For More Information, Contact:
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City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
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PLANNING & ZONING BOARD AGENDA

BOARD MEMBERS
Will Hawthorne, Chairperson
Rachel Saunders, Vice Chairperson
Henry Haddock
Gerald Jowers
Gabriel Kotch
Chris Lee
Matt Matin

OTHER ATTENDEES
Mike Bollhoefer, City Manager
Dan Langley, City Attorney
Kurt Ardaman, City Attorney
Ed Williams, Planning Consultant
Stephen Pash, Community Dev. Director
Kelly Carson, Urban Designer
Shane Friedman, Senior Planner

RE: Agenda for May 6, 2019 at 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

1. CALL TO ORDER
   Determination of Quorum, Moment of Silence and Pledge of Allegiance

2. APPROVAL OF MINUTES FROM THE APRIL 1, 2019 MEETING

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

3. 8 N. Highland Avenue – City of Winter Garden, PCD REZONING
   Parcel ID #23-22-27-2548-01-010
   POSTPONE TO DATE UNCERTAIN

4. 1061, 1063, & 1065 Tildenville School Road – Crown Property Holdings, PCD REZONING/FLU
   Parcel ID #21-22-27-0000-00-056, 21-22-27-0000-00-127, & 21-22-27-0000-00-124
   POSTPONE TO DATE UNCERTAIN

PRELIMINARY PLAT / FINAL PLAT / LOT SPLIT

5. 1020 E. Crest Avenue – Donald Harrison Kelley, Jr, LOT SPLIT
   Parcel ID #11-22-27-9149-00-050

VARIANCE (PUBLIC HEARING)

6. 2508 Prairie View Drive – Robert & Helen Kelly, VARIANCE
   Parcel ID #02-23-27-9154-00-580

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, June 3, 2019 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street.
1. **CALL TO ORDER**

Vice-Chairperson Rachel Saunders called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:32 p.m. in the City Hall Commission Chambers. A moment of silence was followed by the Pledge of Allegiance.

Quorum was declared present.

**Present:** Vice-Chairperson Rachel Saunders and Board Members: Gerald Jowers, Chris Lee, and Matthew Matin. Henry Haddock arrived at 6:42 pm.

**Absent:** Chairperson Will Hawthorne (excused) and Gabriel Kotch (excused)

**Staff Present:** City Attorney Kurt Ardaman, Community Development Director Steve Pash, Planning Consultant Ed Williams, Urban Designer Kelly Carson, and recording secretary Kathleen Rathel

2. **APPROVAL OF MINUTES**

Motion by Matt Matin to approve the regular meeting minutes of March 4, 2019. Seconded by Chris Lee and carried unanimously 4 – 0.

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

3. **N West Crown Point Road (Alta Winter Garden) – WP South Acquisitions LLC; CAPUD Rezoning**

Urban Designer Carson presented a rezoning request for a 14.87 +/- acre property located on the northeast corner of N West Crown Point Road and E Plant Street. The applicant has requested a rezoning from C-2 to CAPUD (Character Area Planned Unit Development), a zoning that was recently established along with the Plant Street Character Area Overlay which this property is part of, with a Future Land Use designation of MUD (Multi Use Development). The applicant is proposing to develop the property with five new three-story multi-family buildings containing a combined 250 market rate apartment units, eight enclosed garage buildings, 400 uncovered surface parking spaces, internal recreation areas, and buffer landscaping. There will be a minimum six-foot wide sidewalk, street plantings, and several pedestrian plazas adjacent to the building’s main entrance. The applicant is also proposing to dedicate over two acres of land to the City to be developed as a public park. Staff has reviewed the application with one change to the CAPUD Ordinance (see Exhibit A), and recommends approval of Ordinance 19-17.

The applicant was available to answer questions.

Board Member Matin inquired about the entrances and exits and density permitted. Ms. Carson stated these items will be reviewed in detail during site plan review.
Motion by Rachel Saunders to recommend approval [of the CAPUD Rezoning, Ordinance 19-17] with Staff Recommendations (as provided in the agenda packet). Seconded by Gerald Jowers and carried unanimously 4 – 0.

VARIANCE (PUBLIC HEARING)

4. 302 S Highland Avenue – Rob Neal and Karen Harrison

Community Development Director Pash presented a variance request for the 0.24 +/- acre property located at 302 S Highland Avenue. The property is zoned R-2 with a Low Density Residential Future Land Use designation. The applicant is requesting two variances in order to build a garage and home addition. The first variance is for a 6’ side yard setback in lieu of the 10’ minimum required setback and a 16’ rear yard setback in lieu of the 20’ minimum required setback. Staff has reviewed the application, determined it meets the variance requirements, and recommends approval subject to the conditions outlined in the Staff Report.

General discussion ensued regarding the demolition of the previous garage.

Motion by Chris Lee to recommend approval of the two variances for 302 S Highland Avenue with Staff Recommendations (as provided in the agenda packet). Seconded by Matt Matin and carried unanimously 4 – 0.

5. 704 Summer Street – Torres Idalia Veronica

Board Member Haddock arrived.

Community Development Director Pash stated he received a call at approximately 5:15 that afternoon from the business partner of the contractor informing Mr. Pash that the contractor had passed away. The applicant has requested this item be postponed to the next meeting on May 6, 2019, to allow time to decide whether they will continue with the project or if another contractor will take it over.

Motion by Chris Lee to continue the variance request for 704 Summer Street to the May 6, 2019 Planning & Zoning Board Meeting. Seconded by Rachel Saunders and carried unanimously 5 – 0.

Vice Chairperson Saunders announced that the May 6, 2019 Planning & Zoning meeting would be her last meeting as she will be getting married and moving out of the area. She stated it was her honor to serve the residents of Winter Garden and thanked several people as well as her fellow board members.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:44 p.m.

ATTEST: 

Recording Secretary Kathleen Rathel  

APPROVED: 

Chairperson Will Hawthorne

April 1, 2019 PZ Meeting Minutes  
Page 2 of 2
THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 5

Date: April 29, 2019  Meeting Date: May 6, 2019

Subject: 1020 and 990 East Crest Ave
Project Name: Kelley Property
Parcel ID: 11-22-27-9149-00-050 & 14-22-27-4989-00-010

Issue: The applicant is requesting a lot split/reconfiguration for the subject properties located at 1020 E Crest Ave and 990 E Crest Ave

Supplemental Material / Analysis:

Owner / Applicant: Don Kelley
Current Zoning: R-1
Proposed Zoning: N/A
Current FLU: LR
Proposed FLU: N/A

Summary: The applicant, located at 1020 E Crest Ave (Parcel 1), is requesting to reconfigure two separate parcels described in the boundary survey as Parcel 1 and Parcel 2 into Parcel “A” and Parcel “B” respectively. Parcel “A” will consist of ± 3.873 acres and Parcel “B” will consist of ± 4.438 acres.

Staff Recommendation(s): Staff recommends approval of the proposed lot split/reconfiguration.

Next Step(s): If the Planning and Zoning Board approves, file with the Orange County Property Appraiser’s Office and Office of Public Records.

Attachment(s): Location Map
Staff Report
LOCATION MAP

1020 and 990 E Crest Ave
INTRODUCTION

The purpose of this report is to evaluate the request to allow a lot split/reconfiguration on the property located at 1020 E Crest Ave and 990 E Crest Ave for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The property located at 1020 E Crest Ave is an approximately 6.05 acre lot and the property located at 990 E Crest Ave is an approximately 2.43 acre lot. The map below depicts the location of the subject properties within the City of Winter Garden’s municipal limits:
The subject properties carry the zoning designation R-1 (Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City’s Comprehensive Plan.

EXISTING USE

The property located 1020 E Crest Ave is developed with a single-family home and two accessory structures. The property located at 990 E Crest Ave is developed with a single-family home and one accessory structure.

ADJACENT LAND USE AND ZONING

The properties to the north, east, and south of the subject properties are developed with single-family residences, are zoned R-1 and are located within Winter Garden’s municipal limits. The properties abut Lake Apoka to the west.

PROPOSED USE

The applicant, located at 1020 E Crest Ave (Parcel 1), is requesting to reconfigure two separate parcels described in the boundary survey as Parcel 1 and Parcel 2 into Parcel “A” and Parcel “B” respectively. Parcel “A” will consist of ± 3.873 acres and Parcel “B” will consist of ± 4.438 acres.

The applicant and owner of Parcel 1 is selling 2.016 ± acres to the owner of Parcel 2. This is considered a lot reconfiguration because there will be no new lots created. The properties were naturally separated by a drainage ditch that was connected to a wetland conservation easement on the east side of E Crest Avenue. This lot split/reconfiguration will dedicate that drainage ditch into a 20’ foot wide drainage easement. Parcel “A”’s south boundary and Parcel “B”’s north boundary will run along the 20’ foot wide drainage easement.

CODE REFERENCE

Sec. 118-306. - Minimum lot requirements.

In the R-1 single-family residential district, the minimum lot requirements are as follows:

(1) Single-family residences.
   a. Width: 85 feet at building front setback line;
   b. Depth: 100 feet;
   c. Area: not less than 10,000 square feet; and
   d. Lot width at the curb on a cul-de-sac: 35 feet.

Sec. 110-96. - Proposed subdivision of existing lot.

(a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of complying with division 3 of this article, the subdivider may conform to the procedural requirements set out in this division or he may comply with the procedure for subdivision or resubdivision contained in this chapter at the applicant’s option. This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.
A subdivider shall apply to the city manager on an application form, promulgated by the director of planning, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum criteria:

1. A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.

2. A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.

3. A listing of the names and addresses of the record owners abutting subject property.

4. A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements thereon.

Lot split procedure. Once the application is determined to be complete, the city staff shall review the request for compliance with the code (e.g. compliance with lot dimensions requirements, setbacks for existing buildings etc.).

Upon review by the city staff, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the planning and zoning board at its next regular meeting or session, following action by the city staff, for approval or disapproval. The planning and zoning board may take the following actions:

1. Approve the application as recommended by the city staff.

2. Approve the application, deleting or supplementing the conditions and restrictions of the city staff.

3. Approve the application, adding conditions and restrictions as determined by the planning and zoning board.

4. Disapprove the application.

The planning and zoning board shall have the option to take such action as it deems necessary and proper upon one hearing.

**SUMMARY**

The applicant has submitted a request for a lot split/reconfiguration to reconfigure Parcel 1 and Parcel 2, as described in the survey, into Parcel “A” and Parcel “B”. Based on the property’s R-1 zoning and Future Land Use designation of LR, the applicant meets the criteria to obtain a lot split/reconfiguration.

**STAFF RECOMMENDATION**

Staff recommends approval of the proposed lot split/reconfiguration.

**NEXT STEP**

If the Planning and Zoning Board approves, file with the Orange County Property Appraiser’s Office and Office of Public Records.
ATTACHMENTS

- Aerial Photo
- Survey
- Notarized letter of consent form neighbor
- Zoning map
- Site Photos
January 16, 2019

City of Winter Garden
Don Kelley Jr.
Shane Friedman

To Whom It May Concern:

I, John H Hurst III, consent to the lot split and no additional lots are being created.
I can be reached at 407-694-8406 if you have any further questions.

Sincerely,

John H Hurst III

[Signature]

[Notary Public Seal]
M. Anya Kalishov
Notary Pub. State of Florida
Commission No. 05254132
Commission Expires 10/30/2022
SITE PHOTOS
1020 E CREST AVE
SITE PHOTOS

Proposed property line and drainage easement

END OF STAFF REPORT
Subject: 2508 Prairie View Drive
Project Name: Kelly Property
Parcel ID: 02-23-27-9154-00-580

Issue: The applicant is requesting a variance for the subject property located at 2508 Prairie View Drive.

Supplemental Material / Analysis:

Owner / Applicant: Robert Kelly
Current Zoning: R-1
Proposed Zoning: N/A
Current FLU: LR
Proposed FLU: N/A

Summary: The applicant is requesting a variance to the Winter Garden Code of Ordinances Section 118-308(1)c for the property located at 2508 Prairie View Drive. If approved, this variance will allow a rear yard setback of 20’ feet in lieu of the required 26’ feet, in order to build a covered porch.

Staff Recommendation(s): Staff recommends approval of the proposed lot split/reconfiguration.

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

Attachment(s): Location Map
Staff Report
INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 2508 Prairie View Drive in Winter Garden, Florida. The request is to allow a 20’ foot rear yard setback in the lieu of the required 26’ foot in order to construct a covered porch.

The subject property, located on Prairie View Drive, is an approximately 0.26 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:
The subject property carries the zoning designation R-1 (Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City’s Comprehensive Plan.

EXISTING USE
The property is developed with a single-family home.

ADJACENT LAND USE AND ZONING
The properties to the south, east, and west of the subject property are developed with single-family residences, are zoned R-1, and are in the City of Winter Garden’s Municipal limits. The property to the north is the Wintermere Pointe neighborhood stormwater retention pond.

PROPOSED USE
The applicant is requesting the variance to allow the construction of a covered porch. The roof of the proposed porch will cover the already existing screened patio area. The applicant is not requesting to expand the area of the back porch. This request is only to allow for the roof. The property owners did receive approval from the neighborhood’s Homeowners Association (HOA).

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

In the R-1 residential district, the minimum yard requirements are as follows:

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

The applicant is seeking a variance to the rear yard setback in order to construct a covered porch.

CODE REQUIREMENTS / CRITERIA
Section 118-131 of the City Code that relates to the review criteria states that, “A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue.”

The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff’s comments concerning this particular petition.

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

The property to the north of the subject property, and immediately adjacent to the rear yard, is the stormwater retention pond. The neighbors to the east and west both have screened porches that go beyond the existing subject property’s screened porch. The applicant is not
expanding the porch area. The requested variance should cause little, if any, interference with the reasonable enjoyment of nearby property owners.

(2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;
The requested variance does not change the residential nature of the property. The applicant is just requesting to put a roof over their already existing screened porch. The applicants have received approval from their HOA regarding this request.

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

(4) The granting of the variance is consistent with the city's comprehensive plan; and
The variance is consistent with the provisions of the City’s Comprehensive Plan relating to low density residential neighborhood character.

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.
The variance requested is the minimum variance that will make reasonable use of the land as the request is to put a roof over an already existing use. Denying this variance does not benefit the property owner or the City.

SUMMARY
City Staff recommends approval of a variance to Section 118-308(1)c to allow construction of a covered porch with a 20 foot rear yard setback in lieu of the 26 foot requirement.

NEXT STEP
Follow all City regulations and apply for building permits.

ATTACHMENTS
- Aerial Photo
- Survey
- Site Photos
SITE PHOTOS
2508 Prairie View Drive
END OF STAFF REPORT