

THE CITY OF WINTER GARDEN
PLANNING & ZONING BOARD AGENDA

AT CITY COMMISSION CHAMBERS/ 251 W. PLANT ST.

REGULAR MEETING

August 7, 2006

5:30 P.M.

1. Call to Order
2. Approval of minutes from the July 10, 2006 meeting – Attachment 1
3. Duties and Procedures of Planning and Zoning Board Workshop – Attachment 2

Variances (all Public Hearings)

4. 221 Sixth Street (setback variances) – Attachment 3
5. Apex Commerce Center Phase II & III (ISR variance) – Attachment 4

Annexations, Rezoning, & Small-Scale Comp Plan Amendments (all Public Hearings)

6. 21 & 35 Broad Street (annex, SSCPA, & rezoning) – Attachment 5

Rezoning (all Public Hearings)

7. East Winter Garden Rezoning Ordinances – Attachment 6

Large - Scale Comprehensive Plan Amendments (all Public Hearings)

9. 355 S. Ninth Street (Dreyfus Citrus) – Attachment 7
10. Sessions-Schneider-Ross (SouthStar) Property – Attachment 8

Plats (no Public Hearings)

11. Avalon Reserve Commercial (Village 5; Avamar) Preliminary Plat – Attachment 9
12. Pineloch Industrial Park Final Plat – Attachment 10
13. Bronson's Landing Final Plat – Attachment 11

Site Plans (no Public Hearings)

14. 756 Business Park Blvd. (Kelzer Concrete) – Attachment 12

Any and all objections will be heard at this time and if no valid objections are presented to the contrary consideration will be given for granting this request. You are advised that if a person decides to appeal any decision made with respect to any matter considered at such hearing, then they will need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based.

THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 2 (No Public Hearing)

Date: August 3, 2006 **Meeting Date:** August 7, 2006

Subject: Duties and Procedures of Planning and Zoning Board Workshop

Summary: The City Attorney will discuss the duties and procedures of the Planning and Zoning Board. A question-and-answer session will follow.

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

Date: August 3, 2006 **Meeting Date:** August 7, 2006

Subject: 221 Sixth Street

Issue: Request for approval of a lot split and variances.

Lot Split will create:

- 100' x 129' lot (combining lots 4 & 5)
- 50' x 129' lot (lot 6).

Owner requests a variance for the following:

- 14 foot front yard setback and a 1 foot side yard setback on the north property line for Lots 4 & 5.
- 25 foot lot width variance, a 4 foot front yard setback variance, a 6.5 foot side yard setback variance and a 1,055 sq. ft. lot area variance for Lot 6.

Supplemental Material/Analysis:

Owner/Applicant: Penny Vidales
Phone: 407-469-3649

Zoning: R-2 (which requires a front setback of 30', a side setback of 10', a minimum lot area of 7,500 sq. ft., and minimum lot width of 75').

FLU: Low Density Residential

Summary: Presently, three single-story houses exist on each of the lots of the J.W. Jones Addition to Winter Garden Plat. The property owner plans to remodel and/or reconstruct the single family homes. As such, the property owner has requested a lot split to create two separate lots. Lots 4 & 5 will be combined to create a 100' x 129' lot. Lot 6 will create a separate 50' x 129' lot. The lot split will produce two lots that need separate variances. Lots 4 & 5 will need a 4 foot front yard setback and a 1 foot side yard setback on the north property line. Lot 6 will need a 25 foot lot width variance, a 4 foot front yard setback variance, and a 6.5 foot side yard setback variance and a 1,055 sq. ft. lot area variance.

The City Code 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 have to be addressed before a variance can be approved
Underlined are Staff’s comments concerning this particular petition.

(a) 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 request will create two separate lots. Lot 4 & 5 requests a 14 foot front yard setback and a 1 foot side yard setback on the north property line. Lot 6 requests a 25 foot lot width variance, a 4 foot front yard setback variance, and a 6.5 foot side yard setback variance and a 1,055 sq. ft. lot area variance. The lot split will create a 100’ x 129’ lot (combining lots 4 & 5) and a 50’ x 129’ lot (lot 6). This variance will attempt to replace renters with home owners for the two new lots. This request should not affect adjacent property owners as the homes have already been constructed.

(b) 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 variances and lot split will allow a reasonable use of the properties. In addition, the lot split will partially correct a non-conforming situation by eliminating three single-family homes on one parcel. Instead, two homes will be on one parcel (lots 4 & 5), which is allowed by the R-2 zoning code, and one home will be located on the other lot (lot 6).

(c) 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;

Staff believes that strict compliance with the land development regulations will not further any legitimate City objective.

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

The variance and lot split is consistent with the provisions of the City's Comprehensive Plan relating to single-family neighborhood character.

(e) 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.

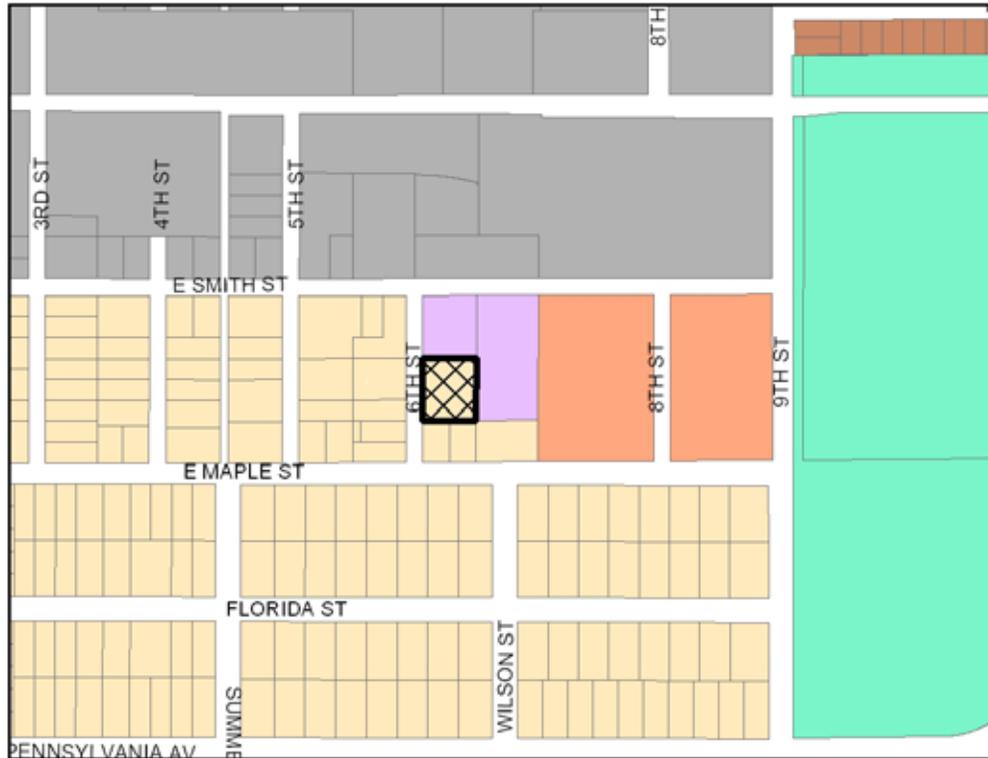
The variance is a minimal request, which corrects a non-conforming situation, and fosters future home ownership

**Staff
Recommendation:**

Staff recommends approval of the lot split and the requested 14 foot front yard setback and 1 foot side yard setback on the north property line for lots 4 and 5 and the 25 foot lot width variance, 4 foot front yard setback variance, 6.5 foot side yard setback variance and 1,055 sq. ft. lot area variance for lot 6.

Next Step: If P& Z Board approves, submit lot split to OCPA.

221 Sixth Street



THE CITY OF WINTER GARDEN

CITY PLANNING AND ZONING BOARD AGENDA ITEM

ATTACHMENT 4 (Public Hearing)

Date: August 3, 2006 **Meeting Date:** August 7, 2006

Subject: Apex Commerce Center Phase II & III ISR Variance

Issue: Property owner requests an impervious surface ratio (ISR) variance of 6.5% for 310 East Crown Point Road and 6% for 330 East Crown Point Road (Apex Commerce Center Phase II & III).

Supplemental Material/Analysis:

Owner/Applicant: Yog Melwani FAX: (407) 877-1550

Zoning: C-2 (which requires an ISR of 70%)

FLU: Commercial

Summary: The property owner has requested an impervious surface ratio variance of 6.5% for 310 East Crown Point Road and 6% for 330

East Crown Point Road. Pursuant to Ordinance 05-61, adopted by the City Commission on December 8, 2005, the maximum impervious surface ratio (ISR) for the C-2 zoning district was established at 70%. However, this development was master planned and permitted prior to the adoption of Ordinance 05-61 and was designed for a maximum impervious surface ratio of 75%. Because this development is providing additional phosphorous treatment in the stormwater retention areas and received a permit modification from the St. John's River Water Management District, Staff is willing to allow the request for a ratio above 75%.

Staff is still working with the developer on traffic issues. The site plan will be brought to the Board at a future date.

The City Code 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 have to be addressed before a variance can be approved *Underlined are Staff's comments concerning this particular petition.*

(a) 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 requested variance will not interfere with the reasonable enjoyment of nearby property owners. Directly to the north of the property is Phase 1 of the development. Also, all stormwater retention areas have been designed to comply with City Code.

(b) 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;

Although the property owner is requesting a higher ISR, many of the commercial and industrial properties in the adjacent area have been constructed with similar ratios because Ordinance 05-61 was only recently passed.

(c) 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;

Staff believes that strict compliance with the land development regulations will not further any legitimate City objective.

(d) 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 commercial development.

(e) 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.

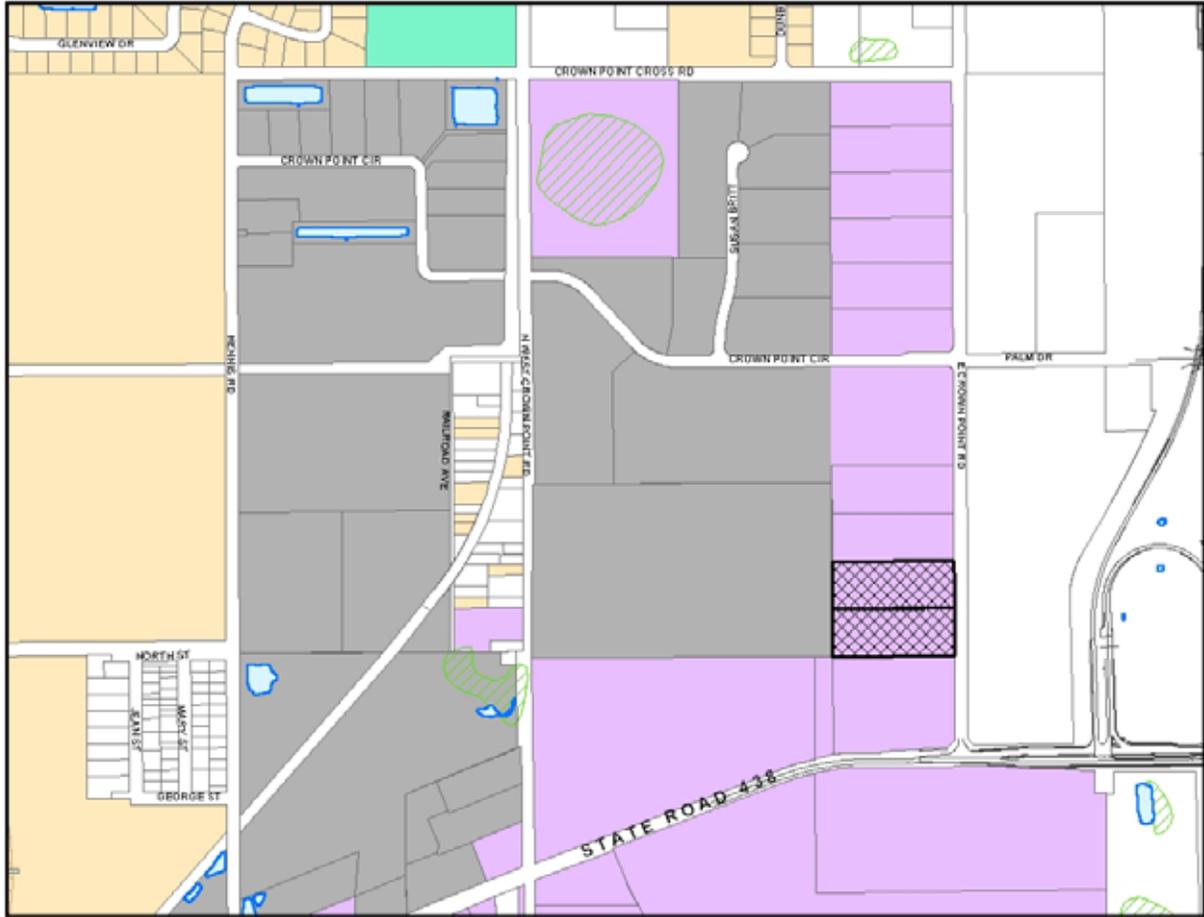
The variance is a minimal request. The property owner is providing adequate stormwater retention areas for this development.

**Staff
Recommendation:**

Staff recommends approval of the impervious surface ratio (ISR) variance of 6.5% for 310 East Crown Point Road and 6% for 330 East Crown Point Road.

Next Step: The site plan will be considered for approval by the Planning & Zoning Board at a future date.

310 & 330 E. Crown Point Road



THE CITY OF WINTER GARDEN

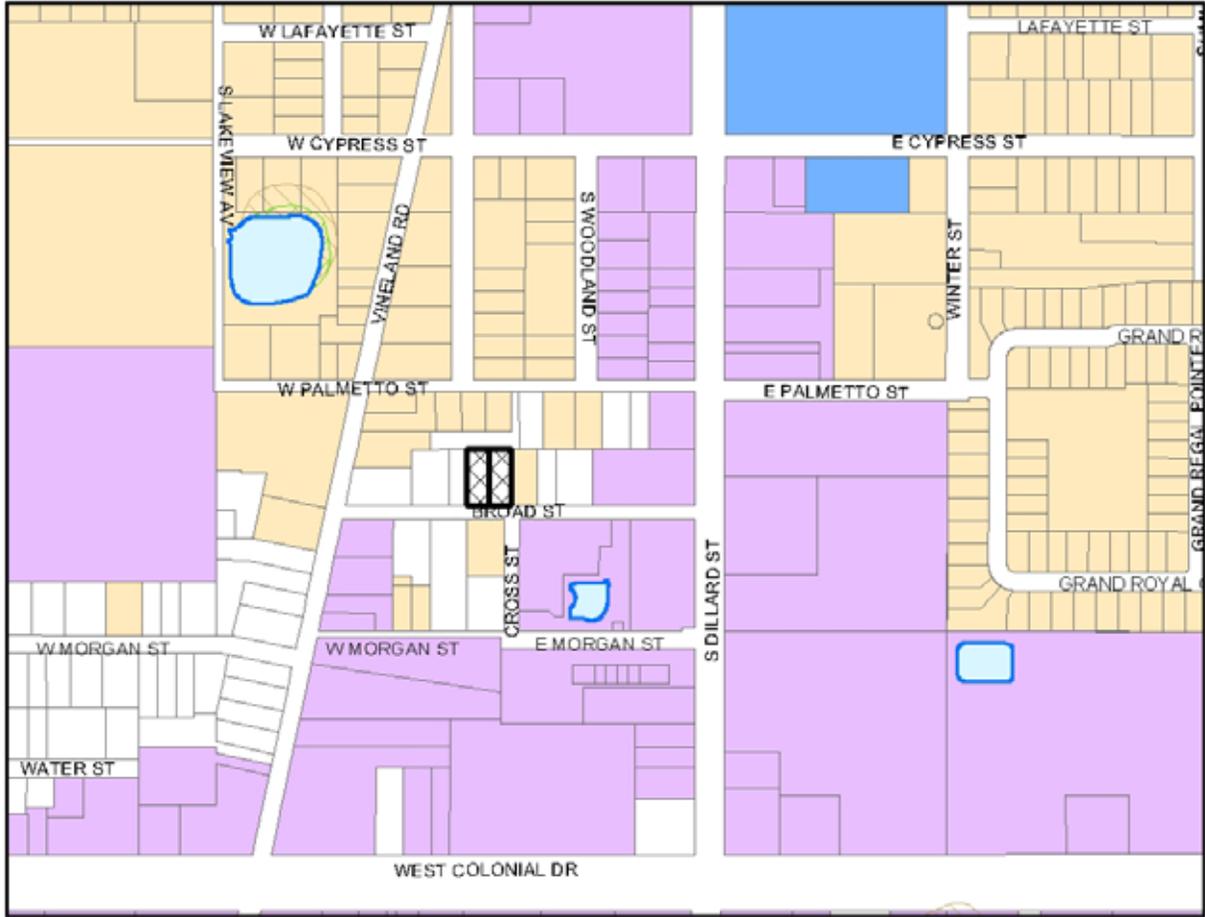
CITY PLANNING AND ZONING BOARD AGENDA ITEM

ATTACHMENT 5 (Public Hearing)

Date: August 3, 2006 **Meeting Date:** August 7, 2006

Subject: 21 & 35 Broad Street Annexation, Rezoning, and Comp Plan Amendment

Issue: Request approval for Ordinance 06-29, annexation ordinance, Ordinance 06-30, changing the comprehensive plan to Low Density Residential, and



THE CITY OF WINTER GARDEN

CITY PLANNING AND ZONING BOARD AGENDA ITEM

ATTACHMENT 6 (Public Hearing)

Date: August 3, 2006 **Meeting Date:** August 7, 2006

Subject: East Winter Garden Rezoning Ordinances

Issue: Request approval for Ordinance 06-34, establishing the RNC-2 zoning code, Ordinance 06-32, establishing the R-4 zoning code, and Ordinance 06-33, establishing the R-5 zoning code, rezoning much of the East Winter Garden neighborhood to these zoning districts.

Supplemental Material/Analysis:

Zoning: R-NC, R-2, & R-1B

FLU: Low Density Residential

Summary:

In August of 2005, the Winter Garden Community Redevelopment Advisory Board (CRAAB), concerned that current zoning for the East Winter Garden Area may limit redevelopment opportunities, requested that City Staff investigate the current zoning requirements and make recommendations. Current zoning conditions deem many properties non-conforming because of the variety of lots that exist within the neighborhood. This situation stifles redevelopment by requiring numerous variances for new and additional construction.

CRAAB held Community Workshops at the Maxey Center to gain public sentiment concerning the zoning issues in East Winter Garden. It was recommended that the City devise new zoning districts that would fit the pattern of development found in the neighborhood. To that end, City Staff worked diligently with developers, community leaders, and others to develop a zoning code that will reduce the number of variances and foster redevelopment. City Staff was mindful of the existing conditions and the history of the community.

In essence, the proposed zoning codes will reduce lot dimension and setback requirements to accommodate the mixture of lots. The following table shows the changes between the existing zoning code and the proposed zoning code:

ZONING COMPARISON
R-2 -VS- R-4 & R-5

<u>Zoning</u>	<u>R-2</u>	<u>R-4</u>	<u>R-5</u>
Permitted Uses:	Single family and two family duplexes, churches, governmental, educational facilities and parks and playgrounds.	All permitted uses and structures identified in the R-1 zoning district. Public parks, playgrounds and government facilities.	All permitted uses and structures identified in the R-1 zoning district. Public parks, playgrounds and government facilities
Special Exception Uses:	Rooming houses, golf and recreation clubs, hospitals, nursing homes, commercial child daycare centers and schools, mobile home parks, medical, and dental clinics.	Daycare facilities, public and private schools, and churches	Daycare facilities, public and private schools, and churches
Minimum Lot Requirements:	Single family: 75'x100' Two family duplexes: 100'x100' churches: 200' (minimum 2 acres)	Single Family: 50'x110' churches: (minimum 1 acre)	Single Family: 60'x110' Churches: (minimum 1 acre)
Setback Requirements:	Single family and Two family duplexes: Front-30' Side-10', Rear-20% depth of lot Churches: Front-30' Side- *adjacent to street 30', *adjacent to interior lot -20'and Rear 50'.	Single Family: Front - 20' Side - 7.5', Rear - 30' Churches: Front – 30' *adjacent to street – 30' *interior lot-50' Rear 50'	Single Family: Front - 20' Side - 5' Rear - 30' Churches: Front – 30' *adjacent to street – 30' *interior lot-50' Rear 50'
Lot Coverage	Single family: 35% Two family duplexes: 35% Hospital, Governmental institutions, Private clubs etc: 40% Churches: 35%	Single Family: 40% Churches, Hospitals, Governmental institutions, Private clubs etc. 40%	Single Family: 40% Churches, Hospitals, Governmental institutions, Private clubs etc. 40%
Prohibited Uses:	House trailers, retail businesses including gas stations, communication towers, storage yards, warehouse, commercial/industrial vehicles and materials.	Recreational vehicles, house trailers, duplexes, townhomes, apartments and other multi-family structures. Rooming and boarding houses, commercial uses(except home occupations)	Recreational vehicles, house trailers, duplexes, townhomes, apartments and other multi-family structures. Rooming and boarding houses, commercial uses(except home occupations)

ZONING COMPARISONS
RN-C -VS- RNC-2

<u>Zoning</u>	<u>RN-C</u>	<u>RNC-2</u>
Permitted Uses:	Single family and two family duplexes, churches, governmental facilities, public and private schools, public parks and recreation and neighborhood oriented commercial	Single family, duplexes, newer (after 1/1/2000) modular and manufactured homes, churches, daycares, public and private schools, public parks and recreation, and governmental facilities
Special Exception Uses:	Convenience stores, golf clubs and courses, marinas, hospitals, nursing homes, governmental institutions, private and public schools, commercial daycare canters.	Neighborhood oriented commercial, multifamily buildings, townhomes, tandem housing, existing rooming houses (as allowed in the R-NC Zoning District), accessory dwelling units and housing above commercial, hospitals, nursing homes, private and public schools, commercial daycare centers, and funeral homes.
Minimum Lot Requirements:	Single Family: 75'x100' Two Family: (Duplexes) 100'x100'	Single Family: 50'x 80' Duplexes: 100' X 80' Multifamily: 100' X 150' Townhomes:100' (Building) 25'Individual lot
Setback Requirements:	Single Family: Front-30' Side-10', Side Corner Lot -20' Rear-20 percent of depth	Single Family: Front - 15' *10' open porch Side - 5' Rear - 30' Townhomes: Front- 15' *10' front porch; 20' driveway Side: 10% of lot width; Min. 10' Rear: 20'
Lot Coverage	Single Family: 35% Two Family(Duplexes) 40%	Single Family: 50% Townhomes: 50%
Prohibited Uses:	Agriculture, Communication Towers and Intense Commercial Uses	Agriculture, house trailers, older modular or manufactured homes, new rooming houses, industrial or storage uses, Communication Towers and Intense Commercial Uses

Additional Materials:

1. Ordinance 06-33
2. Ordinance 06-34
3. Ordinance 06-35
4. East Winter Garden Sector Study

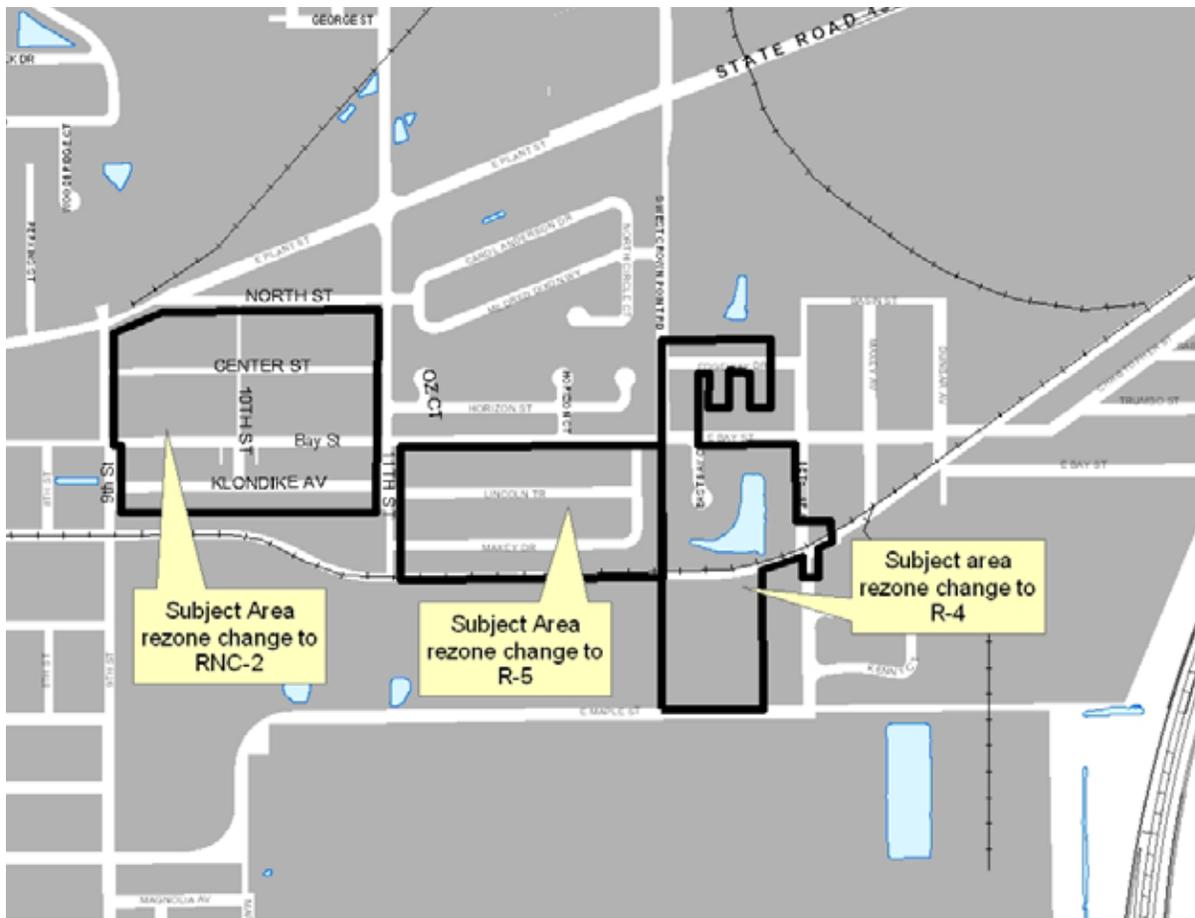
Staff

Recommendation:

Staff recommends approval of Ordinance 06-34, establishing the RNC-2 zoning code, Ordinance 06-32, establishing the R-4 zoning code, and Ordinance 06-35, establishing the R-5 zoning code, for the East Winter Garden neighborhood.

Next Step: The Ordinances are tentatively scheduled for first reading at the August 24, 2006 City Commission meeting.

East Winter Garden Rezoning Ordinances



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

Date: August 3, 2006 **Meeting Date:** August 7, 2006
Subject: 355 S. Ninth Street (Dreyfus Citrus) Large-Scale Comp Plan Amendment
Issue: Transmittal of Ordinance 06-35, amending the Future Land Use Map of the City of Winter Garden's Comprehensive Plan by changing the Future Land Use designation of the property located at 355 South Ninth Street from Orange County Industrial to City Industrial.

Supplemental Material/Analysis:

Applicant: Louis Dreyfus Citrus
Rick Tomlin FAX: 407-656-1229

Zoning: Area inside City Limits not currently zoned

Existing FLU: Orange County Industrial

Proposed FLU: City Industrial

Summary: On December 8, 2005, the City Commission approved Ordinance 05-57, annexing the Dreyfus Citrus Plant. The next step in the process is to transmit the comp plan amendment to the State. The City will amend the Future Land Use Map of the City of Winter Garden's Comprehensive Plan by changing the Future Land Use designation from Orange County Industrial to City Industrial. The zoning ordinance, rezoning the property to City I-2, will be placed before the P & Z Board and City Commission for approval at a later date.

Additional Materials:

- Ordinance 06-35

**Staff
Recommendation:**

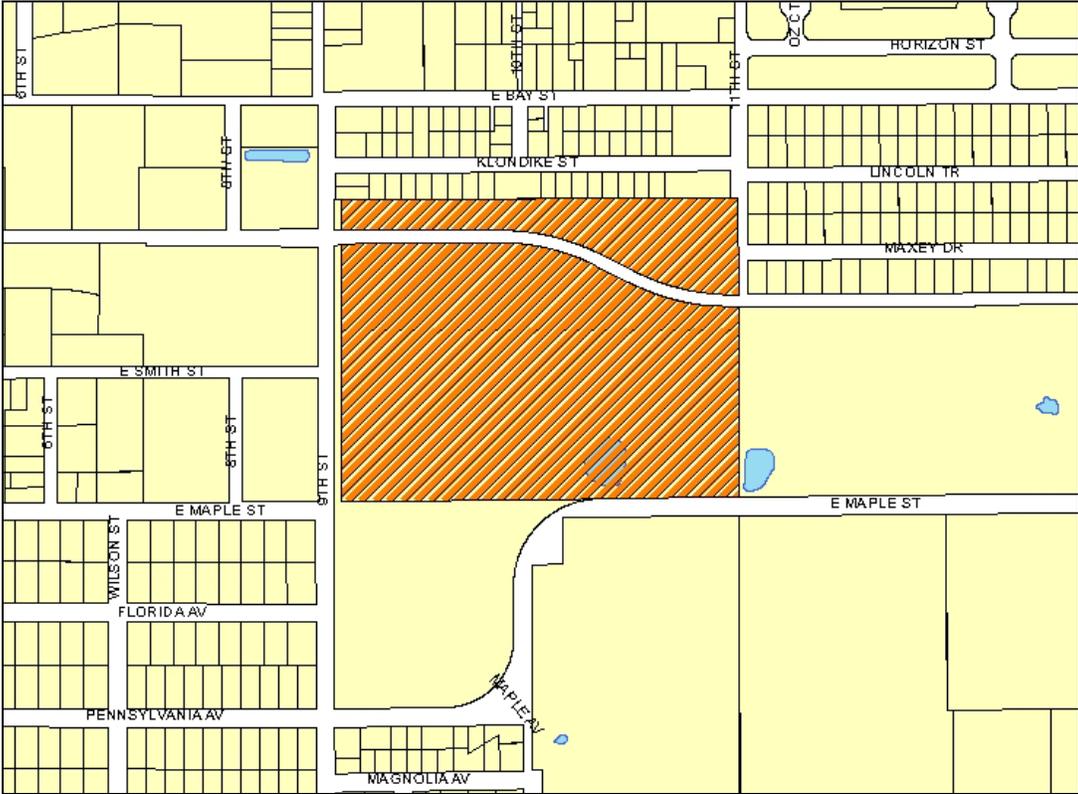
Staff recommends transmittal of Ordinance 06-37, amending the Future Land Use Map of the City of Winter Garden's Comprehensive Plan by

changing the Future Land Use designation of the property located at 355 South Ninth Street from Orange County Industrial to City Industrial.

Next Step:

A public hearing for the transmittal of the Comp Plan Amendment is scheduled to be before the City Commission on August 24, 2006.

355 S. Ninth Street (Dreyfus Citrus)



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

Date: August 3, 2006 **Meeting Date:** August 7, 2006

Subject: Sessions – Schneider – Ross (SouthStar) Property Large-Scale Comp Plan Amendment

Issue: Transmittal for Ordinance 06-37, amending the Future Land Use Map of the City of Winter Garden's Comprehensive Plan by changing the Future Land Use designation of the property generally described as 71 acres of land located on the east side of County Road 545, and North of Black Lake from Orange County Rural to City Suburban Residential with a City Conservation Overlay.

Supplemental Material/Analysis:

Applicant: SouthStar Development Properties, Inc.
Kim Woodbury FAX: 305-476-1419

Zoning: Area inside City Limits not zoned

Existing FLU: Orange County Rural

Proposed FLU: City Suburban Residential

Summary: On December 22, 1994, the City Commission approved Ordinance 94-35, annexing the subject property. The next step in the process is to transmit the comp plan amendment to the State. The City will amend the Future Land Use Map of the City of Winter Garden's Comprehensive Plan by changing the Future Land Use designation from Orange County Rural to City Suburban Residential with a City Conservation Overlay. The zoning ordinance for these properties will be placed before the P & Z Board and City Commission for approval at a later date.

Additional Materials:

- Ordinance 06-37

Staff

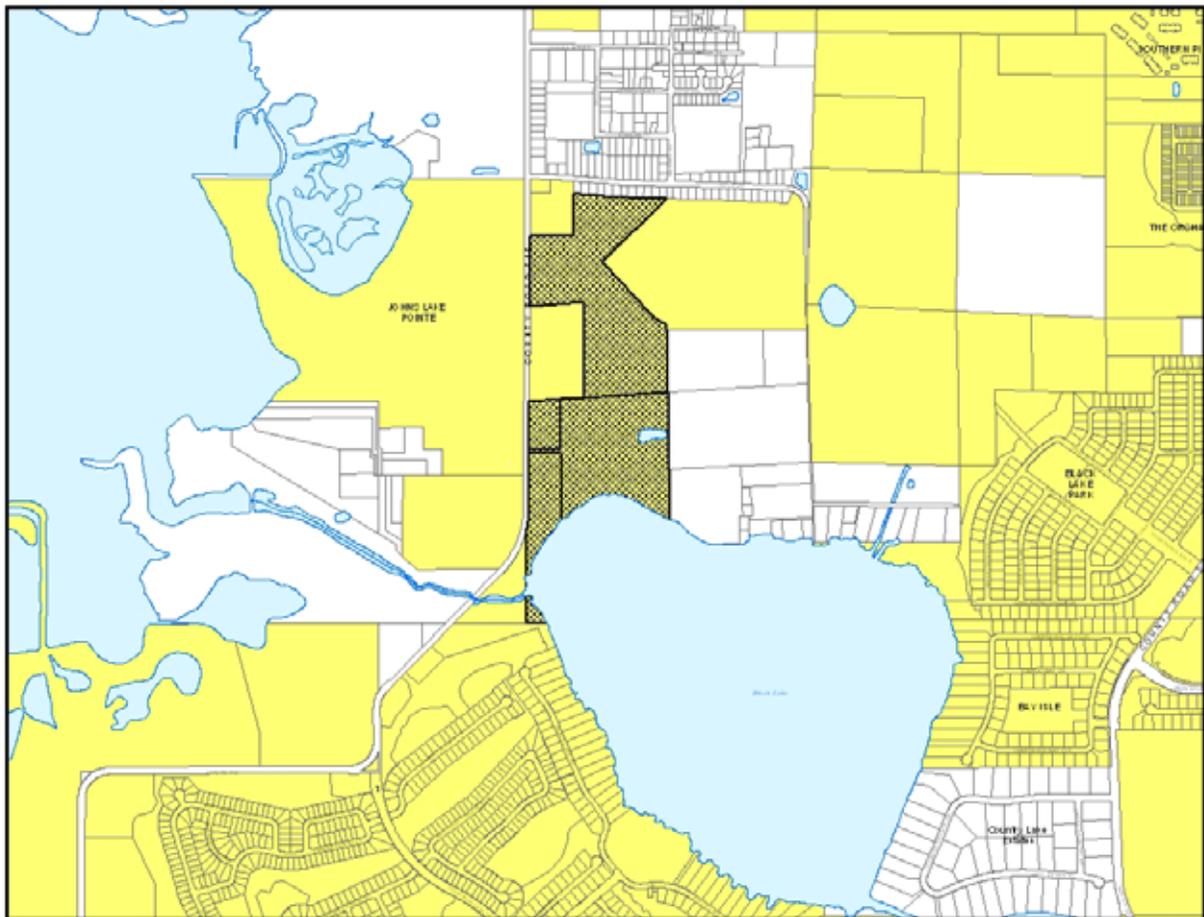
Recommendation:

Staff recommends transmittal of Ordinance 06-37, amending the Future Land Use Map of the City of Winter Garden's Comprehensive Plan by changing the Future Land Use designation of the property generally described as 71 acres of land located on the east side of County Road 545, and North of Black Lake from Orange County Rural to City Suburban Residential with a City Conservation Overlay.

Next Step:

A public hearing for the transmittal of the Comp Plan Amendment is scheduled to be before the City Commission on August 24, 2006.

SouthStar Property



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

ATTACHMENT 9 (No Public Hearing)

Date: August 3, 2006 **Meeting Date:** August 7, 2006
Subject: Avalon Marsh Retail (aka Avamar; Avalon Reserve Village 5) Pre-Plat
Issue: Request approval of a preliminary plat for 4 commercial lots totaling 16.601 ± acres located on the southwest corner of Marsh Road and Avalon Road.

Supplemental Material/Analysis:

Owner/Applicant: Chadwyck Moorhead FAX: (407) 629-8336

Zoning: PCD/PUD

FLU: Commercial

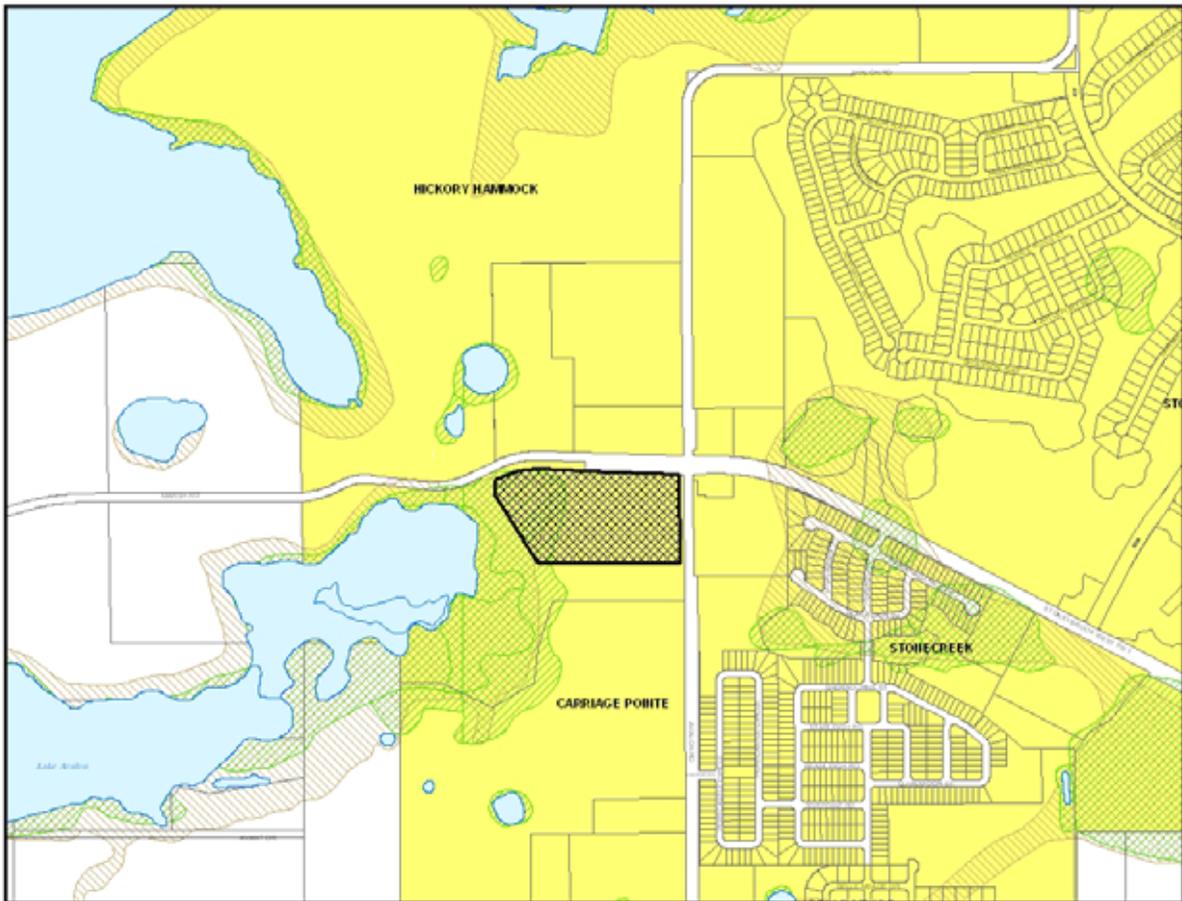
**Staff
Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of July 21, 2006, the Stormwater Engineer's email dated July 19, 2006, the Building Official's memo of July 17, 2006, and the Fire Department's email of July 6, 2006.

Prior to final approval of the Preliminary Plat by the City Commission, the owner will need to enter into a Development Agreement addressing the improvements to Hartwood Marsh Road and CR545.

Next Step: Tentatively scheduled for the August 24, 2006 City Commission meeting.

Avalon Marsh Retail (aka Avamar)



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

ATTACHMENT 10 (No Public Hearing)

Date: August 3, 2006 **Meeting Date:** August 7, 2006
Subject: Pineloch Industrial Park Final Plat
Issue: Request approval of a final plat for 17.62 ± acres of property located at 150 North West Crown Point Road.

Supplemental Material/Analysis:

Owner/Applicant: James Caruso FAX: (407) 859-3550

Zoning: I-2

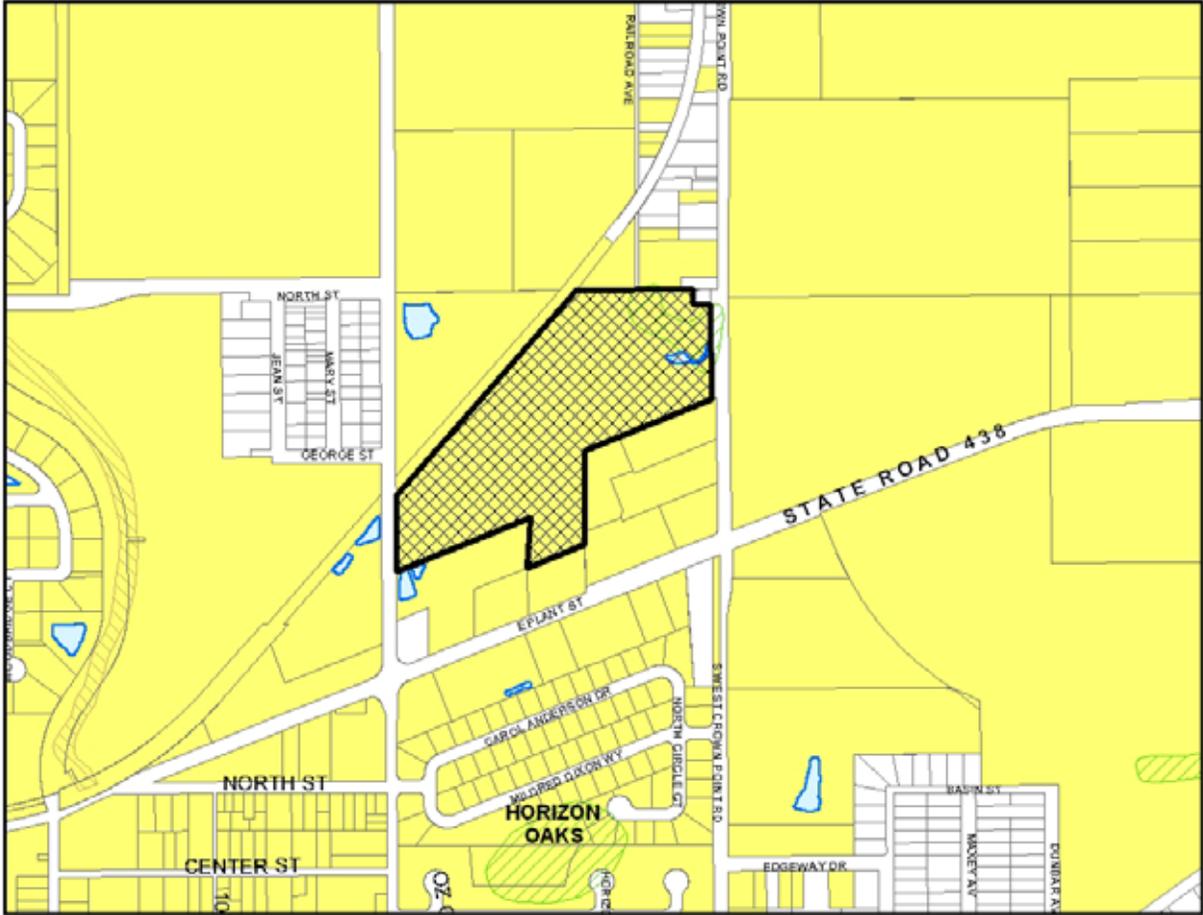
FLU: Industrial

Staff

Recommendation: Staff Recommends approval with the conditions in the Engineering Department's memorandum of July 21, 2006, the Stormwater Engineer's email dated July 20, 2006, the City Attorney's memo of July 18, 2006, the City Surveyor's memo dated July 11, 2006 and the Fire Department's email of July 6, 2006.

Next Step: Tentatively scheduled for the August 24, 2006 City Commission meeting.

Pineloch Industrial Park



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

ATTACHMENT 11 (No Public Hearing)

Date: August 3, 2006 **Meeting Date:** August 7, 2006
Subject: Bronson's Landing Final Plat
Issue: Request approval of a final plat for 126 single-family homes located south of Stoneybrook West Parkway.

Supplemental Material/Analysis:

Owner/Applicant: Tom Snow – Miller-Legg FAX: (407) 629-7883

Zoning: PUD

FLU: Suburban

Staff

Recommendation:

Staff Recommends approval with the conditions in the Engineering Department's memorandum of August 2, 2006, the Stormwater Engineer's email dated August 2, 2006, the City Attorney's memo of July 27, 2006, the City Surveyor's memo dated July 24, 2006, and the Fire Department's email of July 19, 2006.

Next Step: Until technical issues between City Staff and the Developer are resolved, this final plat will not be scheduled for the City Commission meeting.

THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 12 (No Public Hearing)

Date: August 3, 2006 **Meeting Date:** August 7, 2006
Subject: 756 Business Park Blvd. (Kelzer Concrete) Site Plan
Issue: Request approval of a site plan for a 3,000 sq. ft. maintenance shop, a 2000 sq. ft. office/warehouse for the property located at 756 Business Park Blvd.

Supplemental Material/Analysis:

Owner/Applicant: Kenneth Kelzer FAX: (407) 654-7558
Zoning: I-1
FLU: Industrial

Staff

Recommendation: Staff recommends approval with the conditions in the Engineering Department's memorandum of August 1, 2006, the Stormwater Engineer's email dated July 21, 2006, and the Fire Department's email of August 1, 2006. In addition, outside storage will not be permitted and no large industrial trucks (i.e. cement-mixers) will be housed on site.

Next Step: Tentatively scheduled for the August 24, 2006 City Commission meeting.

756 Business Park Blvd. (Kelzer Concrete)

