



# PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY

REGULAR MEETING AGENDA

WEDNESDAY, OCTOBER 2, 2019 AT 5:30 PM

CITY HALL - COMMISSION CHAMBERS

1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA

## CALL TO ORDER

Roll Call

Invocation

Pledge of Allegiance

Approval of the Agenda

## AWARDS AND PRESENTATIONS

100. Not Used

## INFORMATIONAL AGENDA

200. Not Used

## PUBLIC INPUT

*Anyone who wishes to speak during Public Input on any Agenda Item or subject matter will need to fill out a "Public Input" form. Individuals will limit their comments to three (3) minutes, and representatives of groups or homeowners' associations shall limit their comments to five (5) minutes, unless otherwise determined by the City Commission.*

## CONSENT AGENDA

300. The Office Of The City Clerk Requests That The Planning And Zoning Board/Local Planning Agency Review And Approve The Wednesday, May 23, 2019 Planning And Zoning Board/Local Planning Agency Special Meeting Minutes.

*Attachments: Minutes*

301. The Office Of The City Clerk Requests That The Planning And Zoning Board/Local Planning Agency Review And Approve The Wednesday, June 5, 2019 Planning And Zoning Board/Local Planning Agency Regular Meeting Minutes.

*Attachments: Minutes*

## **PUBLIC HEARINGS AGENDA**

400. The Community Development Department Requests That The Planning And Zoning Board/Local Planning Agency Hold A Public Hearing To Consider A Waiver For Northern Oaks, A 35-Lot Single-Family Residential Subdivision.

*Attachments: Exhibit 1 – Vicinity Map  
Exhibit 2 – Waiver Application*

## **REGULAR AGENDA**

500. Not Used

## **REPORTS**

## **PUBLIC INPUT**

*Anyone who wishes to speak during Public Input on any Agenda Item or subject matter will need to fill out a "Public Input" form. Individuals will limit their comments to three (3) minutes, and representatives of groups or homeowners' associations shall limit their comments to five (5) minutes, unless otherwise determined by the City Commission.*

## **ADJOURNMENT**

## **PUBLIC NOTICE**

This is a Public Meeting, and the public is invited to attend and this Agenda is subject to change. Please be advised that one (1) or more Members of any of the City's Advisory Boards and Committees may be in attendance at this Meeting, and may participate in discussions.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City of Winter Springs at (407) 327-1800 "at least 48 hours prior to meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26 *Florida Statutes*.

"If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based" - per Section 286.0105 *Florida Statutes*.

CITY OF WINTER SPRINGS, FLORIDA  
MINUTES  
**PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY**  
SPECIAL MEETING  
MAY 23, 2019

**CALL TO ORDER**

The Special Meeting of Thursday, May 23, 2019 of the Planning and Zoning Board/Local Planning Agency was called to Order at 5:30 p.m. by Chairperson Kok Wan Mah in the Commission Chambers (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

**Roll Call:**

Chairperson Kok Wan Mah present  
Vice-Chairperson Kevin McCann, present  
Board Member James Evans, present  
Board Member Michael Ferrante, present  
Board Member Bart Phillips, present  
Assistant to the City Clerk, Antonia DeJesus, present  
Assistant to the City Clerk, Christian Gowan, present

A moment of silence was followed by the Pledge of Allegiance.

No changes were made to the Agenda.

**AWARDS AND PRESENTATIONS**

**100. Not Used**

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**INFORMATIONAL AGENDA**

**200. Not Used**

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## **PUBLIC INPUT**

*Chairperson Mah opened “Public Input”.*

No one spoke.

*Chairperson Mah closed “Public Input”.*

## **CONSENT AGENDA**

### **300. Not Used**

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## **PUBLIC HEARINGS AGENDA**

### **400. Ocean Bleu Retail Building Final Engineering, Aesthetic Review, and Special Exceptions**

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Mr. Bryant Smith III, P.E., City Engineer, Interim Director, Community Development Department introduced the Agenda Item and briefly described the property and proposed improvements. Maps and graphics of the Final Engineering and Aesthetics were shown.

Chairperson Mah asked if the intersection was signalized or not to which Mr. Smith replied, “It is unsignalized right now. We do have a signal planned at Michael Blake [Boulevard]; we just have to meet the warrants for that. That’s likely to happen either with the Hawthorne build-out or Tuskawilla Crossings. Once that’s warranted, we will construct a signal at that location.”

Continuing, Mr. Smith referenced stormwater, utilities, and Special Exceptions, setbacks, lot dimensions, lot frontage, and parking setbacks. Mr. Smith indicated that Staff recommended approval of the Engineering, Aesthetics, and the Special Exceptions.

Discussion followed on the Aesthetics, parking, green spaces, and traffic calming designs.

Photographs were shown with additional comments.

Further remarks followed on traffic signals, sidewalks, and ingress and egress to the property.

*Chairperson Mah opened "Public Input".*

No one spoke.

*Chairperson Mah closed "Public Input".*

**"MOTION TO APPROVE ITEM '400'." MOTION BY BOARD MEMBER EVANS. SECONDED BY BOARD MEMBER FERRANTE. DISCUSSION.**

**VOTE:**

**BOARD MEMBER PHILLIPS: AYE**  
**VICE-CHAIRPERSON McCANN: AYE**  
**BOARD MEMBER: EVANS: AYE**  
**CHAIRPERSON MAH: AYE**  
**BOARD MEMBER FERRANTE: AYE**  
**MOTION CARRIED.**

**401. West End Professional Center Monument Sign Special Exception**

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This Agenda Item was presented by Mr. Smith who briefly described the proposed sign dimensions.

Remarks followed on dimensions of the sign, illumination, permitted sizes of monument signs, current and prospective tenants in the space, and the number of signs allowed to be on the monument sign.

*Chairperson Mah opened "Public Input".*

No one addressed the Board.

*Chairperson Mah closed "Public Input".*

**"MOTION TO APPROVE." MOTION BY VICE-CHAIRPERSON McCANN. SECONDED BY BOARD MEMBER EVANS. DISCUSSION.**

**VOTE:**

**BOARD MEMBER FERRANTE: AYE**  
**BOARD MEMBER PHILLIPS: AYE**  
**CHAIRPERSON MAH: AYE**  
**VICE-CHAIRPERSON McCANN: AYE**  
**BOARD MEMBER: EVANS: AYE**  
**MOTION CARRIED.**

**REGULAR AGENDA**

**500. Not Used**

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**REPORTS**

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Vice-Chairperson Kevin McCann commented briefly on the recent Visioning Session that was held on Monday, May 20, 2019.

**PUBLIC INPUT**

*Chairperson Mah opened "Public Input".*

No one spoke.

*Chairperson Mah closed "Public Input".*

**ADJOURNMENT**

Chairperson Mah adjourned the Regular Meeting at 6:03 p.m.

*RESPECTFULLY SUBMITTED:*

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CHRISTIAN GOWAN,  
ASSISTANT TO THE CITY CLERK

NOTE: These Minutes were Approved at the \_\_\_\_\_, 2019 Planning And Zoning Board/Local Planning Agency Regular Meeting.

CITY OF WINTER SPRINGS, FLORIDA  
MINUTES  
**PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY**  
REGULAR MEETING  
JUNE 5, 2019

**CALL TO ORDER**

The Regular Meeting of Wednesday, June 5, 2019 of the Planning and Zoning Board/Local Planning Agency was called to Order at 5:31 p.m. by Chairperson Kok Wan Mah in the Commission Chambers (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

**Roll Call:**

Chairperson Kok Wan Mah present  
Vice-Chairperson Kevin McCann, present  
Board Member James Evans, absent  
Board Member Michael Ferrante, present  
Board Member Bart Phillips, present  
City Attorney Anthony A. Garganese, present  
Assistant to the City Clerk Christian Gowan, present  
Assistant to the City Clerk Antonia DeJesus, present

A moment of silence was followed by the Pledge of Allegiance.

No changes were made to the Agenda.

**AWARDS AND PRESENTATIONS**

**100. Not Used**

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**INFORMATIONAL AGENDA**

**200. Not Used**

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## **PUBLIC INPUT**

*Chairperson Mah opened “Public Input”.*

No one addressed the Board.

*Chairperson Mah closed “Public Input”.*

## **CONSENT AGENDA**

**300. The Office Of The City Clerk Requests That The Planning And Zoning Board/Local Planning Agency Review And Approve The Wednesday, April 3, 2019 Planning And Zoning Board/Local Planning Agency Regular Meeting Minutes.**

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**REGARDING THE APRIL 3, 2019 PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY REGULAR MEETING MINUTES, MOTION TO APPROVE. MOTION BY BOARD MEMBER PHILLIPS. SECONDED BY BOARD MEMBER FERRANTE. DISCUSSION.**

**VOTE:**

**BOARD MEMBER PHILLIPS: AYE  
CHAIRPERSON MAH: AYE  
VICE-CHAIRPERSON McCANN: AYE  
BOARD MEMBER FERRANTE: AYE  
MOTION CARRIED.**

## **PUBLIC HEARINGS AGENDA**

**400. Ordinance 2019-09 regarding the Application, Notice, and Review Criteria Procedures for Special Zoning Permits**

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City Attorney Anthony A. Garganese gave a brief historical overview of the Ordinance and the proposed changes to the Special Zoning Permit process and said that the City Commission reviewed “And approved the Ordinance on First Reading with some amendments and instructions to submit it to the Land Planning Agency (LPA) for its review and comments. So, we’re here tonight so the LPA has an opportunity to chime in formally as a board regarding the Ordinance.”



Continuing, Attorney Garganese noted the Ordinance would be beneficial for the processing of applications and ensuring there is fairness and Developers know the rules that are being applied. Attorney Garganese pointed out, “This Ordinance does not change, or propose to change, the list of Permitted, Conditional, and Prohibited Uses in the various Zoning Districts. That’s another topic for another day. This Ordinance doesn’t address that and it can’t address that because of the way we’re going through the adoption process.”

Discussion followed on the proposed changes to the Special Zoning Permit process.

Attorney Garganese summarized, “With respect to the Town Center, this Ordinance does one major paradigm shift. Right now the Town Center has its own land development permit process and the Commission has directed that that process be merged with the general process.” Continuing Attorney Garganese noted that the Ordinance would provide additional authority for Staff to approve “de minimus” changes in Final Engineering, reducing the number of separate applications, and mentioned that this Ordinance also provided for public input opportunities which the City Commission has noted was a priority.

Further remarks ensued regarding support from the City Commission and comments addressed in a Workshop with Developers.

*Chairperson Mah opened “Public Input”.*

No one addressed the Planning and Zoning Board/Local Planning Agency.

*Chairperson Mah closed “Public Input”.*

**“I MAKE THE MOTION THAT WE APPROVE.” MOTION BY VICE-CHAIRPERSON McCANN. SECONDED BY BOARD MEMBER FERRANTE. DISCUSSION.**

**VOTE:**

**BOARD MEMBER FERRANTE: AYE**  
**VICE-CHAIRPERSON McCANN: AYE**  
**BOARD MEMBER PHILLIPS: AYE**  
**CHAIRPERSON MAH: AYE**  
**MOTION CARRIED.**

**REGULAR AGENDA**

**500. Not Used**

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**REPORTS**

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No Reports were given.

**PUBLIC INPUT**

*Chairperson Mah opened "Public Input".*

No one spoke.

*Chairperson Mah closed "Public Input".*

**ADJOURNMENT**

Chairperson Mah adjourned the Regular Meeting at 5:41 p.m.

*RESPECTFULLY SUBMITTED:*

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CHRISTIAN GOWAN  
ASSISTANT TO THE CITY CLERK

NOTE: These Minutes were Approved at the \_\_\_\_\_, 2019 Planning And Zoning Board/Local Planning Agency Regular Meeting.



# PUBLIC HEARINGS AGENDA ITEM 400

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY  
OCTOBER 2, 2019 | REGULAR MEETING

## TITLE

The Community Development Department Requests That The Planning And Zoning Board/Local Planning Agency Hold A Public Hearing To Consider A Waiver For Northern Oaks, A 35-Lot Single-Family Residential Subdivision.

## SUMMARY

The Applicant, Dream Finders Homes, LLC is requesting a waiver to increase the maximum lot coverage for the R-1 one-family dwelling district to fifty-five (55) percent in lieu of forty (40) percent per Sec. 20-187 Lot Coverage. Per Code the minimum lot coverage is 40% and the proposed lot coverage is 55%.

Northern Oaks is located just east of the intersection of State Road 434 and State Road 417 (Exhibit 1). On March 13, 2017, Madichristo Land Holdings, LLC came before the Planning and Zoning Board/Local Planning Agency and requested two waivers; 1) Reduce the rear yard setback to 20 ft. in lieu of 25 ft.; and 2) Reduce the side yard setback to 5 ft. in lieu of 6 ft. per Sec. 20-186(2)(3), for the entire subdivision.

The Planning and Zoning Board/Local Planning Agency recommended approval of the waivers on March 1, 2017 and the City Commission approved the waivers on March 13, 2017. The approval of the above waivers allows for additional square footage for the proposed 35 single family lots in Northern Oaks.

As an oversight, the previous applicant, Madichristo Land Holdings, LLC did not request a waiver to increase the lot coverage for the 35 single family lots, which is necessary as the approved waivers increase the footprint for the proposed 35 single family lots in Northern Oaks. Dream Finders Homes, LLC, the current applicant is requesting a waiver to increase the maximum lot coverage in the R-1 one-family dwelling district to fifty-five (55) percent in lieu of forty (40) percent per Sec. 20-187 Lot Coverage. The request is in line with emerging development patterns within the City of Winter Springs, for example, in Tuskawilla Crossings the lot coverage within this development varies from 40%, 60%, and 80%.

Applicant	Dream Finders Homes, LLC (Dream Finders)	
Property Owner(s)	Dream Finders Homes, LLC & HDP Northern Oaks, LLC	
Location	State Road 434 and State Road 417	
Tract Size	35 Single Family Residential Lots on 20.48 Acres	
Parcel ID Numbers	04-21-31-511-0000-0010, 04-21-31-511-0000-0020, 04-21-31-511-0000-0030, 04-21-31-511-0000-0040, 04-21-31-511-0000-0050, 04-21-31-511-0000-0060, 04-21-31-511-0000-0070, 04-21-31-511-0000-0080, 04-21-31-511-0000-0090, 04-21-31-511-0000-0100, 04-21-31-511-0000-0110, 04-21-31-511-0000-0120, 04-21-31-511-0000-0130, 04-21-31-511-0000-0150, 04-21-31-511-0000-0160, 04-21-31-511-0000-0170, 04-21-31-511-0000-0180, 04-21-31-511-0000-0190, 04-21-31-511-0000-0200, 04-21-31-511-0000-0210, 04-21-31-511-0000-0220, 04-21-31-511-0000-0230, 04-21-31-511-0000-0240, 04-21-31-511-0000-0250, 04-21-31-511-0000-0260, 04-21-31-511-0000-0270, 04-21-31-511-0000-0280, 04-21-31-511-0000-0290, 04-21-31-511-0000-0300, 04-21-31-511-0000-0310, 04-21-31-511-0000-0320, 04-21-31-511-0000-0330, 04-21-31-511-0000-0340, 04-21-31-511-0000-0350	
Zoning Designation	R-1 One-Family Dwelling Districts	
FLUM Designation	Low Density Residential	
Adjacent Land Use	North: Winter Springs (PUD) East: Winter Springs (C-1)	South: City of Oviedo West: Seminole County Agriculture (A-1)/ Winter Springs (GID)
Approved Waivers	1) Reduce the rear yard setback to 20 ft. in lieu of 25 ft.; and 2) Reduce the side yard setback to 5 ft. in lieu of 6 ft. per Sec. 20-186(2)(3), for the entire subdivision.	
Development Agreement	Approved	
Code Enforcement	Not applicable	
City Liens	Not applicable	

**Waiver Requirement**

1. Demonstrate that the applicable term or condition clearly creates an illogical, impossible, impractical, or patently unreasonable result related to the proposed property and development.
2. Demonstrate that the proposed development plan is in substantial compliance with Chapter 20 of the City's Code of Ordinances and in compliance with the Comprehensive Plan.

1.	Dream Finders Homes, LLC is requesting a waiver to increase the maximum lot coverage for the R-1 one-family dwelling district to fifty-five (55) percent in lieu of forty (40) percent per Sec. 20-187 Lot Coverage. Per Code the minimum lot coverage is 40% and the proposed lot coverage is 55%.  <u>Justification</u> The applicant is seeking relief to accommodate the increased footprint for the previously approved waivers of the proposed 35 single family lots in Northern Oaks.
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Any real property owner may file a waiver application requesting a waiver for their real property from any term and condition of this chapter (except from the list of permitted, conditional and prohibited uses set forth in any zoning district category) if the property owner clearly demonstrates that the applicable term or condition clearly creates an illogical, impossible, impractical, or patently unreasonable result.

The Planning and Zoning Board shall be required to review all waiver applications and make a written recommendation to the City Commission. Such recommendation shall include the reasons for the Board's recommendation and show the board has considered the applicable waiver criteria set forth in this section.

Upon receipt of the Planning and Zoning Board's recommendation, the City Commission shall make a final decision on the application. If the City Commission determines that the Planning and Zoning Board has not made a recommendation on an application within a reasonable period of time, the City Commission may, at its discretion, consider an application without the Planning and Zoning Board's recommendation.

1.	The proposed development plan is in substantial compliance with this chapter and in compliance with the Comprehensive Plan.
2.	The proposed development plan will significantly enhance the real property.
3.	The proposed development plan serves the public health, safety, and welfare.
4.	The waiver will not diminish property values in or alter the essential character of the surrounding neighborhood.
5.	The waiver granted is the minimum waiver that will eliminate or reduce the illogical, impractical, or patently unreasonable result caused by the applicable term or condition under this chapter.
6.	The proposed development plan is compatible with the surrounding neighborhood.

In evaluation of the proposed waiver request, it appears that the request satisfies the six specific criteria required for Waivers in the City Code of Ordinances.

**Applicable Law, Public Policy, and Events**

Home Rule Powers

Winter Springs Code of Ordinances

City of Winter Springs Comprehensive Plan

February 22, 2016	City Commission approval of the Northern Oaks Annexation, Large-Scale Future Land Use Amendment, and Rezoning to Low Density Residential and R-1 (One-family dwelling)
January, 8 2018	City Commission   Approval (Northern Oaks Preliminary Engineering Plans)
March 1, 2017	Planning & Zoning Board/Local Planning Agency   Recommendation (Northern Oaks Final Engineering Plans and Waiver Requests)
March 13, 2017	City Commission   Approval (Northern Oaks Final Engineering Plans and Waiver Requests)
November 2017	Site work construction commenced and is currently in progress
April 9, 2018	Aesthetic Review Plans   Approval

### **Fiscal Impact**

Development of the subject property is anticipated to provide an increase to the City's taxable value. The potential tax revenue of the proposed project is as follows:

- Fee Simple Single Family Residential Units - 35 units
- Units - 35 assessed at \$200,000 = \$7,000,000 assessed tax value
  - $\$10,800,000/1000 = 7,000$
  - $\$7,000.00 \times (2.4300) = \$17,010$
  - $\$17,010$  (less the 4% statutory discount) = **\$16,329.60 tax revenue**

### **Communication Efforts:**

The Meeting Agenda and this Agenda Item have been forwarded to the Planning and Zoning Board members and are available on the City's Website, LaserFiche, and the City's Server. The Agenda has been forwarded to the Mayor and City Commission; City Manager; and City Attorney/Staff. Additionally, the Meeting Agenda has been sent to media/press representatives, all individuals who have requested Agenda information, Department Directors; and also posted outside City Hall; posted inside City Hall with additional copies available for the general public.

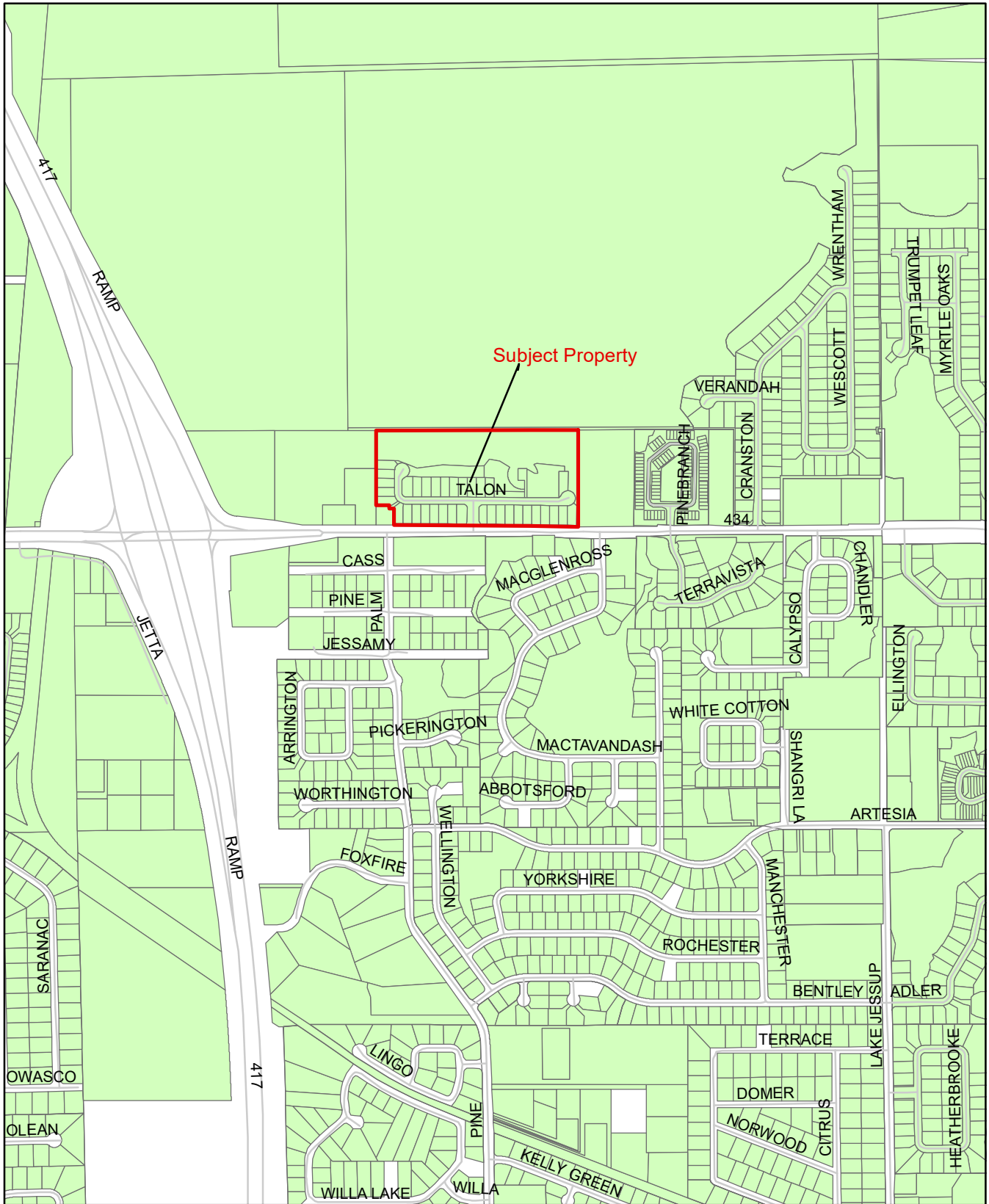
## **RECOMMENDATION**

Staff recommends that the Planning and Zoning Board/Local Planning Agency forward a recommendation of approval to the City Commission of the requested Waiver for Northern Oaks.



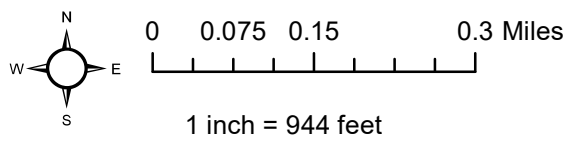
# Vicinity Map

Northern Oaks



**Legend**

- Streets
- Parcels



**Exhibit 1**



**CITY OF WINTER SPRINGS  
COMMUNITY DEVELOPMENT DEPARTMENT**

1126 East State Road 434  
Winter Springs, Florida 32708  
[customerservice@winterspringsfl.org](mailto:customerservice@winterspringsfl.org)

**Application – Waiver**

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The Community Development Director reserves the right to determine whether this application is complete and accurate. An incomplete application will not be processed and will be returned to the applicant. The application shall be reviewed per [Chapter 20 – Zoning Sec. 20-34](#). The processing time may take up to ten (10) business days.

Applicants are responsible for posting notice (provided by the city) on the site at least seven (7) days prior to the Planning & Zoning Board (PZB) meeting at which the matter will be considered. Said notice shall not be posted within the City right-of-way.

All applicants shall be afforded minimal due process as required by law, including the right to receive notice, be heard, present evidence, cross-examine witnesses, and be represented by a duly authorized representative. Applicants are further advised that a Waiver is quasi-judicial in nature.

Therefore, APPLICANT ACKNOWLEDGES and AGREES, by signing below, that he or she:

- May be sworn-in as a witness in order to provide testimony to the City Commission;
- Shall be subject to cross-examination by party intervenors (if requested); and
- Shall be required to qualify expert witnesses, as appropriate.

Applicants are encouraged to familiarize themselves with [Chapter 2 – Administration Sec. 2-30](#) of the Winter Springs City Code relating to Quasi-Judicial Rules and Procedures of the City Commission. All Waiver recommendations shall be based from the required information/documentation provided, the Winter Springs Code of Ordinances, and the Winter Springs Comprehensive Plan (to the extent applicable).

The City Commission (CC) shall render all final decisions regarding Waivers and may impose reasonable conditions on any approved Waiver to the extent deemed necessary and relevant to ensure compliance with applicable criteria and other applicable provisions of the Winter Springs Code of Ordinances and the Winter Springs Comprehensive Plan. All formal decisions shall be based on competent substantial evidence and the applicable criteria as set forth in Chapter 20, Zoning. Applicants are advised that if, they decide to appeal any decisions made at the meetings or hearings with respect to any matter considered at the meetings or hearings, they will need a record of the proceedings and, for such purposes, they will need to insure that a verbatim record of the proceedings is made, at their cost, which includes the testimony and evidence upon which the appeal is to be based, per [Florida Statute 286.0105](#).

A Waiver which may be granted by the City Commission shall expire two (2) years after the effective date of such approval by the City Commission, unless a building permit based upon and incorporating the Waiver, is issued by the City within said time period. Upon written request of the property owner, the City Commission may extend the expiration date, without public hearing, an additional six (6) months, provided the property owner demonstrates good cause for the extension. In addition, if the aforementioned building permit is timely issued, and the building permit subsequently expires and the subject development project is abandoned or discontinued for a period of six months, the Waiver shall be deemed expired and null and void, per [Chapter 20 – Sec.20-36](#).

**Exhibit 2**



**CITY OF WINTER SPRINGS  
COMMUNITY DEVELOPMENT DEPARTMENT**

1126 East State Road 434  
Winter Springs, Florida 32708

[customerservice@winterspringsfl.org](mailto:customerservice@winterspringsfl.org)

**Application – Waiver**

2019-00000013

REQUIRED INFORMATION:

Applicant(s): Dream Finders Homes, LLC Date: 8/12/19

Mailing address: 8529 Southpark Circle, Suite 130, Orlando, FL 32819

Email: dan.edwards@dreamfindershomes.com

Phone Number: 813-484-7665

Property Owner(s): Dream Finders Homes, LLC & HDP Northern Oaks, LLC

Mailing Address: 8529 Southpark Circle, Suite 130, Orlando, FL 32819

Email: dan.edwards@dreamfindershomes.com and batey.mcgraw@dreamfindershomes.com

Phone Number: 813-484-7665

Project Name: Northern Oaks

Property Address: See list attached

Parcel ID(s): See list attached

Parcel Size: 7,500 - 7,800 square foot lots

Existing Use: LDR - Low Density Residential

Future Land Use: LDR - Low Density Residential

Zoning District: R-1

Waiver that is being requested? Change allowable lot coverage of primary building to 55%

Demonstrate that the applicable term or condition clearly creates an illogical, impossible, impractical, or patently unreasonable result related to the proposed property and development?

Dream Finders Homes request to amend maximum lot coverage requirements from 40% to 55% for remaining lots in the Northern Oaks Community. During the Preliminary Subdivision Plan and Engineering Plan approval process of this community, two waivers were granted by the City of Commission reducing the underlying side-yard and rear yard setbacks.

The approval of these waivers increased the buildable pad of these lots with the intent of allowing larger home footprints in Northern Oaks. However, an oversight was made by not also requesting a waiver for the Lot Coverage maximum matching the approved buildable pad size with the waivers that were approved as the Lot Coverage Maximum under R-1 is 55%

Demonstrate that the proposed development plan is in substantial compliance with Chapter 20 of the City's Code of Ordinances and in compliance with the Comprehensive Plan?

The project is in compliance with the Northern Oaks plans approved as Item 401 of the March 13, 2017 City Commissioners Meeting (See attached).



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COMMUNITY DEVELOPMENT DEPARTMENT**

1126 East State Road 434

Winter Springs, Florida 32708

[customerservice@winterspringsfl.org](mailto:customerservice@winterspringsfl.org)

**Application – Waiver**

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Will the proposed development plan significantly enhance the real property?

Yes

Will the proposed development plan serve the public health, safety, and welfare of the City of Winter Springs?

Yes

Will the waiver diminish property values in or alter the essential character of the surrounding neighborhood?

No

Is the waiver request the minimum waiver that will eliminate or reduce the illogical, impossible, impractical, or patently unreasonable result caused by the applicable term or condition under [Chapter 20 – Zoning](#)?

Yes

Is the proposed development plan compatible and harmonious with the surrounding neighborhood?

Yes

Has the applicant agreed to a binding development agreement required by city to incorporate the terms and conditions of approval deemed necessary by the City Commission including, but not limited to, any mitigative techniques and plans required by city code? Yes \_\_\_\_\_ No <sup>x</sup>\_\_\_\_\_

**Applicant willing to agree if necessary.**



**CITY OF WINTER SPRINGS  
COMMUNITY DEVELOPMENT DEPARTMENT**

1126 East State Road 434  
Winter Springs, Florida 32708  
[customerservice@winterspringsfl.org](mailto:customerservice@winterspringsfl.org)

**Application – Waiver**

List all witnesses that the applicant intends to present to the City Commission to provide testimony:

Dan Edwards

Describe with specificity any evidence which the applicant intends to present to the City Commission, including oral factual testimony, maps, photographs, records or reports and/or expert testimony:

See attached.

Attach all documentary evidence which the applicant intends to present to the city commission to the back of this application.

The Applicant has a continuing duty to update the list of witnesses, description of evidence, and documentary evidence throughout the application process. Additional witnesses or evidence will not be admitted at the city commission hearing if not submitted at least seven (7) days prior to such hearing.

REQUIRED DOCUMENTATION (PDF):

- X A complete Application and Fee (\$500.00\*)
- X A general description of the relief sought under this division
- X A brief explanation, with applicable supporting competent substantial evidence and documents, as to why the application satisfies the relevant criteria set forth in this division
- X A Legal Description accompanied by a certified survey or the portion of the map maintained by the Seminole County Property Appraiser reflecting the boundaries of the subject property (To scale).
- X An Excel mailing list with the names and addresses of each property owner within 500 ft. of each property line, along with the HOA Associations within 1/2 mile of each property line.
- NA For all new commercial development and new residential subdivisions of ten (10) or more lots or existing commercial buildings being altered by 50 percent or greater of the original floor plan or seating capacity and requiring a modified site plan, or development agreements process under section 20-28.1 of the City Code, or as otherwise deemed applicable by the city to relevantly and competently examine an application for compliance with the city code and the affect and impact the proposed use will have on neighborhood and surrounding properties, applicants shall be required to submit with the following additional information referenced in [Chapter 20 – Zoning Sec.20.29 Applications \(7\) – \(11\)](#).

\* Fees are as shown above plus actual costs incurred for advertising or notification, and for reimbursement for technical and/or professional services which may be required in connection with the review, inspection or approval of any development (based on accounting submitted by the city’s consultant) , payable prior to approval of the pertinent stage of development.





CITY OF WINTER SPRINGS  
COMMUNITY DEVELOPMENT DEPARTMENT

1126 East State Road 434  
Winter Springs, Florida 32708  
customerservice@winterspringsfl.org

Application – Waiver

CITY LIMITED RIGHT OF ENTRY: By submitting this Application you hereby grant temporary right of entry for City Officials to enter upon the subject property for purposes of evaluating this Application.

APPLICANT'S AUTHORIZATION: I desire to make Application for a Waiver for the aforementioned project and have read and agree to the terms contained herein. In addition, if the Applicant is a corporate entity, the undersigned hereby represents and warrants that he/she is authorized to act on behalf of, and bind, the corporate entity.

Applicant Name (Print): Don Edwards  
Applicant Signature: [Signature] Date: 8-12-19  
Business Name: Dream Finders Homes, LLC  
Address: 8529 Southpark Circle Parcel ID: See attached list  
Property Owner's Name (Print): Betsy C. McGraw, Vice President  
Property Owner Signature: [Signature] Date 8/12/19  
STATE OF Florida COUNTY OF Orange

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of August, 2019, by Don Edwards who is personally known to me or who has produced Florida Drivers License as identification and who did/did not take an oath.

Date: August 12<sup>th</sup>, 2019 (seal):  
Notary Public Signature: [Signature]  
My Commission expires: 2/3/2022

Note: The Property Owner shall sign and have their signature notarized below if the Applicant is not the owner of the subject property.

Property Owner's Name (Print): HDP Northwood Oaks, LLC  
Property Owner Signature: [Signature] Date 8/12/19  
STATE OF Florida COUNTY OF Duval

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of August, 2019, by Betsy C. McGraw, VP who is personally known to me or who has produced [Signature] as identification and who did/did not take an oath.

Date: August 12, 2019 (seal):  
Notary Public Signature: [Signature]  
My Commission expires: June 3, 2021