

THE CITY OF WINTER GARDEN
PLANNING & ZONING BOARD AGENDA
AT CITY COMMISSION CHAMBERS/ 251 W. PLANT ST.

REGULAR MEETING

December 4, 2006

6:30 P.M.

1. Call to Order
2. Approval of minutes from the November 6, 2006 meeting – Attachment 1

Variances (all Public Hearings)

3. 1857 Black Lake Boulevard (boat dock variance) – Attachment 2
4. 343 Windford Court (setback variance) – Attachment 3
5. 440 N. Main Street (setback variance) – Attachment 4
6. Courtlea Oaks Phase 2B Lot 70 (setback variance) – Attachment 5
7. Garden Plaza (parking variance) – Attachment 6

Rezoning & Comprehensive Plan Amendments (all Public Hearings)

8. Belle Meade Commercial Outparcels – Attachment 7

Special Exception Permits (all Public Hearings)

9. StarChild Academy – Attachment 8
10. Rush Trucking – Attachment 9

Site Plans (no Public Hearings)

11. Windermere Corners – Attachment 10
12. Apex Commerce Center Phase II & III – Attachment 11
13. Garden Plaza – Attachment 12
14. Winter Garden Executive Center – Attachment 13

Final Plats (no Public Hearings)

15. Tucker Oaks – Attachment 14
16. Oaks at Brandy Lake – Attachment 15

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 (Public Hearing)

Date: December 1, 2006 **Meeting Date:** December 4, 2006

Subject: 1857 Black Lake Blvd.

Issue: Request for approval of a variance that would allow the property owners to construct a boat dock with a 12' x 38' covered boat house and 10' x 10' covered activity area.

Supplemental Material/Analysis:

Owner/Applicant: Erica Stockstill, Ivy Environmental LLC
 Email: estickstill@cfl.rr.com

Zoning: PUD

FLU: Low Density Residential

Summary: The applicant requests a variance to construct a boat dock with a (12' x 38') 456 square feet covered boat house and a (10' x 10') 100 square foot covered activity area. The Accessory Dwelling Code states that accessory buildings over 160 square feet shall meet the setbacks of the principal structure. Since the covered area of the boat dock is over 160 square feet, and does not meet the principal building setbacks, it will require a 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 is for a variance to construct a boat dock with a 456 square foot covered boat house and 100 square foot covered activity area. The property owners state that granting this variance will be consistent with other boat docks in the neighborhood, and should not negatively impact any of the adjacent property owners. The property owners have also received approval from the St. John's River Water Management District.

(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 proposed setback variance will allow construction of the covered boat house and activity area on a boat dock; the proposed structures have been approved by the Stoneybrook West Homeowners Association ARB Board. The requested boat dock is in character with the neighborhood and the zoning category.

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(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 single-family neighborhood character.

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(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 requested is reasonable considering the proposed dock should not significantly impact the adjacent neighbors.

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Staff

Recommendation: Staff recommends approval of the variance request.

Next Step: If P & Z Board approves, apply for appropriate building permits.

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1857 Black Lake Blvd.
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THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 3 (Public Hearing)

Date: December 1, 2006 **Meeting Date:** December 4, 2006
Subject: 343 Windford Court
Issue: Request for approval of a 4 foot rear yard setback variance for 343 Windford Court. The variance will allow the property owners to build an enclosed screen porch.

Supplemental Material/Analysis:

Owner/Applicant: Antonio Rodriguez (407) 654-3342

Zoning: R-3 (Requires a 20' rear yard setback).

FLU: Low Density Residential

Summary: The property owners are requesting a 4 foot rear yard setback variance that will allow them to construct a 14'x30' enclosed screen porch on the rear of the existing single family home.

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 is for a 4 foot rear yard setback variance to build a screen porch. The property owners state that granting this variance will be consistent with other screen porches in the neighborhood, and should not negatively impact any of the adjacent property owners.

(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 4 foot rear yard setback variance main purpose is to allow the construction of an enclosed screen porch on the rear of the existing single family residence. The proposed screen porch will be approximately 6' from the rear property line. The requested screen porch is in character with the neighborhood and the zoning category.

(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 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.

Staff

Recommendation:

Staff recommends approval of the requested 4 foot rear yard setback variance to allow construction of an enclosed screen porch.

Next Step: If P& Z Board approves, submit for appropriate building permits.

343 Windford Court



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

ATTACHMENT 4 (Public Hearing)

Date: December 1, 2006 **Meeting Date:** December 4, 2006

Subject: 440 N. Main Street

Issue: Request for approval of a 2 foot rear setback variance and a 5 foot side yard (south) setback variance at 440 N. Main Street. The variance will allow the property owners to build an attached garage.

Supplemental Material/Analysis:

Owner/Applicant: Regis W. Connelly (407) 592-0957

Zoning: R-2 (Requires a 25 foot rear yard setback and a 10 foot side yard setback).

FLU: Low Density Residential

Summary: The property owners are requesting a 2 foot rear yard setback variance and a 5 foot side yard (south) setback variance to construct an attached 30'x40' garage to the existing home.

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 is for a 2 foot rear yard setback variance and a 5 foot side yard (south) setback variance. This request should not negatively impact any of the adjacent property owners, as the proposed attached garage will be consistent in color and design of the existing main structure.

(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 proposed attached garage is consistent with surrounding attached garages in the neighborhood. There is no rear property owner. The single family residence is completely in character with the neighborhood and the zoning category.

(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; and that the requested variances will allow the property owner to construct the 30'x40' attached garage to the existing home.

(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 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 will allow for a reasonably sized attached garage in the rear of the existing single family residence, the proposed attached garage will enhance and improve the appearance of the existing home and improve the quality of life in the neighborhood.

Staff

Recommendation:

Staff recommends approval of the requested 2 foot rear yard setback variance and the 5 foot side yard (south) setback variance to construct a 30'x40' attached garage to the existing single family residence.

Next Step: If P& Z Board approves, submit for appropriate building permits.

440 N. Main Street



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 5 (Public Hearing)

Date: December 1, 2006 **Meeting Date:** December 4, 2006

Subject: Courtlea Oaks Phase 2B Lot 70

Issue: Request for approval of a 12 foot 8 inch rear setback variance located in the Courtlea Oaks Subdivision Phase 2B (Lot 70). The variance will allow the property owners to construct a 40' x 27'-8" (4 car) garage on the proposed single family home.

Supplemental Material/Analysis:

Owner/Applicant: Ron Whitener

(407) 258-8243

Zoning: R-1 (Require a rear yard setback of 20% of the lot size)

FLU: Low Density Residential

Summary: The property owners are requesting a 12 foot 8 inch rear yard setback variance to construct a 40'x27'8" (4 car) garage on the proposed single family home.

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 is for a 12 foot 8 inch rear yard setback variance. This request will allow the property owners the ability to construct a 40'x27'-8" (4 cars) attached garage to the proposed single family home at the time of construction.

(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;*

Given the size of dimensions of the lot, this variance request is not out of character with the existing zoning category. In addition, the surrounding properties in the neighborhood have similar structures on their properties.

(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 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 will allow the property owners the ability to construct a 40'x27'-8" attached garage (4 cars) on the rear of the proposed single family home at the time of construction.

Staff

Recommendation:

Staff recommends approval of the requested 12 foot 8 inches rear setback variance to construct a 40'x27'-8" attached garage (4 cars) on the proposed single family home at the time of construction.

Next Step: If P& Z Board approves, submit for appropriate building permits.

Courtlea Oaks Phase 2B Lot 70



the required number of parking from 545 spaces to 466 spaces will allow the developer the opportunity to redevelop the existing commercial site and provide additional landscaping; therefore creating a more aesthetic and quality mixed use commercial development for the site.

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(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 and the land development regulation.

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(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.

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The variance is a request for approval of the reduction of the number of required parking spaces from 560 spaces to 466 spaces to allow for additional landscaping and the redevelopment of the Garden Plaza (Peoples Plaza); a mixed use commercial development on the site.

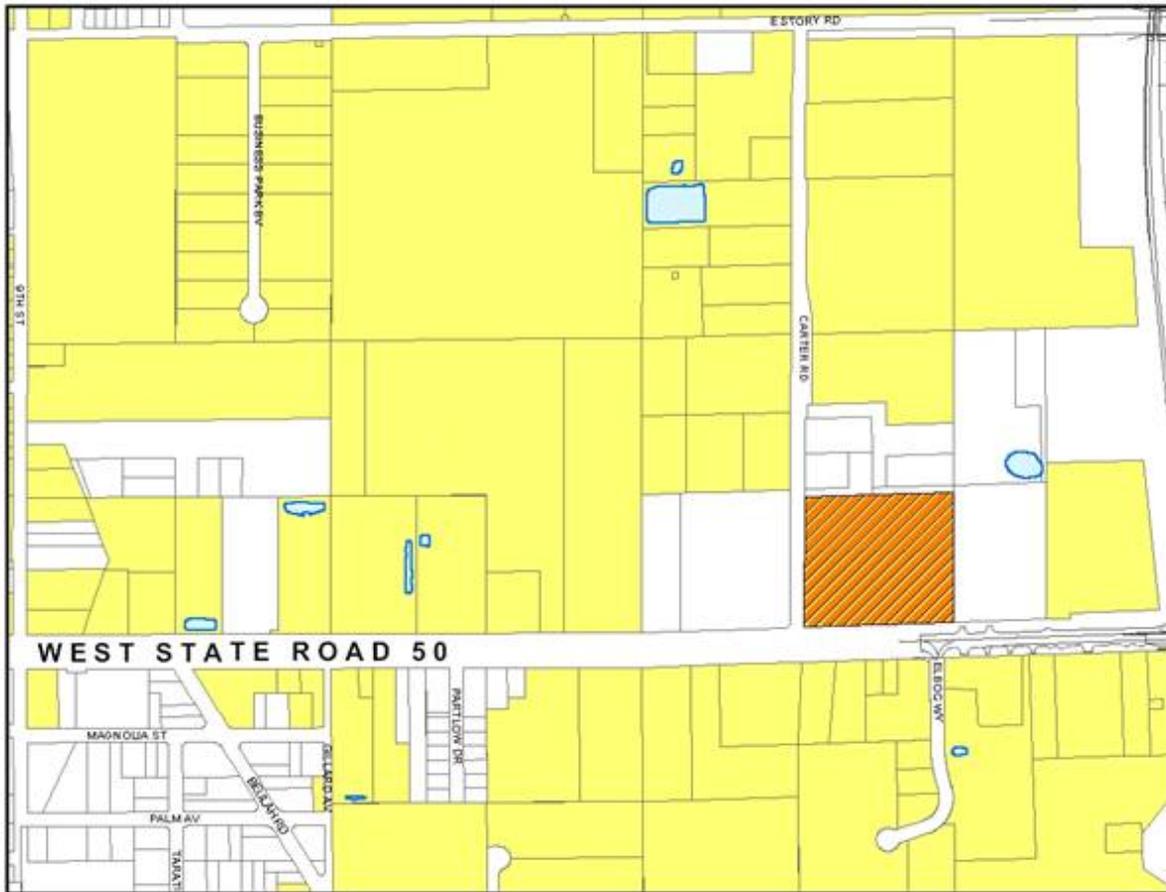
Staff

Recommendation:

Staff recommends approval of the requested reduction of the required parking spaces from 545 spaces to 466 spaces to allow for additional landscaping and the redevelopment of the Garden plaza (Peoples Plaza) as a mixed use commercial development.

Next Step: If P& Z Board approves, submit for commercial site plan approval.

Garden Plaza



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

Date: December 1, 2006 **Meeting Date:** December 4, 2006

Subject: Belle Meade Commercial Outparcels Rezoning & SSCPA
Issue: Request for approval of Ordinance 06-49, rezoning subject property from City Suburban to City Commercial, and Ordinance 06-50, changing the future land use of the subject property from PUD to PCD.

Supplemental Material/Analysis:

Owner/Applicant: Jonathan Martin, Kimley-Horn & Associates
E-mail: Jonathan.Martin@kimley-horn.com

Current Zoning: PUD

Proposed Zoning: PCD

Current FLU: SUB

Proposed FLU: COM

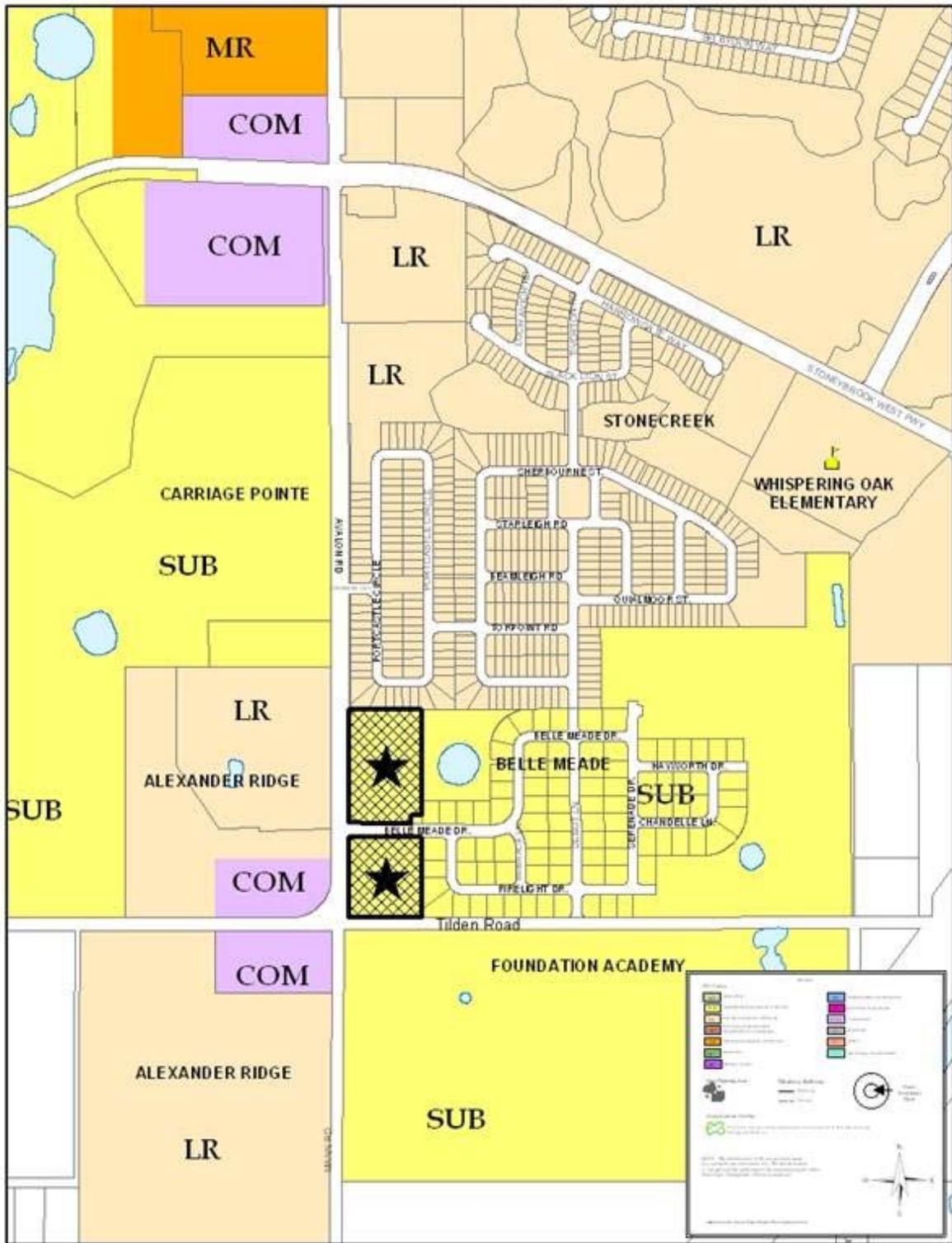
Summary: The property is currently a vacant site. The applicant proposes to utilize the land with offices, retail, and a grocery store.

Staff

Recommendation: Staff recommends approval of the rezoning to PCD and the FLU change to Commercial with the conditions in the attached Engineering Memo dated October 24, 2006.

Next Step: Tentatively scheduled for first reading by the City Commission on December 28, 2006. Also, Staff will need to review a site plan once the applicant desires to move forward with site and building permits.

Belle Meade Commercial



THE CITY OF WINTER GARDEN

CITY PLANNING AND ZONING BOARD AGENDA ITEM

ATTACHMENT 8 (Public Hearing)

Date: December 1, 2006

Meeting Date: December 4, 2006

Subject: StarChild Academy Special Exception Permit

Issue: Request for approval of a Special Exception Permit to allow a children's day care center (StarChild Academy) in a C-2 Zoning category at 1330 Winter Garden Vineland Road.

Supplemental Material/Analysis:

Owner/Applicant: Darand Williams, Williams Investment Group
Email: Darand@ddconstructionservices.com

Zoning: C-2, which allows a daycare as a Special Exception use.

FLU: COM

Summary: The applicant is requesting a Special Exception Permit to allow a children's day care center. The C-2 zoning category allows this use by Special Exception only.

Staff

Recommendation:

Staff recommends approval of the Special Exception Permit to allow a children's day care center with the conditions outlined in the Engineering memo dated November 8, 2006.

Next Step: Submit an engineered site plan for Staff Review.

Subject: Rush Trucking Special Exception Permit

Issue: Request for approval of a Special Exception Permit to allow Britt Business Center Lots 7-11 (aka Rush Trucking) located at 530, 550, 570, 590, 610 E. Crown Point Road to construct and operate a retail truck sales and service center.

Supplemental Material/Analysis:

Owner/Applicant: Michael Harding (407) 896-3317

Zoning: C-2, which allows a truck sales/service as a Special Exception use.

FLU: COM

Summary: The applicant is requesting a Special Exception Permit to allow a commercial truck sales and service center. The C-2 zoning category allows this use by Special Exception only.

Staff Recommendation:

Staff is recommending that the P&Z Board table this item until the applicant complies with the previous staff request of providing a traffic study and organizing a community meeting with the surrounding neighborhoods that this development may impact. In the alternative, Staff cannot support the Special Exception Permit at this time.

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Rush Trucking



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

ATTACHMENT 10 (No Public Hearing)

Date: December 1, 2006 **Meeting Date:** December 4, 2006

Subject: Windermere Corners Site Plan

12/1/2006

Issue: Request approval of a site plan for the property located at 1321 Windermere Road to be used as professional offices.

Supplemental Material/Analysis:

Owner/Applicant: Sam Sebaali, Florida Engineering Group, Inc.
Email: ssebaali@feg-inc.us

Zoning: C-2

FLU: COM

Staff

Recommendation:

Staff recommends approval with the conditions in the Engineering Department's memorandum of November 8, 2006.

Next Step: Tentatively scheduled for the December 28, 2006 City Commission meeting.

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Windermere Corners



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 11 (No Public Hearing)

Date: December 1, 2006 **Meeting Date:** December 4, 2006

Subject: Apex Commerce Center Phase II & III Site Plan

Issue: Request approval of a site plan for the property located at 310 & 330 E. Crown Point Road to be used as commercial flex space.

Supplemental Material/Analysis:

Owner/Applicant: Yog Melwani (407) 654-8200

Zoning: C-2

FLU: COM

Staff Recommendation:

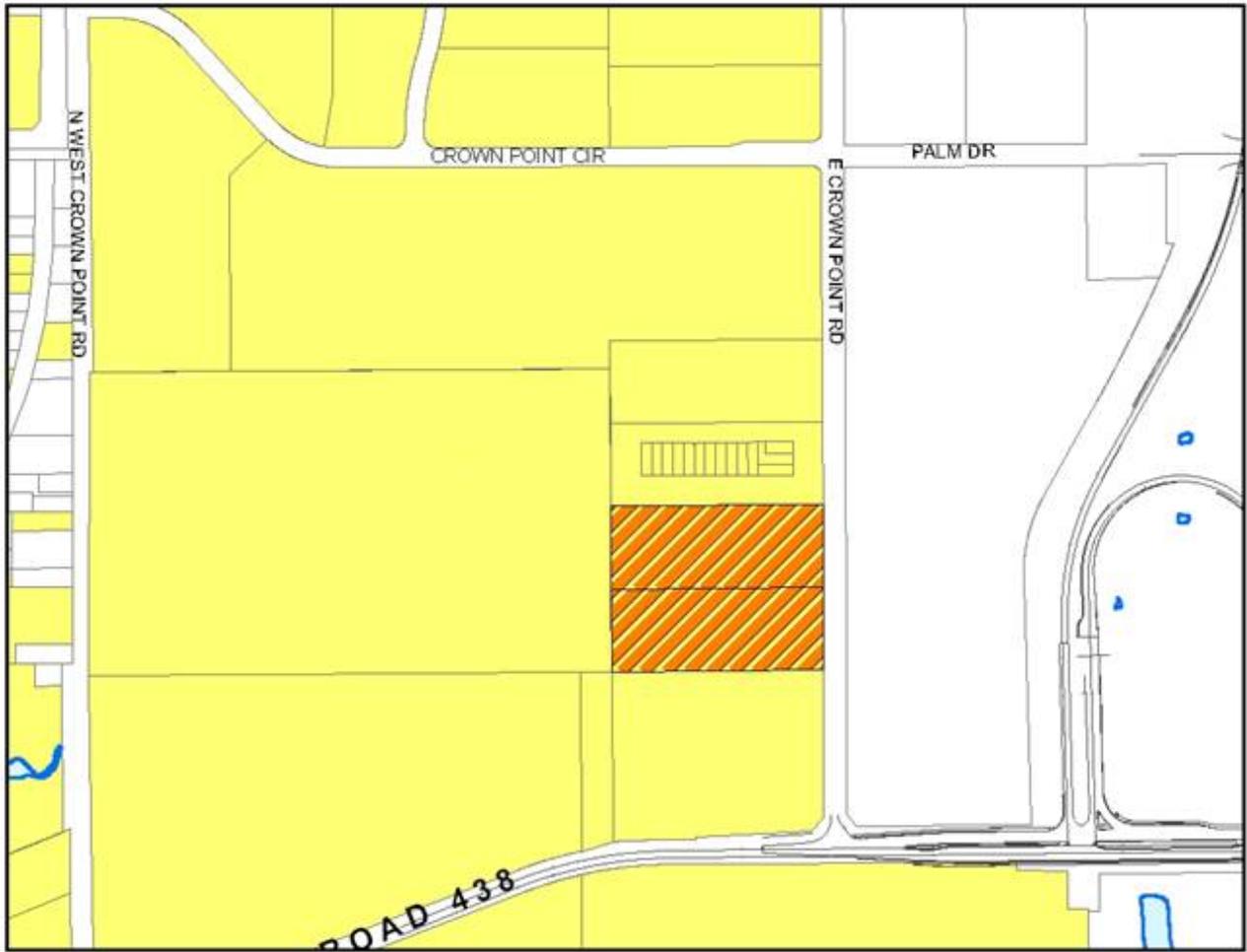
Staff recommends approval with the conditions in the Planning Department's memorandum of November 21, 2006 and the Engineering Department's memorandum of November 8, 2006.

Next Step: Tentatively scheduled for the December 28, 2006 City Commission meeting.

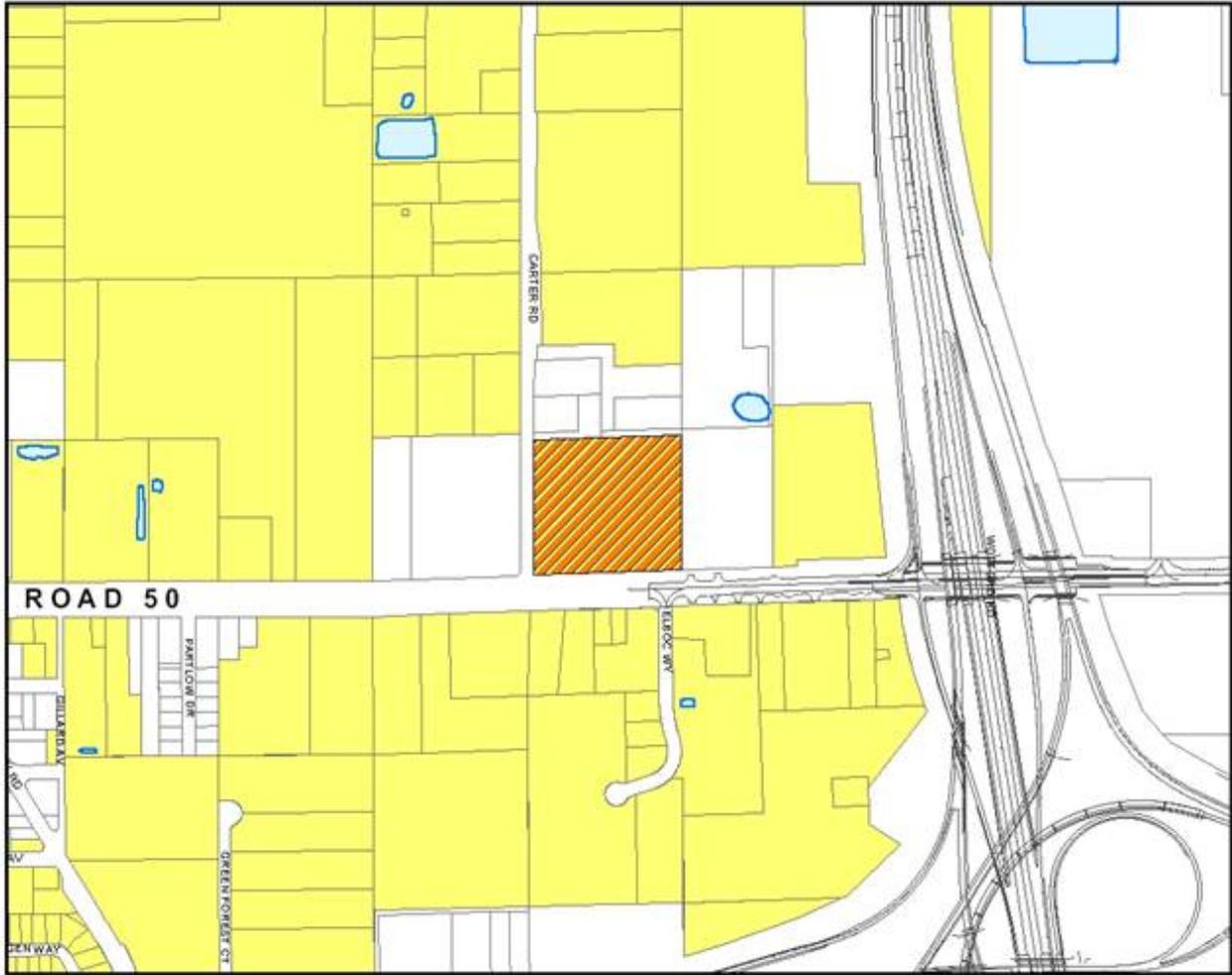
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Apex Commerce Center

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GARDEN PLAZA



Winter Garden Executive Center



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

ATTACHMENT 14 (No Public Hearing)

Date: December 1, 2006 **Meeting Date:** December 4, 2006
Subject: Tucker Oaks Final Plat
Issue: Request approval of the final plat for Tucker Oaks located on West Side of Colonial Drive and North of the Florida Turnpike.

Supplemental Material/Analysis:

Owner/Applicant: James D. Ellis (D.R. Horton, Inc.)
FAX: (407) 850-5305

Zoning: PUD

FLU: Medium Density Residential (MD)

Staff

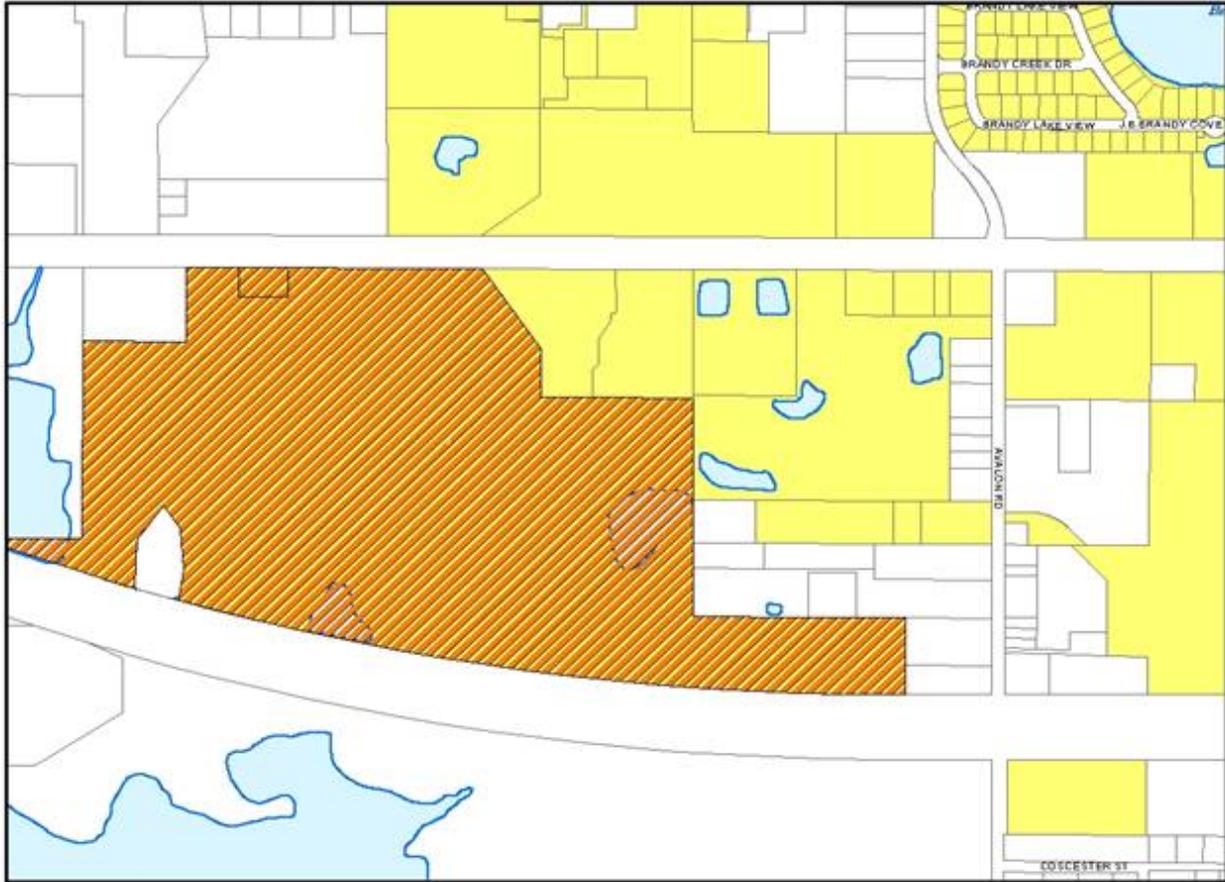
Recommendation:

Staff recommends approval with the conditions in the Engineering Department's memorandum of November 8, 2006, the Stormwater Engineer's memorandum dated November 7, 2006, the City Attorney's memorandum of November 20, 2006, the City Surveyor's memorandum dated September 6, 2006 and the Fire Department's email of October 30, 2006.

Next Step: Prior to being scheduled for the City Commission, the applicant will need to satisfy the comments and conditions found within the attached memoranda from City Staff.

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Tucker Oaks



THE CITY OF WINTER GARDEN

CITY PLANNING AND ZONING BOARD AGENDA ITEM

ATTACHMENT 15 (No Public Hearing)

Date: December 1, 2006 **Meeting Date:** December 4, 2006
Subject: Oaks at Brandy Lake Final Plat
Issue: Request approval of the final plat for Oaks at Brandy Lake located on West Plant Street and Story Road.

Supplemental Material/Analysis:

Owner/Applicant: Gregg Duggan (Greater Homes)
FAX: (407) 862-0057

Zoning: PUD

FLU: Low Density Residential (LR)

Staff Recommendation:

Staff recommends approval with the conditions in the Engineering Department's memorandum of November 1 2006, the Stormwater Engineer's memorandum dated November 1, 2006 the City Attorney's memo of October 11, 2006, the City Surveyor's memorandum dated October 30, 2006 and the Fire Department's email of October 5, 2006.

Next Step: Prior to being scheduled for the City Commission, the applicant will need to satisfy the comments and conditions found within the attached memoranda from City Staff.

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Oaks at Brandy Lake

