

THE CITY OF WINTER GARDEN
PLANNING & ZONING BOARD AGENDA

AT CITY COMMISSION CHAMBERS/ 251 W. PLANT ST.

REGULAR MEETING

February 5, 2007

6:30 P.M.

1. Call to Order
2. Roll Call and Determination of Quorum
3. Approval of minutes from the January 8, 2007 meeting - Attachment 1

Variances & Special Exception Permits (all Public Hearings)

4. 140 Faulkner Street Setback Variance – Attachment 2
5. 1500 E. Plant Street Barb Wire Fence SEP – Attachment 3

Rezoning & Comp Plan Amendments (all Public Hearings)

6. 186 S. Main Street – Attachment 4
7. Sessions School Site LSCPA Adoption – Attachment 5

Lot Splits (no Public Hearings)

8. 1330 Winter Garden – Vineland Road – Attachment 6

Site Plans (no Public Hearings)

9. City Hall Site Plans – Attachment 7

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: February 5, 2007 **Meeting Date:** February 5, 2007
Subject: 140 Faulkner Street
Issue: Request for approval of a 15 foot 5 inch rear setback variance for 140 Faulkner Street. The variance will allow the property owners to build an enclosed screen porch.

Supplemental Material/Analysis:

Owner/Applicant: Robert Elmore (407) 905-4061

Zoning: R-1B (Requires a 25' rear yard setback).

FLU: Low Density Residential

Summary: The property owners are requesting a 15 foot 5 inch rear setback variance that will allow them to construct a 10'x23' 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 15 foot 5 inch rear 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 15 foot 5 inch rear 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 15 feet 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.

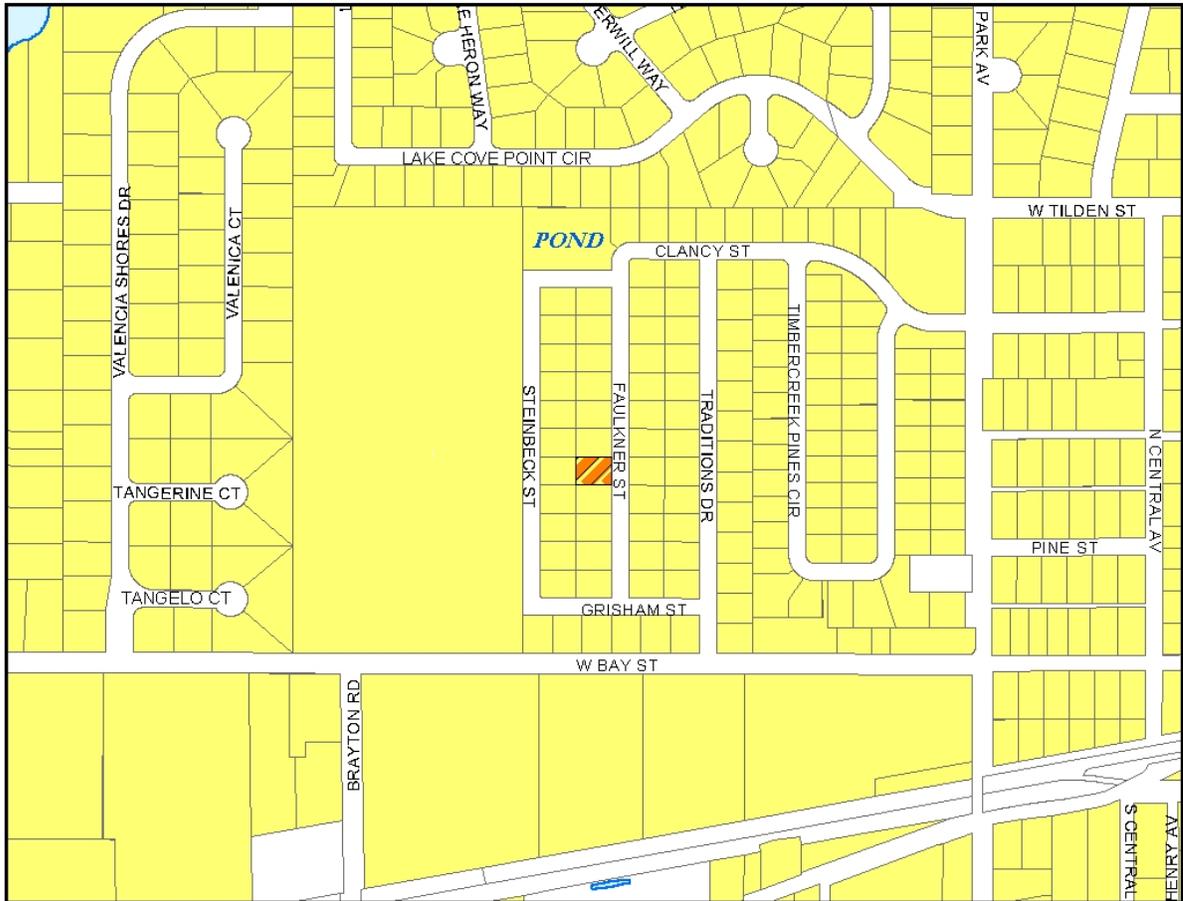
(e) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.

**Staff
Recommendation:**

Staff recommends approval of the requested 15 foot 5 inch rear setback variance to allow construction of an enclosed screen porch.

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

140 Faulkner Street



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

Date: February 5, 2007 **Meeting Date:** February 5, 2007
Subject: 1500 E. Plant Street Special Exception Permit
Issue: Applicant is requesting a special exception permit to allow barb wire fencing on his property.

Supplemental Material/Analysis:

Owner/Applicant: Strates Shows, Inc.

Zoning: C-2

FLU: COM

Summary:

Applicant is requesting a special exception permit to allow barb wire fencing on his property. The City Code states:

Sec. 118-1297. Fences, walls and enclosure of swimming pools.

Notwithstanding the above regulations, it shall be unlawful for any person to erect, construct or maintain any barbed wire fencing within the city except:

(1) Not more than three courses of barbed wire may be installed above the top line of a six-foot (1.83 meters) chain link fence. Barbed wire may only be used in the following zoning districts:

- a. I-2;*
- b. I-1; and*
- c. C-2 with a special exception.*

Regardless of the zoning district, no barbed wire may be used in locations that are:

- d. Visible to a residential zoned property; or*
- e. Within 20 feet of a public road.*

without a special exception permit.

The applicant's property is located within the C-2 zoning district and is visible from a residential zoned district and within 20' of a public road. Therefore, the applicant will need a special exception permit to install a barb wire fence.

However, given that the property has historically been used for agricultural uses and the adjacent property also has barbed wire fencing, City Staff feels that the SEP is not an unreasonable request. In addition, the property will be used for cattle grazing.

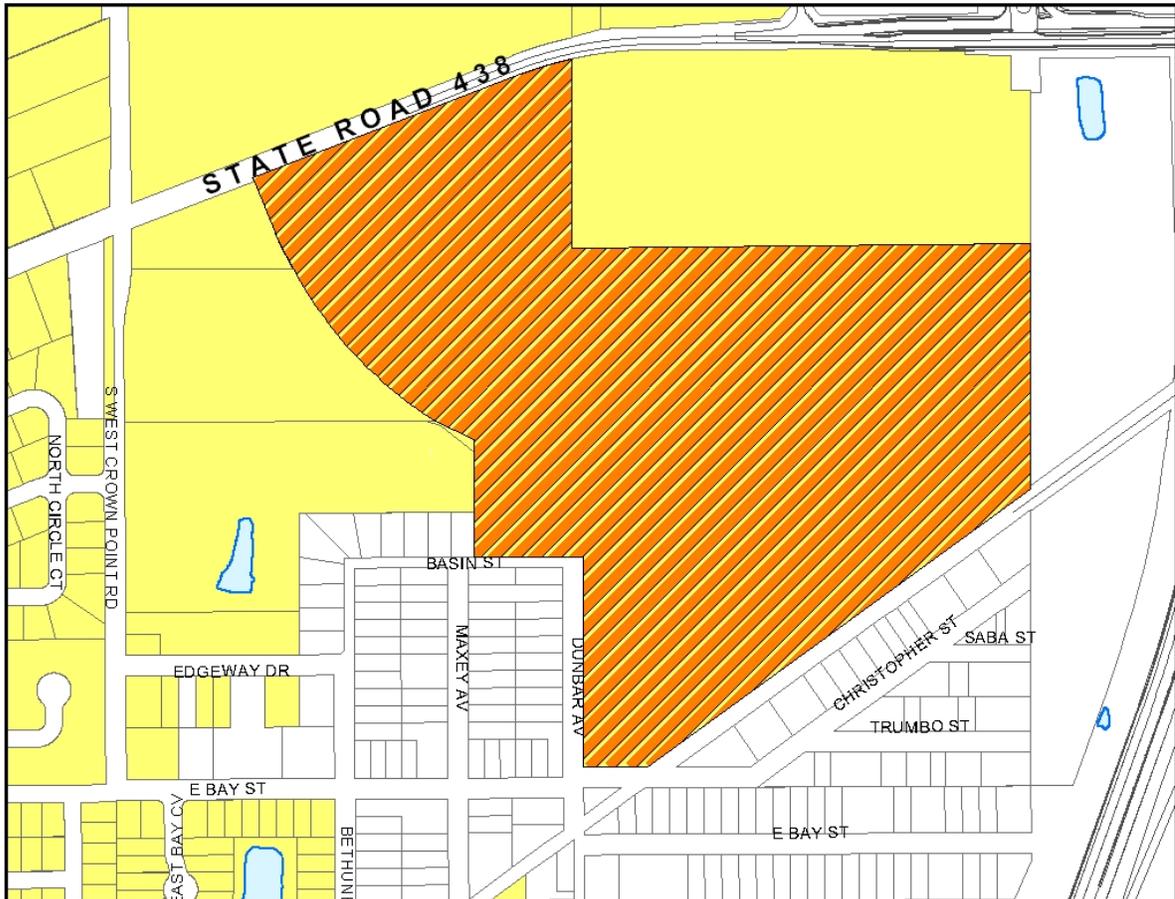
**Staff
Recommendation:**

Staff recommends approval of the special exception permit. However, once the agricultural use has ceased, Staff recommends removal of the barb wire fencing.

Next Step:

Apply for building permits.

1500 E. Plant Street



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 4 (Public Hearing)

Date: February 5, 2007 **Meeting Date:** February 5, 2007
Subject: 186 S. Main Street
Issue: Request for approval of Ordinance 07-04, amending the future land use of the subject property from low-density residential to City Commercial, and Ordinance 07-05, rezoning the subject property from R-2 to C-1.

Supplemental Material/Analysis:

Owner/Applicant: Ralph Suggs
E-mail: windsor121@aol.com

Current Zoning: R-2

Proposed Zoning: C-1

Current FLU: LR

Proposed FLU: COM

Summary:

The property currently has a vacant single-family home. The applicant has proposed building an addition and using the site for professional offices.

Staff

Recommendation:

Staff recommends approval of Ordinance 07-04 and Ordinance 07-05.

Next Step:

Tentatively scheduled for first reading by the City Commission on February 22, 2007. Also, Staff will need to review a site plan once the applicant desires to move forward with site and building permits.

186 S. Main Street



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

Date: February 5, 2007 **Meeting Date:** February 5, 2007

Subject: Sessions School Site Large-Scale Comprehensive Plan Amendment

Issue: Adoption of Ordinance 06-41, to the Department of Community Affairs 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 40.9 acres of land located south and west of Siplin Road and east of CR 545 from Orange County Agriculture to City Public Facility and Education.

Supplemental Material/Analysis:

Applicant: Orange County Public Schools
Julie Salvo Email: salvoj@ocps.k12.fl.us

Zoning: Area inside City Limits not zoned

Existing FLU: Orange County Agriculture

Proposed FLU: City Public Facility and Education

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 adopted Comprehensive 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 Agriculture to City Public Facility and Education. The zoning ordinance, rezoning the property will be placed before the P & Z Board and City Commission for approval at a later date.

Additional Materials:

- Ordinance 06-41

Staff

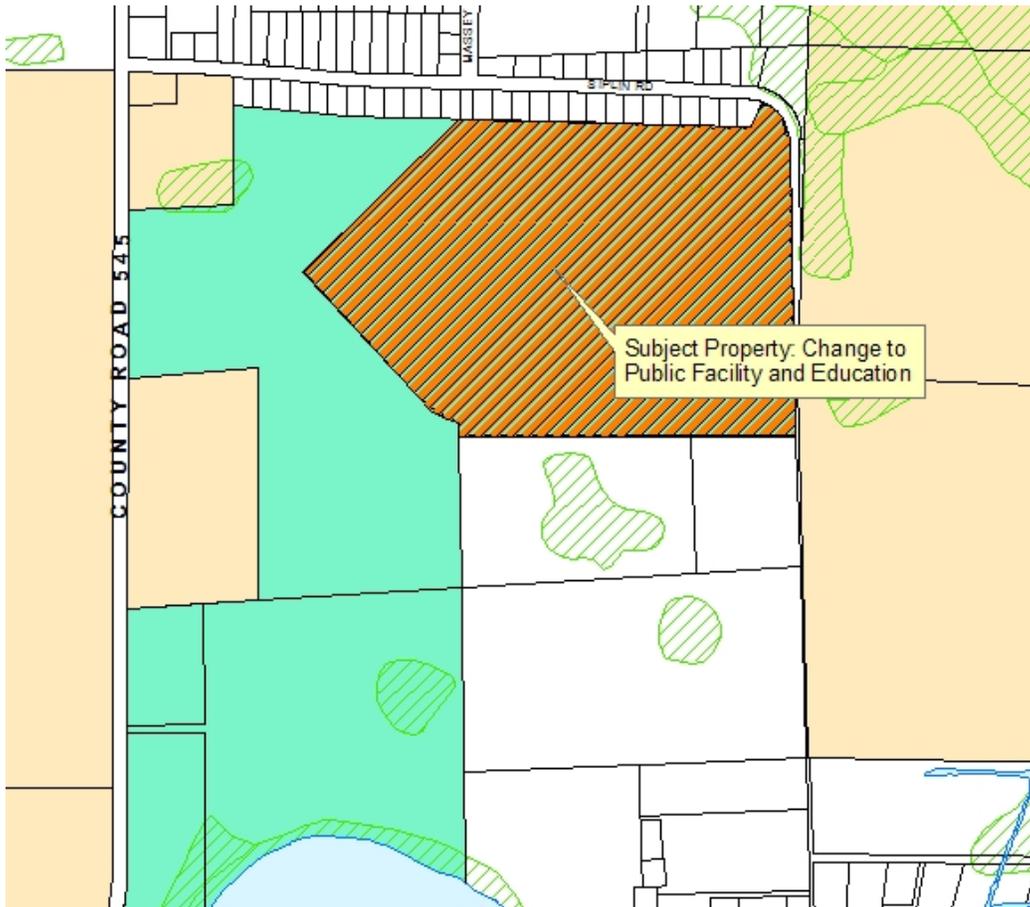
Recommendation:

Staff recommends adoption of Ordinance 06-41, 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 40.9 acres of land located south and west of Siplin Road and east of CR 545 from Orange County Agriculture to City Public Facility and Education.

Next Step:

A public hearing for the adoption of Ordinance 06-41, amending the Future Land Use Map of the City's Comprehensive Plan is scheduled to be before the City Commission on February 22, 2007.

Sessions School Site



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 6

Date: February 5, 2007 **Meeting Date:** February 5, 2007

Subject: 1330 Winter Garden – Vineland Road Lot Split

Issue: Applicant is requesting a lot split that will subdivide the property into two lots. The front lot, which will be approximately 1.563 acres, will continue to utilize the existing office and warehouse. The rear lot, which will be approximately 4.855 acres, will house the StarChild Academy.

Supplemental Material/Analysis:

Owner/Applicant: Darand Williams, Williams Investment Group, LLC

Zoning: C-2

FLU: COM

Summary: Applicant is requesting a lot split for the above property. The intention of the lot split is to grant ownership of the rear lot to the StarChild Academy. StarChild Academy is currently under site plan review and has received a Special Exception Permit to operate a children's day care.

**Staff
Recommendation:**

Staff recommends approval of the lot split with the condition that the entire property be platted in the future. No certificate of occupancies will be granted until the final plat has been approved by the City Commission and recorded with Orange County.

Next Step:

Continue the site plan approval process and submit a preliminary plat for City Staff review.

THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 7

Date: February 5, 2007 **Meeting Date:** February 5, 2007

Subject: City Hall Site Plans

Issue: Site Plan approval for the City of Winter Garden City Hall.

Supplemental Material/Analysis:

Zoning: C-1/R-NC

FLU: Commercial/Neighborhood Commercial

Staff

Recommendation:

Staff recommends approval with the conditions in the Engineering Department's memo dated January 26, 2006, the Fire Department's email dated January 22, 2007.

Next Step:

Tentatively scheduled for the February 22, 2007 City Commission agenda.

City Hall

