



**For More Information, Contact:**  
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City of Winter Garden  
300 West Plant Street  
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[crivera@cwgd.com](mailto:crivera@cwgd.com)

## Planning and Zoning Board Agenda

**Board Members:** Chairman Will Hawthorne, Vice-Chairman Steve Ambielli, Linda Bennett, Myron Brown, Jimmy Dunn, Jeff Ewing and TJ Ryan.

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

### Agenda for September 8, 2025 at 6:30 PM

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

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#### 1. Call to Order

Determination of Quorum, Moment of Silence and Pledge of Allegiance

#### 2. Approval of Minutes

A. Minutes of August 4, 2025 Meeting

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

A. 15373 State Road 438 (15373 SR 438) Annexation, Future Land Use  
Parcel ID # 21-22-27-0000-00-063

B. 15359 E Oakland Avenue (15359 E Oakland Avenue) Annexation, Future Land Use  
Parcel ID # 21-22-27-0000-00-122

#### 4. Special Exception Permit (Public Hearing)

A. 13 E Cypress Street (Solnyshko Educational Childcare) Special Exception  
Parcel ID # 23-22-27-6504-03-071

#### 5. Variance (Public Hearing)

A. 1264 N West Crown Point Road – (Medina Residence) Variance  
Parcel ID # 12-22-27-1840-24-012

#### 6. City of Winter Garden Code Updates (Public Hearing)

A. Ordinance 25-23: Changes to Address Section 28 of Chapter 2025-190 Laws of Florida

#### 7. Adjourn

Next regular Planning and Zoning Board meeting on Monday, October 6, 2025 at 6:30 p.m.  
in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida

Posted: August 26, 2025

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Please Note: In accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact Ellen King, 300 West Plant Street, Winter Garden, FL 34787, (407) 656-4111 EXT.5149- 48 hours in advance of the meeting.



**DRAFT**

**Planning and Zoning Board  
Regular Meeting Minutes  
August 4, 2025**

**1. CALL TO ORDER**

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

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

**Absent:** Chairman Will Hawthorne (excused) and Board Member Jeff Ewing (excused).

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

**Attendees:** Jim & Jeanie Rahman of 153 Apopka Street, Kyle Shasteen of Bowman, Spencer Edwards of 1184 Maxey Drive and Adam Parish of 224 S Boyd Street.

**2. APPROVAL OF MINUTES**

***Motion by Board Member Dunn to approve the regular meeting minutes of July 7, 2025. Seconded by Board Member Ambielli and carried unanimously 4 – 0.***

**3. SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

**3.A.** 244 W Story Road - (Winter Garden Retail Dev.) SPECIAL EXCEPTION  
Parcel ID #23-22-27-6650-00-010

Planner McDonald presented a request for a Special Exception located at 244 W Story Road to allow for commercial retail uses in a R-NC (Residential-Neighborhood Commercial) zoning district. Staff recommends approval of the Special Exception Permit subject to staff conditions.

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

***Motion by Board Member Bennet to approve the Special Exception for the address at 244 W Story Road subject to staff conditions. Seconded by Board Member Brown and carried unanimously 4 – 0.***

**4. VARIANCE (PUBLIC HEARING)**

**4.A. 244 W Story Road (Winter Garden Retail Development) VARIANCE  
Parcel ID #23-22-27-6650-00-010**

Planner McDonald presented a Variance request for the property located at 244 W Story Road to allow construction of a new commercial building with a front yard setback of 5 feet and a 5 feet side corner lot setback. Staff recommends approval subject to staff conditions.

Board members inquired about the impervious surface ratio being met and why such a large setback of 40 feet is required? City staff confirmed the impervious surface ratio is still met and the R-NC zoning falls back to C-4 zoning commercial building minimum setbacks requirement of 40-foot front and side corner lot setbacks.

No one from the public had any questions or concerns regarding this item.

***Motion by Board Member Dunn to approve the Variance at the location of 244 W Story Road subject to staff conditions. Seconded by Board Member Ambielli and carried unanimously 4 – 0.***

**4.B. 218 S Boyd (Rahman Residence) VARIANCE  
Parcel ID #23-22-07-8096-00-070**

Planning Director Carson presented a request to approve a Variance for the property located at 218 S Boyd Street to allow a 17 foot front yard setback to permit the construction of a new front porch and a 6 foot side yard setback to permit the construction of an addition to the rear of the house. Staff recommends approval of the Variance subject to staff conditions.

Board members noted having Exhibit A in the staff report with surrounding addresses and location approvals is helpful, inquired about the impervious area and if there are any existing concerns with stormwater for this site? City staff stated the developers will work closely with the city engineer before and after construction to ensure there are no external impasses regarding stormwater flow and Planning Director Carson was not aware of any existing issues with stormwater.

This item was opened to the public. Jim and Jeanie Rahman were present to answer any questions on behalf of the property owner, their son, Tyler Raham, who was not able to attend this meeting.

***Motion by Board Member Ambielli to approve the Variance at the location of 218 S Boyd Street subject to staff conditions. Seconded by Board Member Bennett and carried unanimously 4 – 0.***

**4.C.** 15223 Starleigh Road (Slimick Residence) VARIANCE  
Parcel ID #04-23-27-8229-21-230

Planning Supervisor Friedman presented a request to approve a Variance for the property located at 15223 Starleigh Road to allow a 17 foot – 6 inch rear yard setback to construct a covered screen porch. Staff recommends approval of the Variance subject to staff conditions.

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

***Motion by Board Member Bennett to approve the Variance at the location of 15223 Starleigh Road subject to staff conditions. Seconded by Board Member Dunn and carried unanimously 4 – 0.***

**4.D.** 90 & 96 Center Street (Habitat Fence) VARIANCE  
Parcel ID #13-22-27-8573-00-030,-040

Planning Supervisor Friedman presented a request to approve a Variance for the property located at 90 & 96 Center Street to allow a fence in the front yard to be 6 feet in height and to provide a screening fence for the rear tandem houses in an RNC-2 zoning district. Staff recommends approval of the Variances subject to staff conditions outlined in the staff report.

Board members inquired about the fence for a portion of the front yard and if previously a Variance was approved for a 6 foot fence in the area? City staff confirmed both inquiries.

No one from the public had any questions or concerns regarding this item.

***Motion by Board Member Ambielli to approve the Variance at the location of 90 & 96 Center Street subject to staff conditions. Seconded by Board Member Brown and carried unanimously 4 – 0.***

Acting Chairman Steve Ambielli adjourned the meeting at 6:48 pm. Adjourned to the regular Planning and Zoning Board meeting on Monday, September 8, 2025 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida.

ATTEST:

APPROVED:

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Recording Secretary Ellen King

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Chairman Will Hawthorne

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

**Date:** August 29, 2025                      **Meeting Date:** September 8, 2025  
**Subject:** 15373 STATE ROAD 438  
**Project Name:** 15373 State Road 438 Annexation and FLU  
**Parcel ID:** 21-22-27-0000-00-063  
**Issue:** The applicant is requesting to annex and update the future land use map for a 5.59 ± acre property.

**Supplemental Material / Analysis:**

**Owner / Applicant:** Oakland Arms Partners, LLC  
**Current Zoning:** A-1, Citrus Rural District (County)  
**Proposed Zoning:** No-Zoning  
**Current FLU:** LD – Low Density Residential (County)  
**Proposed FLU:** LR – Low Density Residential (City)

**Summary:** The applicant has requested to annex and update the future land use map for the property located at 15373 STATE ROAD 438 from County LD (Low Density Residential) to City LR (Low Density Residential).

**Staff Recommendation(s):**

Staff recommends approval of ordinance 25-27 and 25-28

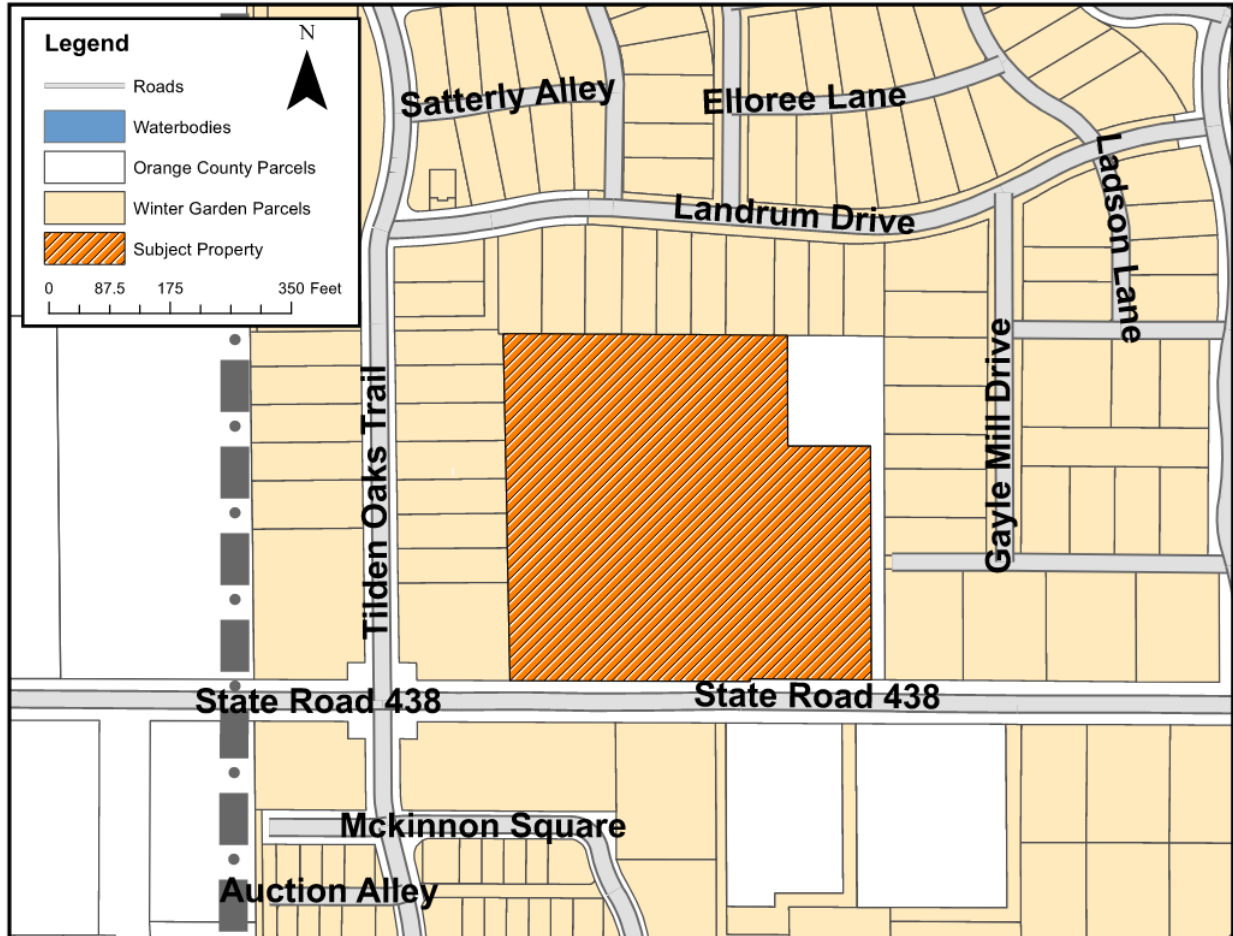
**Next Step(s):** The first reading by the City Commission is scheduled for September 11, 2025, with the second reading and adoption anticipated to be on September 25, 2025.

**Attachment(s):**

Location Map  
Staff Report  
Ordinance 25-27  
Ordinance 25-28

# LOCATION MAP

15373 State Road 438



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

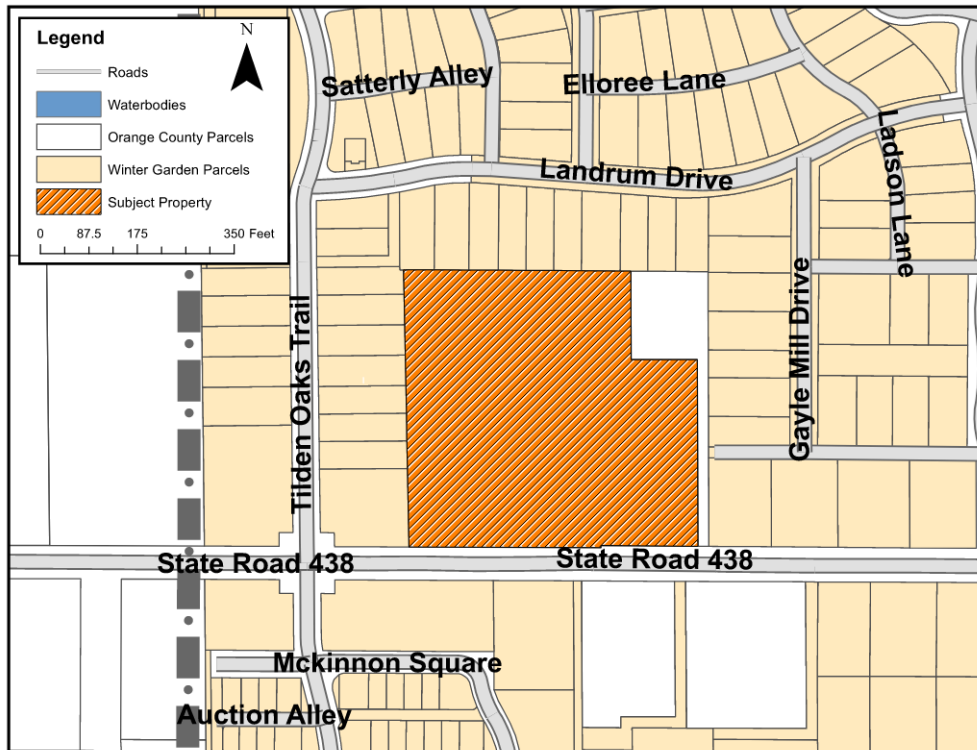
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** SHANE FRIEDMAN, PLANNING SUPERVISOR  
**DATE:** SEPTEMBER 8, 2025  
**SUBJECT:** ANNEXATION – FLU AMENDMENT  
**15373 State Road 438 (5.59 +/- ACRES)**  
**PARCEL ID(S) #:** 21-22-27-0000-00-063  
**APPLICANT:** Oakland Arms 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 consists of a parcel located at 15373 State Road 438, generally located east of Tilden Oaks Trail, west of Gayle Mill Drive, south of Landrum Drive, and north of East Oakland Avenue and is approximately 5.59 ± acres in size. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



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

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

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

### **EXISTING USE**

The subject property is currently developed with two single-family homes built in 1919.

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

The properties to the south and east of the subject property are all located within Unincorporated Orange County, are zoned A-1 and A-2, and are developed with single-family residences. The properties to the north and west of the subject property are developed with single-family homes, are zoned PUD, and are within the City’s municipal limits.

### **PROPOSED USE**

The applicant intends to annex the subject property in order to get City services. The applicant will have a default zoning of No-Zoning on the City’s zoning map until such time that the applicant decides what they intend to do with the property and then will be rezoned accordingly.

### **PUBLIC FACILITY ANALYSIS**

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

**SUMMARY**

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden’s Comprehensive Plan to eliminate enclaves. City Staff recommends approval of Ordinances 25-27 and 25-28.

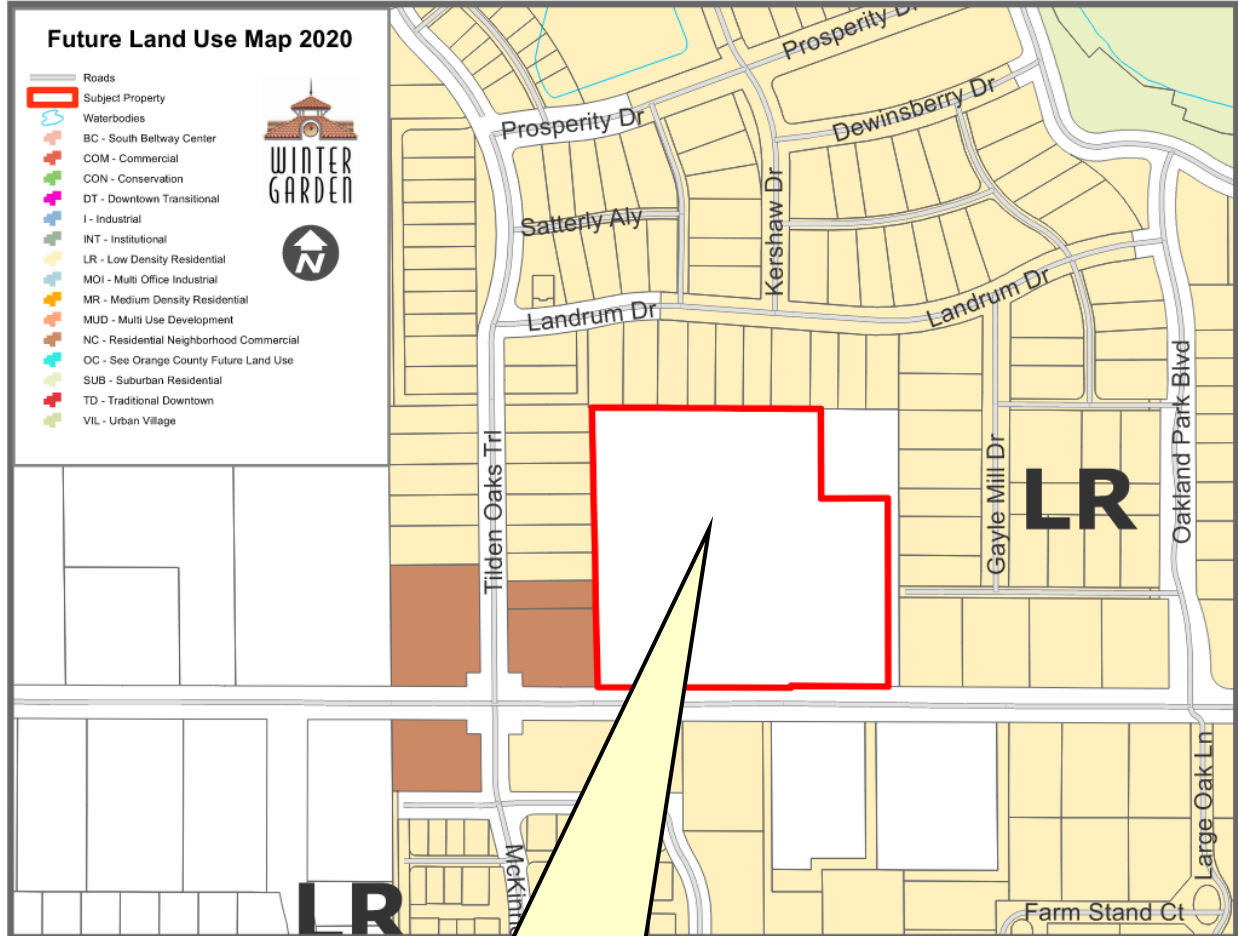
**AERIAL PHOTO**

**15373 State Road 438**



### FUTURE LAND USE MAP

### 15373 State Road 438



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

**END OF STAFF REPORT**

## ORDINANCE 25-27

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 5.59 ± ACRES LOCATED AT 15373 STATE ROAD 438, EAST OF TILDEN OAKS TRAIL, WEST OF GAYLE MILL DRIVE, SOUTH OF LANDRUM DRIVE, AND NORTH OF STATE ROAD 438 INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of the land, generally described as approximately 5.59 ± acres located at 15373 state road 438, east of Tilden Oaks Trail, west of Gayle Mill Drive, south of Landrum Drive, and north of State Road 438 and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida ("City"), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

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

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

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

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

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

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2018.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2018.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

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

**ATTACHMENT "A"**  
**LEGAL DESCRIPTION**

PARCEL ID#: 21-22-27-0000-00-063

DESCRIPTION:

Commence at the Southwest corner of the NW 1/4 of the SE 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida; thence N 00°44'57" W along the West line of said NW 1/4 of the SE 1/4 a distance of 30.41 feet to the North right-of-way line for S.R. 438; thence N 89°58'49" E along said North right-of-way line 369.68 feet for a Point of Beginning; thence continue N 89°58'49" E 543.72 feet; thence N 00°24'44" W 497.33 feet; thence N 89°50'04" W 549.95 feet; thence S 01°07'32" E 499.19 feet to the Point of Beginning.

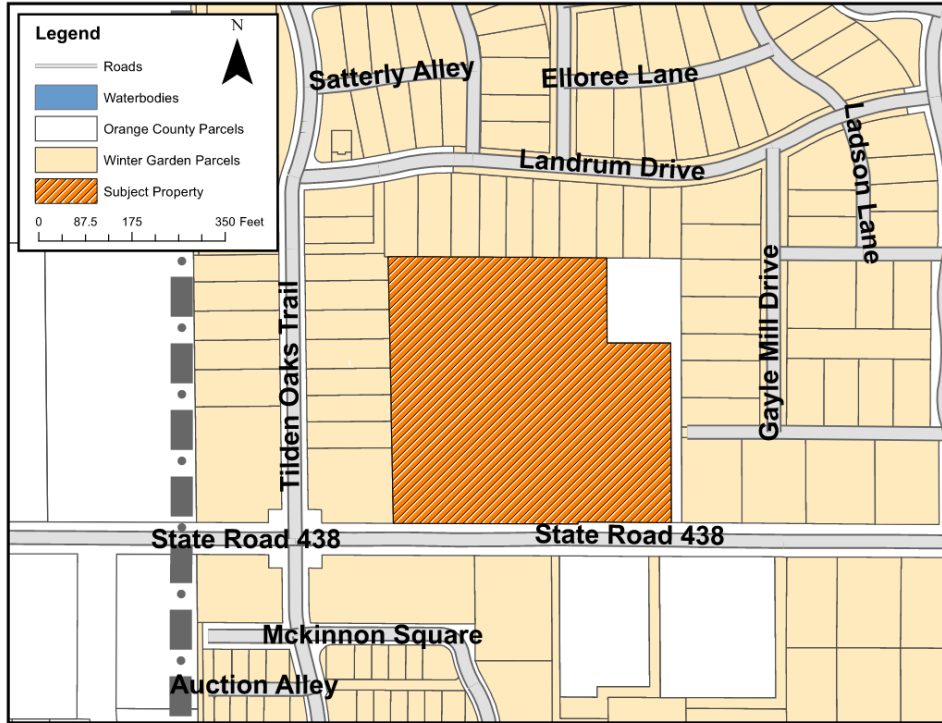
LESS AND EXCEPT the East 20 feet and the North 160 feet of the West 119.21 feet of the East 139.21 feet thereof.

Containing 5.59 acres, more or less.

# ATTACHMENT "B"

## LOCATION MAP

### 15373 State Road 438



## ORDINANCE 25-28

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 5.59 ± ACRES LOCATED AT 15373 STATE ROAD 438, EAST OF TILDEN OAKS TRAIL, WEST OF GAYLE MILL DRIVE, SOUTH OF LANDRUM DRIVE, AND NORTH OF STATE ROAD 438 FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, the owner of that certain real property generally described as approximately 5.59 ± acres located at 15373 state road 438, east of Tilden Oaks Trail, west of Gayle Mill Drive, south of Landrum Drive, and north of State Road 438 , and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

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

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

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

**SECTION II.** *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 25-27, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order

determining that the adopted Ordinance is in compliance.

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2025.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2025.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

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

**ATTACHMENT "A"**  
**LEGAL DESCRIPTION**

PARCEL ID#: 21-22-27-0000-00-063

**DESCRIPTION:**

Commence at the Southwest corner of the NW 1/4 of the SE 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida; thence N 00°44'57" W along the West line of said NW 1/4 of the SE 1/4 a distance of 30.41 feet to the North right-of-way line for S.R. 438; thence N 89°58'49" E along said North right-of-way line 369.68 feet for a Point of Beginning; thence continue N 89°58'49" E 543.72 feet; thence N 00°24'44" W 497.33 feet; thence N 89°50'04" W 549.95 feet; thence S 01°07'32" E 499.19 feet to the Point of Beginning.

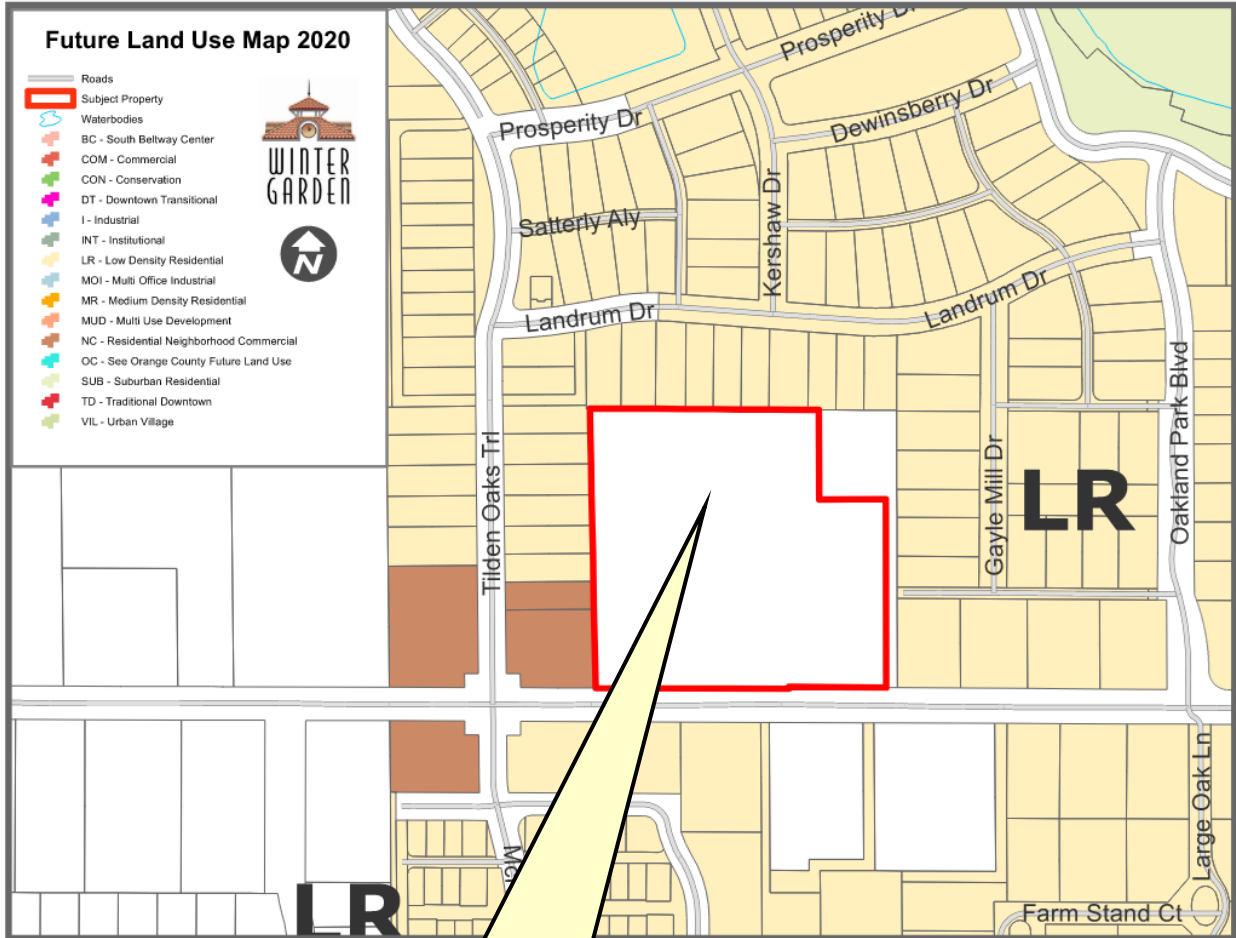
LESS AND EXCEPT the East 20 feet and the North 160 feet of the West 119.21 feet of the East 139.21 feet thereof.

Containing 5.59 acres, more or less.

# ATTACHMENT "B"

## FUTURE LAND USE MAP

### 15373 State Road 438



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

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

**Date:** August 29, 2025                      **Meeting Date:** September 8, 2025  
**Subject:** 15359 E Oakland Avenue  
**Project Name:** 15359 E Oakland Avenue - Annexation and FLU  
**Parcel ID:** 21-22-27-0000-00-122  
**Issue:** The applicant is requesting to annex and update the future land use map for a 0.66 ± acre property.

**Supplemental Material / Analysis:**

**Owner / Applicant:** J&J Building, LLC  
**Current Zoning:** A-1, Citrus Rural District (County)  
**Proposed Zoning:** No-Zoning  
**Current FLU:** LD – Low Density Residential (County)  
**Proposed FLU:** LR – Low Density Residential (City)

**Summary:** The applicant has requested to annex and update the future land use map for the property located at 15359 E Oakland Ave from County LD (Low Density Residential) to City LR (Low Density Residential).

**Staff Recommendation(s):**

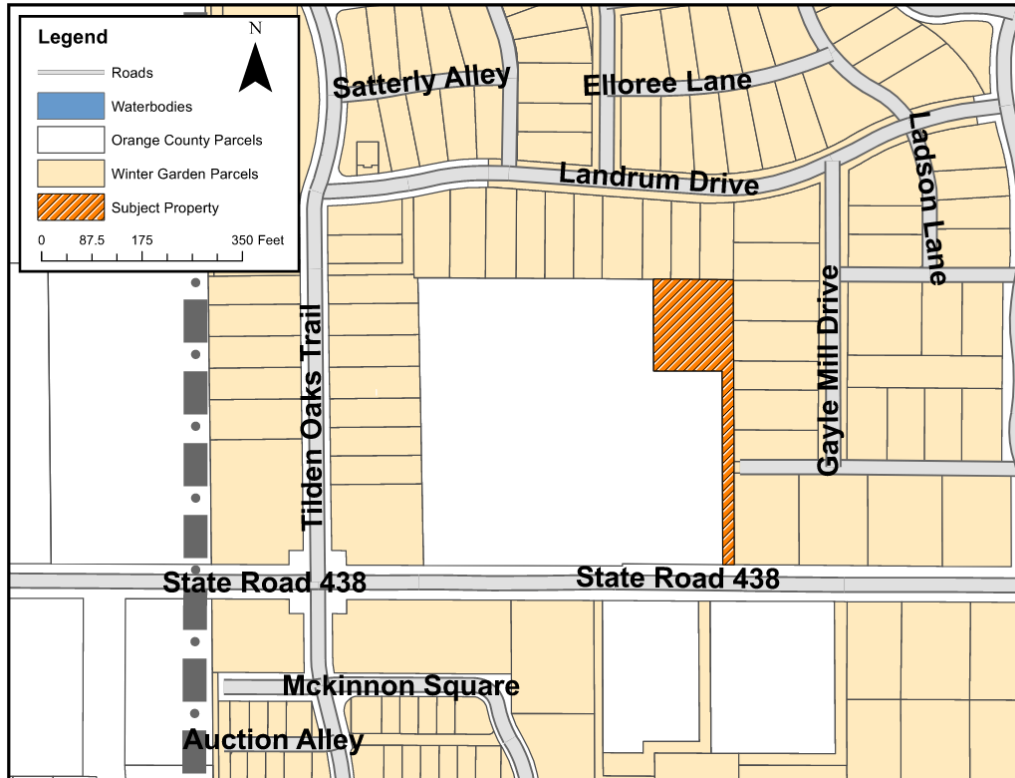
Staff recommends approval of ordinance 25-24 and 25-25

**Next Step(s):** The first reading by the City Commission is scheduled for September 11, 2025, with the second reading and adoption anticipated to be on September 25, 2025.

**Attachment(s):** Location Map  
Staff Report  
Ordinance 25-24  
Ordinance 25-25

# LOCATION MAP

15359 E Oakland Ave



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

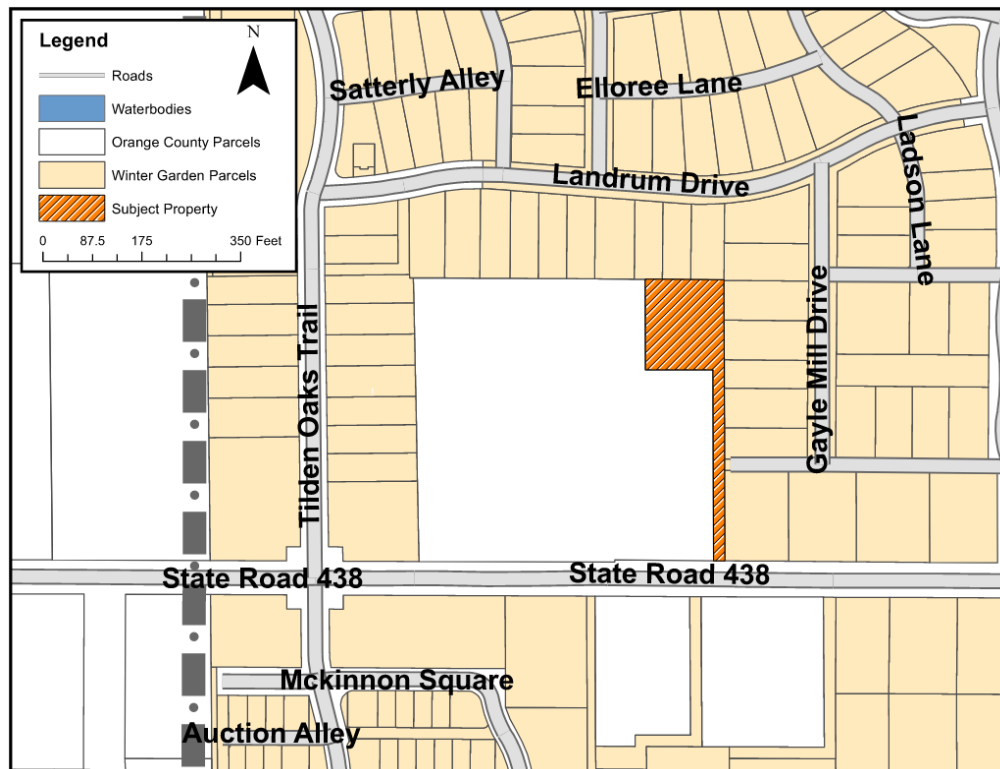
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** SHANE FRIEDMAN, PLANNING SUPERVISOR  
**DATE:** SEPTEMBER 8, 2025  
**SUBJECT:** ANNEXATION – FLU AMENDMENT  
**15359 E OAKLAND AVENUE (0.66 +/- ACRES)**  
**PARCEL ID(S) #:** 21-22-27-0000-00-122  
**APPLICANT:** J&J Building, LLC

## INTRODUCTION

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

The subject property consists of a parcel located at 15359 E Oakland Ave, generally located east of Tilden Oaks Trail, west of Gayle Mill Drive, south of Landrum Drive, and north of East Oakland Avenue and is approximately 0.66 ± acres in size. The map below depicts the proximity of the subject property to the City’s jurisdictional limits:



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

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

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

### **EXISTING USE**

The subject property is currently developed with a single-family house.

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

The properties to the south and west of the subject property are all located within Unincorporated Orange County, are zoned A-1 and A-2, and are developed with single-family residences. The properties to the north and east of the subject property are developed with single-family homes, are zoned PUD, and are within the City’s municipal limits.

### **PROPOSED USE**

The applicant intends to annex the subject property in order to get City services. The applicant will have a default zoning of No-Zoning on the City’s zoning map until such time that the applicant decides what they intend to do with the property and then will be rezoned accordingly.

### **PUBLIC FACILITY ANALYSIS**

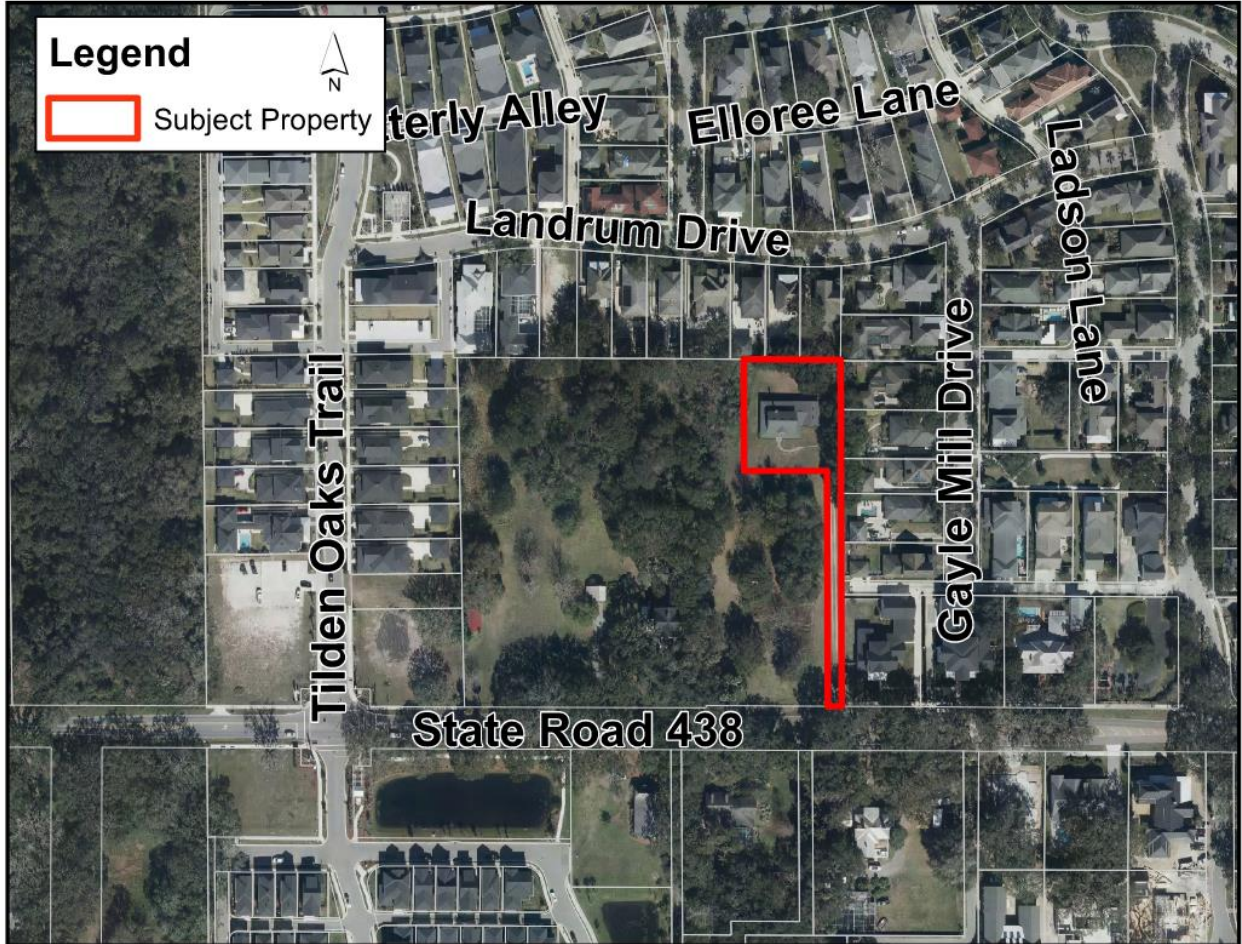
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

**SUMMARY**

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden’s Comprehensive Plan to eliminate enclaves. City Staff recommends approval of Ordinances 25-24 and 25-25.

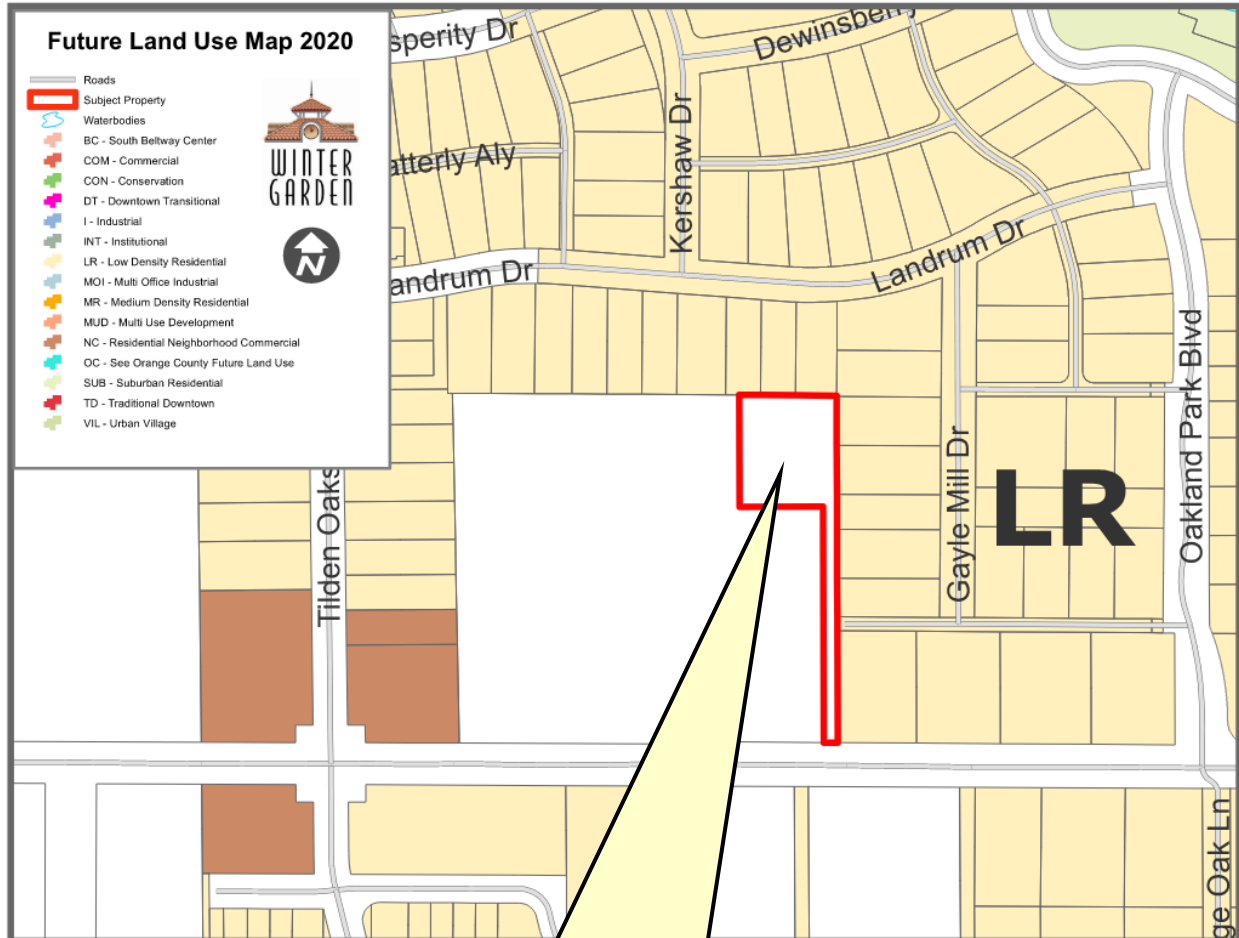
**AERIAL PHOTO**

**15359 E Oakland Ave**



### FUTURE LAND USE MAP

### 15359 E Oakland Ave



**END OF STAFF REPORT**

## ORDINANCE 25-24

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.66 ± ACRES LOCATED AT 15359 EAST OAKLAND AVENUE, EAST OF TILDEN OAKS TRAIL, WEST OF GAYLE MILL DRIVE, SOUTH OF LANDRUM DRIVE, AND NORTH OF EAST OAKLAND AVENUE INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of the land, generally described as approximately 0.66 ± acres located at 15359 east Oakland Avenue, east of Tilden Oaks Trail, west of Gayle Mill Drive, south of Landrum Drive, and north of East Oakland Avenue and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

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

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

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

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

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

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2025.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2025.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

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

**ATTACHMENT "A"**  
**LEGAL DESCRIPTION**

PARCEL ID#: 21-22-27-0000-00-122

**DESCRIPTION:**

The East 20 feet and the North 160 feet of the West 119.21 feet of the East 139.21 feet of the following described property:

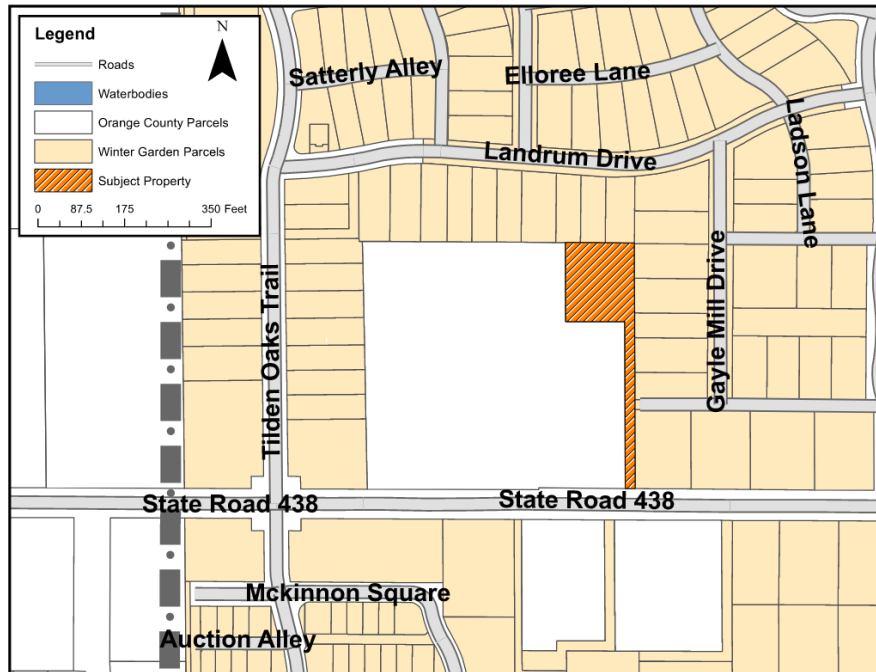
Commence at the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida; thence North 00°44'57" West along the West line of said Northwest 1/4 of the Southeast 1/4 a distance of 30.41 feet to the North right of way line of S.R. 438; thence North 89°58'49" East along said North right of way line 369.68 feet to the Point of Beginning; thence continue North 89°58'49" East 543.72 feet; thence North 00°24'44" West 497.33 feet; thence North 89°50'04" West 549.95 feet; thence South 01°07'32" East 499.19 feet to the Point of Beginning.

Containing 0.66 acres, more or less.

**ATTACHMENT "B"**

**LOCATION MAP**

**15359 E Oakland Avenue**



## ORDINANCE 25-25

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.66 ± ACRES LOCATED AT 15359 EAST OAKLAND AVENUE, EAST OF TILDEN OAKS TRAIL, WEST OF GAYLE MILL DRIVE, SOUTH OF LANDRUM DRIVE, AND NORTH OF EAST OAKLAND AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, the owner of that certain real property generally described as approximately 0.66 ± acres located at 15359 east Oakland Avenue, east of Tilden Oaks Trail, west of Gayle Mill Drive, south of Landrum Drive, and north of East Oakland Avenue, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

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

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

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

**SECTION II.** *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 25-24, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state

land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2025.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2025.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

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

**ATTACHMENT "A"**  
**LEGAL DESCRIPTION**

PARCEL ID#: 21-22-27-0000-00-122

**DESCRIPTION:**

The East 20 feet and the North 160 feet of the West 119.21 feet of the East 139.21 feet of the following described property:

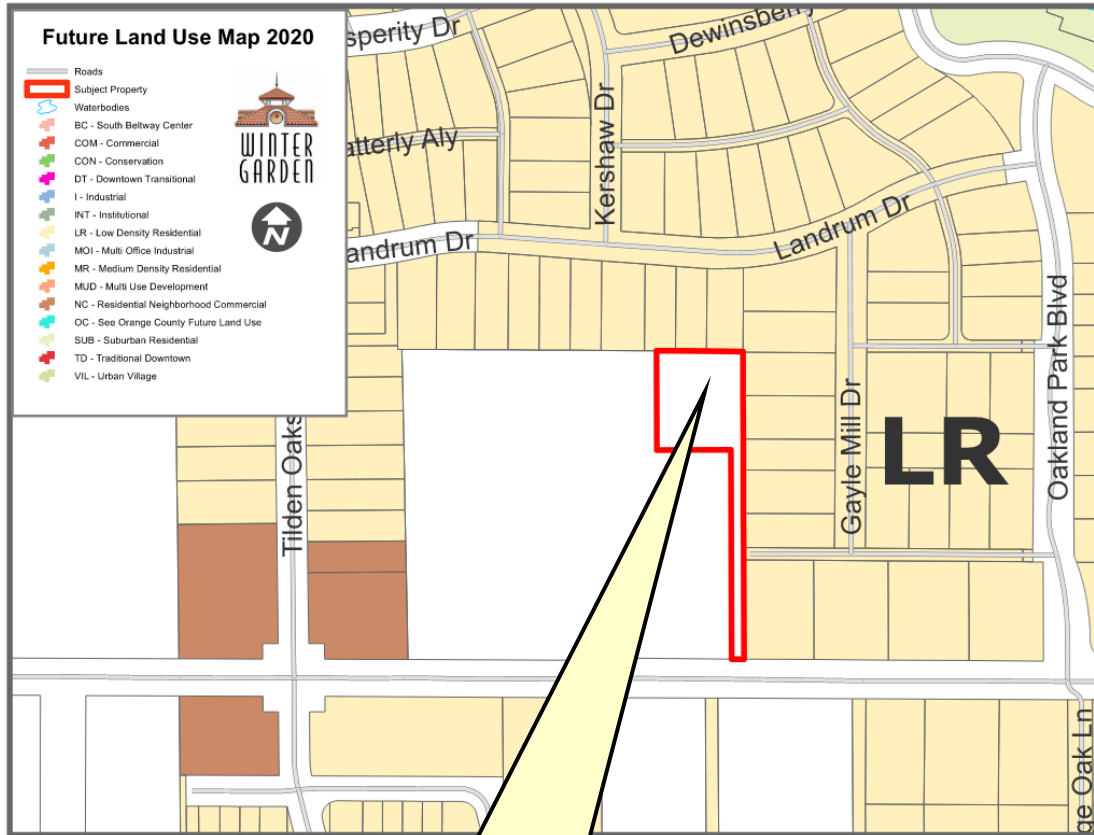
Commence at the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida; thence North 00°44'57" West along the West line of said Northwest 1/4 of the Southeast 1/4 a distance of 30.41 feet to the North right of way line of S.R. 438; thence North 89°58'49" East along said North right of way line 369.68 feet to the Point of Beginning; thence continue North 89°58'49" East 543.72 feet; thence North 00°24'44" West 497.33 feet; thence North 89°50'04" West 549.95 feet; thence South 01°07'32" East 499.19 feet to the Point of Beginning.

Containing 0.66 acres, more or less.

**ATTACHMENT "B"**

**FUTURE LAND USE MAP**

**15359 E Oakland Avenue**



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

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

**Date:** August 29, 2025                      **Meeting Date:** September 8, 2025  
**Subject:** 13 E Cypress Street (Special Exception Permit)  
**Project Name:** 13 E Cypress Street (Solnyshko Educational Childcare)  
**Parcel ID:** 23-22-27-6504-03-071

**Issue:** The applicant is requesting a Special Exception Permit for the property located at 13 E Cypress Street.

**Supplemental Material / Analysis:**

**Owner / Applicant:** Solnyshko Educational Childcare, LLC  
**Current Zoning:** C-2 (Arterial Commercial)  
**Proposed Zoning:** N/A  
**Current FLU:** COM (Commercial)  
**Proposed FLU:** N/A

**Summary:** The applicant has requested a Special Exception Permit for the property located at 13 E Cypress Street. If approved, this Special Exception Permit will allow a daycare to increase its capacity from 25 children to 52 children in a C-2 (Arterial Commercial) Zoning District.

**Staff Recommendation(s):**

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

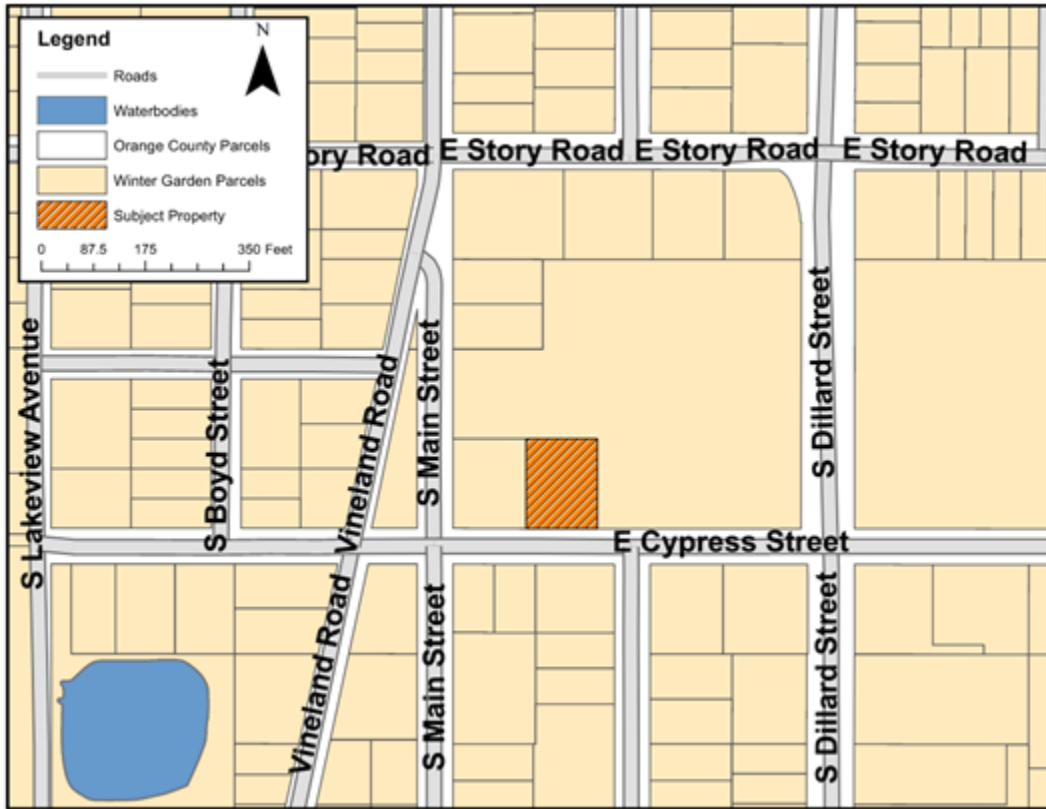
**Next Step(s):** Follow all City regulations.

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

# LOCATION MAP

13 E Cypress Street

Special Exception Permit



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

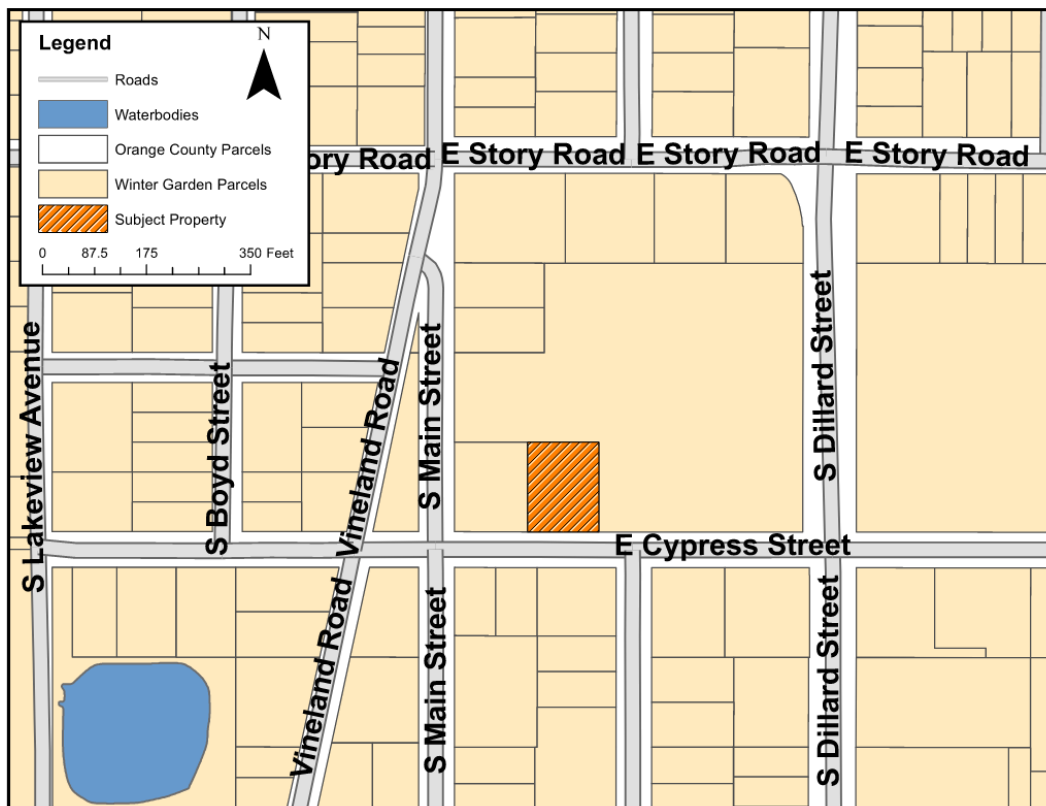
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** SHANE FRIEDMAN, PLANNING SUPERVISOR  
**DATE:** SEPTEMBER 8, 2025  
**SUBJECT:** SPECIAL EXCEPTION PERMIT  
**13 E CYPRESS STREET (0.42 +/- acres)**  
**PARCEL ID #23-22-27-6504-03-071**

**APPLICANT:** Solnyshko Educational Childcare, LLC

### INTRODUCTION

The purpose of this report is to evaluate the proposed Special Exception Permit (SEP) for a child daycare use for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 13 E Cypress Street. It is approximately 0.42 ± acres. The subject property is zoned C-2 (Arterial Commercial) and designated COM (Commercial) on the City's Future Land Use Map. The map below depicts the location of the property within the City of Winter Garden municipal limits:



## **EXISTING USE**

The property is developed with a 2,884 square foot single-story commercial building. A child daycare center was approved at this location on April 7, 2008, by the Planning & Zoning Board. The daycare center is still operating at this location. At the time of the approval the daycare center was permitted a maximum of 25 students.

## **ADJACENT LAND USE AND ZONING**

The property to the north and east of the subject property is zoned C-2, is developed as commercial strip center (West Orange Shopping Center), and is located within the City's municipal boundaries. The property to the west is zoned C-2, is developed with a single-story government office building (Winter Garden Fire Department), and is located within the City's municipal boundaries. The property to the south is zoned R-NC, is a developed with a single-story multifamily residential building, and is located within the City's municipal boundaries.

## **PROPOSED USE**

The applicant is requesting a modification to their SEP. The original permit allowed a maximum of 25 children; however, the applicant was permitted by the State of Florida to be allowed up to 52 children. The applicant is therefore requesting that the special exception increase its maximum to 52 children.

## **ANALYSIS**

This location has been operating as a daycare for many years without any issues regarding traffic with regards to the daycare use. The applicant occupies a property that has sufficient parking with the ability to use any of the overflow parking behind the West Orange Shopping Center as this property is owned by the same entity that owns the applicant's property (Tonks Properties). The applicant has 25 parking spaces on their property. The drop-off times are staggered between 7:00 and 10:00 AM with pick-up times being between 3:00 and 6:30 PM. The property has two driveway access points off of East Cypress Street as well as cross-access within the West Orange Shopping Center. The traffic circulation should not be a concern.

Staff also required the applicant to perform a traffic impact analysis to determine if the increase in traffic, going from 25 children to 52 children, would cause any operational issues. The daycare facility is expected to generate 110 new trips per day, with 21 trips in the AM peak hour and 21 trips being in the PM peak hour. The intersection at Dillard Street and Cypress Street as well as the intersection of Vineland Rd and Cypress Street were assessed. The analysis concluded, and the City's traffic consultant concurred with the results, that the increase in traffic from 25 children to 52 children will not negatively impact the surrounding transportation network.

## **SUMMARY**

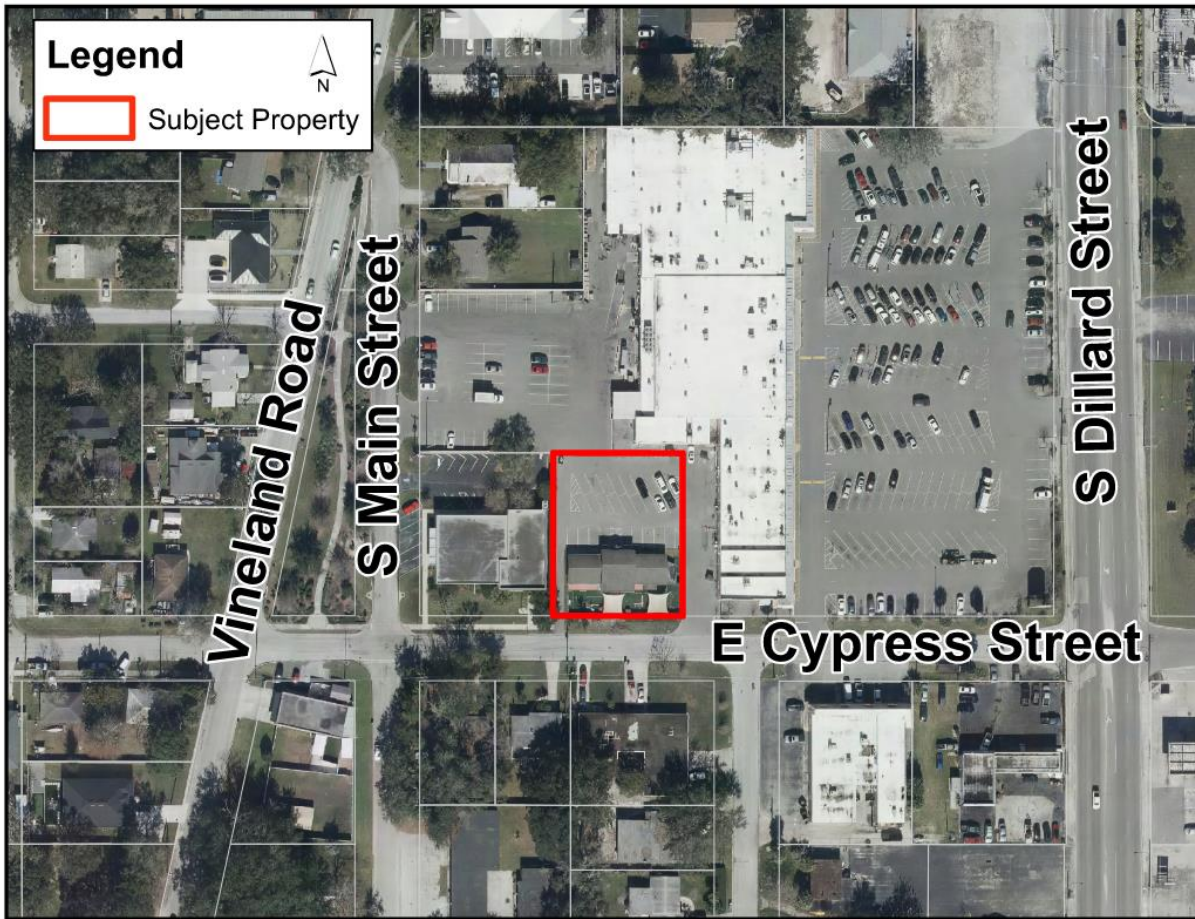
City Staff recommends approval of the proposed Special Exception Permit modification to allow an increase in capacity from 25 children to 52 children subject to the following conditions:

- 1) The special exception permit is limited to a maximum of 52 children.
- 2) Applicant is still required to abide by all Florida building codes, including fire safety and applicable state statutes for child daycare facilities.

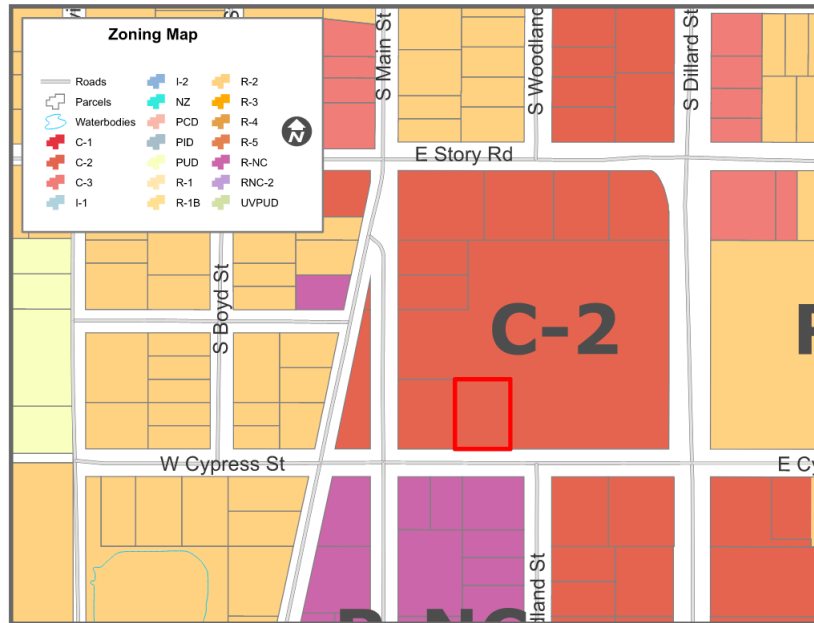
## **ATTACHMENTS**

- Aerial Map
- Zoning Map
- Future Land Use Map
- Parking/Circulation Plan
- Site Photos

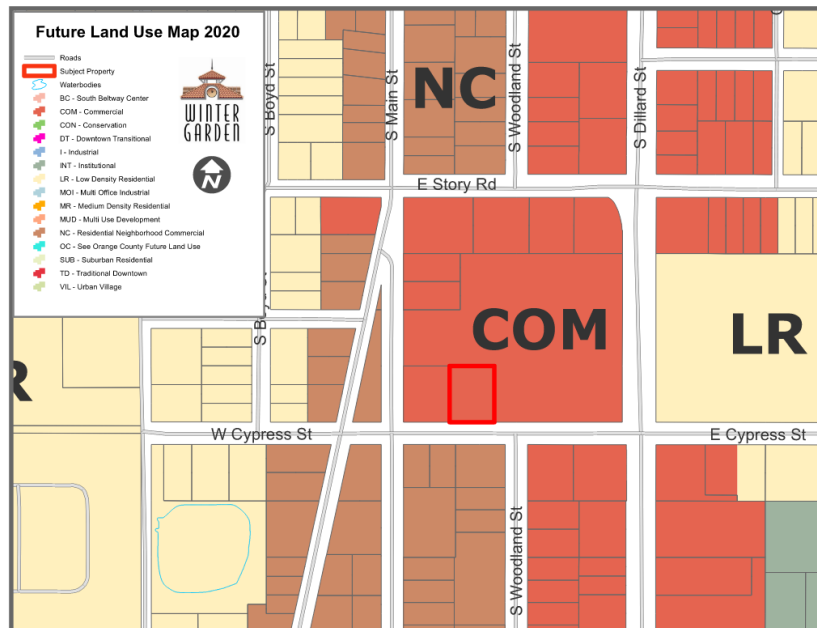
AERIAL MAP  
13 E Cypress Street



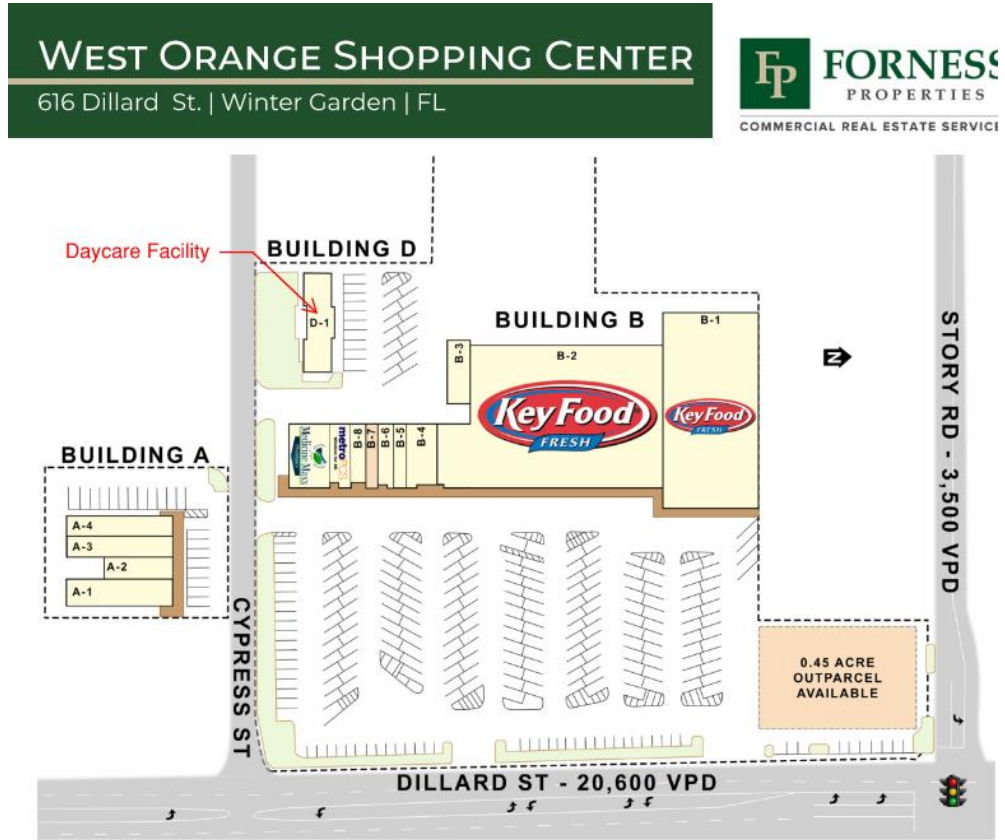
**ZONING MAP**  
**13 E Cypress Street**



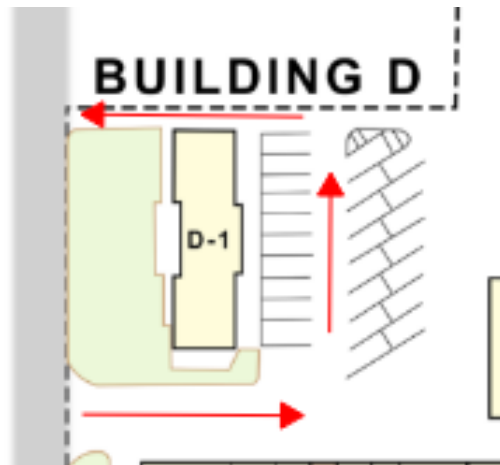
**FUTURE LAND USE MAP**  
**13 E Cypress Street**



SITE PLAN



Circulation of Drop-off/Pick-up Area



SITE PHOTOS



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

**Date:** August 29, 2025                      **Meeting Date:** September 8, 2025

**Subject:** 1264 N West Crown Point Road

**Project Name:** Medina Variance

**Parcel ID:** 12-22-27-1840-24-012

**Issue:** Property is asymmetrical. Proposed new single family residential structure encroaches into front and rear setbacks and exceeds permitted building height.

**Supplemental Material / Analysis:**

**Owner / Applicant:** Iban Medina

**Current Zoning:** R-1 (Residential)

**Proposed Zoning:** N/A

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

**Proposed FLU:** N/A

**Summary:** The applicant is requesting a minimum 24.59 foot front yard setback in lieu of the required 30 foot front yard setback, a minimum 24 foot rear yard setback in lieu of the required 28.7 foot rear yard setback and allow a height of 35.3 feet in lieu of the permitted 30 feet to allow for the construction of a new single family residential structure on the vacant property.

**Staff Recommendation(s):**

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

**Next Step(s):**

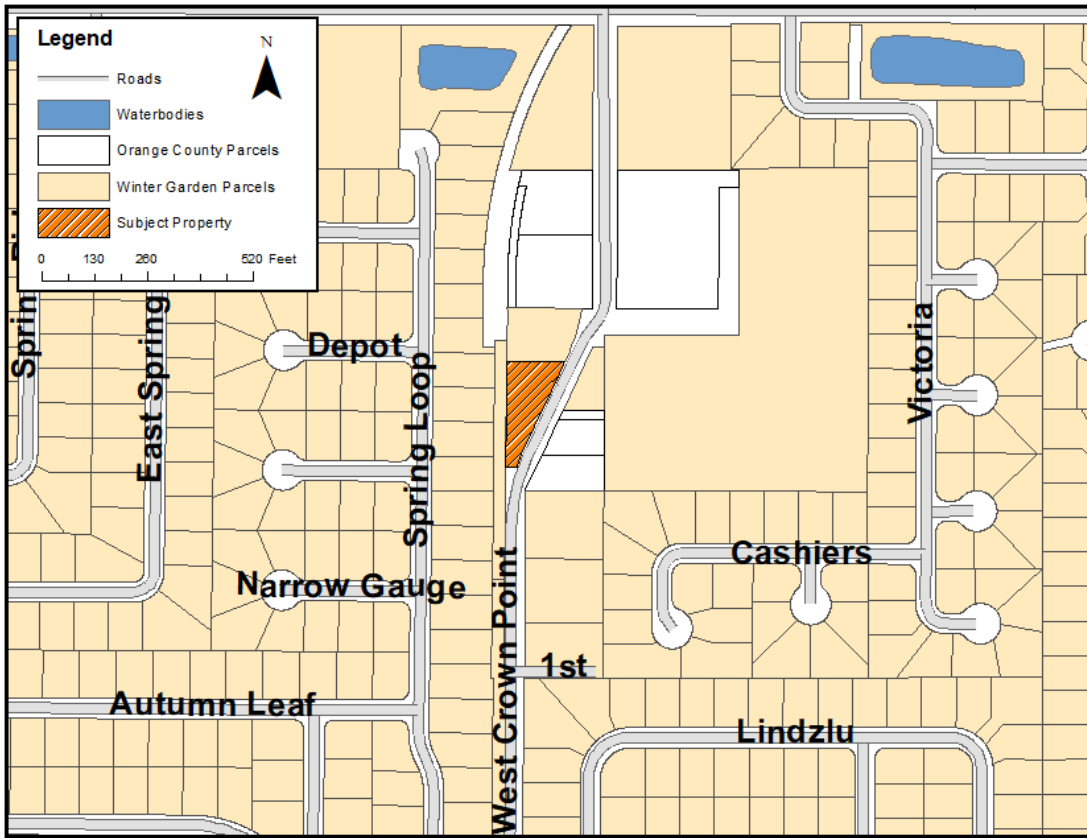
The applicant is responsible for following all City regulations and obtaining the required building permits.

**Attachment(s):**

Staff Report  
Location Map

Location Map

1264 N West Crown Point Road



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

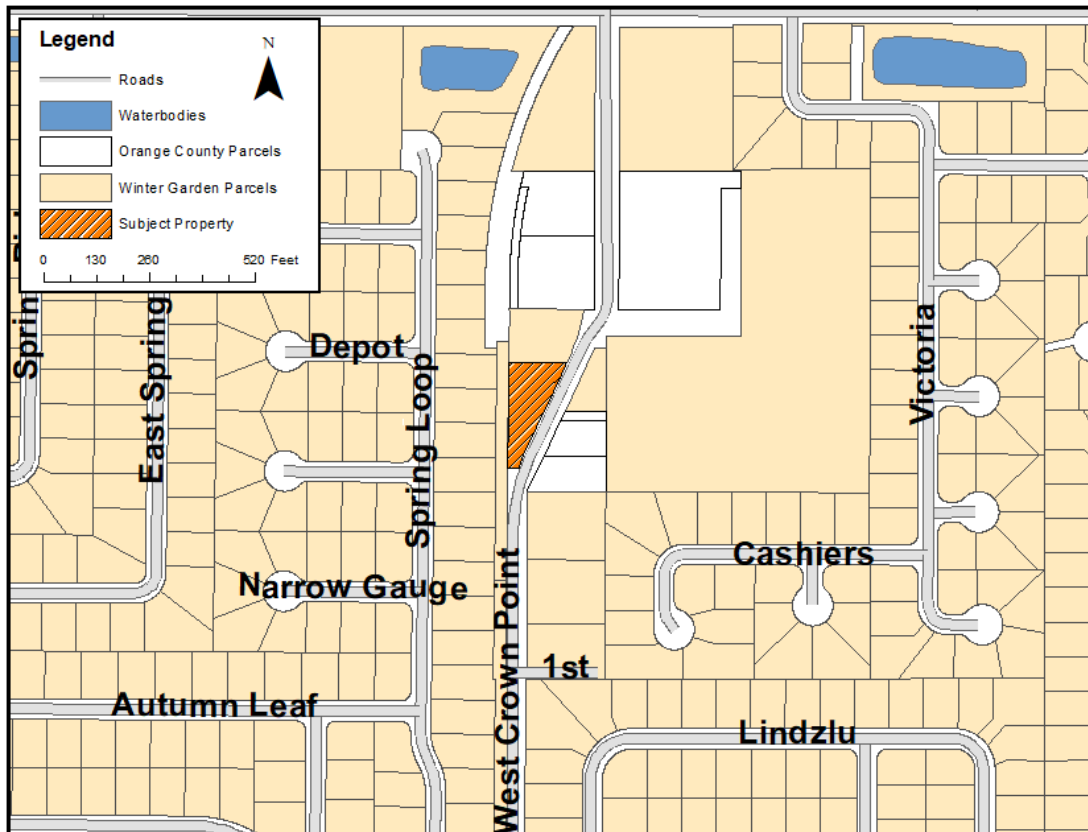
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** YVONNE CONATSER, SENIOR PLANNER  
**DATE:** August 29, 2025  
**SUBJECT:** VARIANCE  
**1264 N WEST CROWN POINT ROAD (0.50 +/- ACRES)**  
**PARCEL ID # 12-22-27-1840-24-012**

**APPLICANT:** IBAN MEDINA

### INTRODUCTION

The purpose of this report is to evaluate the request for a variance for the property located at 1264 N West Crown Point Road in Winter Garden, Florida, herein known as the Property. The request is to allow a minimum 24.59 foot front yard setback in lieu of the required 30 foot front yard setback, a minimum 24 foot rear yard setback in lieu of the required 28.7 rear yard setback and allow a height of 35.3 feet in lieu of the permitted 30 feet to allow for the construction of a new single family residential structure on the vacant property.

The Property is approximately 0.50 +/- acres in size, zoned R-1 (Residential District), and designated LR (Low Density Residential) on the City Future Land Use Map. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



**EXISTING USE**

The subject property is vacant.

**ADJACENT LAND USE AND ZONING**

The property directly abuts N West Crown Point Road to the south. The adjacent property to the north is zoned R-1, developed with a single family house and located in the City. The adjacent property to the west is part of the West Orange Trail and located in the City. The adjacent properties to the east include three properties in the City and one in unincorporated Orange County. The city properties are zoned R-1. One of the three is developed with a single family house and the remaining properties are vacant. The property in unincorporated Orange County is zoned A-1 and is vacant.

**PROPOSED USE**

The applicant is requesting the variance to allow the construction of +/- 4,698 square foot single family residential structure with attached garage and covered porch.

The property was created when it was split with 1888 N West Crown Point Road for the purpose of creating two single family residential lots. Due to the asymmetrical shape of the lot a variance is required for a typical house layout.

A variance for a single family residential structure on the property was approved by the Planning and Zoning Board July 6, 2020. No action was taken by the property owner to permit and construct the house by July 6, 2021. Therefore, per Section 118-134. the variance expired.

Section 118-134. – Expiration period.

*All variances approved by the planning and zoning board pursuant to this division shall expire and become null and void if the building or improvements or other matters authorized by the variance are not commenced within 365 days from the date of the planning and zoning board’s approval. One 365-day extension of the variance may be granted by the planning and zoning board prior to the expiration of the first 365 days.*

**CODE REFERENCE**

**Section 118-308. (1)** of the City Code of Ordinances addresses minimum yard requirements for single family residences. This section states:

- (1) *Single-family.*
  - a. *Front: 30 feet*
  - b. *Side: 10 feet each*
  - c. *Rear: 20 percent depth of lot*

Section 118-309. (1) of the City Code of Ordinances address maximum height of structures. This section states:

- (1) *Single-family residences: 30 feet*

The applicant is seeking variances to Section 118-308. (1) a. and c. and Section 118-309. (1) to construct a new single family residential structure.

**CODE REQUIREMENTS / CRITERIA**

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

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

The property is an asymmetrical triangle shaped lot that intersects at the south with N West Crown Point Road. The proposed front and rear setbacks will permit the construction of the proposed single-family residential structure.

The property narrows from north to south creating a challenge for the front of the house to continuously meet the required 30 foot setback. While the northern half of the house is setback more than 56 feet from the front property line, the midpoint of the front façade is only setback at 24.59 feet. The setback from the rear property line is 24 feet and allows the house to sit evenly along the rear yard of the property.

The applicant has also requested a variance to the height of the structure. The proposed structure is two stories but the pitch of the roof per the architectural style is higher than the permitted 30 feet. The height variance will allow the architecture design to accommodate the style of the house.

The property is adjacent to the West Orange Trail to the west and N West Crown Point Road to the south and east. The proposed variances will permit the property to be developed with a single family residential structure that should not cause or allow interference with the “reasonable enjoyment of adjacent and nearby property owners” or “negatively impact the standard of living of the citizens of the city”.

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

The requested variances will not change the neighborhood residential character of the area and is a reasonable request for the existing property. The property is surrounded by properties with single family residential structures and planned single family residential structures. The proposed single family residential structure for the property is consistent with the surrounding neighborhood and is a “reasonable use of the property, which use is not out of character with other properties in the same zoning category.”

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

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

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

The requested variances are consistent with the provisions of the City’s Comprehensive Plan respecting residential character and land use.

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

The requested variances are the minimum variances that will make reasonable use of the land. Due to the asymmetrical shape of lot the proposed location of the house is the most reasonable. Provided the applicant meets all staff recommended conditions, the new single family residential structure will not impact the adjacent neighborhood properties and will maintain the residential character of the neighborhood.

## **SUMMARY**

City Staff recommends approval of the variance to allow a minimum 24.59 foot front yard setback in lieu of the required 30 foot front yard setback, a minimum 24 foot rear yard setback in lieu of the required 28.7 foot rear yard setback and allow a height of 35.3 feet in lieu of the permitted 30 feet to allow for the construction of a new single family residential structure, subject to the following conditions:

1. The approval is for the single family residential structure per the layout on the site plan as submitted by the applicant.
2. The rear of the property is adjacent to the West Orange trail. As conditioned in the previous variance, the applicant will provide a landscaped buffer of trees and shrubs or a fence with landscape buffer of trees and shrubs between the proposed structure and the trail. The buffer will be provided prior to final occupancy.
3. The applicant will obtain all required zoning and building permits from the Planning and Zoning Department and the Building Department prior to construction of the single family residential structure.

**NEXT STEP**

Follow all City regulations and apply for required zoning and building permits.

**ATTACHMENTS**

Aerial Photo

Boundary Survey - vacant

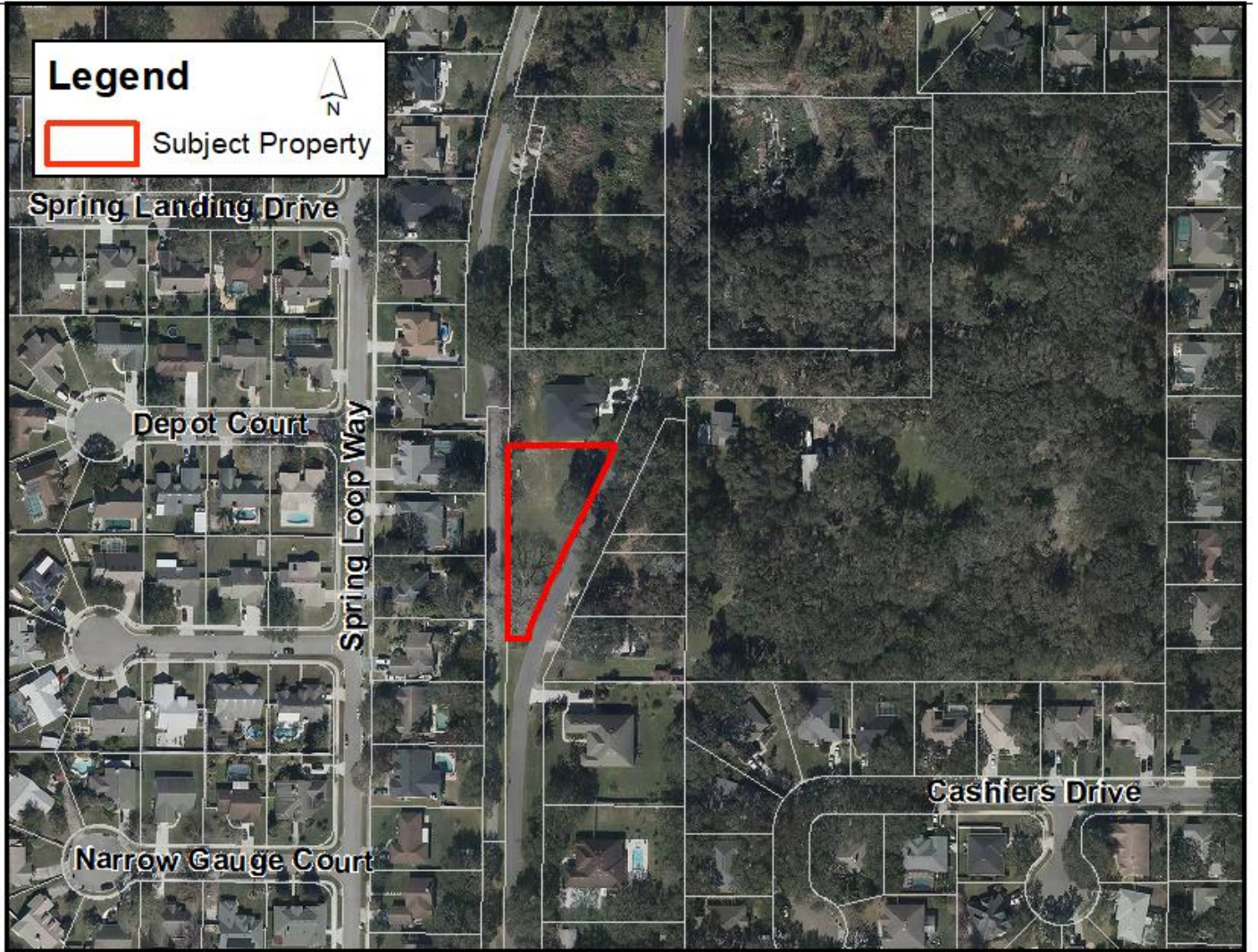
Site Plan/ Plot Plan

Elevations

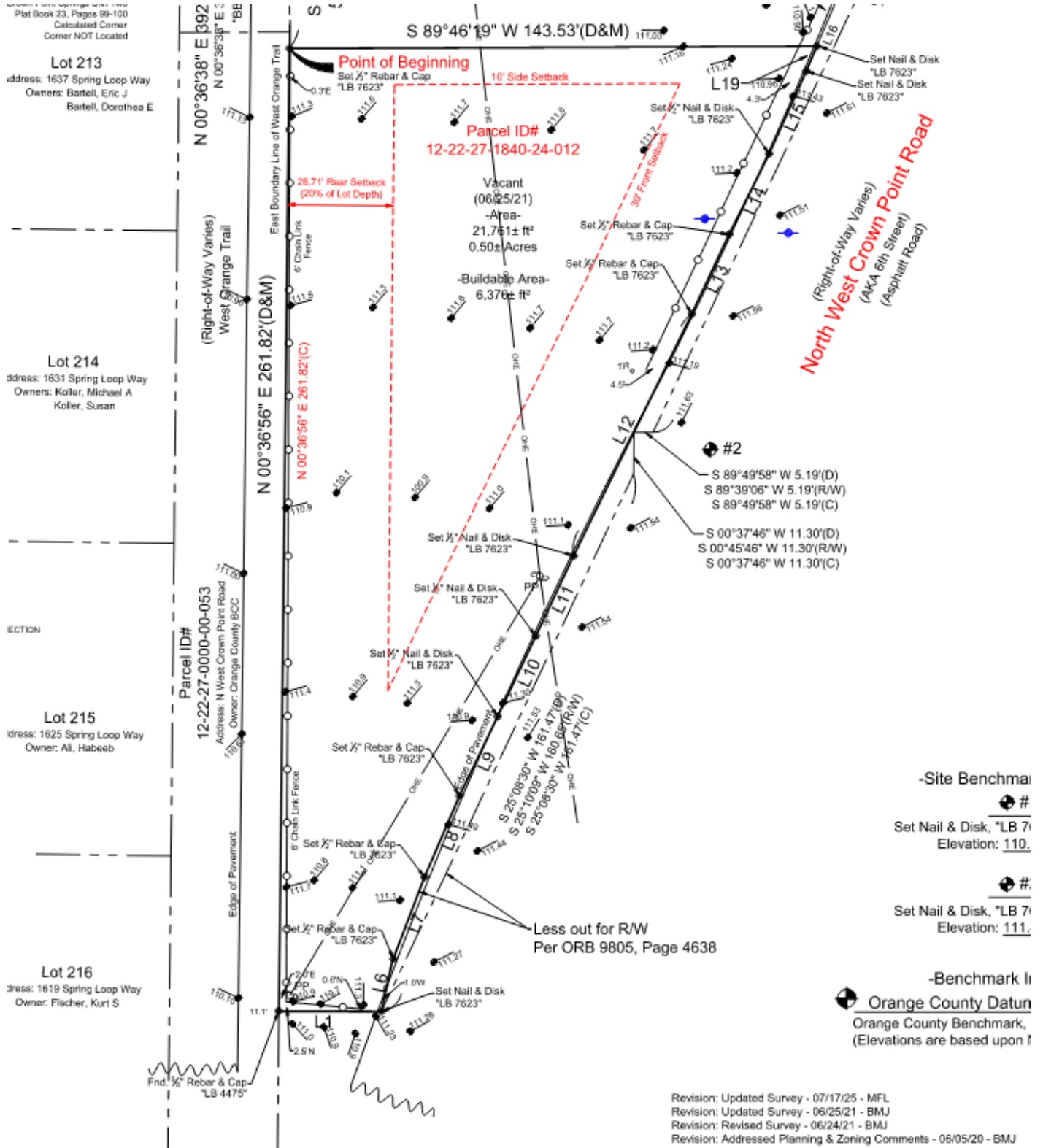
Site Photos

Aerial Photo

1264 N West Crown Point Road



**Boundary Survey - vacant**



Revision: Updated Survey - 07/17/25 - MFL  
 Revision: Updated Survey - 06/25/21 - BMJ  
 Revision: Revised Survey - 06/24/21 - BMJ  
 Revision: Addressed Planning & Zoning Comments - 06/05/20 - BMJ

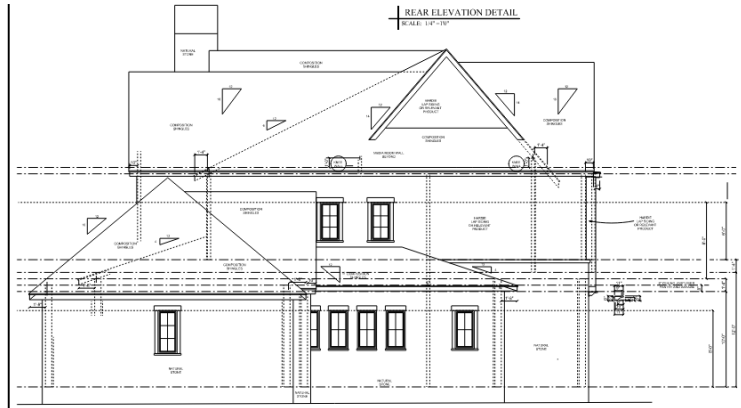




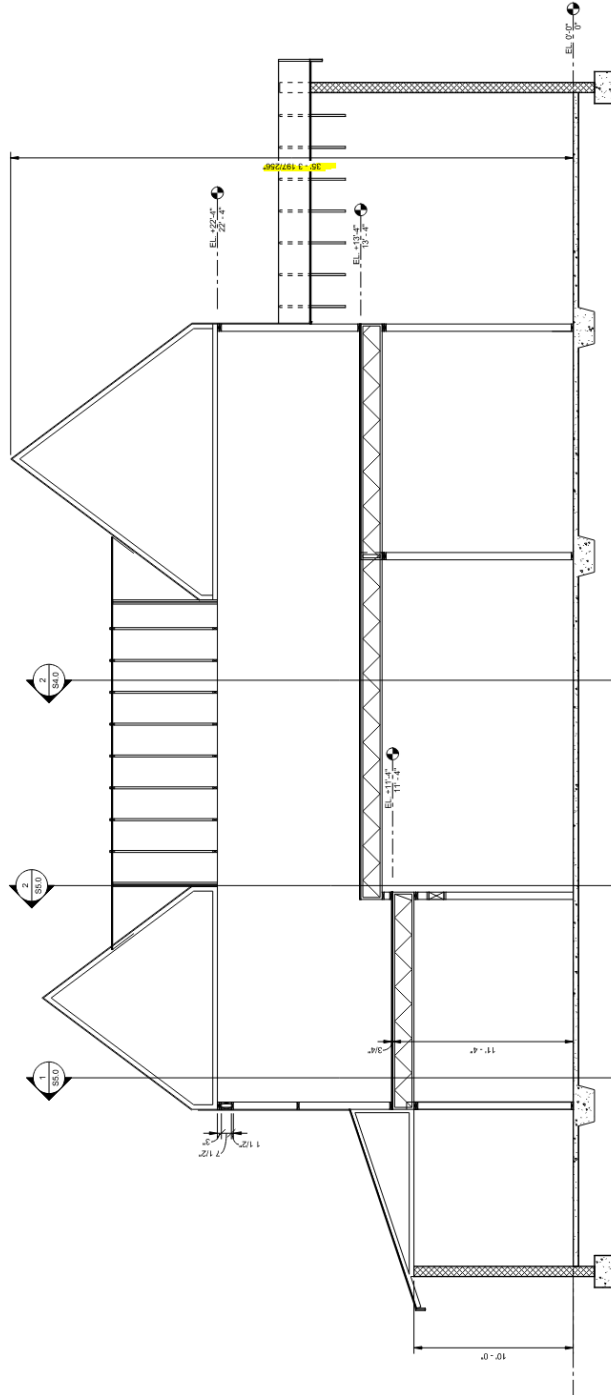
### Right Elevation



### Left Elevation



Left Structural with overall height at 35' - 3"



**Property Photos**  
**1264 N West Crown Point Road**



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

**Public Hearing**

**Date:** August 28, 2025                      **Meeting Date:** September 8, 2025  
**Subject:** Ordinance 25-15  
**Project Name:** N/A  
**Parcel ID:** N/A  
**Issue:** Ordinance 25-23 amending City Code of Ordinances Chapter 98 – Planning and Development to create a new Section 98-1.

**Supplemental Material / Analysis:**

**Owner / Applicant:** City of Winter Garden  
**Current Zoning:** N/A  
**Proposed Zoning:** N/A  
**Current FLU:** N/A  
**Proposed FLU:** N/A

**Summary:** Ordinance 25-23 would amend City of Winter Garden Code Section 98 - Planning and Development, to create a new section 98-1 to address relief concerning declared emergency restrictions of Section 28 of Chapter 2025-190, Laws of Florida.  
The purpose of this ordinance is to address the declared emergency restrictions in the newly-adopted Senate Bill 180, providing a new process whereby an applicant can apply to revert to an earlier version of the City’s land development code and/or Comprehensive Plan if they provide a good faith argument as to why a new city-initiated amendment is “more restrictive or burdensome” to their proposed development application.

**Staff Recommendation(s):**

Staff recommends approval of Ordinance 25-23.

**Next Step(s):**

The first reading by City Commission is scheduled for September 11, 2025, with the second reading and adoption anticipated to be on September 25, 2025.

**Attachment(s):**

Ordinances 25-23  
Business Impact Estimate

**ORDINANCE 25-23**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 98, PLANNING AND DEVELOPMENT, TO CREATE A NEW SECTION 98-1, CITY OF WINTER GARDEN CODE OF ORDINANCES TO ADDRESS RELIEF CONCERNING DECLARED EMERGENCY RESTRICTIONS OF SECTION 28 OF CHAPTER 2025-190, LAWS OF FLORIDA; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City desires to amend its land development regulations to address the declared emergency restrictions of Section 28 of Chapter 2025-190, Laws of Florida (SB 180);

**WHEREAS**, the City Commission of the City of Winter Garden deems it necessary for the general welfare of the City to amend the City of Winter Garden land development regulations as set forth in this Ordinance;

**WHEREAS**, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Garden, Florida;

**WHEREAS**, the City Commission hereby finds that the land development regulations adopted herein are necessary for compliance with Section 28 of Chapter 2025-190, Laws of Florida;

**WHEREAS**, the Winter Garden Planning and Zoning Board, acting as the designated Local Planning Agency, has reviewed and recommended adoption of proposed amendments to the Land Development Code set forth in this Ordinance having held an advertised public hearing, and has recommended approval of this Ordinance to the City Commission.

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

**SECTION 1: Authority.** The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

**SECTION 2: Adoption.** A new Section 98-1 of Chapter 98 of the City of Winter Garden Code is hereby created to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not being amended):

## **Section 98-1. Relief Concerning Declared Emergency.**

- (a) The purpose of this section is to address the restrictions of Section 28 of Chapter 2025-190, Laws of Florida. This section shall sunset and expire on October 1, 2027 unless extended pursuant to the provisions of Section 28 of Chapter 2025-190, Laws of Florida or otherwise by general law. If Section 28 of Chapter 2025-190, Laws of Florida is repealed or expires as it applies to the city, this section shall automatically expire simultaneously therewith. If Section 28 of Chapter 2025-190, Laws of Florida is substantially amended after the effective date of this section, the Planning Director may freeze use of this section until an amendment to this section is adopted to incorporate the amendments made to Section 28 of Chapter 2025-190, Laws of Florida. If a court of competent jurisdiction issues an injunction against the enforcement of or declares invalid or unconstitutional Section 28 of Chapter 2025-190, Laws of Florida, the Planning Director may freeze use of this section until an amendment to this section is adopted or it is repealed.
- (b) If an authorized applicant for a development order believes that any city-initiated amendment to land development regulations and/or Comprehensive Plan, that occurred after August 1, 2024 is “more restrictive or burdensome” than existed prior to August 1, 2024, the applicant may file an application with the City to have the version of land development regulations and/or the Comprehensive Plan existing as of August 1, 2024 apply to and govern the development order application at issue pursuant to the following provisions:
- (i) The applicant shall submit in writing to the Planning Director a sworn, notarized statement: (i) describing the development order sought and the details of the proposed development project; (ii) describing with citations and specificity which provisions of land development regulations and/or the Comprehensive Plan that have been amended since August 1, 2024 are “more restrictive and burdensome” than existed on August 1, 2024; (iii) describing how such “more restrictive and burdensome” provisions are applicable to the development order application; (iv) describing how, when applied to the development order application such “more restrictive and burdensome” provisions result in more restrictive and burdensome impacts on the proposed development than the August 1, 2024 version of land development regulations and/or the Comprehensive Plan; (v) requesting that the version of land development regulations and/or the Comprehensive Plan existing as of August 1, 2024 apply to and govern the development order application at issue and agreeing to be bound by such provisions; and (vi) agreeing that the authorized applicant and property owner will not receive any benefits of the then current version of the land development regulations and/or Comprehensive Plan if it/they elect to request relief pursuant to this section. If the authorized applicant is not the fee simple property owner(s), the property owner(s) shall be required to join in and consent to the sworn, notarized statement.

- (ii) Upon receipt of the sworn, notarized statement pursuant to subsection (i), the Planning Director or designee will evaluate the notarized statement to determine if the statement is complete and whether the information submitted in the statement presents a good faith claim that there are “more restrictive and burdensome” provisions of the land development regulations and/or Comprehensive Plan than existed on August 1, 2024 entitling the authorized applicant to relief pursuant to Section 28 of Chapter 2025-190, Laws of Florida. If the sworn, notarized statement is incomplete, the Planning Director or designee will request the authorized applicant to provide additional information to complete the requirements of subsection (i).
- (iii) If the sworn, notarized statement pursuant to subsection (i) is determined by the Planning Director or designee to present a good faith claim that there are “more restrictive and burdensome” provisions of land development regulations and/or the Comprehensive Plan than existed on August 1, 2024, the development order application will proceed to be reviewed and considered for approval pursuant to the August 1, 2024 version of land development regulations and/or the Comprehensive Plan. The authorized applicant and property owner will not receive any benefits of the then current version of the land development regulations and/or Comprehensive Plan if it/they elect to use this section.
- (iv) The Planning Director or designee is not required to agree with the “more restrictive and burdensome” claim contained within the sworn, notarized statement in order to grant relief of applying the August 1, 2024 version of the land development regulations and/or the Comprehensive Plan.

(c) Any decision made by the Planning Director under this section may be appealed by the applicant to the City Commission by filing a written notice of appeal with the City Clerk and Planning Director within ten (10) days of the date of Planning Director’s written decision. Thereafter, the City Commission will hold a de novo public hearing on the appeal within sixty (60) days from the City’s receipt of the appeal unless otherwise agreed by the applicant and Planning Director. The City Commission’s decision on the appeal shall be final and subject to challenge in circuit court pursuant to Section 98-32.

**SECTION 3: Codification:** Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

**SECTION 4: Control:** In the event of a conflict or conflicts between this Ordinance and other ordinances, this Ordinance controls.

**SECTION 5: Severability:** It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

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

**FIRST READING:** \_\_\_\_\_, 2025.

**SECOND READING:** \_\_\_\_\_, 2025.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
ANGEE GRIMMAGE, City Clerk



## Business Impact Estimate

*This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City's website by the time notice of the proposed ordinance is published.*

Proposed ordinance's title/reference: **Ordinance 25-23** - Amending Code Chapter 98 – Planning and Development to create a new Section 98-1.

This Business Impact Estimate is provided in accordance with Section 166.041(4), *Florida Statutes*. If one or more of the boxes are checked below, the checked exception(s) to the Business Impact Estimate requirement apply to the above-referenced proposed ordinance, although, the City is implementing the procedure otherwise required by law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
  - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
  - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

*Ordinance 25-23 would amend City of Winter Garden Code Section 98 - Planning and Development, to create a new section 98-1, City of Winter Garden Code of Ordinances to address relief concerning declared emergency restrictions of Section 28 of Chapter 2025-190, Laws of Florida.*

*The purpose of this ordinance is to amend the City's land development regulations to address the declared emergency restrictions in the newly-adopted Senate Bill 180, providing a new process whereby an applicant can apply to revert to an earlier version of the City's land development code and/or Comprehensive Plan if they provide a good faith argument as to why a new city-initiated amendment is "more restrictive or burdensome" to their proposed development application.*

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

*The impact this ordinance would have on private, for-profit businesses would be limited to those that submit a development application that is subject to a recent change in the City's land development code and/or Comprehensive Plan. Because an applicant can choose to revert to an earlier version of the City's land development code and/or Comprehensive Plan, there should not be any real economic impacts on private, for-profit businesses beyond the administrative costs associated with completing a simple application.*

3. Estimate of direct compliance costs that businesses may reasonably incur:

*No direct compliance costs should be incurred by businesses as a result of adopting this ordinance. The proposed application to declare a new City-initiated amendment is "more restrictive or burdensome" will not include an associated application fee.*

4. Any new charge or fee imposed by the proposed ordinance:

*No new charges or fees will be imposed by this ordinance. The proposed application to declare a new City-initiated amendment is "more restrictive or burdensome" will not include an associated application fee.*

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

*The estimated regulatory costs to the City will be minimal. Most of the regulatory onus will be on the Planning Director to review and process the application, and provide the written basis for his/her decision on whether an argument was provided in good faith.*

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

*The proposed ordinance would only potentially have an impact on businesses that regularly submit land development applications. Even then, the applicant would only be impacted if they had a good faith argument that a new regulation is “more restrictive or burdensome” on their proposal. Worst case scenario, they would need to complete the new application, after which they would be able to revert to the older regulations.*

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):

N/A