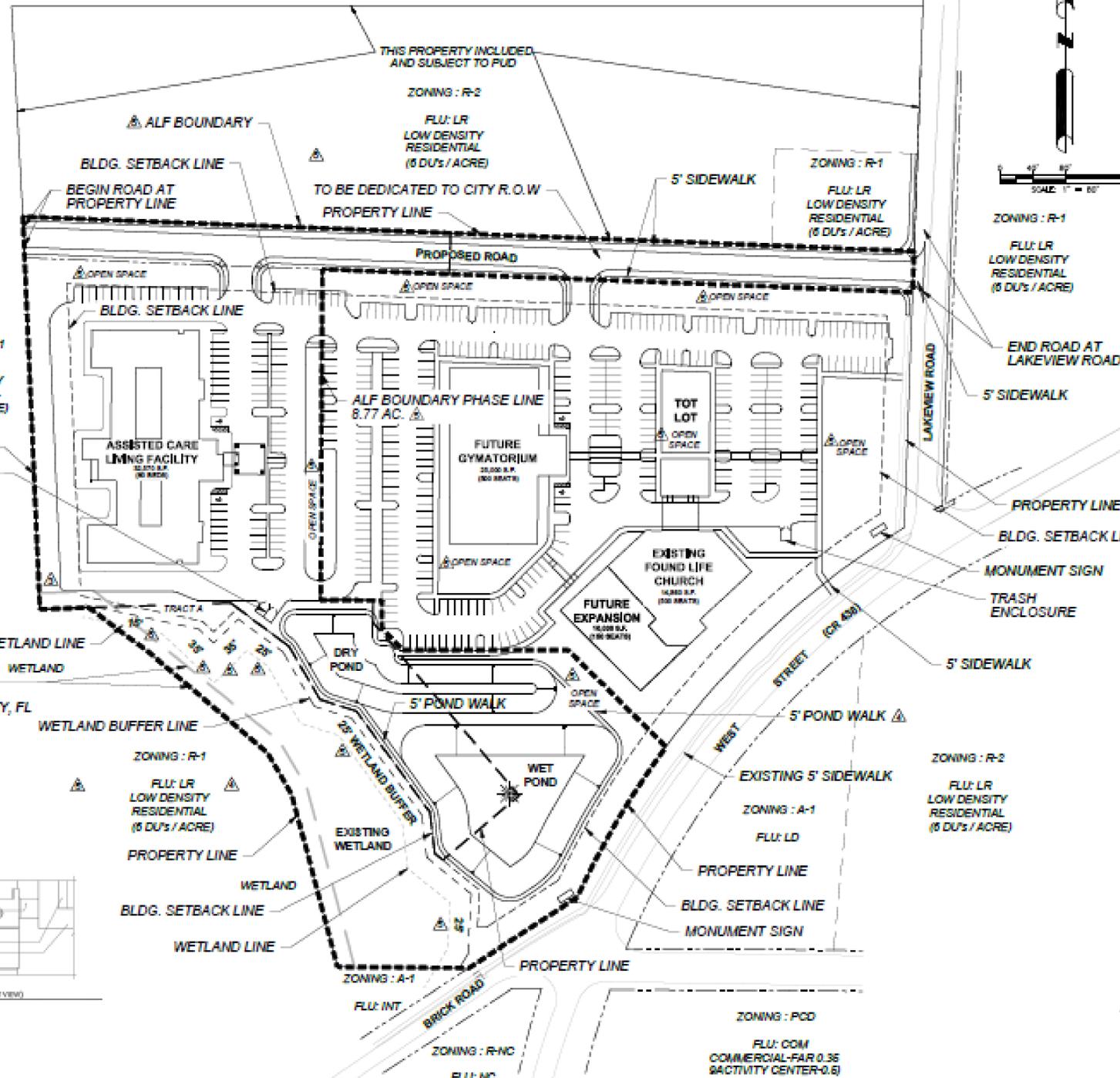
TYPICAL SECTION



TYPICAL STREET AND PARKING SECTION



LOCATION PLAN



LEGAL DESCRIPTION

Commence at the SE corner of the SW 1/4 of the NW 1/4 of Section 22, Township 22 South, Range 27 East, Orange County Florida; Thence run due West along the South line of the SW 1/4 of the NW 1/4 of said Section 22, 143.58 feet to a point on the Northwesterly right of way line of Brick Road; Thence continue due West, 161.16 feet to the Point of Beginning; Thence run N 15° 21' 23" W, 218.14 feet; Thence run N 30° 53' 30" W, 58.52 feet; Thence run N 50° 15' 41" W, 190.85 feet; Thence run N 53° 58' 24" W, 90.68 feet; Thence run S 87° 40' 01" W, 59.88 feet to a point on the West line of the East 1/2 of the SW 1/4 of the NW 1/4 of said Section 22, said point being 434.04 feet Northerly of the SW corner of the East 1/2 of the SW 1/4 of the NW 1/4 of said Section 22; Thence run N 2° 55' 31" W along the West line of the East 1/2 of the SW 1/4 of the NW 1/4 of said Section 22; 479.41 feet; Thence run S 88° 11' 29" E, 1093.33 feet; Thence run S 1° 40' 25" W along the Westerly right of way line of Lakeview Road, 337.27 feet to a point on the Northwesterly right of way line of Old State Road No. 50; Thence run southwesterly along said Northwesterly right of way line and along a curve concave to the Southeast and having for its elements a radius of 1040 feet, a central angle of 33° 42' 03" and a chord bearing of S 41° 14' 12" W for an arc distance of 611.72 feet to a point on the Northwesterly right of way line of Brick Road; Thence run S 56° 34' 14" W along the Northwesterly right of way line, 158.32 feet to the Point of Beginning. Said Lands situate, lying and being in Orange County, Florida; and containing 15.883 Acres, more or less.

SITE DATA

EXISTING SITE ZONING

EXISTING SITE ZONING IS R-2  
FLU IS LR - LOW DENSITY RESIDENTIAL (8 DU/AC)

PROPOSED SITE ZONING

PROPOSED SITE ZONING IS PUD  
(PLANNED UNIT DEVELOPMENT)

EXISTING SITE AREA

TOTAL SITE AREA: 15.883 AC.

PROPOSED PARKING

ASSISTED CARE LIVING FACILITY:	REQUIRED 1 space/2 beds (80 beds)	= 30	PROVIDED = 85
GYMNASIUM:	REQUIRED 1 space/3 seats (500 seats)	= 167	PROVIDED = 100
FOUND LIFE CHURCH:	REQUIRED 1 space/3 seats (550 seats)	= 217	PROVIDED = 254
<b>TOTAL PARKING SPACES</b>		<b>= 414</b>	<b>= 419</b>

PROPOSED OPEN SPACE 6.54 AC.

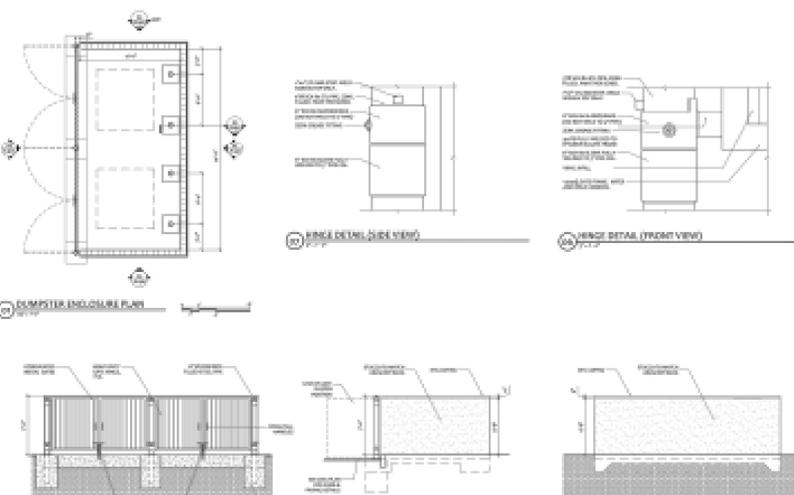
PROPOSED OPEN SPACE

TOTAL OPEN SPACE: REQUIRED 25% = 3.97 AC. PROVIDED = 6.54 AC. (41.18%)

PROPOSED ACTIVE RECREATION

TOTAL RECREATION AREA: REQUIRED 5% = 0.80 AC. PROVIDED = 0.80 AC. (5.04%)  
TOT LOT = 0.33 AC.  
POND WALK = 0.47 AC.

DUMPSTER DETAILS



PROPOSED PUD PLAN

JANUARY 2020

1"-80' WS-2

1001 PLANT STREET  
WINTER GARDEN, FLORIDA

DATE: \_\_\_\_\_  
PROJECT NO.: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
SCALE: \_\_\_\_\_  
SHEET: \_\_\_\_\_

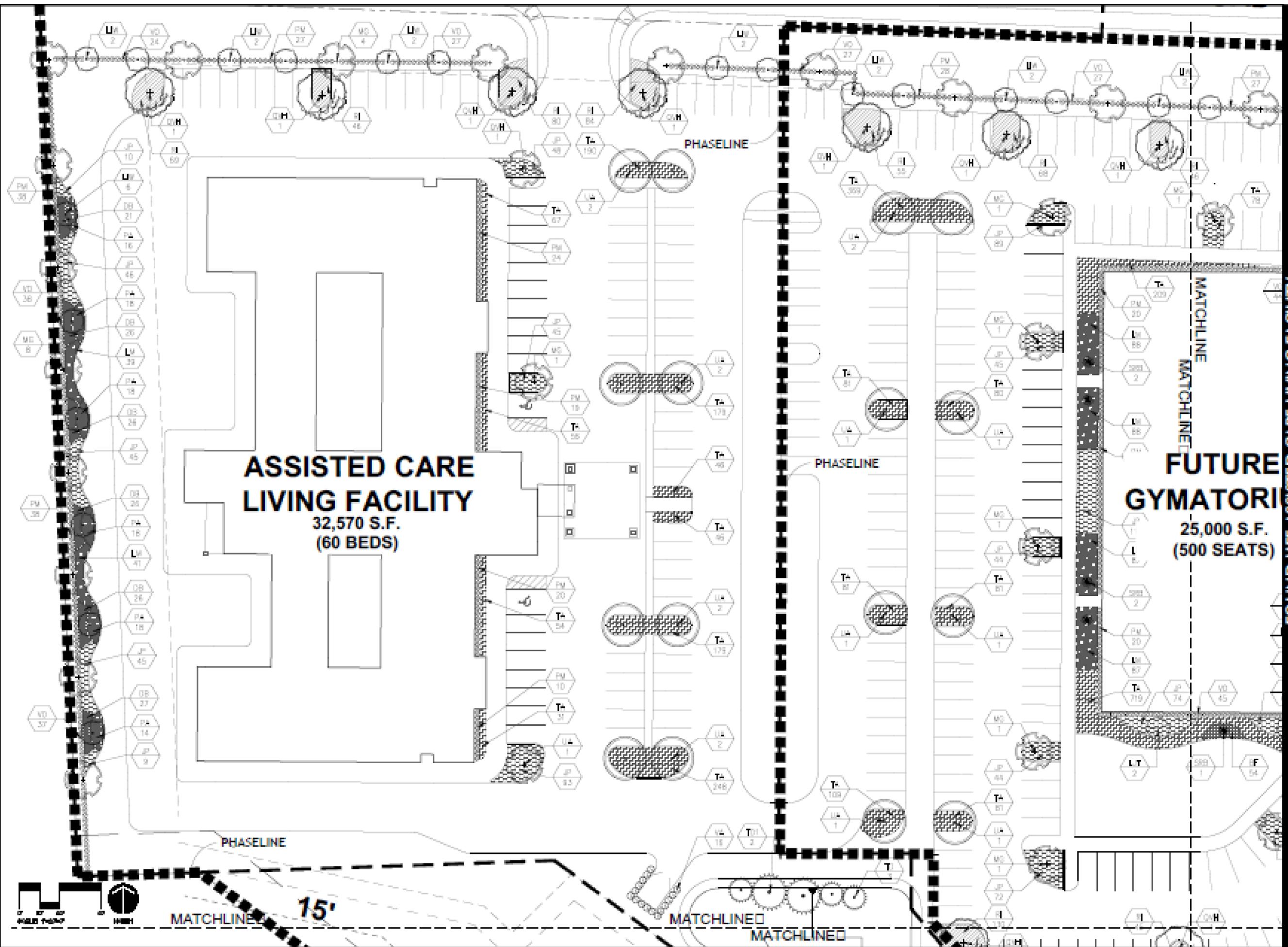
**DSE**  
DAVE SCHMITT  
ENGINEERING, INC.  
12301 Lake Underhill Road Suite 241  
ORLANDO, FL 32828  
407-207-9088 FAX 407-207-9089  
Certification of Authorization #27471

REVISIONS					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
09-01-2020	BC	REV. PER CITY COMMENTS			
07-15-2020	MGM	REV. PER CITY COMMENTS			
06-14-2020	SAM	REV. PER CITY COMMENTS			
03-11-2020	SAM	REV. PER CITY COMMENTS			
02-07-2020	DLS	REV. PER CITY COMMENTS			

DAVE M. SCHMITT  
FLORIDA REG. NUMBER  
48274

P:\WSZ\CAD\Projects\PLUD\WS-2\_1\_PO\_EXHIBIT A.dwg, 9/15/2020 11:01:47 AM





**FOUND LIFE ASSISTED CARE LIVING FACILITY**

L-100

**ASSISTED CARE LIVING FACILITY**  
32,570 S.F.  
(60 BEDS)

**FUTURE GYMATORIUM**  
25,000 S.F.  
(500 SEATS)

LANDSCAPE PLAN

DATE: 10/15/2019  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

PROJECT NO: [Number]  
SHEET NO: [Number]  
SHEET TOTAL: [Number]

DESIGNED BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

PROJECT NO: [Number]  
SHEET NO: [Number]  
SHEET TOTAL: [Number]

DATE: 10/15/2019  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

PROJECT NO: [Number]  
SHEET NO: [Number]  
SHEET TOTAL: [Number]



LANDSCAPE ARCHITECT  
STATE OF CALIFORNIA  
LICENSE NO. [Number]

DATE: 10/15/2019  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

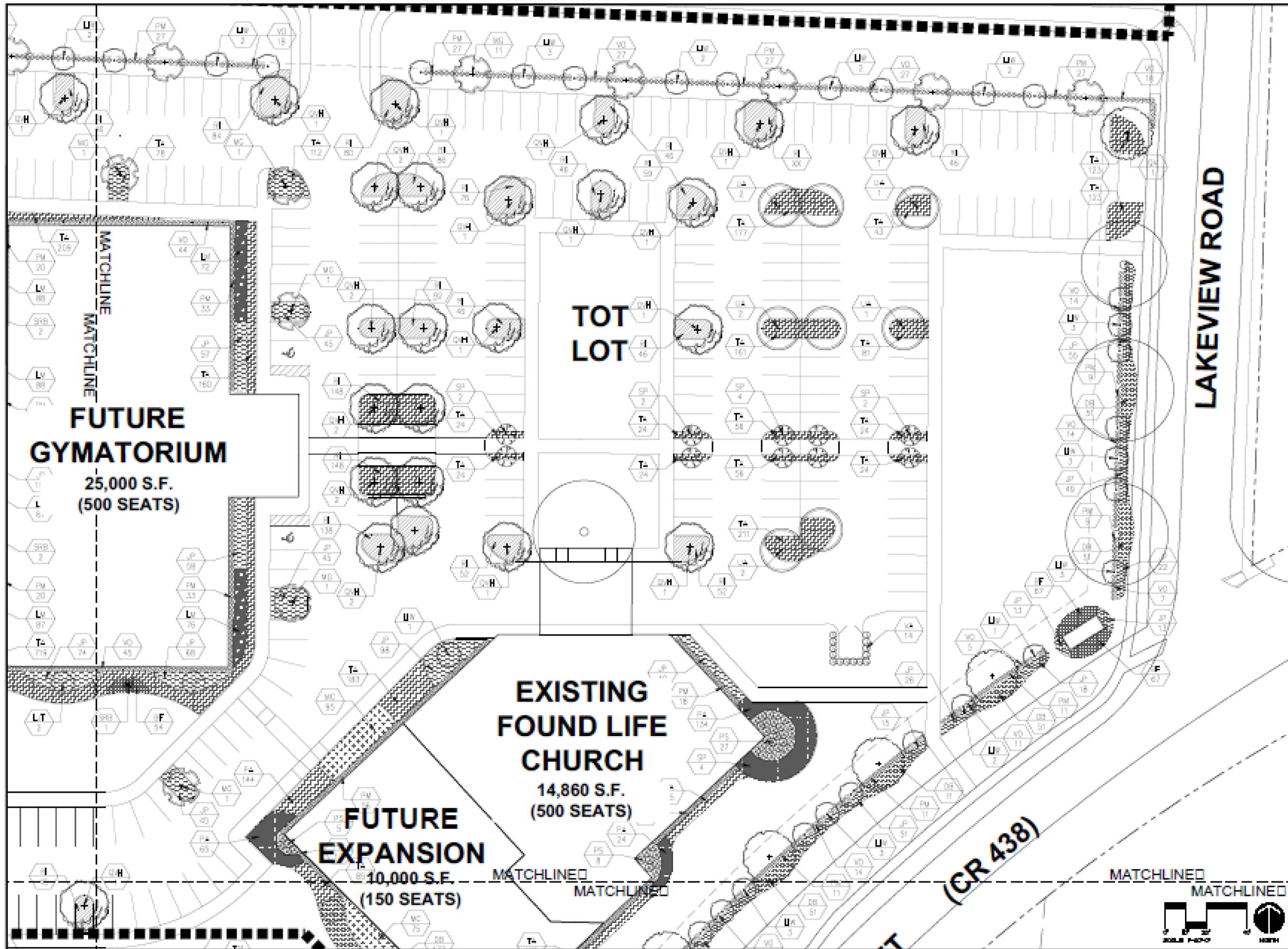
PROJECT NO: [Number]  
SHEET NO: [Number]  
SHEET TOTAL: [Number]

DESIGNED BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

PROJECT NO: [Number]  
SHEET NO: [Number]  
SHEET TOTAL: [Number]

DATE: 10/15/2019  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

PROJECT NO: [Number]  
SHEET NO: [Number]  
SHEET TOTAL: [Number]



LAKEVIEW ROAD

(CR 438)

FOUND LIFE ASSISTED CARE LIVING FACILITY

<p>LANDSCAPE PLAN</p>	
<p>DATE: 11/11/2011</p>	<p>SCALE: 1/8" = 1'-0"</p>
<p>PROJECT: FOUND LIFE ASSISTED CARE LIVING FACILITY</p>	<p>CLIENT: FOUND LIFE ASSISTED CARE LIVING FACILITY</p>
<p>DESIGNER: [Name]</p>	<p>CHECKER: [Name]</p>
<p>DATE: 11/11/2011</p>	<p>SCALE: 1/8" = 1'-0"</p>



L-101







Gymnasium



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12 DEC 2019

- North Adams, MA  
FL: AEC-00000447
- Boulder Ledge Cove, MA  
FL: AEC-00000000
- Glenbury Cove No. 2, MA  
FL: AEC-00000000



**ELEVEN 18 ARCHITECTS**  
 1100 Main Street  
 Suite 200  
 North Adams, MA 01095  
 Phone: (413) 253-1111  
 Fax: (413) 253-1112  
 www.eleven18.com

**PROJECT NAME**  
**GOLDEN POND WINTER GARDEN**  
 Street Address:  
 City, State, Zip:

**PROJECT CLIENT**  
**GOLDEN POND COMMUNITY**  
 Street Address:  
 City, State, Zip:

**ELEVEN PROJECT LEAD**  
 Name:  
 413-253-1111  
 e18@eleven18.com

**PROJECT TEAM**  
 Name, Title, Phone:

REVISIONS		
#	DATE	DESC.
1	12/12/19	PERMIT SUBMITTAL



FRONT ELEVATION





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

**Public Hearing**

**Date:** September 28, 2020                      **Meeting Date:** October 5, 2020  
**Subject:** 199 S Main St & 158 S Woodland St (Rezone to PUD)  
**Project Name:** Smith Street Luxury Studios – PUD Rezoning  
**Parcel ID:** 23-22-27-2888-09-064; 23-22-27-7968-00-021

**Issue:** The applicant is requesting to rezone the property located at 199 S Main St & 158 S Woodland St from C-1 (Central Commercial) to PUD (Planned Unit Development).

**Supplemental Material / Analysis:**

**Owner / Applicant:** Sanctuary at Winter Garden, LLC  
**Current Zoning:** C-1 Central Commercial  
**Proposed Zoning:** PUD  
**Current FLU:** TD Traditional Downtown  
**Proposed FLU:** N/A

**Summary:** The applicant is requesting to rezone the +/- 1.07 acre property located on the northeast corner of S Main Street and E Smith Street to PUD to permit the development of a new two/three-story building, which will feature 38 apartment dwelling units and a small café on the first floor corner unit. The building will be situated along the adjacent road frontages to almost completely obscure the 54 parking spaces located within the site’s interior areas. Access to the parking lot will be off of S Woodland St (See Staff Report). The proposed rezoning is consistent with the City’s Comprehensive Plan and the City of Winter Garden Code of Ordinances.

**Staff Recommendation(s):**

Staff recommends approval of Ordinance 20-19.

**Next Step(s):**

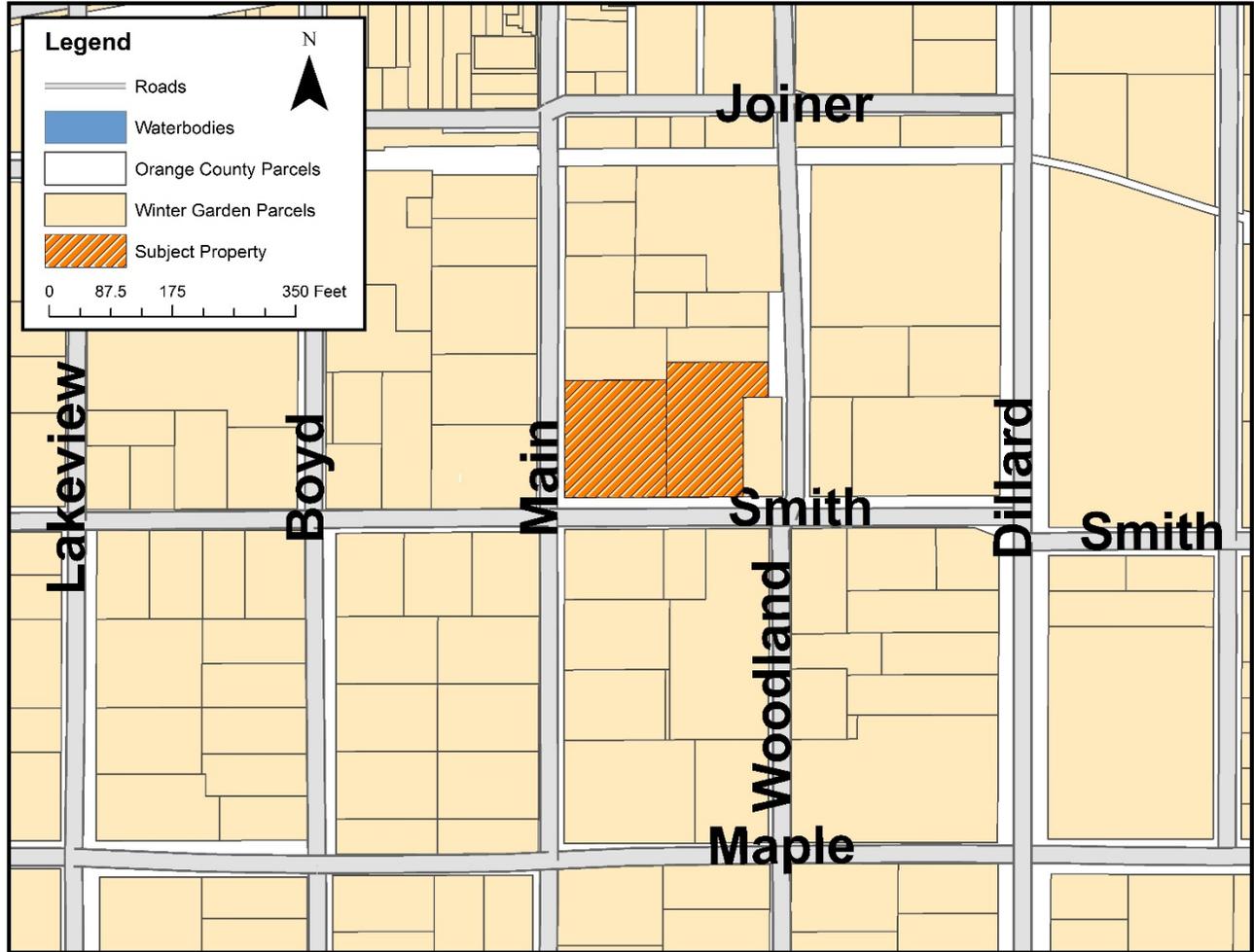
The first reading by City Commission is scheduled for October 8, 2020 with the second reading and adoption anticipated to be on October 22, 2020.

**Attachment(s):**

Location Map  
Staff Report  
Ordinance 20-19

# LOCATION MAP

199 S Main Street & 158 S Woodland Street  
PUD Rezoning



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

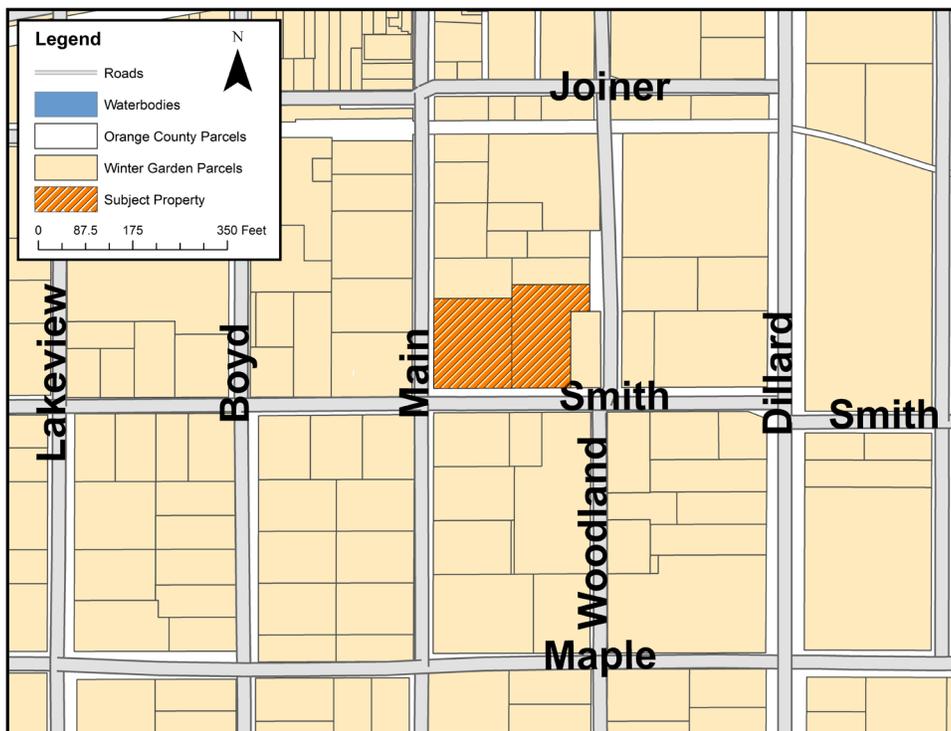
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, URBAN DESIGNER  
**DATE:** SEPTEMBER 25, 2020  
**SUBJECT:** REZONING TO PUD  
**199 S Main Street & 158 S Woodland Street (1.07 +/- ACRES)**  
**Smith Street Luxury Studios**  
**PARCEL ID # 23-22-27-2888-09-064; 23-22-27-7968-00-021**

**APPLICANT:** Sanctuary at Winter Garden LLC

### INTRODUCTION

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

The subject property is generally located at 199 S Main Street and 158 S Woodland Street on the northeast corner of S Main Street and E Smith Street and is approximately 1.07 ± acres in size. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting to rezone 1.07 ± acres of land to Planned Unit Development (PUD). The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-1 (Central Commercial District) in the City of Winter Garden. The subject property is designated TD Traditional Downtown on the Future Land Use Map of the Comprehensive Plan.

The subject property is located within the City of Winter Garden's Historic Downtown District overlay area.

### **EXISTING USE**

The subject property currently contains a crushed rock parking lot that the City has been leasing from the owner for overflow municipal parking. In 2016, the residential structure that was previously located on the property was demolished, with approval from the City Commission. After demolition, the vacant property was converted by the City into a temporary parking lot while the Municipal Parking Garage was being constructed.

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

The property located to the west of the subject property is vacant commercial land, zoned C-1 and located within the City of Winter Garden's municipal limits. The two properties to the north are both zoned C-1 and in Winter Garden. One of the properties is developed with multiple dwelling units while the other is developed with a professional office building. The property to the east is also zoned C-1 and located in the City; this property is developed with a single family residence. There are three properties to the south of the subject property. Two of them are zoned R-2 and contain single-family residences. The third is zoned R-NC and is developed with two single family residences. All three of the properties are located in Winter Garden.

### **PROPOSED USE**

The applicant is now proposing to construct a new two-story and three-story, 45,750 +/- square foot apartment building on the subject property. The building would feature 28 one bedroom and 10 two bedroom apartment units in a range of sizes: from 720 square feet at the smallest to 1,030 square feet at the largest. The development will also feature a small café space on first floor of the southeast corner of the building. The building will feature Mediterranean Revival / Mission Style architecture, with light-colored stucco exterior and full barrel tile roof. All of the units will have access to a shared interior courtyard space. The building will be situated along the adjacent road frontages to almost completely obscure the 54 parking spaces located within the site's interior areas. Tenants will be permitted one parking space per bedroom and the parking spaces will be numbered and assigned, including guest parking. Access to the parking lot will be off of S Woodland St.

### **PUBLIC FACILITY ANALYSIS**

The property will have one vehicular full access point off of S Woodland Street. Pedestrian access will be provided from all three adjacent streets: S Main Street, E Smith Street, and S Woodland Street. Garbage will be collected from a shared dumpster on the premises.

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

The City will provide garbage collection, police protection, and all other services regularly

provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

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

### **APPROVAL CRITERIA**

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

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

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

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

The proposed PUD project will not deprive or prevent adjacent property owners of any rights or abilities to enjoy or continue existing uses of their property or to develop their property in accordance with the City's land development regulations and comprehensive plan goals, objectives, and policies. Further, in accordance with land development regulations and the comprehensive plan, where appropriate, the proposed PUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing. The site is located within the City's Historic Downtown District, where higher densities are permitted and connectivity is emphasized. The residential property to the east is already buffered from the subject property with an existing 6' tall masonry wall, and the properties to the north are zoned for commercial uses. The City has worked closely with the applicant to implement changes to the proposal that ensure the development is not negatively impacting the residential properties to the south. These changes included reducing the height of a large section of the building along E Smith Street from three stories to two stories, eliminating a proposed vehicular access point along E Smith Street, and reducing the width of E Smith Street adjacent to the proposed development to increase the project's buffer width and decrease vehicular speeds.

- (3) Adequate public infrastructure facilities and water and sewer service to support the development of the proposed PUD are available or an agreement or binding conditions have been established that will provide these facilities, improvements and services in a reasonable time frame;

The existing potable water flow pressure of the City's utility system within the surrounding area is sufficient to support the development of the subject property. The property was previously a water and sewer customer of the City of Winter Garden; utility lines are available in the area to connect to the new development. At such time that the property is developed, additional utility connections may need to be made to

serve the new apartment buildings. All extension and connection costs shall be borne by the property owner.

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

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

The proposed PUD project is consistent with the comprehensive plan's goals, objectives and policies for the Traditional Downtown future land use designation; the PUD zoning criteria; and the City's land development regulations. The proposed PUD project features a gross residential density of +/- 35.5 dwelling units per acre which is lower than the maximum permitted density of up to 50 dwelling units per acre permitted within the Traditional Downtown future land use designation.

The proposed PUD is not premature or presently out of character in relationship to the surrounding area. The subject property is located on the northeast corner of E Smith Street and Main Street, which is a prominent gateway site to the Downtown District from the south and east from Dillard Street. The Winter Garden downtown district features a range of uses commercial, residential, institutional, mixed-use, etc. – all of which are located within close proximity to each other. Furthermore, there are residential and commercial developments within the surrounding area which have similar density and/or intensity than the proposed PUD project. The most recent project of this type to be completed is the Tremaine Boyd development, located a block away from the subject property at the corner of Tremaine Street and S Boyd Street. This project included a three-story building with 22 upper-story apartment units as well as +/- 10,000 square feet of commercial space on the first floor on a 0.57 acre parcel, making the gross residential density and floor area ratio higher than the proposed project.

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

In accordance with the City's comprehensive plan, the zoning designations permitted within the Traditional Downtown future land use designation include Planned Unit Development. Further, in accordance with land development regulations and the comprehensive plan, where appropriate, the proposed PUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing. The site is located adjacent to the City's Historic Downtown District, where higher densities are permitted and connectivity is emphasized; the new development should not interfere with the adjacent property owner's reasonable expectation of use or enjoyment for the reasons detailed in this Staff Report.

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

The adjacent streets have sufficient capacity to support the traffic generated by 38 new multifamily units. In order to minimize potential impacts from traffic and other car-related impacts such as vehicular headlights, the property will only have one access

point, located along S Woodland Street. The developer will also provide pedestrian connections to the development along S Main Street and E Smith Street as well and design internal pedestrian pathways to accommodate increased pedestrian traffic. Furthermore, the location of the development in close proximity to the myriad activities and destinations downtown is anticipated to result in a comparatively lower number of vehicular trips. Parking will be provided on site, with enough capacity to provide at least 1 parking space per bedroom (54 spaces for 28 one bedroom and 10 two bedroom units). Some guest parking can be accommodated on site or within shared downtown parking facilities such as street parking along S Main Street.

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

The proposed PUD project is consistent with the comprehensive plan's goals, objectives and policies for the Traditional Downtown future land use designation, the PUD zoning criteria, and land development regulations. As stated above, the proposed PUD features a gross density of +/- 35.5 dwelling units per acre, which is lower than the maximum density of 50 dwelling units per acre permitted within the Traditional Downtown future land use designation.

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

The proposed PUD project integrates several elements that provide for cohesion between existing and proposed uses surrounding the property. The project includes construction of pedestrian connections to adjacent streets to enhance pedestrian circulation in the area. Several pedestrian amenities will be installed that will be beneficial to both the development and the larger community such as two street-oriented fountain features, benches, landscaping, and other community-oriented amenities. The project will also include the preservation of open space areas in accordance with City Code requirements for common open space. Overall, the PUD features a traditional downtown use that is consistent with the vibrant, mixed-use character of Winter Garden's downtown district. The project is located in close proximity to the Plant Street Market, Tremaine Boyd building, SOBO art gallery, several professional office buildings, as well as single-family and multi-family residences.

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

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

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

The PUD must comply with the open space and recreation requirements of City Code for residential developments. If the project is deficient, they will be required to pay into the City's recreation fund to compensate for the required recreation and/or open area that is unable to be located on site. The amount that the developer will have to contribute to the fund is based on the fair market value of the land that would have otherwise been dedicated to recreation or open space uses.

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

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

The proposed PUD project must comply with the City's requirements for open space. The development includes a 2,693 +/- square foot shared internal courtyard with recreation amenities such as lounge seating, fountain, and an outdoor (summer) kitchen. There is also 6,129 +/- square feet of pervious area as well as pedestrian-oriented courtyard spaces adjacent to the public sidewalks. The open spaces will be owned and maintained by the property owner.

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

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

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

Reclaimed water capacity is not currently available to serve the property on which the PUD is proposed to be developed. The project must make provisions for connecting to reclaimed lines when they become available in the future. All required utility lines will be connected to serve the development, and all connection costs shall be borne by the property owner.

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

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

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

As stated previously, the proposed PUD project must comply with the City's requirements for open space or pay into the City's recreation fund to account for any deficits. The residential use will exist harmoniously within the context of the Winter Garden downtown district. There is only one proposed nonresidential use proposed for the project: a small café on the southwest corner. This use is compatible with other existing uses in historic downtown.

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

A variety of architectural requirements have been incorporated into the building design standards for the proposed PUD including requirements for architectural character, varying building massing, roof treatments, building projections and recesses, entryways and arcades, building articulation and theming, walls, and signage. The subject property is in the Historic District, thus the architecture was required to be consistent and compatible with the building styles traditionally found in the Historic Downtown District in order to be approved by the City's Architectural Review and Historic Preservation Board (ARHPB). The proposed project received ARHPB approval on September 17, 2019.

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

The proposed PUD includes one nonresidential use: a proposed café on first floor of the southeast corner of the building. No other nonresidential uses are proposed.

### **COMMUNITY MEETING**

A Community Meeting to discuss the proposed project was held on the evening of October 30, 2019 in the City Commission Chambers. At the meeting, there were multiple questions posed to the developer and City Staff about the project. Adjacent property owners were curious about the proposed buffering and landscaping along the perimeters of the site. Several residents asked if any of the existing trees would be retained – and the developer said every effort would be made to retain some of the trees on site, with the City adding that additional on and off-site mitigation may be required to ensure the City's overall tree canopy is not diminished. Questions were also asked about parking, traffic, lighting, and other miscellaneous details about the project.

One nearby resident had several concerns about various aspects of the project including the trees, the potential for car headlights to shine into the windows of adjacent residential homes, and the overall massing and style of the building being compatible with the surrounding properties. After the meeting concluded, Staff continued to work to address these concerns with the applicant, which included eliminating a driveway off of W Smith St to eliminate headlight impacts, and reducing the building height along W Smith St from three stories to two stories along the majority of the road frontage to be more in line with the heights of existing residential properties to the south. In terms of the architectural style of the building, the project previously received approval from the City's Architectural Review and Historic Preservation Board on September 17, 2019, where City Staff presented examples of how the proposed Mediterranean Revival style of the building is consistent with the historic architectural traditions of Winter Garden.

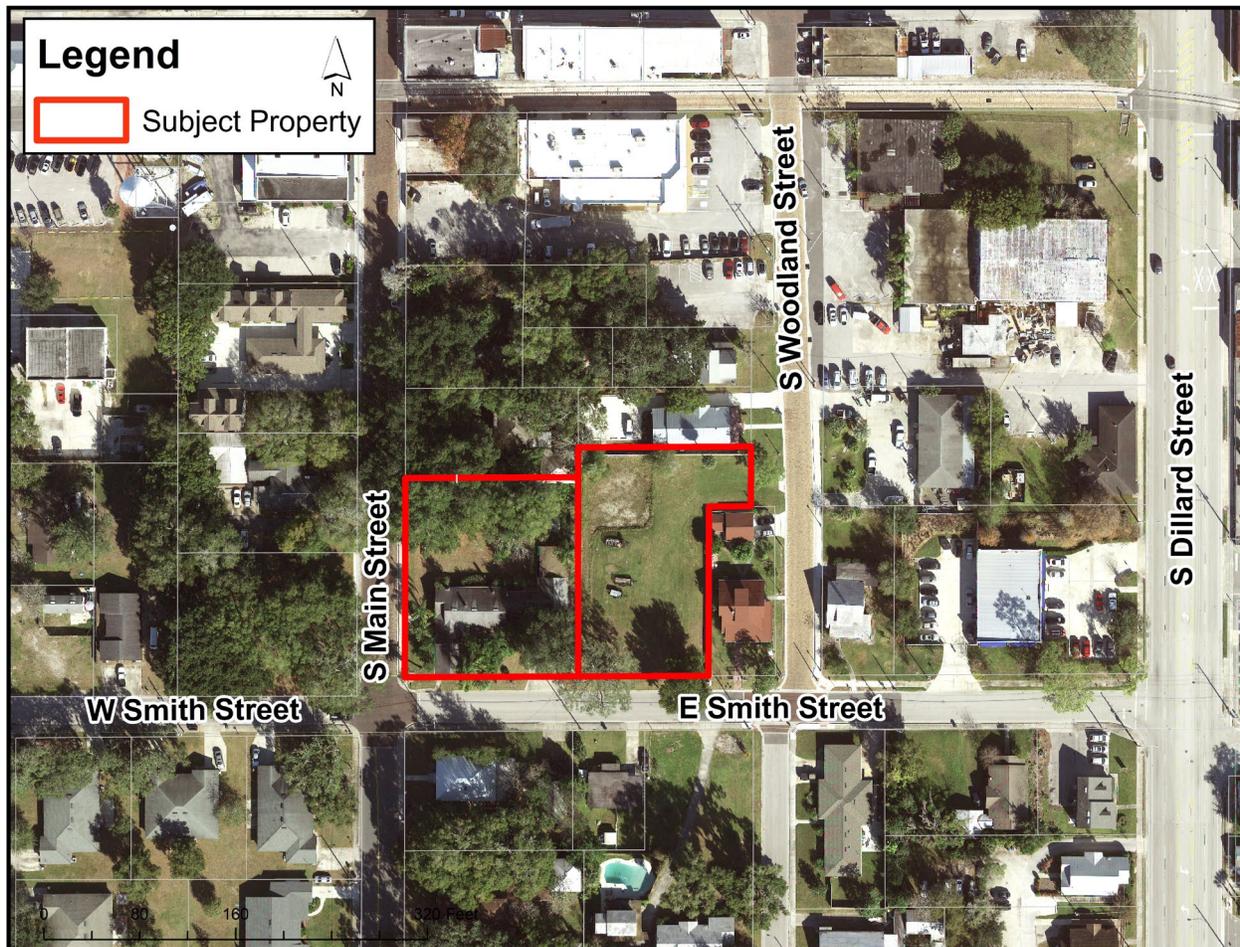
### **SUMMARY**

The proposed development is a reasonable use of the land. The proposed development is consistent with the mixed commercial and residential development in the area. The design of the building is consistent with the Historic District design guidelines and architectural requirements. There will be numerous pedestrian-oriented design features including two street-oriented fountain features, benches, landscaping, and other community-oriented amenities. The project will not generate a significant increase in traffic volume beyond that which is currently generated by other developments in the area. This type of development is consistent with other mixed-use developments that exist in Historic Downtown.

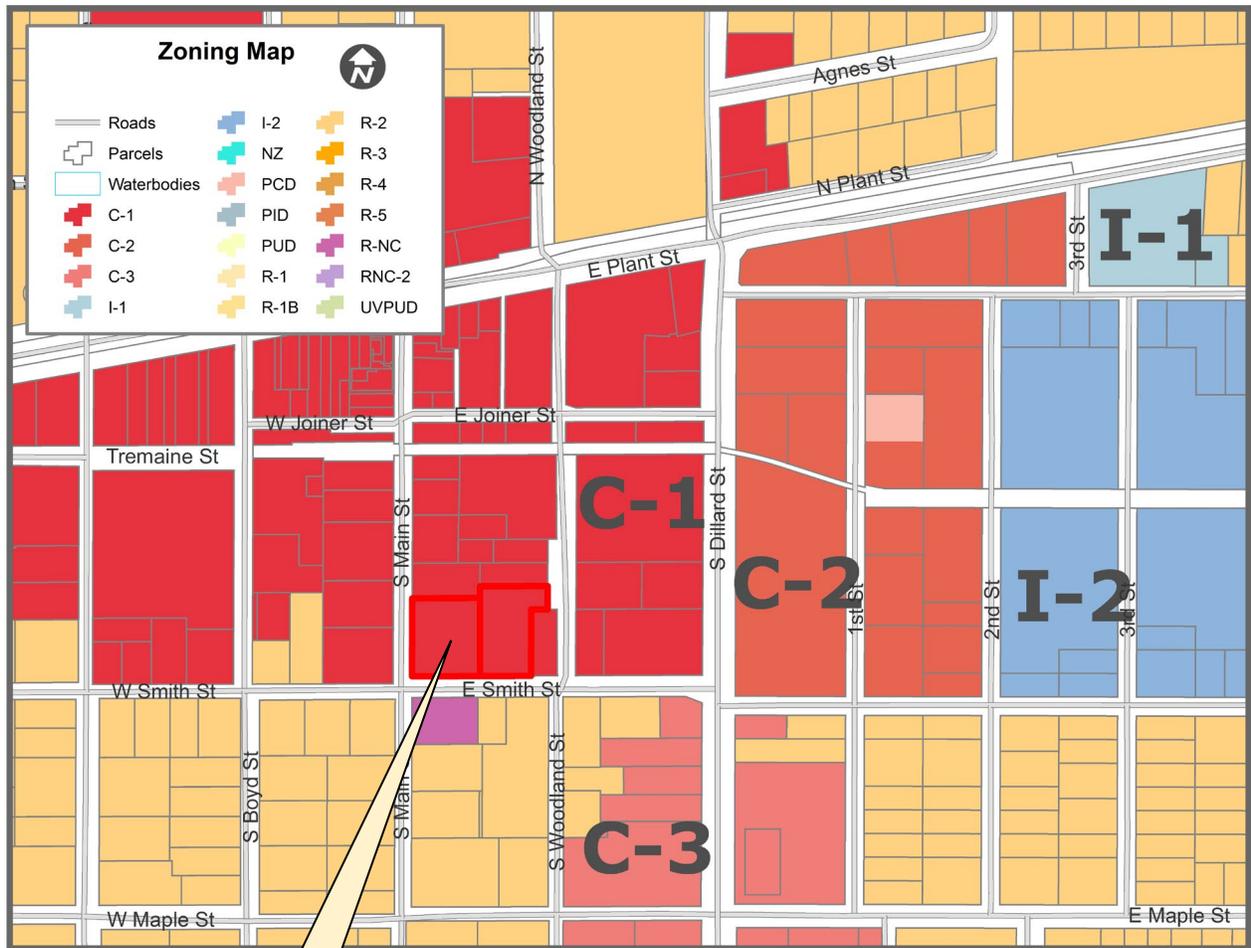
Staff has coordinated with the applicant to ensure that the development of the property will be consistent with the Historic Downtown District in terms of the building architecture, site design, and permitted uses.

The proposed rezoning from C-1 to PUD is consistent with the City’s Comprehensive Plan and the City of Winter Garden’s Code of Ordinances. Staff recommends approval of the proposed Ordinance to rezone the subject property from C-1 to PUD subject to the conditions outlined in Ordinance 20-19.

**AERIAL PHOTO**  
**199 S Main Street & 158 S Woodland Street**

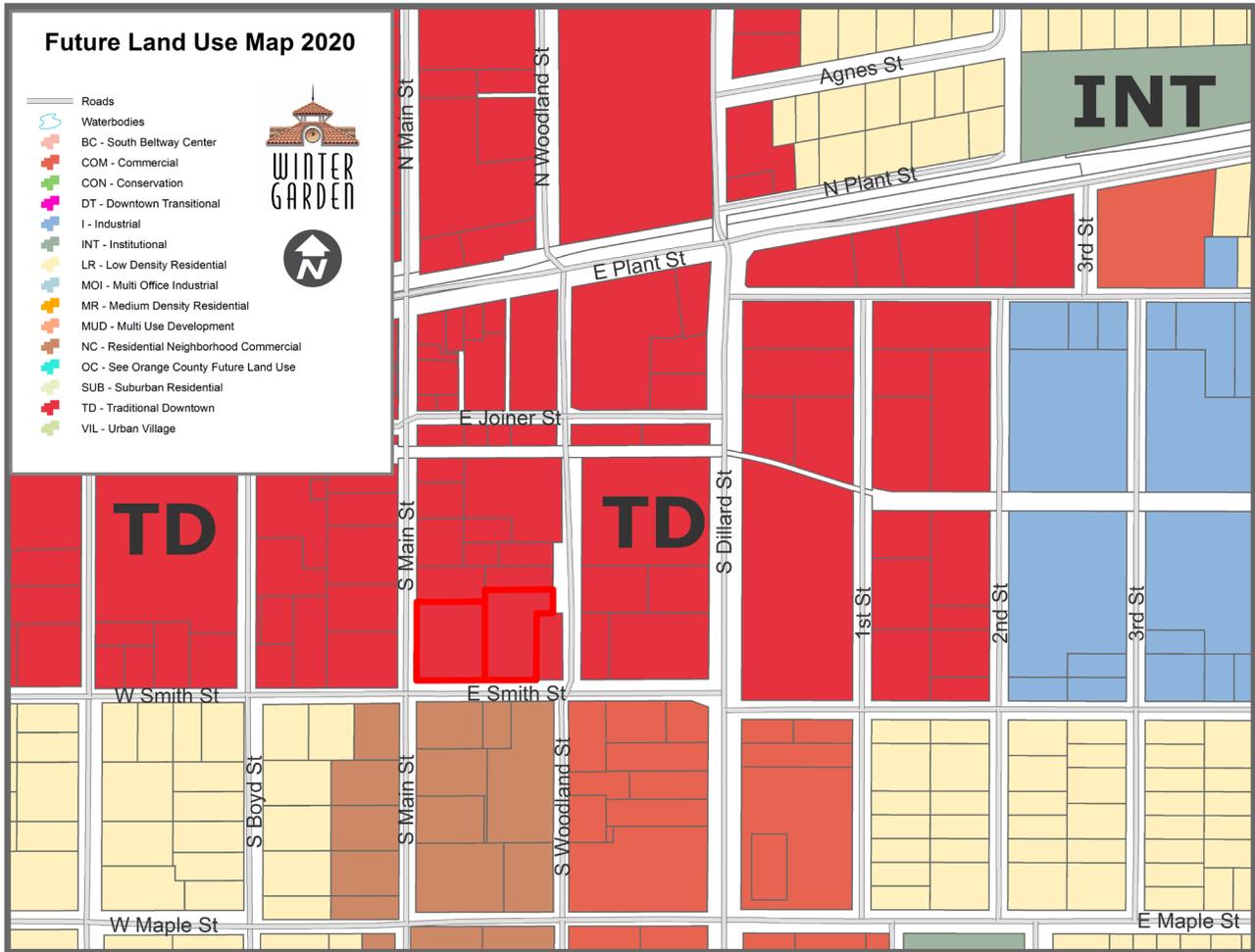


**ZONING MAP**  
**199 S Main Street & 158 S Woodland Street**



**Change from  
C-1 to PUD**

**FUTURE LAND USE MAP**  
**199 S Main Street & 158 S Woodland Street**



**END OF STAFF REPORT**

## ORDINANCE 20-19

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.07 +/- ACRES OF LAND GENERALLY LOCATED AT 199 S MAIN STREET AND 158 S WOODLAND STREET ON THE NORTHEAST CORNER OF S MAIN STREET AND E SMITH STREET, FROM C-1 (CENTRAL COMMERCIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE SMITH STREET LUXURY STUDIOS PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner(s) of real property generally described as approximately 1.07 ± acres of certain real property generally located 199 S Main Street and 158 S Woodland Street on the northeast corner of S Main Street and E Smith Street in Winter Garden, Florida, being more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from C-1 (Central Commercial) to PUD (Planned Unit Development), and

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

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

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

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

**SECTION 1: *Rezoning.*** The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of the Property, as described in Exhibit “A” attached hereto, is hereby rezoned from C-1 (Central Commercial) to PUD (Planned Unit Development) in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

- a. **Applicability/Conflict.** All development of or within the Property shall comply with and is subject to the requirements set forth in this Ordinance.

Unless specifically identified in this Ordinance, all development on the Property identified in Exhibit "A" must comply with the general development standards of the C-1 (Central Commercial District) Zoning district and comply with the standards outlined in Chapter 98, Article VII regarding the City of Winter Garden Historic Downtown District Overlay Requirements. Notwithstanding anything to the contrary herein, all development of or within the Property shall comply with and is subject to all requirements in the City Code, and ordinances, resolutions, and policies of the City. To the extent of any express conflicts between the express provisions of this Ordinance pertaining to permitted uses, special exception uses, prohibited uses, architectural design criteria, and other development criteria and the City Code and ordinances, resolutions, and policies of the City, the requirements set forth herein shall control to the extent of the conflict

- b. **Conceptual Plan-** All development on the Property must substantially conform to the requirements identified in the Smith Street Luxury Studios Planned Unit Development Plan attached hereto as Exhibit "B." Should any conflict be found between this Ordinance and the Smith Street Luxury Studios Planned Unit Development Plan attached hereto as Exhibit "B", then the standards and conditions established by this Ordinance shall control.
- c. **Permitted Uses-** The permitted uses for the Property are as follows:
  - 1. Multi-family residential; a maximum of 38 dwelling units.
  - 2. One (1) retail, office, or small food/beverage service establishment (café) located in the corner unit on the first floor of the building.
  - 3. Customary accessory uses and structures clearly incidental and subordinate to a permitted principal use.
- d. **Prohibited Uses-** The prohibited uses for all areas of the Property are as follows:
  - 1. Any use not specifically outlined under the Permitted Uses.
- e. **Design Criteria/Architectural Standards-**
  - 1. **Architectural Standards-** Any new proposed buildings or structures on the property shall adhere to the aesthetic character and design quality of the proposed architectural exhibits, attached hereto as Exhibit "C". The architecture may be modified to adhere to any conditions of approval imposed by the City's Architectural Review and Historic Preservation Board, if applicable.
  - 2. **Maximum Building Height-** The maximum building height shall not exceed 45 feet.

3. **Building Access-** Ground floor units oriented towards S Main Street or E Smith St shall be permitted a direct access via a sidewalk connection to the frontage sidewalk.
4. **Minimum Living Area-** Minimum living area for each residential unit shall be 650 square feet.
5. **Setbacks and Required Yards-**
  - i. Front (S Main Street):
    - a. Main Building: 5.5' min.
    - b. Balcony/Patio: 3' min.
  - ii. Side (E Smith Street):
    - a. Main Building: 5.7' min.
    - b. Balcony/Patio: 0' min.
  - iii. Side (Interior):
    - a. Main Building: 2.8' min.
    - b. Balcony/Patio: 0' min.
  - iv. Rear: 10' min.
    - a. Main Building: 7' min.
    - b. Balcony/Patio: 10' min.
6. **Outdoor Storage-** Outdoor storage of materials or equipment is prohibited.
7. **Signage-** All signage proposed for the Property shall comply with the residential sign standards in accordance with Chapter 102, Article III, Division 2 of the City Code of Ordinances. The proposed signage shall be reviewed at time of Site Plan Review.
8. **Impervious Surface Area Ratio-** The maximum impervious surface area ratio for the Property shall be consistent with the overall maximum impervious surface area ratio that the property is permitted by Saint John's River Water Management District.
9. **Parking-** A minimum of 54 dedicated off-street parking spaces are required to be provided on site to support the development as depicted in Exhibit 'B'.
  - a) Tenants are permitted one parking space per bedroom. Parking spaces shall be numbered and assigned to specific tenants. Tenants shall place a parking decal or marker in each assigned vehicle. Guest parking spaces shall also be designated on site.
10. **Lighting-** all exterior lighting shall be designed to provide safe,

convenient and efficient lighting for pedestrians and vehicles.

- a) **Street Lighting:** All lighting provided along public streets shall comply with the requirements pertaining to construction and installation of public improvements in accordance with Appendix A, Article II, Section 2.
  - b) **Site Lighting:** Vehicular, building, and pedestrian site lighting shall be designed as dark skies lighting in a consistent and coordinated manner for the entire project in compliance with the requirements of Chapter 118, Article X, Division 4 of the City Code of Ordinances. During the site plan review, a photometric lighting plan will be required.
- f. **Staff Conditions-** All development on the Property must comply with the following staff conditions:
  - 1. The applicant shall continue to work with Staff to fine-tune the architectural elevations to meet the City's Downtown Historic District Overlay standards and the conditions of the Architectural Review and Historic Preservation Board.
  - 2. The landscape plan shown is conceptual and will be required to be developed in much greater detail during the Site Plan Approval process.
  - 3. The applicant shall make every effort to retain as many existing trees on site as possible. Any tree shown as saved as part of this PUD is required to be retained.
  - 4. The proposed lot combination will require City Commission Approval.
  - 5. Any outdoor seating proposed as part of the first floor café unit will require a Sidewalk Café permit.
  - 6. Based on the conceptual plans submitted, several of the first floor units do not appear to meet Florida Building Code Section 1030.1 for Emergency Escape and Rescue. This must be addressed prior to receiving permit approvals.
  - 7. The Applicant shall submit plans and documentation showing adherence to Section 118-68, requirements for site plans, as required by the City Code.
  - 8. General Requirements:
    - a) All gravity sanitary pipe and fittings shall be SDR 26.
    - b) All compaction shall be 98% of the modified proctor maximum density (AASHTO T-180).
    - c) As-built record drawings shall comply with City of Winter

Garden requirements available on-line (note on final construction plans).

- d)** All Storm ( $\geq 12''$ ) and Sanitary lines ( $\geq 6''$ ) shall be inspected by CCTV prior to completion.
- 9.** All utilities shall conform to Chapter 78 of the City Code. Impact fees will be required for any utility connections and shall be paid prior to issuance of building permit and City execution of FDEP permit applications. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer. 100% of all required water, irrigation and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.
- 10.** Sanitary lines for commercial buildings shall be 6" minimum.
- 11.** An underground exfiltration drainage collection/treatment system is shown. Final plans shall show drainage for the site, to be supported by calculations and soil report.
- 12.** Minimum 5' wide concrete sidewalks shall be constructed along all street frontages pursuant to Code. Smith Street frontage may require a R/W dedication or sidewalk easement. Any damaged, broken or cracked sections (including existing curbs and pavement) shall be replaced prior to issuance of certificate of occupancy.
- 13.** The use of Thermoplastic pipe shall meet all City material and installation requirements as specified in the City's Standards & Specifications including Class I bedding, HP polypropylene pipe, laser profiling, installation per ASTM D2321, etc. (see under on-line forms on website).
- 14.** Landscaping shall not encroach on required sight lines at intersections or driveways. Design Engineer shall provide certification that sight distance requirements are being met. 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.
- 15.** A separate tree removal permit is required to remove any trees. Coordinate with Building Department.
- 16.** Permit from SJRWMD is required as well as permits or exemptions from FDEP for water, wastewater and NPDES.
- 17.** Streetlighting, both internally and on all street frontages, is required pursuant to City Code – dark skies lighting is required. Provide a photometric plan to be submitted for review by the Planning Department.

18. Use City Standard Detail Sheets for utilities and public works. All on-site utilities shall be privately owned and maintained.
19. Fire sprinkler systems will be required on all buildings over 6,000 s.f. with Point of Service (POS), backflow prevention, etc. shown. All work downstream of the POS shall be performed by a licensed fire sprinkler contractor.
20. All dumpsters shall be enclosed and shall provide 12' minimum inside clearance (each way inside of bollards), and access by solid waste vehicles. Coordinate additional requirements with Public Services Department, Solid Waste Division.
21. Any screen walls or retaining walls shall require a separate permit from the Building Department.
22. All underdrain pipe shall be double wall HDPE pipe or PVC pipe.
23. Internal sidewalks shall connect to the public sidewalks in the right-of-way per ADA.
24. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
25. All work shall conform to City of Winter Garden standards and specifications.
26. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
27. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others, including by way of any development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
28. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount

of **2.25%** of the cost of all site improvements shall be paid prior to issuance of the building permit.

**SECTION 2: *General Requirements.***

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

**SECTION 3: *Zoning Map.*** The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

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

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2020.

\_\_\_\_\_

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2020.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
ANGELA GRIMMAGE, City Clerk

**Exhibit "A"**

**Parcel ID: 23-22-27-2888-09-064; 23-22-27-7968-00-021**

**Legal Description:**

THAT PART OF THE WEST 253.5 FEET OF LOT 6, BLOCK 1, FRIES PLAT OF WINTER GARDEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK E, PAGE 16, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; AND THE SOUTH 1/2 OF LOT 2, S.P. SHEPHERD ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK G, PAGE 148, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 6, BLOCK 1, FRIES PLAT OF WINTER GARDEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK E, PAGE 16, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, THENCE RUN N01°36'17"W, 166.50 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/2 OF LOT 2, S.P. SHEPHERD ADDITION, AS RECORDED IN PLAT BOOK G, PAGE 148, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S88°23'43"E, 144.35 FEET TO THE NORTHEAST CORNER OF SAID SOUTH 1/2 OF LOT 2; THENCE RUN S01°31'16"W, 166.50 FEET TO THE NORTH RIGHT OF WAY OF EAST SMITH STREET; THENCE N88°23'43"W, 144.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.55 ACRES, MORE OR LESS.

**PARCEL B**

THAT PART OF THE WEST 253.5 FEET OF LOT 6, BLOCK 1, FRIES SURVEY OF WINTER GARDEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK E, PAGE 16, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; AND LOT 3, S.P. SHEPHERD ADDITION TO WINTER GARDEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK G, PAGE 148, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 6, BLOCK 1, FRIES SURVEY OF WINTER GARDEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK E, PAGE 16, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, THENCE RUN S88°23'43"E ALONG THE NORTH RIGHT OF WAY LINE OF EAST SMITH STREET, A DISTANCE OF 144.60 FEET TO THE POINT OF BEGINNING. THENCE RUN N01°31'16"E 191.61 FEET TO THE NORTHWEST CORNER OF LOT 3, S.P. SHEPHERD ADDITION TO WINTER GARDEN, AS RECORDED IN PLAT BOOK G, PAGE 148, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S88°23'35"E ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 144.28 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH WOODLAND DRIVE, THENCE RUN S01°22'23"W ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 50.01 FEET; THENCE RUN N88°25'59"W, 35.49 FEET; THENCE RUN S01°36'17"W ALONG THE EAST LINE OF THE WEST 253.5 FEET OF AFORESAID LOT 6, A DISTANCE OF 141.57 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST SMITH STREET; THENCE RUN N88°23'43"W, 108.72 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.52 ACRES, MORE OR LESS.

Exhibit "B"

# **COVER PAGE**

## **SMITH STREET LUXURY STUDIOS PUD PLAN**

**(5 PAGES - ATTACHED)**











Exhibit "C"

# **COVER PAGE**

**SMITH STREET LUXURY STUDIOS**  
**Architectural Elevations**

**(4 PAGES - ATTACHED)**

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20 DEC 2019

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PROJECT NAME:  
**SMITH ST  
 LUXURY  
 STUDIOS**  
 SMITH ST  
 WINTER GARDEN, FL 34787

ELEVEN18 PROJECT LEAD:  
 Brooke Chea  
 407-745-5300  
 bchea@eleven18architecture.com

PROJECT TEAM:

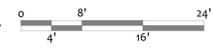
REVISIONS		
#	DATE	DESC.
--	12.20.2019	PD ELEVATIONS



02 NORTH ELEVATION - OPTION A  
 3/32" = 1'-0"



01 SOUTH ELEVATION - OPTION A  
 3/32" = 1'-0"



**A301**  
 OPTION A  
 ELEVATIONS

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 PROJECT TEAM:

REVISIONS		
#	DATE	DESC.
--	12.20.2019	PD ELEVATIONS



02 WEST ELEVATION - OPTION A  
 3/32" = 1'-0"



01 EAST ELEVATION - OPTION A  
 3/32" = 1'-0"



**A302**  
 OPTION A  
 ELEVATIONS



WATER FOUNTAIN, COLORFUL TILE & MEXICAN TERRACOTTA PAVERS



HEDGE WITH LOWER GROUNDCOVER LANDSCAPE TBD PER PLAN



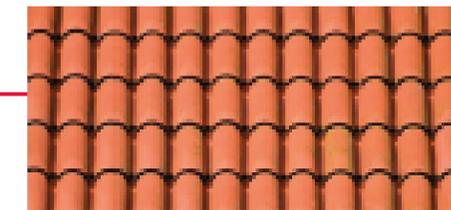
ALLE ELM WITH LOW SHRUB AT STREET LANDSCAPE TBD PER PLAN



BENCH SEATING AND POTTED PLANTS

BALCONIES PER THE ELEVATION SHOWN

PERGOLA PER PLAN



ROOF: FULL BARREL TILE



MASONRY 1ST - 3RD FLOOR STUCCO WITH WHITE SAND FINISH



VINE ON WALL LANDSCAPE TBD PER PLAN



BIRD OF PARADISE IN BUILT-IN PLANTER. LANDSCAPE TBD PER PLAN



LARGE POTS WITH ITALIAN CYPRESS OR TOPIARIES BY FOUNTAIN.  
LANDSCAPE TBD PER PLAN

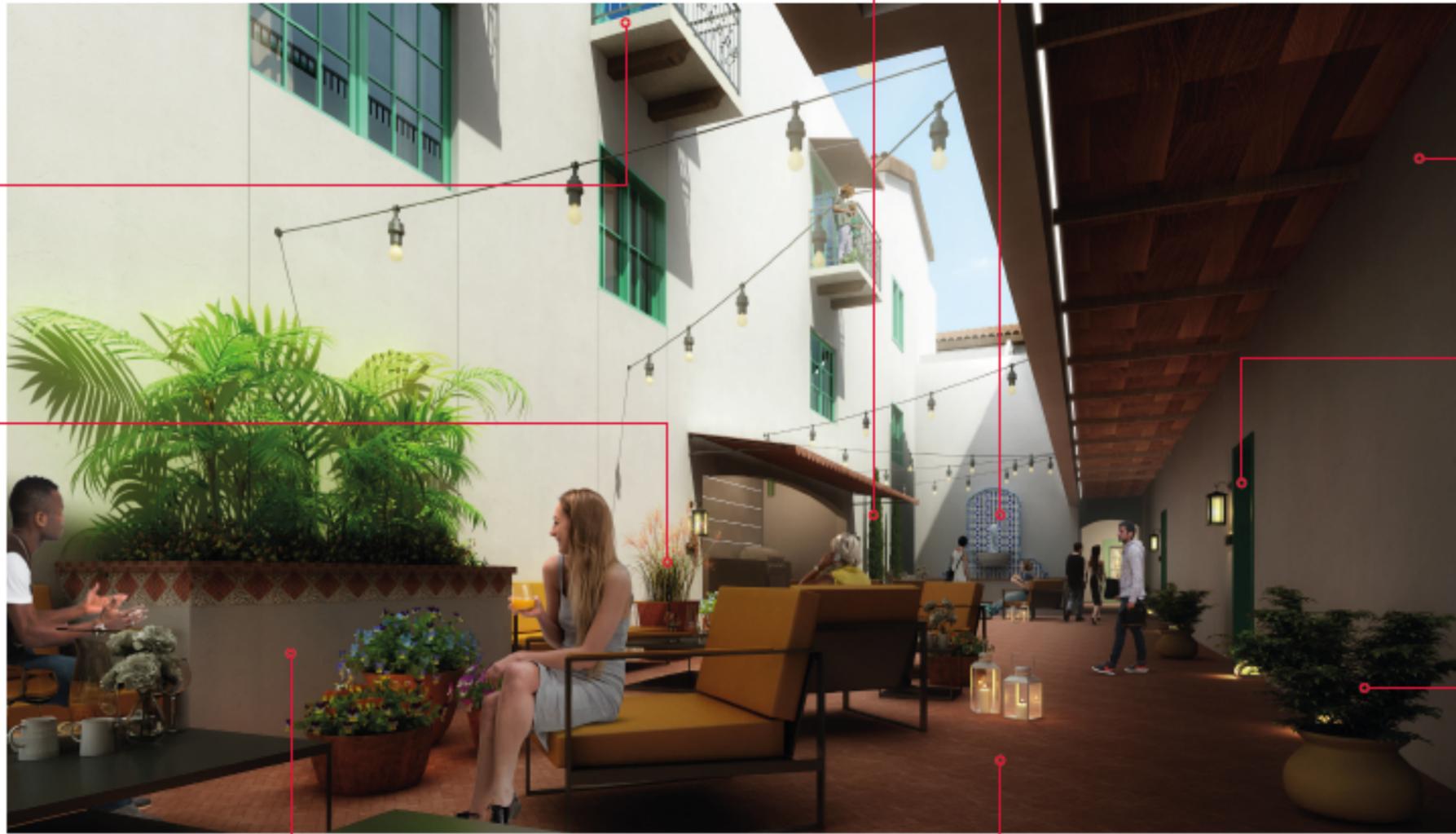
BALCONIES PER THE ELEVATION SHOWN



CLUSTER OF POTTED PLANTS BY SEATING AREAS  
LANDSCAPE TBD PER PLAN



PLANTER  
LANDSCAPE TBD PER PLAN



COLORED TILE FOR FOUNTAIN



MASONRY 1ST - 3RD FLOOR  
STUCCO WITH WHITE SAND  
FINISH

FRENCH DOORS TO BE PAINTED  
TO MATCH RENDERINGS.  
ALL DOORS WILL BE MATCHED  
PER RENDERINGS



POTTED PLANTS BY EACH UNIT  
ENTRANCE DOOR.  
LANDSCAPE TBD PER PLAN



PAVERS: MEXICAN TERRACOTTA,  
12" X 12", 14" X 14" OR  
EQUIVALENT

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

**Public Hearing**

**Date:** September 28, 2020                      **Meeting Date:** October 5, 2020  
**Subject:** 855 & 955 S Dillard Street (Rezone to PCD)  
**Project Name:** Central Parc at Winter Garden – PCD Rezoning  
**Parcel ID:** 12-22-27-6496-21-013; 12-22-27-6496-21-008

**Issue:** The applicant is requesting to rezone the property located at 855 & 955 S Dillard Street from C-2 (Arterial Commercial) and PCD (Planned Commercial Development) to PCD.

**Supplemental Material / Analysis:**

**Owner / Applicant:** Winter Garden Development Partners, LLC  
**Current Zoning:** C-2 Central Commercial & PCD (Ord 06-23)  
**Proposed Zoning:** PCD (Ord 20-47)  
**Current FLU:** COM Commercial  
**Proposed FLU:** N/A

**Summary:** The applicant is requesting to rezone the +/- 5.83 acre property at 855 & 955 S Dillard Street to PCD to permit the development of the project, which includes four new buildings: two townhome buildings with a total of 19 residential units; an 11,850 square foot two-story commercial/office building, and a 49,450 square foot building with 24,150 square feet of commercial/office space on the first floor and 14 multi-family residential units (condos) on the second floor. The development also includes associated site development such as recreation facilities, parking, sidewalks, pedestrian amenities, landscaping, buffering, and open spaces (See Staff Report). The proposed rezoning is consistent with the City's Comprehensive Plan and the City of Winter Garden Code of Ordinances.

**Staff Recommendation(s):**

Staff recommends approval of Ordinance 20-47.

**Next Step(s):**

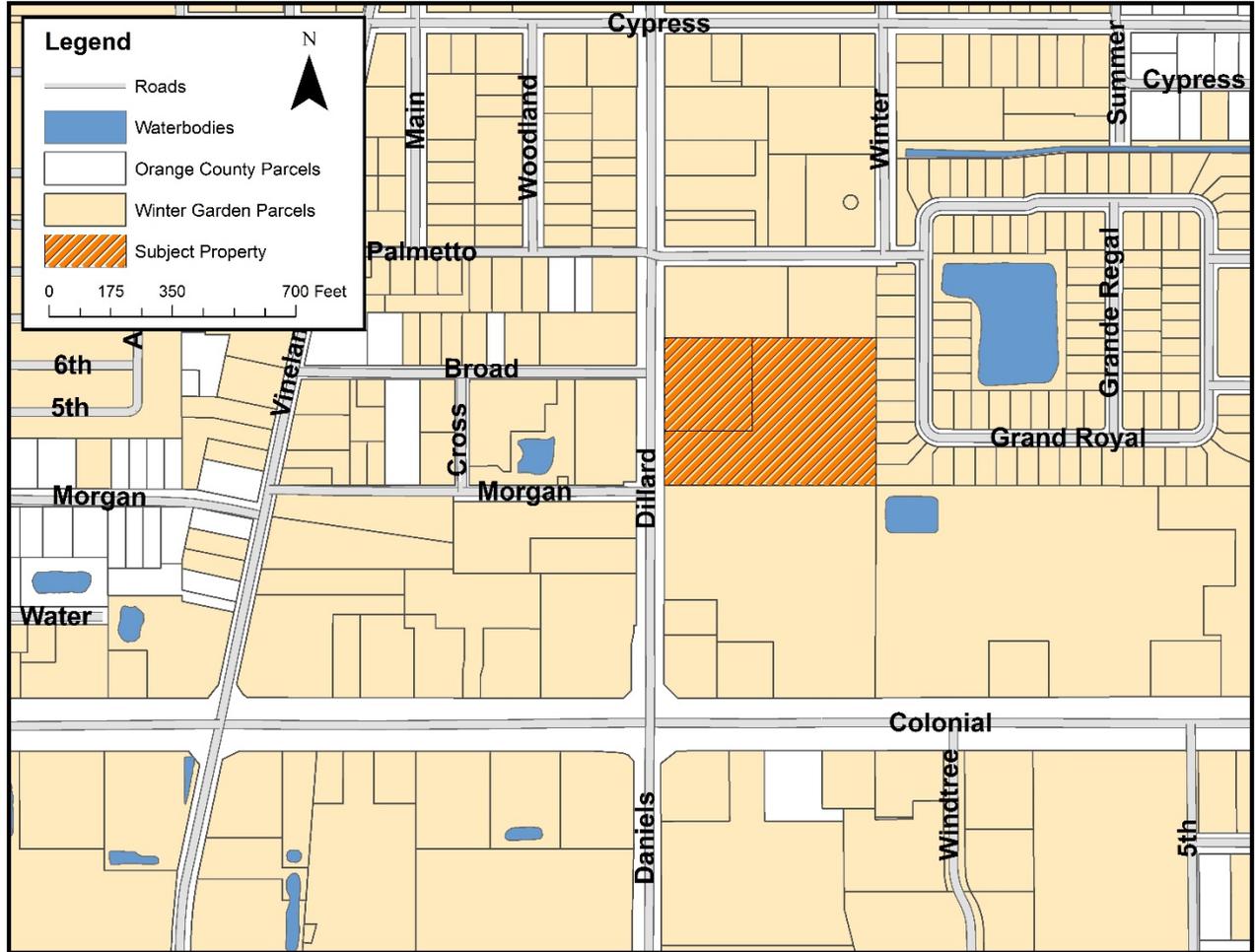
The first reading by City Commission is scheduled for October 8, 2020 with the second reading and adoption anticipated to be on October 22, 2020.

**Attachment(s):**

Location Map  
Staff Report  
Ordinance 20-47

# LOCATION MAP

855 & 955 S Dillard St  
PCD Rezoning



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

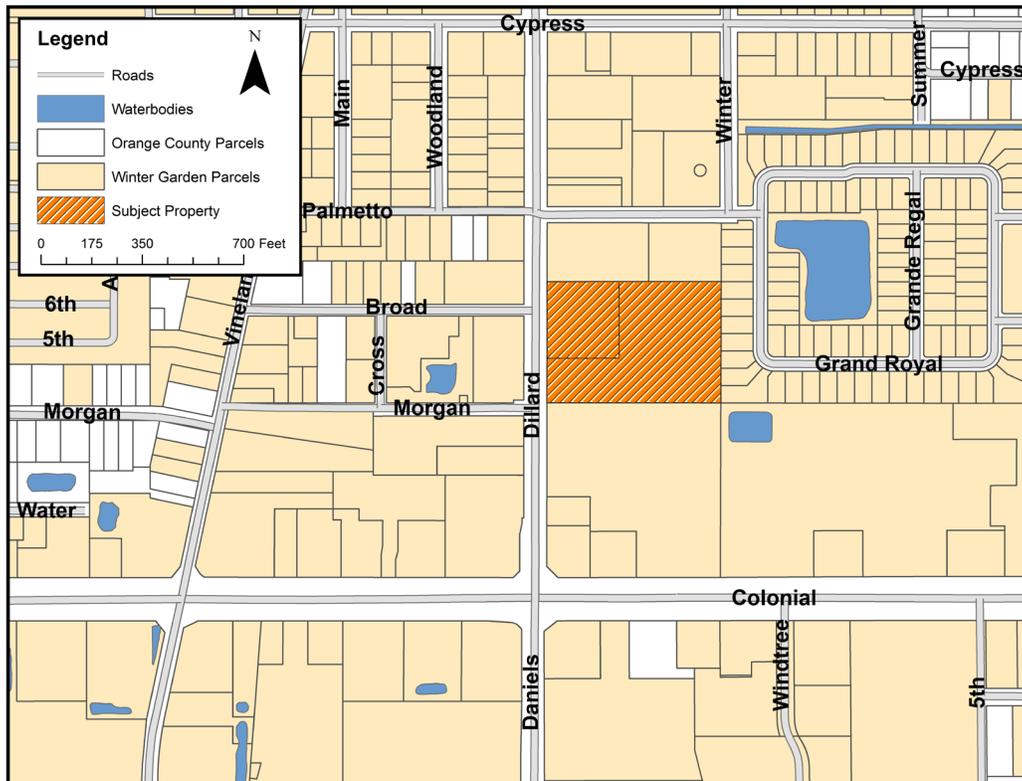
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, URBAN DESIGNER  
**DATE:** SEPTEMBER 24, 2020  
**SUBJECT:** PCD AMENDMENT / REZONING  
**855 & 955 S Dillard Street (5.83 +/- ACRES)**  
**PARCEL ID # 12-22-27-6496-21-013; 12-22-27-6496-21-008**

**APPLICANT:** Winter Garden Development Partners LLC

### INTRODUCTION

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

The subject property is located at 855 & 955 S Dillard Street, east of South Dillard Street, south of East Palmetto Street, north of West Colonial Drive, and west of Grand Royal Circle and is approximately 5.83 ± acres in size. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting to rezone the subject property to PCD (Planned Commercial Development), which, in part, includes amending an existing PCD (Ord 06-23) by repealing and replacing the requirements with new regulations (Ord 20-47). The subject property is located within the City of Winter Garden's municipal limits, and carries the zoning designation C-2 (Arterial Commercial) and PCD. The subject property is designated COM Commercial on the Future Land Use Map of the Comprehensive Plan.

The subject property is located on the east side of S Dillard Street, which is planned to be completely redeveloped in the next few years. The Dillard Street project is currently in the design development stage. The new road design will feature a number of improvements including a two-way off-street dedicated bike lane, wider sidewalks on both sides of the road, landscaping, lighting, street parking, three roundabouts, and other aesthetic improvements and pedestrian amenities.

### **EXISTING USE**

The subject property currently contains a +/- 4,000 square foot professional office building that had been used previously as an administrative office for a church. The majority of the property consists of vacant land.

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

There are two properties located to the north of the subject property, both zoned C-2 and located within the City of Winter Garden's jurisdictional limits. One is developed with a two-story bank building and the other is vacant commercial land. The properties to the east are all part of the Regal Pointe subdivision and are developed with single family homes. These properties are zoned PUD (Planned Unit Development) and are located within the City of Winter Garden. The property to the south is developed with the Tri-City shopping center, which includes multiple commercial businesses in a strip development. This property is zoned C-2 and is located in Winter Garden. There are two properties to the west of the subject property, which are both zoned C-2 and located in the City of Winter Garden. One property is developed with an office building that had previously been used as a bank, and the other is developed with a professional office building.

### **PROPOSED USE**

The applicant is requesting to approve the proposed PCD zoning ordinance to permit the redevelopment of the parcel that includes a mix of both commercial and residential uses. The project will include development of four new buildings: two townhome buildings with a total of 19 residential units; an 11,850 square foot two-story commercial/office building, and a 49,450 square foot building with 24,150 square foot of commercial/office space on the first floor and 14 multi-family residential units (condominiums) on the second floor. The proposed architecture draws on the 19<sup>th</sup>-century mercantile traditions of Winter Garden's historic commercial buildings. The development also includes associated site development such as outdoor recreation facilities, parking areas, sidewalks, pedestrian amenities, landscaping, buffering, and open spaces.

The wet detention pond and townhomes on the east side of the site are intended to provide a transitional use and physical buffer between the existing single-family homes to the east of the subject property and the commercial uses on the west side, adjacent to S Dillard Street. The property will include cross-access connections to adjacent commercial properties including the Tri-City shopping center to the south, the Wells Fargo bank property to the north, and also the

vacant commercial property to the north when it's developed in the future.

### **PUBLIC FACILITY ANALYSIS**

The applicant submitted a traffic impact analysis for the proposed development that was reviewed and accepted by the City; the study concluded that the adjacent roadways and intersections will continue to maintain a satisfactory level of service after development. The property will be served by a full-service access driveway on S Dillard Street, which will align with Broad Street to the west. The final driveway alignment will require close coordination with the Dillard Street redesign plans to ensure the final designs are harmonious. As mentioned previously, cross access connections will be provided south to the Tri-City shopping center, north to the Wells Fargo bank property, and also north to the vacant commercial property when it's developed in the future.

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

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

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

### **COMMUNITY MEETING**

A Community Meeting was held on September 10, 2020 via a virtual meeting, at which time the applicant presented the proposed project to the adjacent property owners in attendance.

A question and answer session ensued, with the attendees inquiring about the proposed traffic impacts, cross-access connections, stormwater management, plans for improving the existing subdivision wall on the east side of the site, landscape buffering, timeframe for the project, and plans for repaving nearby roads. Several of the attendees also had questions about the Dillard Street redesign project. While several residents expressed concerns about the amount of traffic that will potentially result from the development, no one in attendance stated direct opposition to the project.

### **SUMMARY**

The proposed development is a reasonable use of the land. If approved, the development will be the first major development along S Dillard Street since the kickoff of the Dillard Street redesign project. One of the major goals of the Dillard Street project is to encourage more pedestrian and bike activity in order to activate and energize the corridor, promoting economic development, increasing safety, and improving quality of life for City residents and visitors. The proposed PCD used the Dillard Street redesign as a jumping off point for the project, focusing on design elements that will help achieve these goals. These design elements include moving the buildings close to the street to create a comfortable architectural edge for pedestrians and bikers, and locating vehicular parking and drive aisles behind the buildings. Furthermore, the design of the mixed-use buildings was intended to align with the goal of beautifying Dillard Street by drawing inspiration from the City's early 20<sup>th</sup> century masonry vernacular traditions and adding a modern flair. The result will be architecture that will provide a seamless transition along S Dillard Street into Winter Garden's

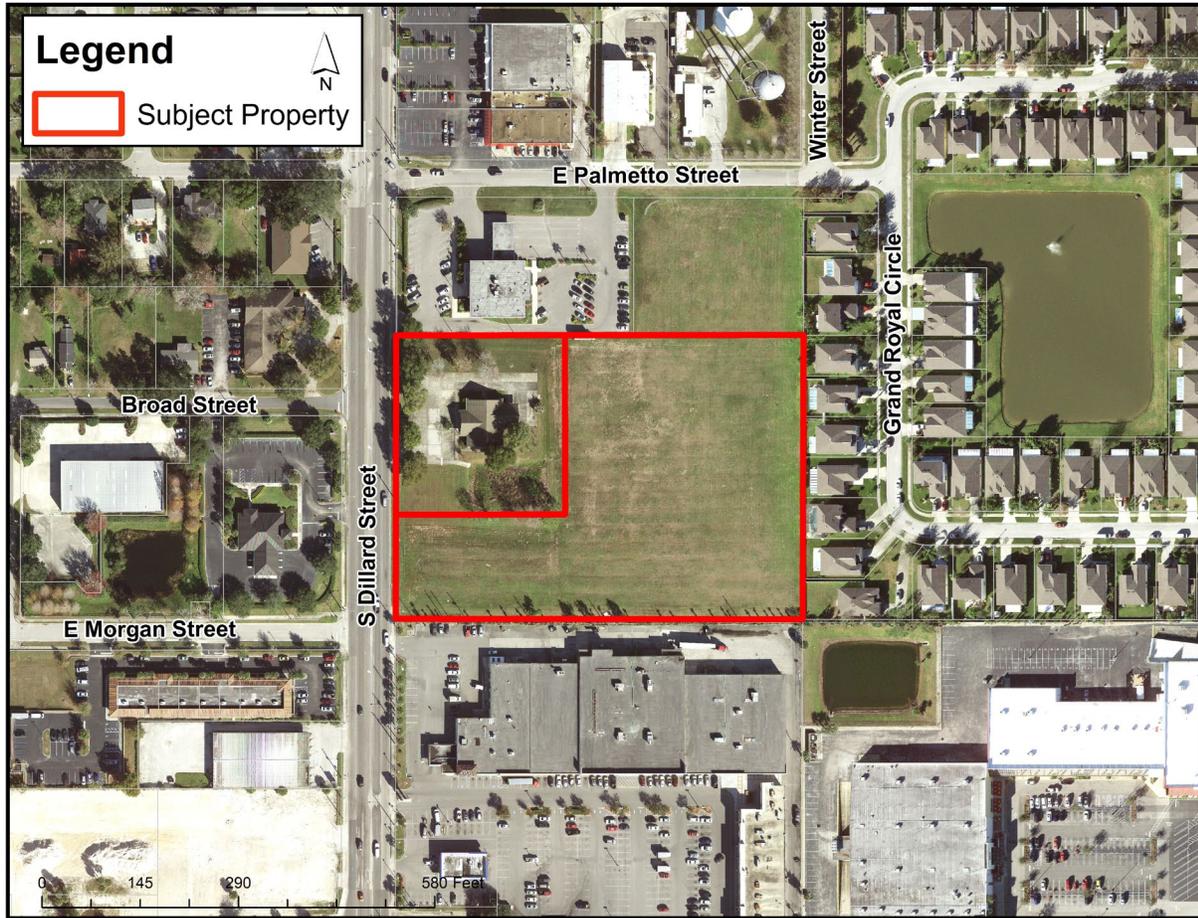
#### Downtown Historic District.

The townhome buildings were designed to evoke a complementary style to the mixed use buildings along S Dillard Street. They include a modern palette of natural exterior materials, in simple architectural forms that evoke a clean, stylish, Scandinavian-inspired design. These townhomes will be buffered from the adjacent commercial uses by a large playground and park space to the west, a min. 6' tall masonry wall with dense landscaping to the south, and a large wet pond with heavy landscaping to the north. As mentioned previously, the townhomes are intended to provide a transitional use and physical buffer between the existing single-family homes to the east of the subject property and the commercial/mixed-uses on the west side, adjacent to S Dillard Street.

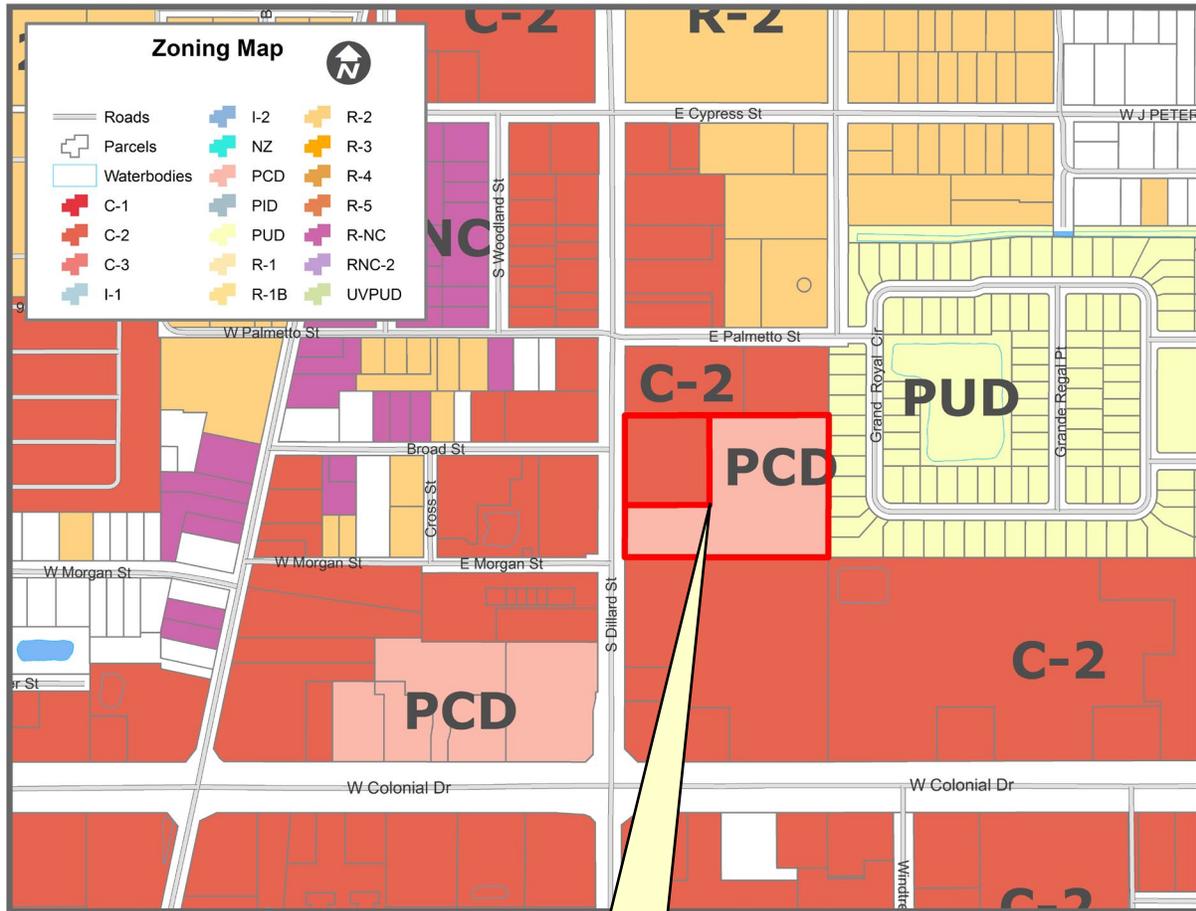
Including residential uses in addition to commercial uses will have the added benefit of promoting more pedestrian and bike activity on Dillard Street, not only during business hours, but also in the evening as residents walk or bike to nearby restaurants and shops. Including the mix of uses also has the benefit of ensuring staggered traffic patterns, reducing peak hour vehicular volumes in the morning and afternoon.

The proposed PCD is consistent with the City's Comprehensive Plan and the City of Winter Garden's Code of Ordinances. Staff recommends approval of Ordinance 20-47.

**AERIAL PHOTO**  
**855 & 955 S Dillard Street**

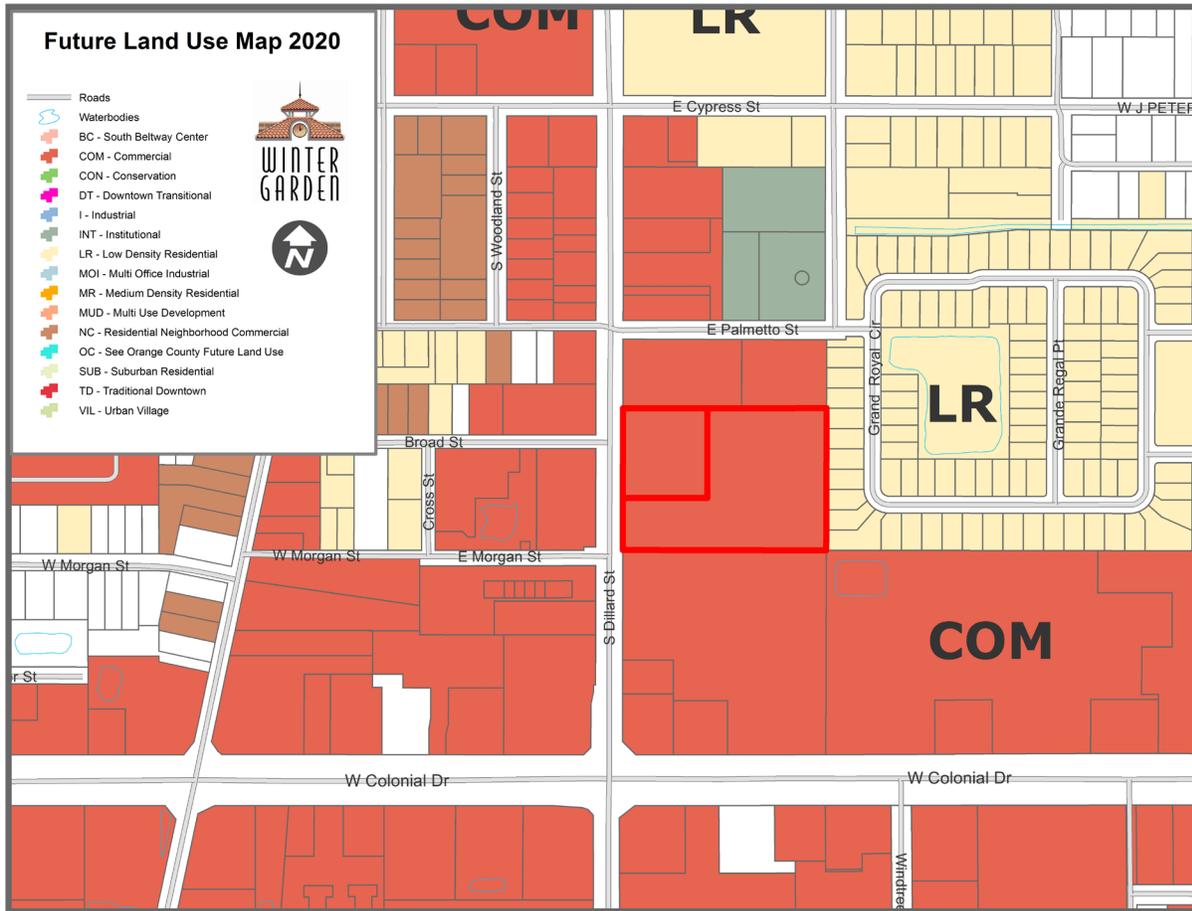


### ZONING MAP 855 & 955 S Dillard Street



Subject Property  
Rezoned from  
C-2/PCD to PCD

### FUTURE LAND USE MAP 855 & 955 S Dillard Street



**END OF STAFF REPORT**

## ORDINANCE 20-47

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 5.83 +/- ACRES OF LAND GENERALLY LOCATED AT 855 & 955 SOUTH DILLARD STREET, EAST OF SOUTH DILLARD STREET, SOUTH OF EAST PALMETTO STREET, NORTH OF WEST COLONIAL DRIVE, AND WEST OF GRAND ROYAL CIRCLE; FROM C-2 (CENTRAL COMMERCIAL DISTRICT) AND FROM THE EXISTING PLANNED COMMERCIAL DEVELOPMENT (PCD) ADOPTED BY ORDINANCE 06-23, TO PCD (PLANNED COMMERCIAL DEVELOPMENT) AS SET FORTH IN THIS ORDINANCE; PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE CENTRAL PARC AT WINTER GARDEN PCD; REPEALING AND REPLACING ORDINANCE 06-23; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

**WHEREAS**, the owner(s) of real property generally described as approximately 5.83 ± acres of certain real property generally located at 855 and 955 South Dillard Street, east of South Dillard Street, south of East Palmetto Street, north of West Colonial Drive, and west of Grand Royal Circle in Winter Garden, Florida, being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"), desire to rezone their property from PCD (Planned Commercial Development) and C-2 (Arterial Commercial) to PCD (Planned Commercial Development) pursuant to the terms and conditions of this Ordinance, and

**WHEREAS**, on July 27, 2006 the City Commission of the City of Winter Garden approved Ordinance 06-23, which rezoned approximately 4.30 +/- acres of the Property from C-2 to PCD; and

**WHEREAS**, the owner(s) of the Property have requested to amend the approved PCD by repealing and replacing Ordinance 06-23 with this Ordinance, and including the PCD conditions and requirements identified herein; and

**WHEREAS**, the owner(s) of the Property have requested to rezone the remaining 1.53 +/- acre portion of the Property from C-2 to PCD, including the PCD requirements identified herein; and

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

**WHEREAS**, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption

of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, and the City of Winter Garden Code of Ordinances, and

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

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

**SECTION 1: Rezoning.** The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the 4.30 +/- acres of the Property affected by PCD Ordinance 06-23 is hereby repealed and replaced with this Ordinance, and the other 1.53 +/- acres of the Property is hereby rezoned from C-2 to PCD, and the entire 5.83 +/- acres of the Property is zoned PCD (Planned Commercial Development) subject to the following conditions, provisions, and restrictions:

- a. **Development Plans.** All development on the Property must substantially conform to the requirements identified in the Central Parc at Winter Garden Planned Commercial Development Plan attached hereto as Exhibit “B.” Should any conflict be found between this Ordinance and the Central Parc at Winter Garden Planned Commercial Development Plan attached hereto as Exhibit “B”, then the standards and conditions established by this Ordinance shall control.
- b. **Applicability / Conflict.** Unless specifically identified in this Ordinance, all development on the Property identified in Exhibit “A” must comply with the general development standards of the C-1 Central Commercial Zoning District. Notwithstanding anything to the contrary herein, all development of or within the Property shall comply with and is subject to all requirements in the City Code, and ordinances, resolutions, and policies of the City. To the extent of any express conflicts between the express provisions of this Ordinance pertaining to permitted uses, special exception uses, prohibited uses, architectural design criteria, and other development criteria and the City Code and ordinances, resolutions, and policies of the City, the requirements set forth herein shall control to the extent of the conflict.
- c. **Intent.** This Ordinance is intended to provide flexibility in the development of the Property in order to provide for proper growth and to guide development and construction in an integrated approach in order to promote a dynamic mixed use development for commerce, social activity, and housing while also providing an aesthetically pleasing and pedestrian oriented development. Due to constraints in traffic at the proposed location, permitted and special exception uses will be established to maintain a safe, well developed project that enhances and supports the City and its citizens without causing distress on the local businesses, residents, and roads.

**d. Design Criteria / Architectural Standards.**

1. **Architecture** - Any new proposed buildings or structures on the property shall adhere to the aesthetic character and design quality of the proposed architectural elevations and renderings, attached hereto as Exhibit "C".
2. **Landscape Design** – Landscape shall be required to adhere to the landscape design standards shown in Exhibit B as well as the standards for specified commercial corridors in accordance with Chapter 118, Article X, Division 3 of the City of Winter Garden Code of Ordinances.
  - i. The lawn/retention area shown in front of Building 3 townhomes in Exhibit B shall be designed to be a usable recreation area, and shall not hold standing water after a rain event.
  - ii. A low fence or knee wall shall be installed around the lawn/retention & playground area as shown in Exhibit B.
3. **Site Furnishings** – Bicycle parking spaces shall be provided in a quantity commensurate with the proposed uses. Benches and trash receptacles shall be provided near the main building entrances.
4. **Perimeter Walls** – Applicant shall coordinate with the adjacent residential subdivision to the east of the Property to refurbish the existing perimeter wall. All perimeter walls shown in Exhibit B shall be min. 6' in height, clad with a masonry (brick/stone) or stucco finish and a decorative cap. Painted CMU is not considered an acceptable cladding material.
5. **Impervious Surface Area Ratio**- The maximum impervious surface area ratio for the Property shall be consistent with the overall maximum impervious surface area ratio that the Planned Commercial Development is permitted by the Saint John's River Water Management District.
6. **Site Lighting** - all exterior lighting shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Exterior lighting shall be designed as dark skies lighting in a consistent and coordinated manner for the entire project in compliance with the requirements of Chapter 118, Article X, Division 4 of the City Code of Ordinances. The proposed light fixtures shall be consistent throughout the development.
7. **Signage**-
  - i. Given the building's orientation towards the street and the Dillard Street improvements, the site signage will be required

- to be pedestrian-oriented in size and scale.
- ii. One (1) monument sign is permitted along S Dillard Street, and it must adhere to the 25 MPH requirements of City Code Chapter 102 - Signs. This sign is required to be set back min. 5' from the front and side property lines and may not impede pedestrian or bicycle traffic.
  - iii. No exterior signage is allowed above the first floor of the building.
  - iv. All other signage shall adhere to the requirements of Chapter 102 – Signs.
8. **Building Height-** The maximum building height for all buildings shall not exceed 40 feet.
  9. **Setbacks and Required Yards-** All building setbacks shall be measured from the PCD boundaries.
    - i. Front (Dillard Street): 15' max., 0' min.
    - ii. Front (internal): 0' min.
    - iii. Side: 10' min.
    - iv. Rear: 35' min.
- e. **Permitted Uses-** The permitted uses allowed on the Property are as follows:
1. Professional Office, Business Office, and Medical Office.
  2. Sit-Down Restaurants.
  3. Retail establishments (except those retail uses not allowed by the prohibited uses).
  4. Upper-story residential with a maximum of 14 total multi-family residential units.
  5. Townhomes.
  6. Accessory uses and structures that are clearly secondary and subordinate to a principal permitted use.
- f. **Special Exception Uses-** The special exception uses for this Property are as follows:
1. House of Worship.
  2. Daycare Center or School.
  3. Sports Facilities or Entertainment uses.
  4. Emergency or urgent care medical.
  5. Other uses which the Planning and Zoning board determines are of the type and intensity of activity similar to and compatible with the permitted uses.

**g. Prohibited Uses-** Any use not specifically set forth in this Ordinance as a Permitted or Special Exception Use is prohibited. Without limiting the foregoing, the following are expressly prohibited:

1. Drive-thru foods or any other buildings with a drive-thru window.
2. Outdoor storage of products/material, storage yard, vehicle storage yard, contractor yard.
3. Industrial uses.
4. Laundromat, laundry dry-cleaning.
5. Medical laboratories.
6. Mini-warehousing or self-storage.
7. Funeral Home.
8. Crematorium.
9. Storage, sales, service of vehicles including but not limited to automobiles, trucks, boats, watercraft, trailers, motorcycles, sheds or equipment.
10. Gas station and convenience store.
11. Quick check/loan.
12. Communication towers.
13. Billboards.
14. Body art establishment.
15. Tobacco sales.
16. Body rub, body scrub or massage parlor.
17. Adult or pornographic book, magazine, video and novelty stores or sales.
18. Adult entertainment.
19. Nightclubs.
20. Agricultural uses or processing.
21. Pawn shop.
22. Temporary structures such as trailers, sheds or metal containers.
23. Recycling facilities.
24. Medical marijuana treatment center dispensing facilities.
25. Any use not in keeping with a high quality, pedestrian-oriented, mixed-use development.

**SECTION 2: Staff Conditions.**

1. The final engineering plans will be required to incorporate the 100% design drawings for the new Dillard Street redesign. The City's Dillard Street Consultants will review for conformity with the Conceptual Master Plan and final plans.

2. Per City Code, there is a requirement for masonry block, metal, or concrete exterior and interior load bearing walls.
3. Any relocation of existing utilities required will be the responsibility of the Developer.
4. Platting will be required providing easements for cross access, drainage and utilities, as well as providing an entity for maintenance of shared facilities. Plat shall be recorded prior to issuance of a certificate of occupancy of any building.

The plat requirements will apply whether a “condo plat” or conventional record plat, and shall provide an entity (POA) for the maintenance of the shared common facilities (stormwater; open space; lift station; etc.). No condo documents will be sent to the State prior to the City’s approval.

5. Approval from Solid Waste Division of Public Services and WG Fire Department required.
6. Cross access to the property to the north will be required as shown.
7. Landscaping shall not encroach on required sight lines at intersections or driveways.
8. No canopy trees shall be planted over or within 5 feet of any utility lines.
9. Tree Removal Permit issued by the City of Winter Garden Building Department will be required prior to final plan approval. As required by Code (Sec. 114-70), submittal of the Tree Removal Permit application is required with the preliminary plat submittal. Coordinate with Building Department.
10. 5’ wide (minimum) concrete sidewalks shall be constructed along all street frontages pursuant to City Code, and will be checked at final inspection. Any damaged, broken or incomplete sidewalks, curbs or pavement shall be replaced by the Owner/Contractor at the Owner/Contractor’s expense.
11. Internal sidewalks shall connect to the public sidewalks in the right-of-way per ADA.
12. All dumpsters, shall be enclosed and shall provide 12’ minimum inside clearance each way. Approval from Public Services Solid Waste Division is required.
13. A conceptual utility plan has been provided. This will be reviewed and commented on further at the preliminary plat and final construction plan phases (i.e. connection points, line sizes, etc.).
14. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the

Developer's expense, including potable water, reclaimed water and sanitary sewer. Final plans shall detail all connections including fire protection, reuse water and domestic water supply. All irrigation on the site shall be designed to be supplied by reclaimed water when available and shall be served by a jumper to potable water until that time.

15. The buildings may require fire sprinklers subject to review and approval by the Building and Fire Departments.
16. 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. Gravity sanitary laterals and pipes shall be SDR 26 per City standards. Use City Standard Detail Sheets for utilities and public works. All on-site utilities shall be privately owned and maintained.
17. A lift station will be required to serve multiple owners and connect to the force main in S Dillard Street. The lift station shall be owned and maintained by the City and will be installed per City Standards. A minimum 30'x30' tract will be required (as shown).

As discussed at the 4/22/20 DRC meeting, alternates for constructing a new on-site lift station shall be investigated with the final design that may include extending the gravity line thru the north side of the Tri-City shopping center and re-building the existing City lift station at the SW corner of the site (in lieu of building a new one on the project site).

18. All utilities shall conform to Chapter 78 of the City Code. Impact fees will be required for any utility connections and shall be paid prior to issuance of building permit and City execution of FDEP permit applications. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer. 100% of all required water, irrigation and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.
19. A Stormwater Pond is shown on the eastern side of the site. No fill or runoff will be allowed onto adjacent parcels. Transition slopes shall be provided to match existing grade at property line. Existing drainage patterns shall not be altered. Providing positive drainage within the site is the responsibility of the Design Engineer. The City will not maintain any portion of the on-site or off-site drainage systems or parking lot.

Provide geotechnical report to support stormwater design with final construction plans – this area has a high water table and clayey soils – not conducive to underground exfiltration or infiltration without underdrains.

20. Streetlighting both internally and on all street frontages is required pursuant to City Code – dark skies lighting is required. Coordinate with the City’s Dillard Street lighting design plans with final plans.
21. Permits or exemptions shall be provided from SJRWMD for stormwater and FDEP for water, wastewater and NPDES NOI.
22. Fire sprinkler systems will be required on all buildings over 6,000 s.f. with Point of Service (POS), backflow prevention, etc. shown. All work downstream of the POS shall be performed by a licensed fire sprinkler contractor. Show with final plans.
23. Any screen walls or retaining walls shall require a separate permit from the Building Department.
24. The use of Thermoplastic pipe shall meet all City material and installation requirements as specified in the City’s Standards & Specifications including Class I bedding, HP polypropylene pipe, laser profiling, installation per ASTM D2321, etc. (see under on-line forms on website).
25. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
26. All work shall conform to City of Winter Garden standards and specifications.
27. 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.
28. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
29. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others, including by way of any development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as

contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.

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

### **SECTION 3: *General Requirements.***

- a. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.
- b. **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.
- c. **Expiration/Extension-** Expiration of this PCD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

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

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

**SECTION 6: *Repeal and Replace.*** This Ordinance repeals and replaces Ordinance 06-23.

**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

**Exhibit "A"**

**Parcel ID: 12-22-27-6496-21-013; 12-22-27-6496-21-008**

**Legal Description:**

A PARCEL OF LAND SITUATED IN WINTER GARDEN, FLORIDA, AND KNOWN AS A PORTION OF BLOCK T, OVERSTREET CRATE COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK F, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND LYING IN THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT WHERE THE EASTERLY RIGHT OF WAY LINE OF SOUTH DILLARD STREET INTERSECTS WITH THE SOUTHERLY RIGHT OF WAY LINE OF PALMETTO STREET; THENCE SOUTH 00°12'05" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SOUTH DILLARD STREET A DISTANCE OF 200.00 FEET MORE OR LESS, TO A 4 INCH SQUARE MONUMENT FOUND ON THE SOUTHWEST PROPERTY COMER OF THE FIRST UNION BANK AND BEING THE TRUE POINT OF BEGINNING FOR THE PARCEL OF LAND HEREIN DESCRIBED; THENCE SOUTH 89°50'3 L" EAST ALONG THE SOUTHERLY BOUNDARY OF THE FIRST UNION BANK A DISTANCE OF 599.71 FEET TO A 1 INCH IRON PIPE FOUND ON THE SOUTHEAST PROPERTY COMER OF THE FIRST UNION BANK; THENCE SOUTH 00°09'59" WEST A DISTANCE OF 423.41 FEET TO A 1 INCH IRON PIPE FOUND ON THE NORTHEAST PROPERTY COMER OF THE TRI-CENTER PLAZA; THENCE NORTH 89°55'55" WEST ALONG THE NORTHERLY BOUNDARY OF THE TRI-CENTER PLAZA, A DISTANCE OF 599.78 FEET TO A 1 INCH IRON PIPE FOUND ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH DILLARD STREET AND ON THE NORTHWEST PROPERTY COMER OF THE TRI-CENTER PLAZA; THENCE NORTH 00°12'05" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF SOUTH DILLARD STREET A DISTANCE OF 424.34 FEET TO A 4 INCH SQUARE CONCRETE MONUMENT FOUND ON THE SOUTHWEST PROPERTY COMER OF THE FIRST UNION BANK AND BEING THE TRUE POINT OF BEGINNING.

Exhibit "B"

# **COVER PAGE**

## **Central Parc at Winter Garden Planned Commercial Development Plan**

**(6 PAGES - ATTACHED)**

# CENTRAL PARC AT WINTER GARDEN PRELIMINARY DEVELOPMENT PLAN

## DILLARD STREET, WINTER GARDEN, FL



**PRELIMINARY, NOT  
FOR CONSTRUCTION**

### PROJECT TEAM

**OWNER/APPLICANT:**  
WINTER GARDEN DEVELOPMENT  
PARTNERS, LLC  
52 RILEY ROAD, STE 155  
CELEBRATION, FL 34747  
(407) 616-3248  
MARK GERENGER

**ENGINEER:**  
BRAVO ENGINEERING, LLC  
7221 ALOMA AVE, STE 300  
WINTER PARK, FL 32792  
(407) 252-1671  
CHRIS BRAVO

**TRAFFIC ENGINEER:**  
LUKE TRANSPORTATION  
ENGINEERING CONSULTANTS  
P. O. BOX 941556  
MAITLAND, FL 32794  
(407) 423-8055  
TONY LUKE

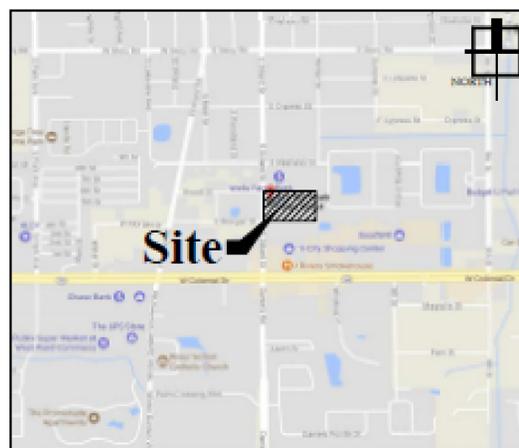
**LANDSCAPE ARCHITECT:**  
BONNETT DESIGN GROUP, LLC  
400 SOUTH ORLANDO AVE, STE 201  
MAITLAND, FL 32751  
(407) 622-1588  
TODD BONNETT

**ARCHITECT:**  
STOA STUDIOS, LLC  
52 RILEY ROAD, STE 374  
CELEBRATION, FL 34747  
(407) 749-0789  
BRANDT HAY

**GEOTECH ENGINEER:**  
CAVIN GEOTECHNICAL &  
ENVIRONMENTAL, LLC  
601 ISLEBAY DR  
APOLLO BEACH, FL 33572  
(813) 319-3966  
SCOTT CAVIN

**SURVEYOR:**  
BISHMAN SURVEYING &  
MAPPING, INC  
32 W. PLANT ST  
WINTER GARDEN, FL 34787  
(407) 905-8877  
ARON D. BISHMAN

### VICINITY MAP



SCALE: NTS

### LEGAL DESCRIPTION

(as provided by Owner)

A PARCEL OF LAND SITUATED IN WINTER GARDEN, FLORIDA, AND KNOWN AS A PORTION OF BLOCK T, OVERSTREET CRATE COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK F, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND LYING IN THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT WHERE THE EASTERLY RIGHT OF WAY LINE OF SOUTH DILLARD STREET INTERSECTS WITH THE SOUTHERLY RIGHT OF WAY LINE OF PALMETTO STREET; THENCE SOUTH 00°12'05" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SOUTH DILLARD STREET A DISTANCE OF 200.00 FEET MORE OR LESS, TO A 4 INCH SQUARE MONUMENT FOUND ON THE SOUTHWEST PROPERTY CORNER OF THE FIRST UNION BANK AND BEING THE TRUE POINT OF BEGINNING FOR THE PARCEL OF LAND HEREIN DESCRIBED; THENCE SOUTH 89°50'31" EAST ALONG THE SOUTHERLY BOUNDARY OF THE FIRST UNION BANK A DISTANCE OF 599.71 FEET TO A 1 INCH IRON PIPE FOUND ON THE SOUTHEAST PROPERTY CORNER OF THE FIRST UNION BANK; THENCE SOUTH 00°09'59" WEST A DISTANCE OF 423.41 FEET TO A 1 INCH IRON PIPE FOUND ON THE NORTHEAST PROPERTY CORNER OF THE TRI-CENTER PLAZA; THENCE NORTH 89°55'55" WEST ALONG THE NORTHERLY BOUNDARY OF THE TRI-CENTER PLAZA, A DISTANCE OF 599.78 FEET TO A 1 INCH IRON PIPE FOUND ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH DILLARD STREET AND ON THE NORTHWEST PROPERTY CORNER OF THE TRI-CENTER PLAZA; THENCE NORTH 00°12'05" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF SOUTH DILLARD STREET A DISTANCE OF 424.34 FEET TO A 4 INCH SQUARE CONCRETE MONUMENT FOUND ON THE SOUTHWEST PROPERTY CORNER OF THE FIRST UNION BANK AND BEING THE TRUE POINT OF BEGINNING.

### SERVICE INFORMATION

**WATER & SEWER**  
WINTER GARDEN UTILITIES  
300 W PLANT ST  
WINTER GARDEN, FL 34787  
(407) 656-4100

**ELECTRIC:**  
DUKE ENERGY  
(407) 629-1010

**CATV:**

**TELEPHONE:**  
CENTURYLINK  
(877) 579-3689

**GAS:**  
LAKE APOPKA GAS  
1320 WINTER GARDEN-VINELAND RD  
WINTER GARDEN, FL 34787  
(407) 656-2734

**SOLID WASTE, FIRE AND  
POLICE PROTECTION:**

### SHEET INDEX

SHEET NO.	TITLE
C0.0	COVER SHEET
C0.1	SURVEY (BY OTHERS, FOR INFO PURPOSES)
C1.0	PRELIMINARY DEVELOPMENT PLAN
C2.0	PRELIMINARY MANUEVERING PLAN
L101	TREE MITIGATION PLAN (BY OTHERS)
L401	LANDSCAPE PLAN (BY OTHERS)

### PROJECT NARRATIVE

- THE APPLICANT PROPOSES TO COMBINE THE TWO PARCELS AND UPDATE THE PCD ZONING TO ALLOW DEVELOPMENT AS A COMMERCIAL, PROFESSIONAL, AND/OR MEDICAL USES
- THE SITE WILL REMAIN UNIFIED, BUT THE BUILDINGS WILL BE SOLD AS CONDOMINIUMS. A POA WILL BE CREATED, WHICH WILL OWN AND MAINTAIN THE DRAINAGE, SANITARY SEWER, LANDSCAPING, GARBAGE, ETC. THERE WILL BE CROSS ACCESS AND SHARED PARKING AGREEMENTS.
- THE EXISTING UTILITIES ALONG THE WEST SIDE OF THE PROPERTY WILL BE RELOCATED TO MINIMIZE THE FRONT SETBACK.
- THERE IS AN EXISTING 5' CMU SCREENWALL 24"± OFF THE PROPERTY LINE, EAST OF THE SITE, WHICH THE APPLICANT IS WILLING TO UPGRADE.
- EXISTING CONDITION PLAN INCLUDED FOR INFORMATION PURPOSES ONLY. BRAVO ENGINEERING, LLC DOES NOT CERTIFY TO ACCURACY OF THE INFORMATION SHOWN HEREON.
- THE PROJECT IS LOCATED WITHIN THE LAKE APOPKA DRAINAGE BASIN.

CENTRAL PARC AT WINTER GARDEN  
DILLARD STREET, WINTER GARDEN, FLORIDA  
COVER SHEET

BRAVO ENGINEERING, LLC  
7221 ALOMA AVE, STE 300  
WINTER PARK, FLORIDA 32792  
Telephone: 407-252-1671

NO.	DATE	DESCRIPTION
1	10/20/17	CONCEPT PLAN
2	10/20/17	REVISED CONCEPT PLAN
3	11/13/17	REVISED CONCEPT PLAN INITIAL SUBMIT TO CITY
4	11/17/17	REVISED PER CITY COMMENTS
5	11/17/17	REVISED PER OWNER
6	11/22/17	REVISED PER OWNER
7	11/22/17	REVISED PER CITY COMMENTS
8	11/22/17	REVISED PER CITY COMMENTS

DRAWN BY: CTB  
CHECK BY: CTB  
PROJECT NO.: 2017-15  
PROJECT DATE: 10/12/17

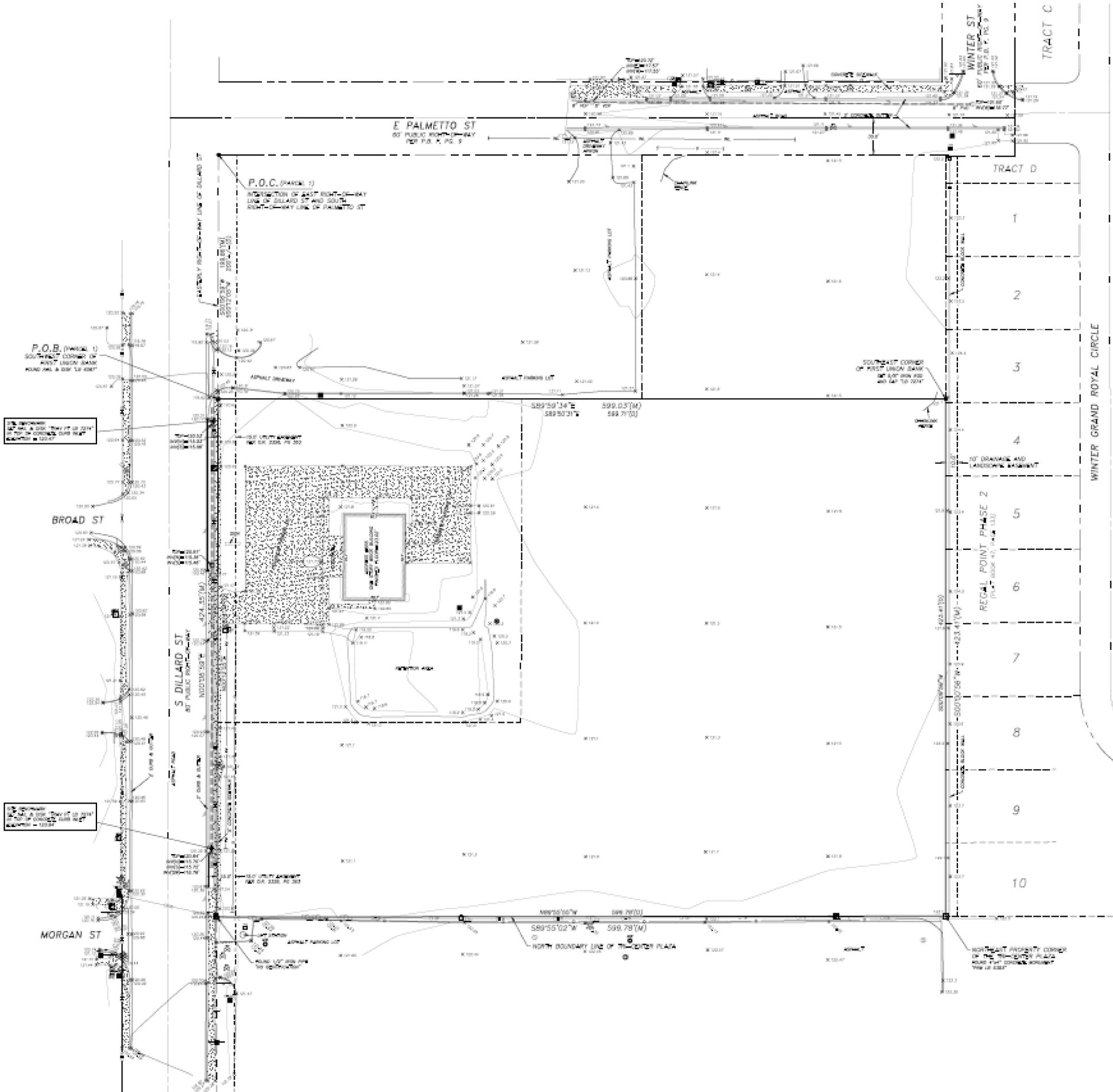
CHRISTOPHER T. BRAVO, P.E.  
REGISTRATION # 58562  
C.A. # 28953

C0.0

# BOUNDARY AND TOPOGRAPHIC SURVEY

SECTION 23  
TOWNSHIP 22 SOUTH  
RANGE 27 EAST

SHEET 1 OF 1



**DESCRIPTION**

A PORTION OF LAND SITUATE IN WINTER GARDEN, FLORIDA, AND KNOWN AS A PORTION OF BLOCK 11, OVERSTREET DRIVE COMPANY'S SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND LYING IN THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT WHERE THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH DILLARD STREET INTERSECTS WITH THE SOUTHWEST CORNER OF THE EASTERLY RIGHT-OF-WAY LINE OF PALMETTO STREET; THENCE SOUTH 00°12'01" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH DILLARD STREET A DISTANCE OF 200.00 FEET MORE OR LESS, TO A 4 INCH IRON MONUMENT FOUND ON THE SOUTHWEST PROPERTY CORNER OF THE FIRST UNION BANK AND BEING THE TRIP POINT OF BEGINNING FOR THE PARCELS OF LAND HEREIN DESCRIBED; THENCE SOUTH 89°03'11" EAST ALONG THE SOUTHWEST BOUNDARY OF THE FIRST UNION BANK A DISTANCE OF 599.71 FEET TO A 1 INCH IRON PIPE FOUND ON THE SOUTHWEST PROPERTY CORNER OF THE FIRST UNION BANK; THENCE SOUTH 02°02'00" WEST A DISTANCE OF 423.41 FEET TO A 1 INCH IRON PIPE FOUND ON THE NORTHWEST PROPERTY CORNER OF THE TRICENTURY PLAZA; THENCE NORTH 88°57'01" WEST ALONG THE NORTHERLY BOUNDARY OF THE TRICENTURY PLAZA A DISTANCE OF 599.78 FEET TO A 1 INCH IRON PIPE FOUND ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH DILLARD STREET AND ON THE NORTHWEST PROPERTY CORNER OF THE TRICENTURY PLAZA; THENCE NORTH 00°12'01" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH DILLARD STREET A DISTANCE OF 434.34 FEET TO A 4 INCH SQUARE CONCRETE MONUMENT FOUND ON THE SOUTHWEST PROPERTY CORNER OF THE FIRST UNION BANK AND BEING THE TRIP POINT OF BEGINNING.

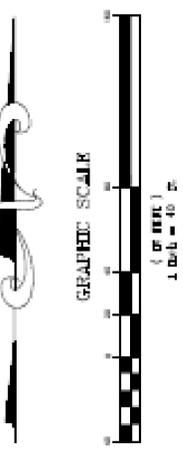
THE ABOVE DESCRIBED PROPERTY CONTAINS GLEBE ACROSS WORK OF 1000.

- SURVEYORS NOTES:**
- NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL, OR DIGITAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND APPROVED PRINTED COPIES OF A DIGITAL SIGNATURE AND ORIGINAL SURVEY ARE NOT VALID.
  - LANDS SHOWN HEREON HAVE NOT BEEN ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
  - REVISIONS DO NOT CONSTITUTE A RE-IDENTIFICATION OF THE EXISTING FIELD CONDITIONS OF THIS SURVEY.
  - BEARINGS SHOWN HEREON ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF SOUTH DILLARD STREET AS SHOWN HEREON'S (ASSUMED).
  - THE DESCRIPTION SHOWN HEREON WAS SUPPLIED BY THE CLIENT.
  - UNDERGROUND IMPROVEMENTS AND INSTALLATIONS HAVE NOT BEEN LOCATED.
  - THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA SHOWN IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATIONS INDICATED, ALTHOUGH AN EVERY EFFORT THAT WAS MADE TO LOCATE AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
  - THE LANDS SHOWN HEREON LIE ENTIRELY WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE STATE ANNUAL CHANGE FLOOD) ACCORDING TO "MM" MAP NO. 1208800200K, COMMUNITY NO. 120179, DATED SEPTEMBER 23, 2009.
  - THE ELEVATIONS SHOWN HEREON ARE BASED ON NA83 (NORTH AMERICAN VERTICAL DATUM OF 1983) DATUM FOR ORANGE COUNTY BENCH MARK NUMBER 1653205, ELEVATION = 110.734'.
  - ST. BENCHMARKS ARE SHOWN HEREON.
  - THE ALIENATIVE FEE FOR THIS PROJECT IS THE PROPERTY OF BISHMAN SURVEYING AND MAPPING, INC. AND IS NOT THE PROPERTY OF THE CLIENT.

**LEGEND/ABBREVIATIONS**

ALL DISTANCES AND BEARINGS UNLESS OTHERWISE NOTED ARE IN FEET

—	Property Boundary	—	Right-of-Way Line
—	Asphalt Paved Road	—	Proposed Right-of-Way Line
—	Gravel Paved Road	—	Proposed Right-of-Way Line (Phase 1)
—	Grass	—	Proposed Right-of-Way Line (Phase 2)
—	Water	—	Proposed Right-of-Way Line (Phase 3)
—	Concrete	—	Proposed Right-of-Way Line (Phase 4)
—	Asphalt	—	Proposed Right-of-Way Line (Phase 5)
—	Gravel	—	Proposed Right-of-Way Line (Phase 6)
—	Soil	—	Proposed Right-of-Way Line (Phase 7)
—	Rock	—	Proposed Right-of-Way Line (Phase 8)
—	Tree	—	Proposed Right-of-Way Line (Phase 9)
—	Shrub	—	Proposed Right-of-Way Line (Phase 10)
—	Utility Line	—	Proposed Right-of-Way Line (Phase 11)
—	Water Main	—	Proposed Right-of-Way Line (Phase 12)
—	Sewer	—	Proposed Right-of-Way Line (Phase 13)
—	Gas	—	Proposed Right-of-Way Line (Phase 14)
—	Electric	—	Proposed Right-of-Way Line (Phase 15)
—	Telephone	—	Proposed Right-of-Way Line (Phase 16)
—	Cable	—	Proposed Right-of-Way Line (Phase 17)
—	Other	—	Proposed Right-of-Way Line (Phase 18)



**BISHMAN**  
Surveying & Mapping, Inc.

CERTIFICATE OF AUTHORIZATION LB 7274  
32 W. PALM STREET  
WINTER GARDEN, FL 34787  
Phone No. 407.905.8877  
Fax No. 407.905.8875

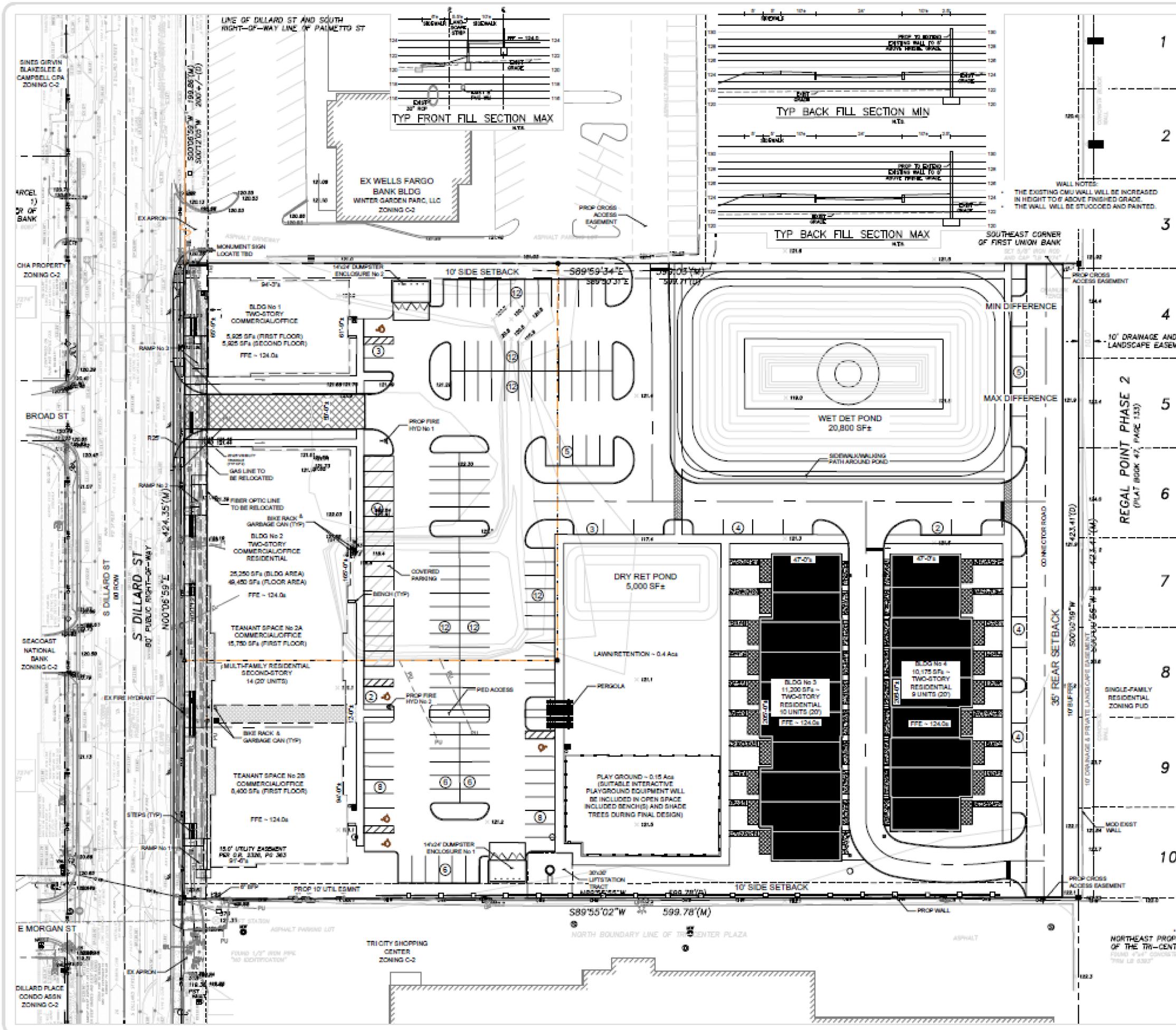
ARON D. BISHMAN, P.S.M. FLORIDA REGISTRATION NO. 5686

**REVISIONS:**

DATE	BY	DESCRIPTION
01/07/2008	ARON D. BISHMAN	ISSUE FOR PERMIT
05/04/2008	ARON D. BISHMAN	REVISIONS

**JOB NUMBER: 19012.000**

SURVEY DATE	11/2007/10
FIELD NO.	19012.000
FIELD BOOK	1902 / 1903
PAGES	10-12 / 69
FIELD FILE	19012.000
DESIGNED BY	19012-2.000



**SITE DATA**

CONTIGUOUSLY OWNED AREA : 254,115 SF± (5.83 ACRES)

ZONING : PCO  
 EXISTING LAND USE : CHURCH/VACANT  
 PROPOSED USE : MIXED USE (SEE USE TABLE NO.08)  
 BUILDING HEIGHT : <50'  
 F.A.R. : 0.27

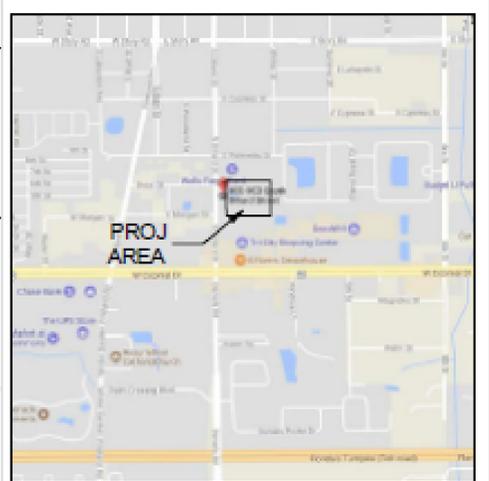
BUILDING SETBACKS :  
 FRONT : 0'  
 SIDE : 10'  
 REAR : 35'

**PROPOSED AREAS**  
 BUILDINGS : 0.27 AC± (FOOTPRINT)  
 PARKING/DRIVEWAYS : 2.15 AC±  
 SIDEWALK/OTHER : 0.35 AC±  
 TOTAL IMPERVIOUS AREA : 3.47 AC± (59.58)  
 NET POND AREA : 0.54 AC±  
 PONDIOUS AREA : 1.82 AC±  
 OPEN SPACE : 2.38 AC± (41.58)

**PARKING**  
 FCOT  
 COMMERCIAL/MIXED USE  
 3 SPACES PER 1,000 SF BUILDING FLOOR AREA  
 36,000 SF± @ 350/1,000 SF (SF) 108

RESIDENTIAL  
 2 SPACES PER UNIT  
 33 UNITS  
 TOTAL SPACES REQ'D 141

PROVD  
 STANDARD 138  
 COVERED/SHAWK 34  
 HANDICAP 6  
 TOTAL SPACES PROVD 178



**USE TABLE**

Permitted Uses	Special Exception Uses	Prohibited Uses
<ul style="list-style-type: none"> <li>Art gallery, museum</li> <li>Bank or financial</li> <li>Business services</li> <li>Exercise gym</li> <li>Multi-family residential (above commercial uses)</li> <li>Multi-family residential (stand alone)</li> <li>Professional office</li> <li>Medical office</li> <li>Personal services</li> <li>Post office (in line as rental)</li> <li>Professional services</li> <li>Taco center</li> <li>Restaurants (no drive-thru)</li> <li>Non-profit park or playground</li> </ul>	<ul style="list-style-type: none"> <li>Adult living facility</li> <li>House of worship</li> <li>Family day care</li> <li>Pre-K and Children's</li> <li>Recreational or community center ("Entertainment" stand alone)</li> <li>Emergency and essential Medical services</li> <li>Hotel</li> </ul>	<ul style="list-style-type: none"> <li>Adult gambling/piano</li> <li>Ball bondman</li> <li>Billboards</li> <li>Cannery</li> <li>Quick check/clean</li> <li>Equipment rental (stand alone)</li> <li>Furniture sales or manufacturing</li> <li>Funeral home</li> <li>Heavy machinery</li> <li>Inconerator</li> <li>Junkyard</li> <li>Manufacturing</li> <li>Pawn shop</li> <li>Restaurant, drive-thru</li> <li>Tattoo parlor</li> <li>Truck stop</li> <li>Warehouse</li> <li>Wholesale</li> <li>Construction equipment</li> <li>Farm animals</li> <li>Car servicing</li> <li>Communication towers</li> <li>Gas station</li> <li>Medical Laboratories</li> <li>Education</li> <li>Mini-storage</li> </ul>

**CENTRAL PARC AT WINTER GARDEN**  
**DILLARD STREET, WINTER GARDEN, FLORIDA**  
**PRELIMINARY DEVELOPMENT PLAN**

**BRAVO ENGINEERING, LLC**  
 7321 ALMA AVE, STE 300  
 WINTER PARK, FLORIDA 32792  
 Telephone: 407-552-1671

NO.	REV.	DESCRIPTION
1	10/26/20	CONCEPT PLAN
2	09/04/20	RENDER CONCEPT PLAN
3	07/27/20	PRELIM DEVELOPMENT PLAN
4	07/17/20	REVISION PER CITY COMMENTS
5	04/17/20	REVISION PER OWNER
6	04/17/20	REVISION PER OWNER
7	07/27/20	REVISION PER CITY COMMENTS
8	07/20/20	REVISION PER CITY COMMENTS

DRAWN BY: CTB  
 CHECK BY: CTB  
 PROJECT NO.: 2017-15  
 PROJECT DATE: 10/12/17

**C1.0**







Exhibit "C"

## **COVER PAGE**

# **Central Parc at Winter Garden Planned Commercial Development Architectural Design Standards**

**(6 PAGES - ATTACHED)**

# GNP

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## DEVELOPMENT

# CENTRAL PARC AT WINTER GARDEN

DILLARD STREET REDEVELOPMENT • WINTER GARDEN, FLORIDA

Sheet:  
A01  
ARCHITECTURAL

Drawing:  
COVER  
SCALE: UNSCALED

Project:  
CENTRAL PARC AT WINTER GARDEN  
DILLARD STREET REDEVELOPMENT • WINTER GARDEN, FLORIDA

Date & Issue:  
12 MARCH 2020  
DESIGN REVIEW





**PEDESTRIAN BREEWAY**

**VEHICLE ENTRY**

BUILDING 1: COMMERCIAL/OFFICE (1st Floor) + MULTI-FAMILY RESIDENTIAL (2nd Floor)

BUILDING 2: COMMERCIAL/OFFICE

Sheet:  
A02  
ARCHITECTURAL

Drawing:  
ELEVATION • DILLARD STREET  
SCALE: UNSCALED

Project:  
**CENTRAL PARC AT WINTER GARDEN**  
DILLARD STREET REDEVELOPMENT • WINTER GARDEN, FLORIDA

Date & Issue:  
12 MARCH 2020  
DESIGN REVIEW





TOP OF PARAPET  
EL. 25'

CENTRAL PARC

CENTRAL PARC

PEDESTRIAN BREEWAY

Sheet:  
**A03**  
ARCHITECTURAL

Drawing:  
**PERSPECTIVE • DILLARD STREET**  
SCALE: UNSCALED

Project:  
**CENTRAL PARC AT WINTER GARDEN**  
DILLARD STREET REDEVELOPMENT - WINTER GARDEN, FLORIDA

Date & Issue:  
**12 MARCH 2020**  
DESIGN REVIEW





TOP OF PARAPET  
EL. 25'

CENTRAL PARC

PEDESTRIAN BREEZEWAY

Sheet:  
A04  
ARCHITECTURAL

Drawing:  
PERSPECTIVE • DILLARD STREET  
SCALE: UNSCALED

Project:  
**CENTRAL PARC AT WINTER GARDEN**  
DILLARD STREET REDEVELOPMENT • WINTER GARDEN, FLORIDA

Date & Issue:  
12 MARCH 2020  
DESIGN REVIEW





**DILLARD STREET**

Sheet:  
**A04**  
ARCHITECTURAL

Drawing:  
**VIEW IN CONTEXT • BUILDING 1**  
SCALE: UNSCALED

Project:  
**CENTRAL PARC AT WINTER GARDEN**  
DILLARD STREET REDEVELOPMENT - WINTER GARDEN, FLORIDA

Date & Issue:  
**12 MARCH 2020**  
DESIGN REVIEW





**PARK ELEVATION**



**TYPICAL SIDE ELEVATION**



**ALLEY ELEVATION**

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

**Date:** September 28, 2020                      **Meeting Date:** October 5, 2020  
**Subject:** 21 W Smith Street (Rezoning)  
**Project Name:** 21 W Smith Street  
**Parcel ID:** 23-22-27-2888-08-071  
**Issue:** The applicant is requesting to rezone the property located at 21 West Smith Street.

**Supplemental Material / Analysis:**

**Owner / Applicant:** Brett Claflin  
**Current Zoning:** R-2 (Residential District)  
**Proposed Zoning:** C-1 (Central Commercial District)  
**Current FLU:** TD – Traditional Downtown  
**Proposed FLU:** N/A

**Summary:** The applicant has requested to rezone the subject property from R-2 Residential District to C-1 Central Commercial District in order to build a commercial office building. The proposed C-1 zoning is consistent with the property’s TD – Traditional Downtown Future Land Use designation (See Staff Report).

**Staff Recommendation(s):**

Staff recommends approval of Ordinance 20-52.

**Next Step(s):**

Follow all City regulations and apply for building permits.

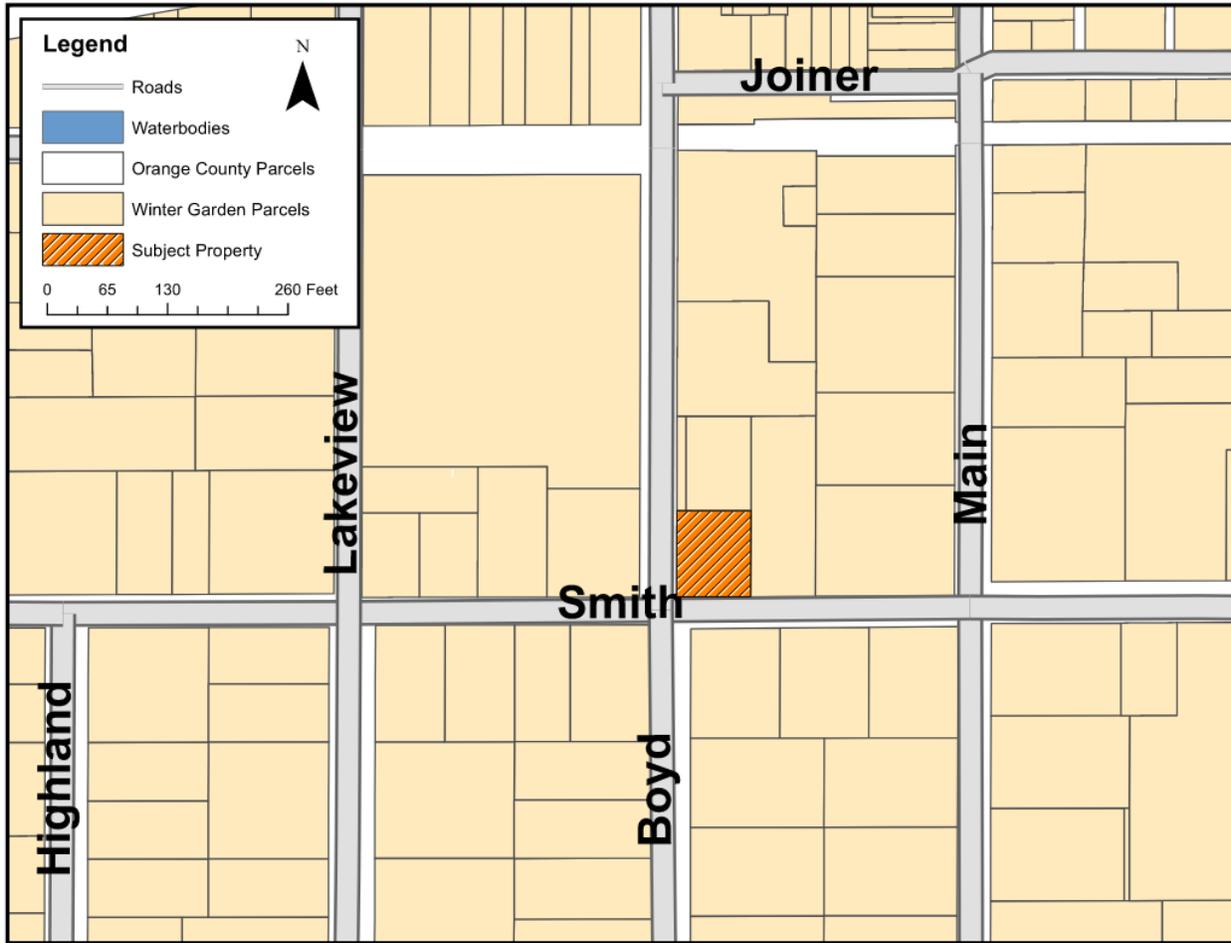
**Attachment(s):**

Location Map  
Staff Report  
Ord 20-52

# LOCATION MAP

21 W Smith Street

Rezoning



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

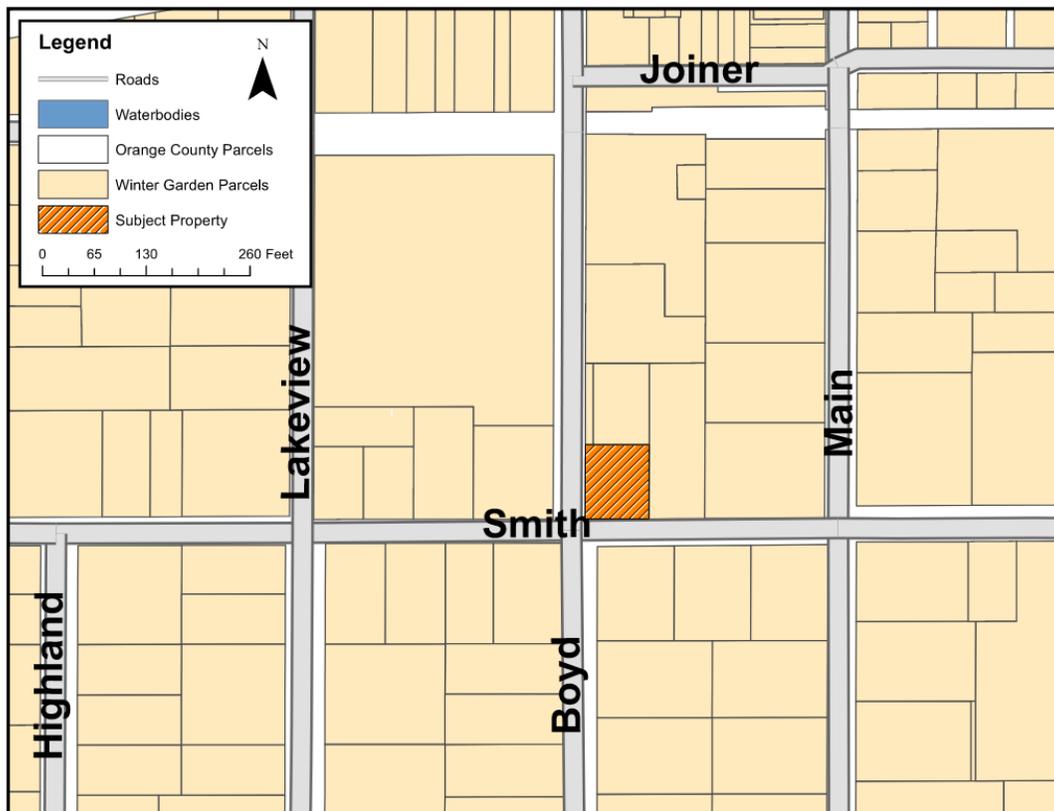
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** Shane Friedman, Senior Planner  
**DATE:** September 24, 2020  
**SUBJECT:** REZONING  
**21 West Smith St (0.17 +/- ACRES)**  
**PARCEL ID # 23-22-27-2888-08-071**

**APPLICANT:** Brett Claflin

### 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 on 21 West Smith Street, is an approximately 0.17 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting to rezone the 0.17 ± acre property, which is located within the City of Winter Garden and carries the zoning designation R-2 (Residential District) and is designated TD (Traditional Downtown) on the Future Land Use Map of the City's Comprehensive Plan, to C-1 (Central Commercial) zoning district. The property is located within the City's Downtown Historic District.

### **EXISTING USE**

The property had a two story single-family home on it, but it has since been demolished. The property is currently vacant.

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

The properties to the north and west of the subject property are both developed with commercial offices, are zoned C-1, and are in the City of Winter Garden's Municipal limits. The properties to the south and east are single-family residences with R-2 zoning and are in the City of Winter Garden's Municipal limits.

### **PROPOSED USE**

The applicant is planning on developing the property into a single-story commercial office building similar to the building north of the subject property.

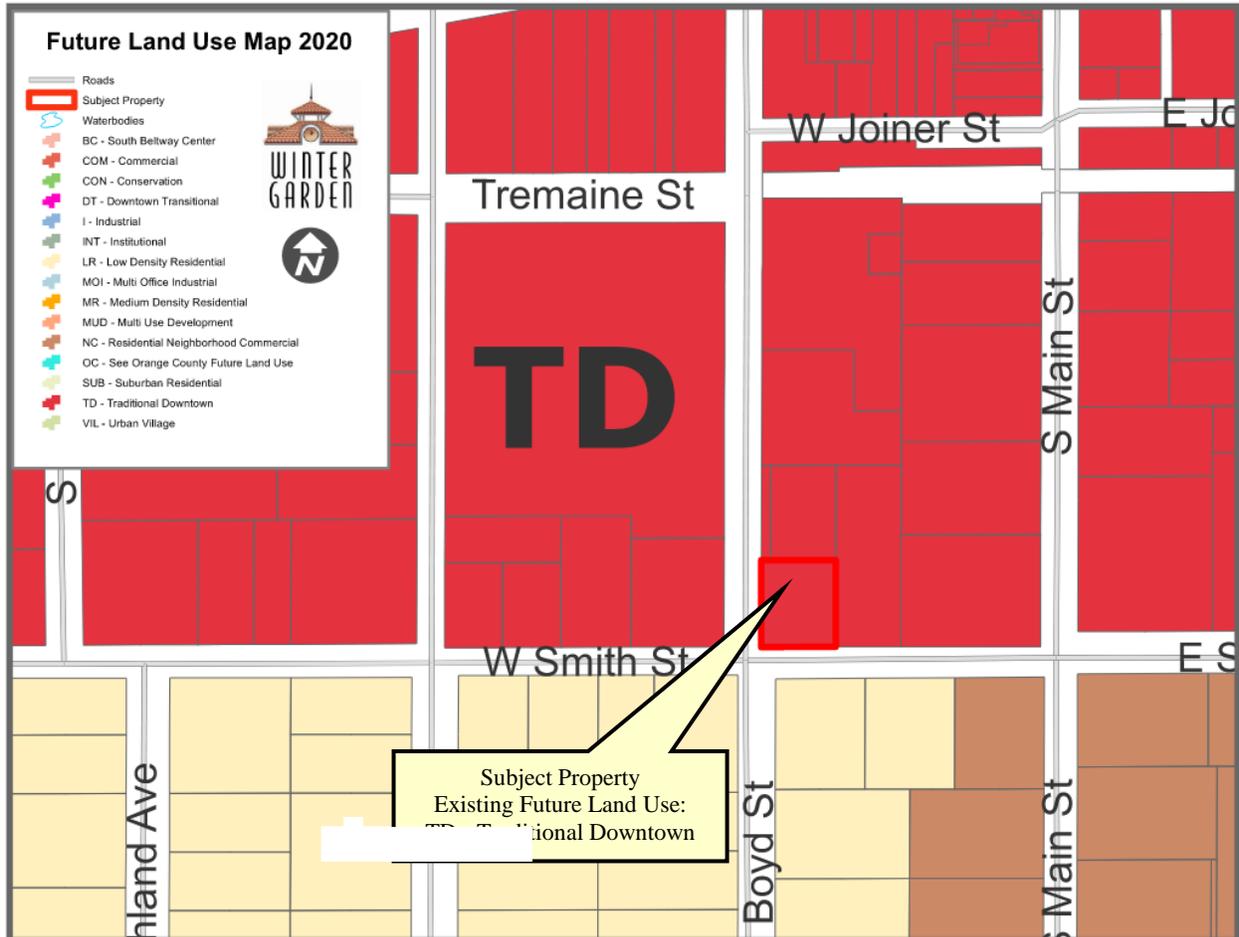
### **SUMMARY**

The applicant's proposal to rezone the subject property from R-2 to C-1 is consistent with the property's Future Land Use designation of TD Traditional Downtown as well as the policies contained within the City's Comprehensive Plan. City Staff recommends approval of Rezoning Ordinance 20-52.

**AERIAL PHOTO**  
**21 W Smith Street**



### Future Land Use Map 21 W Smith Street



ORDINANCE 20-52

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.17 ± ACRES LOCATED AT 21 WEST SMITH STREET ON THE NORTHEAST CORNER OF WEST SMITH STREET AND SOUTH BOYD STREET FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY C-1 CENTRAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, the owner of that certain real property generally described as 0.17 ± acres of land located at 21 West Smith Street on the Northeast Corner of West Smith Street and South Boyd Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from City R-2 Residential District to the City’s C-1 Central 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-1 Central 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 City R-2 Residential District to City C-1 Central 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 upon its adoption.

**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:**

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JOHN REES, Mayor/Commissioner

**ATTEST:**

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Angela Grimmage, City Clerk

**ATTACHMENT "A"**

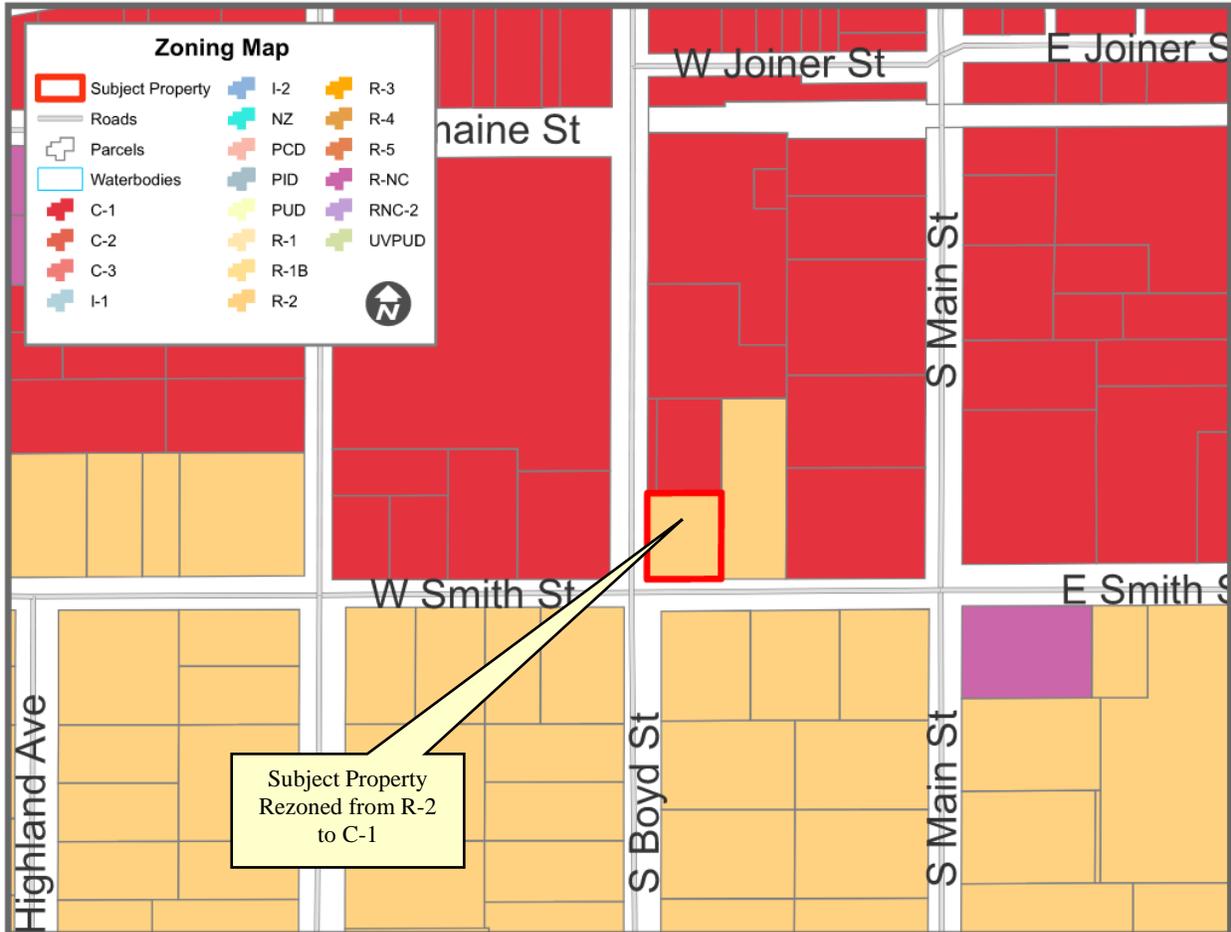
**LEGAL DESCRIPTION**

Parcel ID: 23-22-27-2888-08-071

Description:

FRIES PLAT OF WINTER GARDEN E/16 S 93 FT OF LOT 7 BLK H

**Zoning Map**  
**21 W Smith Street**



**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:** 321 (suite 329) S Dillard Street (Special Exception Permit)  
**Project Name:** Wave Media Systems  
**Parcel ID:** 23-22-27-7948-02-060  
**Issue:** The applicant is requesting a special exception permit for the property located at 321 (suite 329) S Dillard Street

**Supplemental Material / Analysis:**

**Owner / Applicant:** Wave Media Systems  
**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 home media showroom with retail in C-3 Professional Office zoning district (See Staff Report).

**Staff Recommendation(s):**

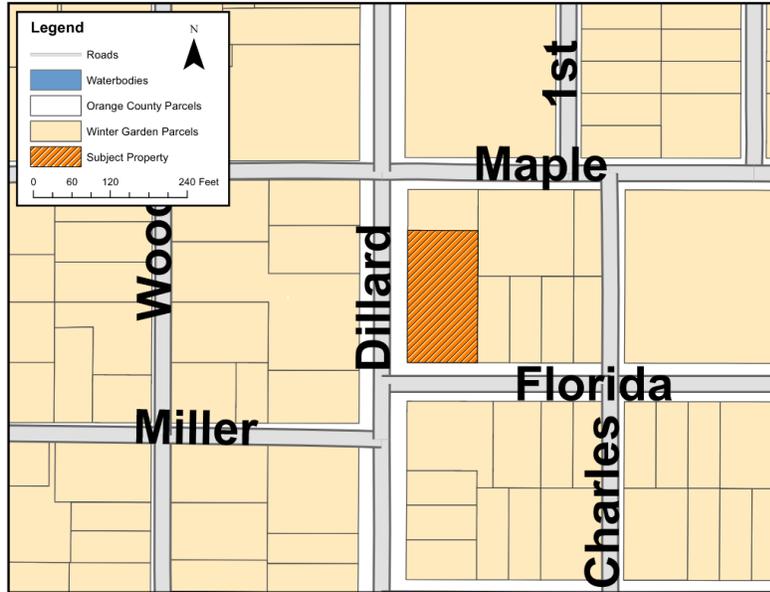
Staff recommends approval of the special exception subject to the conditions outlined in the Staff Report.

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

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

# LOCATION MAP

321 (Suite 329) South Dillard Street



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

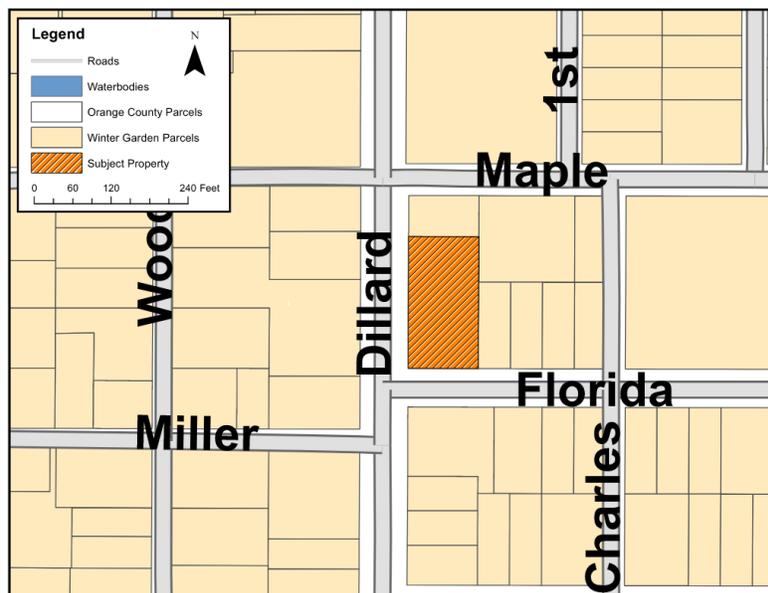
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** SHANE FRIEDMAN, SENIOR PLANNER  
**DATE:** SEPTEMBER 25, 2020  
**SUBJECT:** SPECIAL EXCEPTION PERMIT  
**321 (Suite 329) S Dillard Street (0.52 ±ACRES)**  
**PARCEL ID # 23-22-27-7948-02-060**

**APPLICANT:** Wave Media Systems

### 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 321 (Suite 329) S Dillard Street and is approximately 0.52 ± 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 media retail and showroom 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 with tenants.

### **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 operates a media systems installation company that will have a showroom at this proposed location. Along with the showroom the applicant is requesting the ability to have a retail component and be able to sell media equipment along with its installation services for home theater electronics. The applicant keeps their inventory and equipment located in a warehouse on Green Forest Court.

### **ANALYSIS**

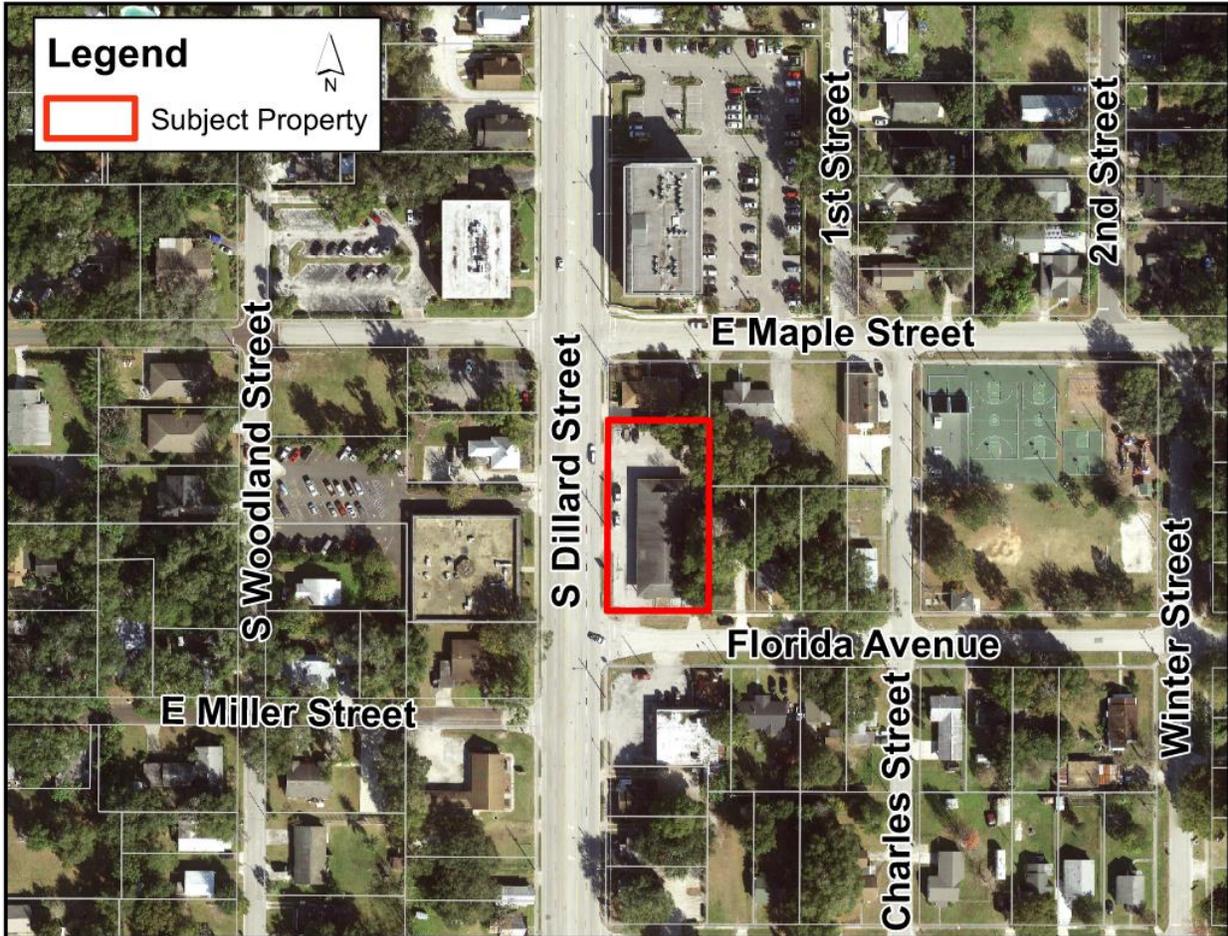
Section 118-629(3) of City Code allows special exception uses for the C-3 Professional Office District which the Planning and Zoning Board determines is compatible with the permitted uses in C-3. The proposed use is not out of character with the businesses along Dillard Street that provide services as 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 media systems sales and showroom, at 321 (Suite 329) S Dillard Street, in C-3 Professional Office District subject to following condition(s):

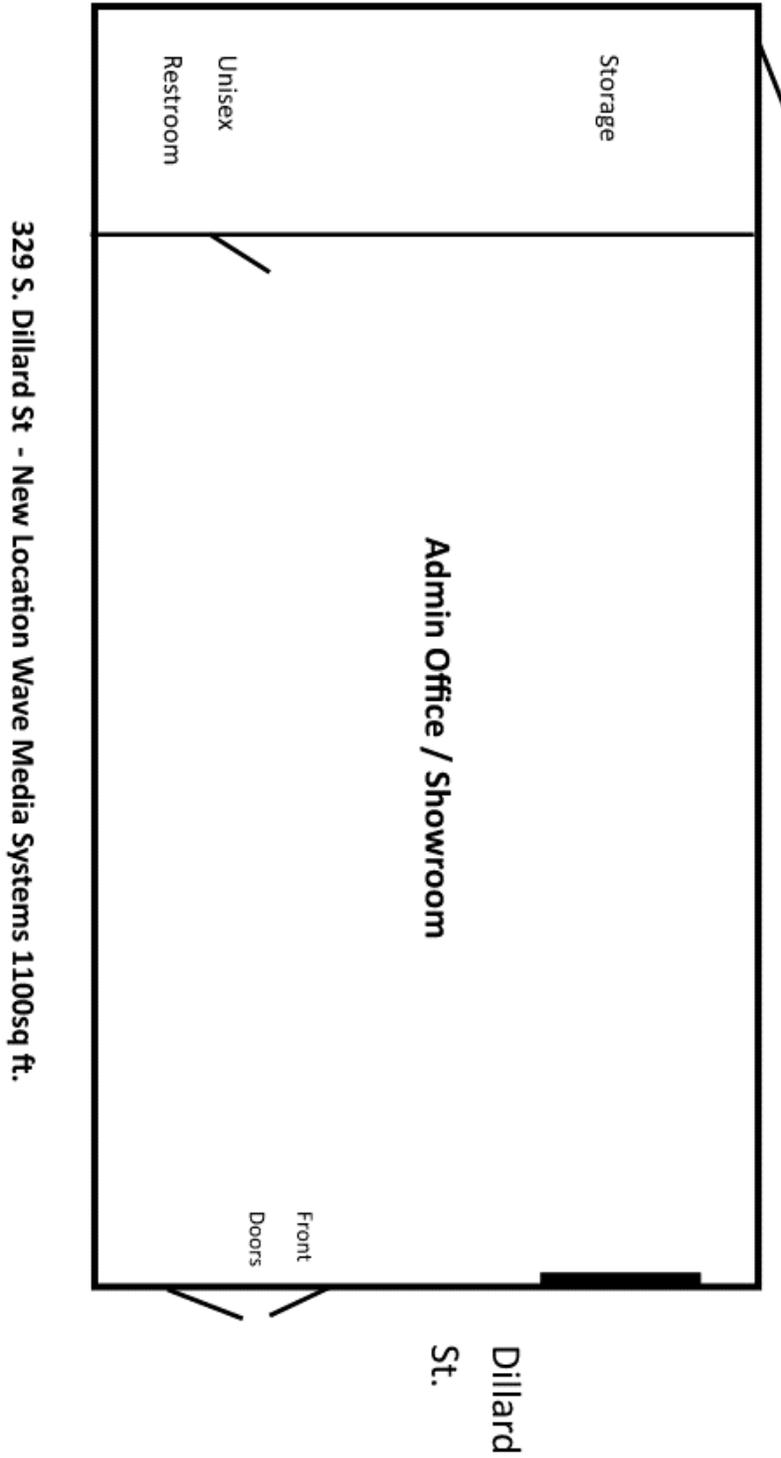
- 1) This site is to be used primarily as an office and showroom with retail sales accessory to the primary use.
- 2) This site is not to be used as a primary storage facility for products and equipment.
- 3) There is no overnight parking allowed for service or company vehicles allowed at this location.

**AERIAL PHOTO**  
**321 (Suite 329) S Dillard Street**





**FLOOR PLAN**  
**321 (Suite 329) S Dillard Street**



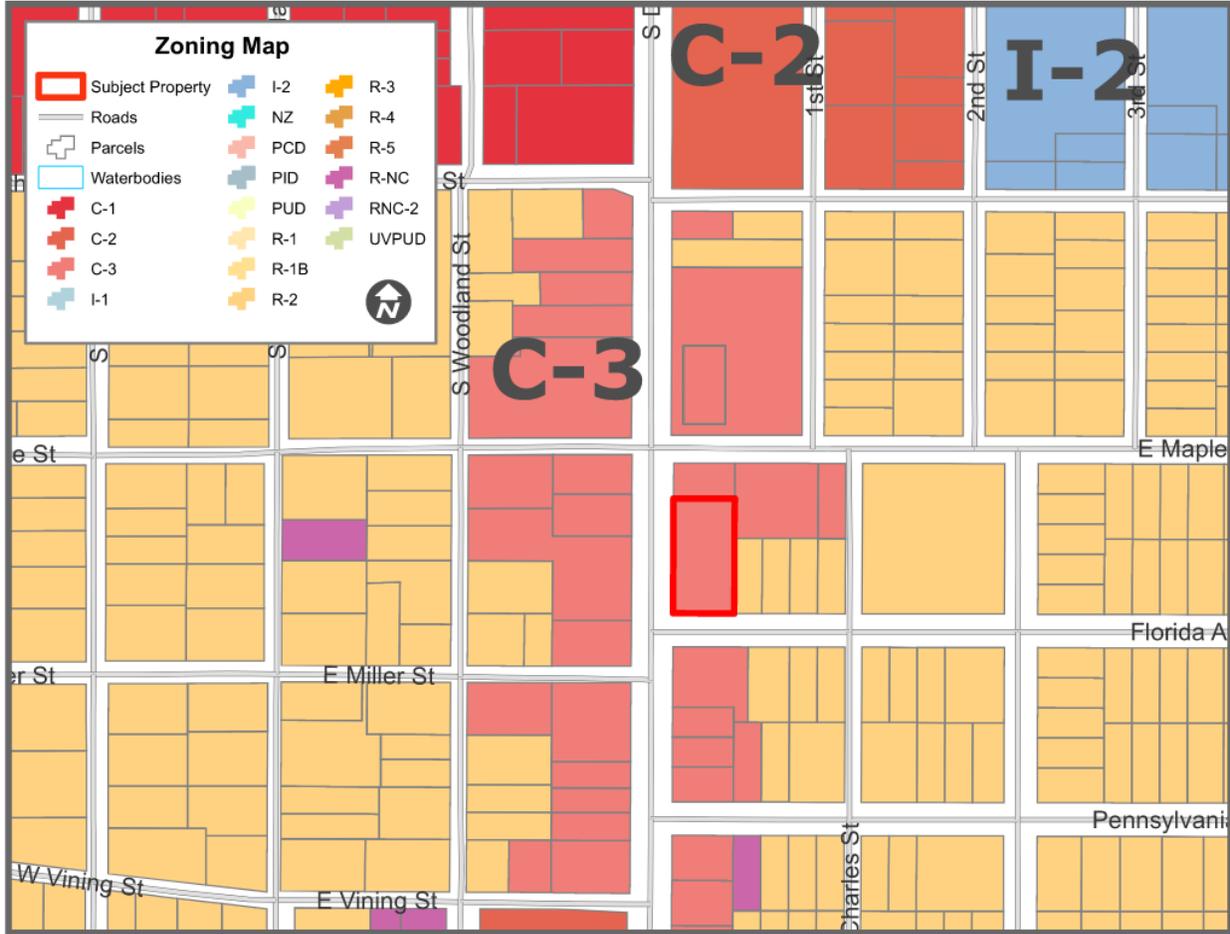
**EXAMPLE OF SHOWROOM AND MEDIA EQUIPMENT**  
**321 (Suite 329) S Dillard Street**



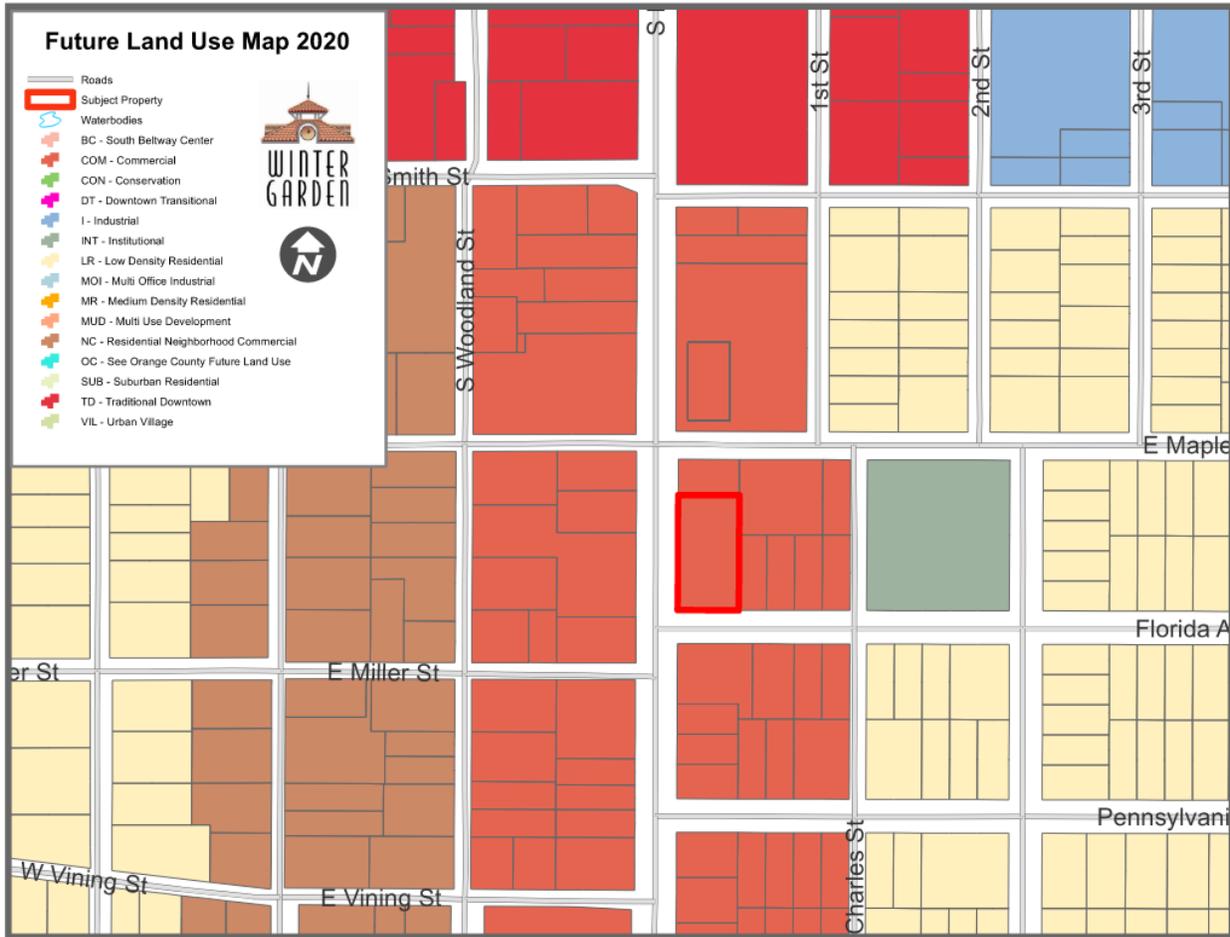
**SITE PHOTOS**  
**321 (Suite 329) S Dillard Street**



**ZONING MAP**  
**321 (Suite 329) S Dillard Street**



**FUTURE LAND USE MAP**  
**321 (Suite 329) S Dillard Street**



**END OF STAFF REPORT**