

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

**REGULAR MEETING**

**April 2, 2007**

**6:30 P.M.**

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1. Call to Order
2. Approval of minutes from the March 5, 2007 meeting – Attachment 1

**Variances (all Public Hearings)**

3. 1112 Brandy Creek Drive (setback variance) – Attachment 2
4. 819 Grand Regal Point (setback variance) – Attachment 3

**Special Exception Permits (all Public Hearings)**

5. 12520 Warrior Road – Attachment 4
6. 205 Windermere Road – Attachment 5
7. Avalon Reserve PUD Village 5, Outparcel B, SunTrust Bank – Attachment 6

**Annexations, Rezoning, & Comprehensive Plan Amendments (all Public Hearings)**

8. 81 Broad Street – Attachment 7
9. 462 W. Plant Street – Attachment 8
10. 32 E. Miller Street – Attachment 9
11. Wekiva-related Comprehensive Plan Amendments – Attachment 10

**Lot Splits (no Public Hearings)**

12. 186 S. Main Street – Attachment 11

**Site Plans (no Public Hearings)**

13. Avalon Marsh Retail (Avamar) – Attachment 12
14. 252 W. Plant Street – Attachment 13

**Final Plats (no Public Hearings)**

15. Lake Roberts Landing – Attachment 14
16. Winter Garden Village at Fowler Groves – 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)**

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**Date:** March 29, 2007                      **Meeting Date:** April 2, 2007  
**Subject:** 1112 Brandy Creek Drive  
**Issue:** Request for approval of a 5 foot rear yard setback variance for 1112 Brandy Creek Drive. The variance will allow the property owner to construct an enclosed screen porch on the rear of the existing single family home.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Nathan Ivey    (407) 654-4480

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

**FLU:** Low Density Residential

**Summary:** The property owner is requesting a 5 foot rear yard setback variance to construct an 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 5 foot rear yard setback variance to build a 12’x 19’6” enclosed screen porch on the rear of the

existing single family home. The property owners state that granting this variance will be consistent with other enclosed 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 5 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 home. The proposed 12'x 19'6" enclosed screen porch addition 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.

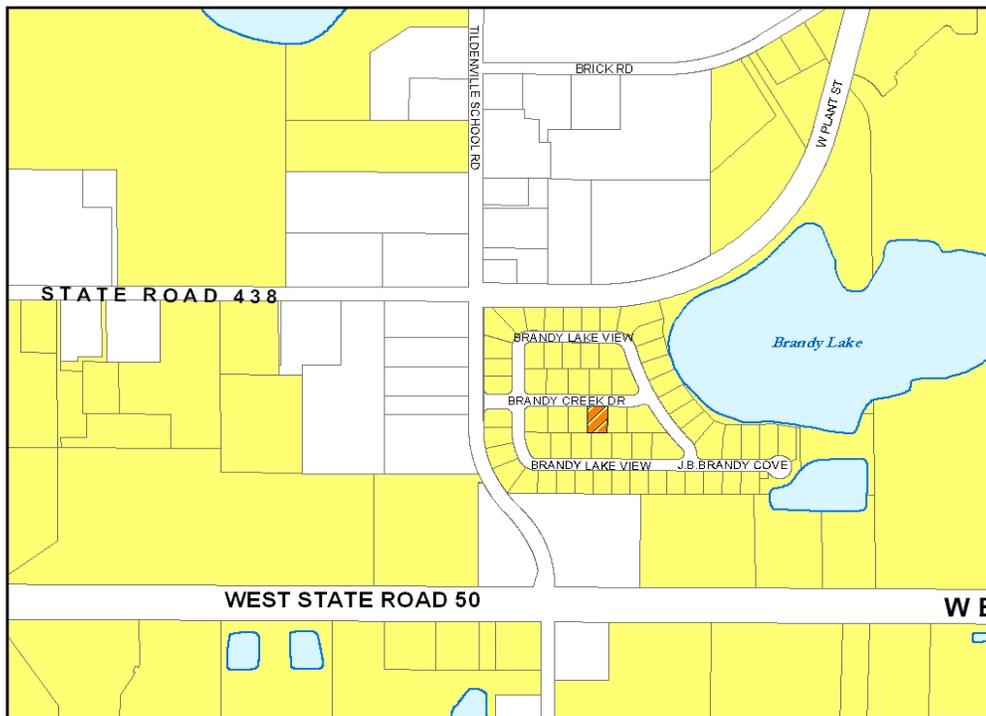
*(e) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

**Staff  
Recommendation:**

Staff recommends approval of the requested 5 foot rear yard setback variance to allow construction of an enclosed screen porch on the rear of the existing single family home.

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

**1112 Brandy Creek Drive**



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

**ATTACHMENT 3 (Public Hearing)**

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**Date:** March 29, 2007                      **Meeting Date:** April 2, 2007  
**Subject:** 819 Grand Regal Point  
**Issue:** Request for approval of a 7 foot rear yard setback variance for 819 Grand Regal Point. The variance will allow the property owner to construct an enclosed screen porch on the rear of the existing single family home.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Robert Nightingale                      (407) 656-3981

**Zoning:** PUD (Attached screen porch requires a 15 foot rear yard setback).

**FLU:** Low Density Residential

**Summary:** The property owner is requesting a 7 foot rear yard setback variance to construct an 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 7 foot rear yard setback variance to build an enclosed screen porch on the rear of the existing single family home. The property owners state that granting this variance will be consistent with other enclosed 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 7 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 home. The proposed enclosed screen porch addition 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.

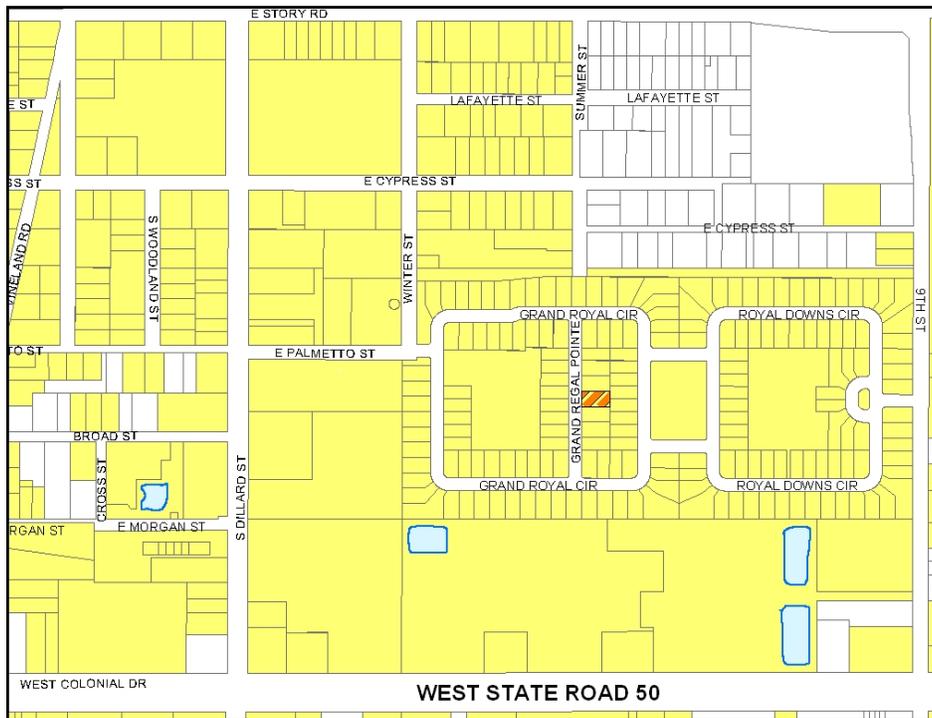
*(e) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

**Staff  
Recommendation:**

Staff recommends approval of the requested 7 foot rear yard setback variance to allow construction of an enclosed screen porch on the rear of the existing single family home.

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

**819 Grand Regal Point**



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

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**Date:** March 29, 2007                      **Meeting Date:** April 2, 2007

**Subject:** 12520 Warrior Road Special Exception Permit

**Issue:** Request approval of a Special Exception Permit for the property located at 15520 Warrior Road to allow a church in the R-1 zoning district. This property previously received a SEP on February 3, 2003 but the permit approval has since expired.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Jean Payton                      Email: jeanipayton@aol.com

**Zoning:** R-1

**FLU:** Low Density Residential (LR)

**Staff**

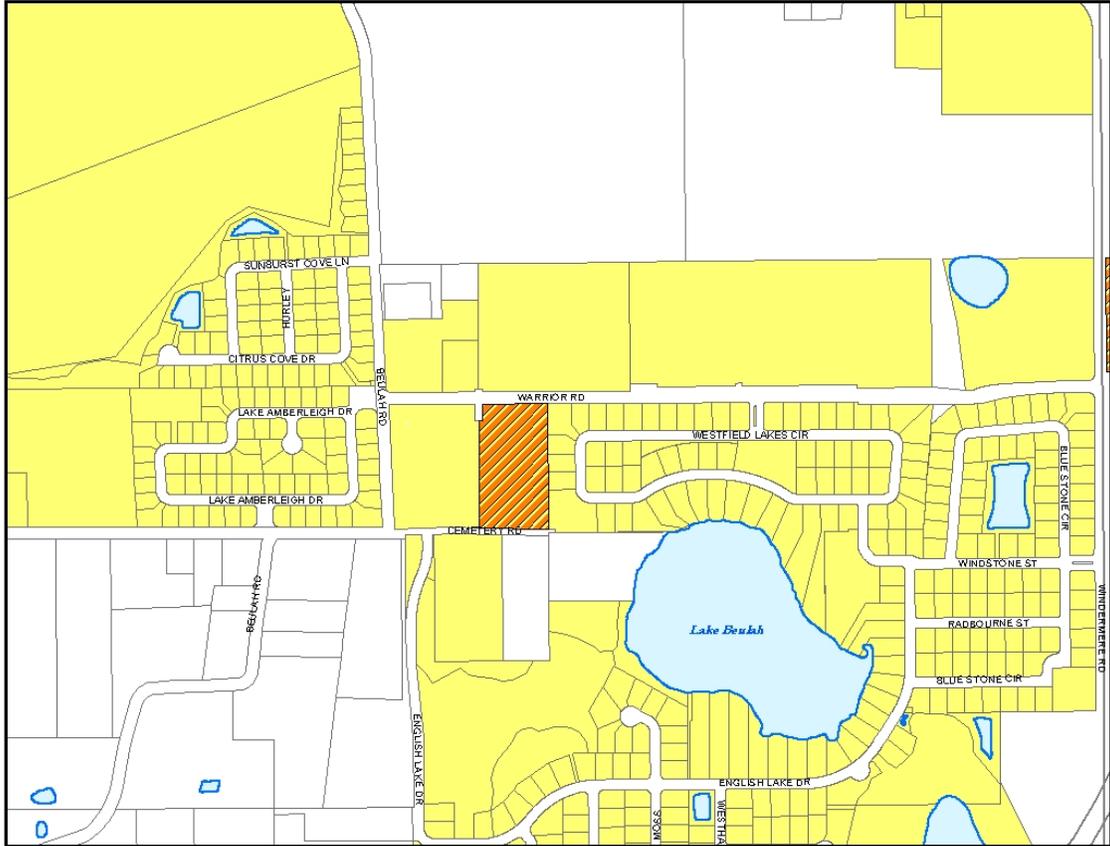
**Recommendation:**

Staff recommends approval of the Special Exception Permit with the conditions in the Engineering Department's memorandum of March 29, 2007, the Stormwater Engineer's memorandum of March 9, 2007, and with the following:

1. Prior to approval of any Building Permits, the applicant must comply with City Code regarding fire sprinklers and alarm systems;
2. The architectural style of the building must significantly comply with the attached elevations;
3. This SEP does not grant permission for the Church to operate a mission (i.e. daily distribution of food and clothing to patrons who come to the site). No overnight residency is allowed.

**Next Step:** Submit engineered site plans with the required application and fee.

# 12520 Warrior Road



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

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**Date:** March 29, 2007                      **Meeting Date:** April 2, 2007

**Subject:** 205 Windermere Road Special Exception Permit

**Issue:** Request approval of a Special Exception Permit for the property located at 205 Windermere Road to allow an aquatic recreational facility the R-1 zoning district. This property previously received a SEP on November 7, 2005 but the permit approval has since expired. In addition, the project received site plan approval from the City Commission on October 12, 2006.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Mike McGinty                      Email: pediaswim@aol.com

**Zoning:** R-1

**FLU:** Low Density Residential (LR)

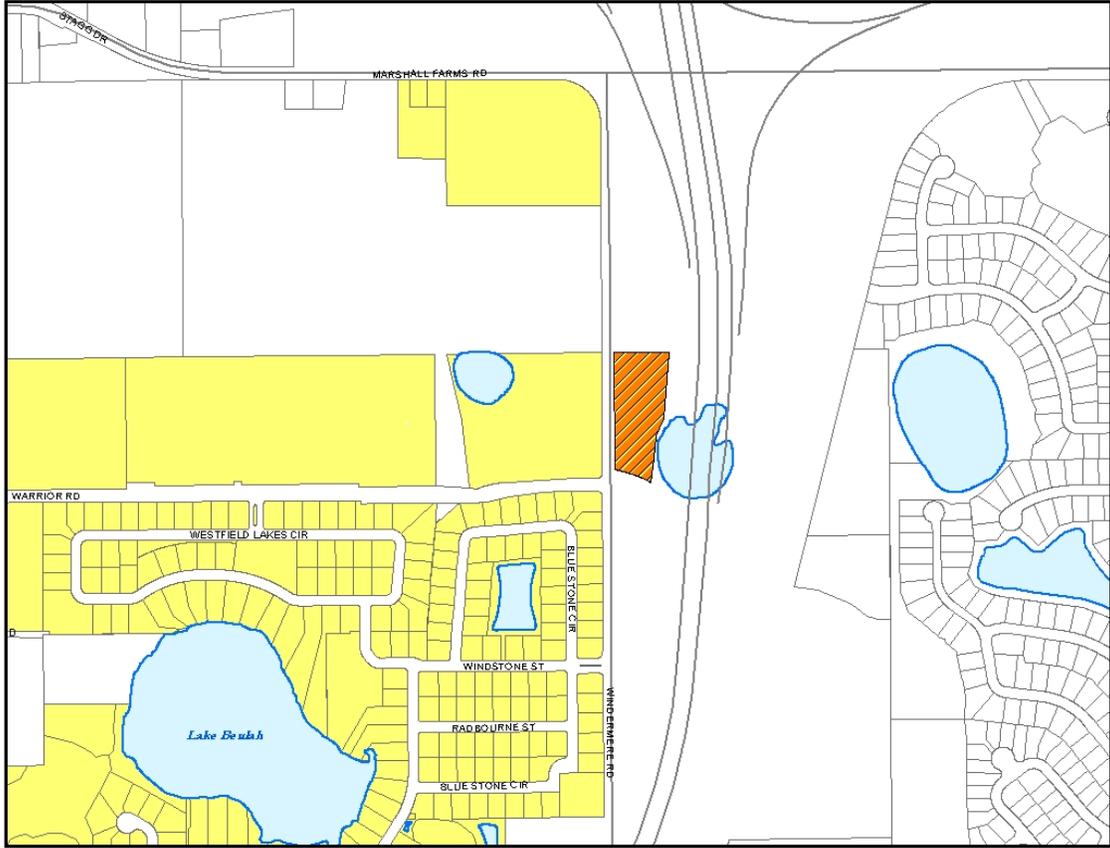
**Staff**

**Recommendation:**

Staff recommends approval of the Special Exception Permit with the conditions in the Engineering Department's memorandum of September 26, 2006.

**Next Step:** Schedule a pre-construction meeting with the Engineering and Planning Departments and commence site work.

# 205 Windermere Road



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 6 (Public Hearing)**

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**Date:** March 29, 2007                      **Meeting Date:** April 2, 2007

**Subject:** Avalon Reserve PUD Village 5, Outparcel B, SunTrust Bank  
Special Exception Permit

**Issue:** Request approval of a Special Exception Permit for the property located in Avalon Reserve PUD Village 5, Outparcel B to allow a bank with 4 drive-thru lanes. According to the Avalon Reserve PUD (Ordinance 03-50) financial institutions with more than 2 lanes require a Special Exception Permit.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Yvonne Paquada  
Email: ypaquada@cphengineers.com

**Zoning:** PCD

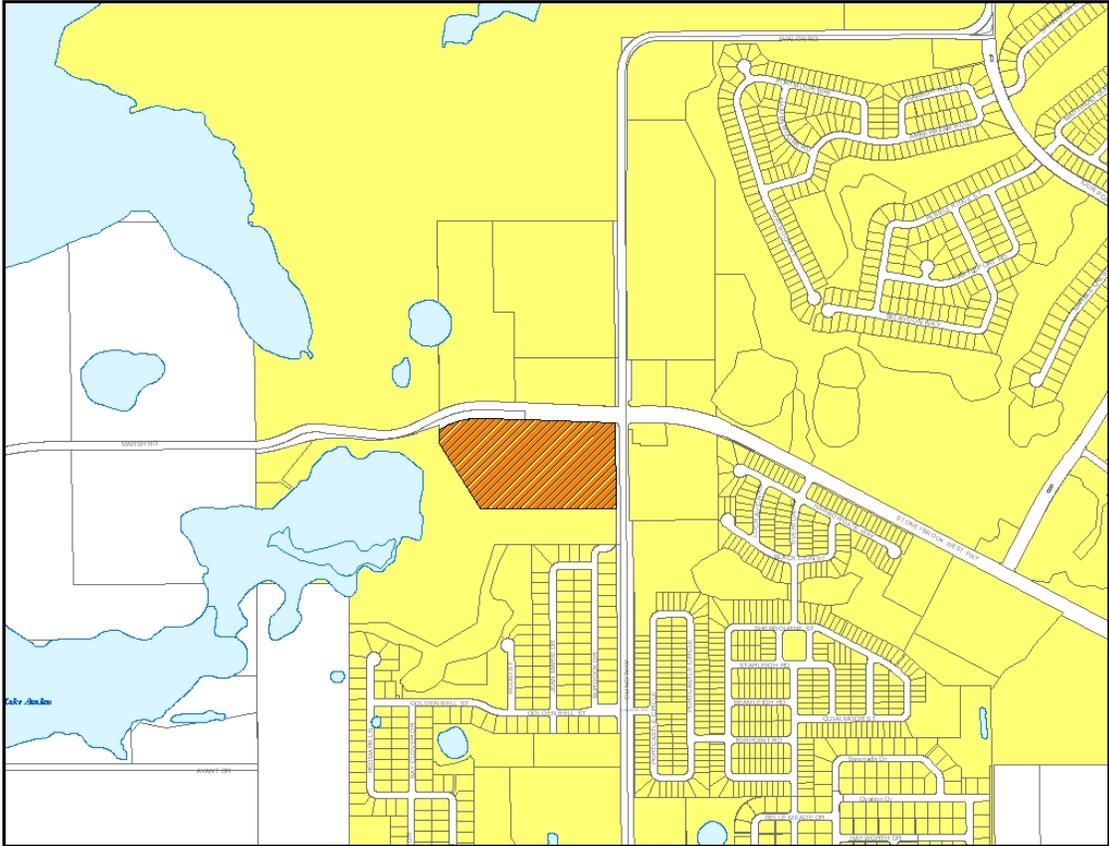
**FLU:** Commercial (COM)

**Staff  
Recommendation:**

Staff recommends approval of the Special Exception Permit to allow a bank with 4 drive-thru lanes.

**Next Step:** Once site plan approval has been obtained from City Staff, this project will go before the Board and City Commission at a future date for site plan approval.

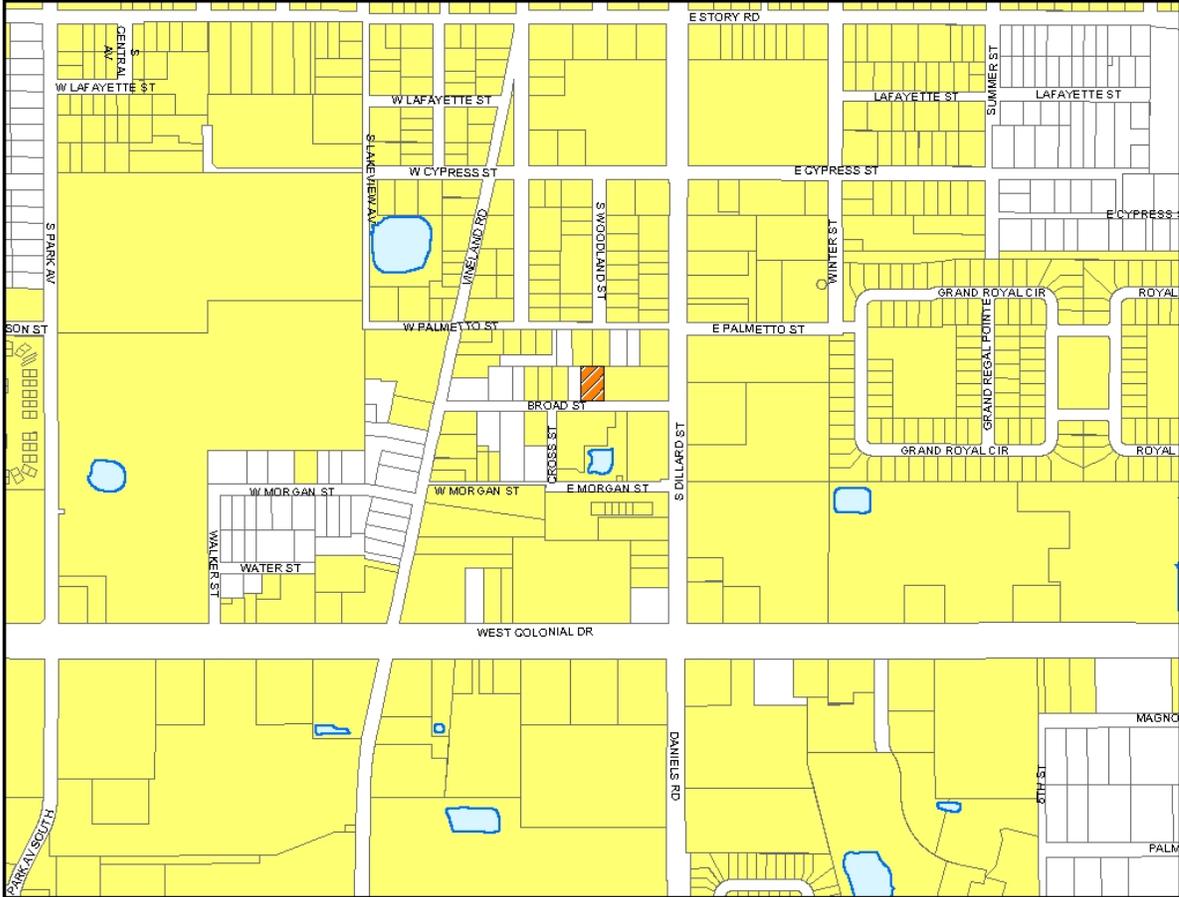
**Avalon Reserve PUD Village 5, Outparcel B, SunTrust Bank**





applicant request to move forward with site plan approval and building permits.

**81 Broad Street**



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

**ATTACHMENT 8 (Public Hearing)**

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**Date:** March 29, 2007                      **Meeting Date:** April 2, 2007  
**Subject:** 462 West Plant Street  
**Issue:** Request for approval of Ordinance 07-16, amending the future land use of the subject property from Neighborhood Commercial to City Commercial and Ordinance 07-17, rezoning the subject property from Residential Neighborhood Commercial to City C-1.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Peter Fleck    (407) 876-6096

**Current Zoning:** Residential Neighborhood Commercial

**Proposed Zoning:** City C-1

**Current FLU:** Neighborhood Commercial

**Proposed FLU:** City Commercial

**Summary:**

The applicant is requesting to change the future land use to Commercial and rezone the property to City C-1. Please see the attached Staff Report for additional information.

**Staff**

**Recommendation:**

Staff recommends approval of Ordinance 07-16 and Ordinance 07-17.

**Next Step:**

Tentatively scheduled for first reading by the City Commission on April 26, 2007. Also, Staff will need to review the site plan once the applicant request to move forward with site plan approval and building permits.



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

**ATTACHMENT 9 (Public Hearing)**

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**Date:** March 29, 2007                      **Meeting Date:** April 2, 2007  
**Subject:** 32 East Miller Street  
**Issue:** Request for approval of Ordinance 07-18, rezoning the subject property from City R-2 to City C-3.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Melanie Parmer    (407) 375-5231

**Current Zoning:** City R-2

**Proposed Zoning:** City C-3

**Current FLU:** Commercial

**Summary:**

The applicant is requesting to rezone the subject property from City R-2 to City C-3. Please see the attached Staff Report for additional information.

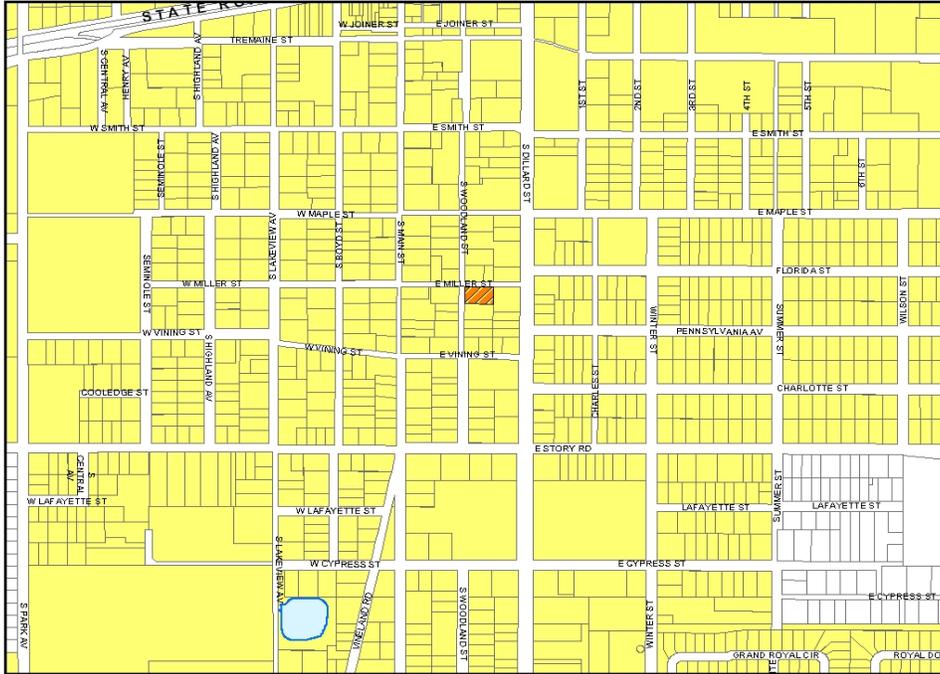
**Staff  
Recommendation:**

Staff recommends approval of Ordinance 07-18.

**Next Step:**

Tentatively scheduled for first reading by the City Commission on April 26, 2007. Also, Staff will need to review the site plan once the applicant request to move forward with site plan approval and building permits.

# 32 East Miller Street



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

**ATTACHMENT 10 (Public Hearing)**

---

**Date:** March 29, 2007                      **Meeting Date:** April 2, 2007  
**Subject:** Wekiva Comprehensive Plan Amendments  
**Issue:** Adoption of Ordinance 05-56: An ordinance amending the City's Comprehensive Plan to comply with the Wekiva Parkway and Protection Act.

**Supplemental Material/Analysis:**

***Summary:***

On June 29, 2004, former Governor Jeb Bush signed into law the Wekiva Parkway and Protection Act. Although the City of Winter Garden is located a significant distance away from Wekiva Springs, all of the City's land area was included within the Study Area and thus, subject to the regulations and requirements of the Act. The Act requires local governments within the Wekiva Study Area to amend their comprehensive plans to reflect new statutory requirements in the following areas: master stormwater management plans; water supply facilities work plans; and land use strategies to optimize open space and promote patterns of development that protect most effective recharge areas, karst features and sensitive natural habitats. The specific language of the Act that requires the City to amend the Comp Plan is as follows:

***369.321 Comprehensive plan amendments.***

*By January 1, 2006, each local government within the Wekiva Study Area shall amend its local government comprehensive plan to include the following:*

*(2) Local governments shall amend the appropriate elements of the comprehensive plan, including the capital improvements element, to ensure implementation of the master stormwater management plan.*

*(3) Local governments shall amend their comprehensive plans to establish land use strategies that optimize open space and promote a pattern of development on a jurisdiction-wide basis*

*that protects the most effective recharge areas, karst features, and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub. Such strategies shall recognize property rights and the varying circumstances within the Wekiva Study Area, including rural and urban land use patterns. Local comprehensive plans shall map, using best available data from the St. Johns River Water Management District and the Fish and Wildlife Conservation Commission, recharge areas and sensitive upland habitats for this purpose. Local governments shall have flexibility to achieve this objective through comprehensive plan strategies that may include, but are not limited to:*

- (a) Coordinated greenway plans;*
- (b) Dedication of conservation easements;*
- (c) Land acquisition;*
- (d) Clustering of development;*
- (e) Density credits and density incentives which result in permanent protection of open space; and*
- (f) Low to very low density development.*

*(4) An up-to-date 10-year water supply facility work plan for building potable water facilities necessary to serve existing and new development and for which the local government is responsible as required by paragraph 163.3177(6)(c).*

Additional requirements of the Wekiva Protection Act include a Stormwater Master Plan. The Act specifically requires the City to comply with the following:

**369.319 Master stormwater management plan.**

*Each local government within the Wekiva Study Area shall develop a master stormwater management plan that: assesses existing problems and deficiencies in the community; identifies projects to meet long-range needs; establishes priorities to address existing deficiencies; establishes measures to address redevelopment; establishes a schedule to complete needed improvements; evaluates the feasibility of stormwater reuse; and includes requirements for inspection and maintenance of facilities. The plan shall also identify a funding source, such as a*

*stormwater utility fee, to fund implementation of the plan and maintenance program. In addition, the local government shall establish a water reuse and irrigation program that allows for reuse of stormwater on a site basis for development over a size threshold to be determined by the local government or on a jurisdiction-wide basis to minimize pumpage of groundwater for nonpotable usage. For those local governments located partially within the Wekiva Study Area, this section applies only to that portion located within the Wekiva Study Area.*

The City of Winter Garden held on November 7, 2005 a public hearing where the Planning and Zoning Board recommended transmittal of the Ordinance to the Department of Community Affairs (DCA). On November 10, 2005, the City Commission also recommended transmittal of the Ordinance to DCA. Following the initial transmittal to DCA, in their Objections, Recommendations, and Comments (ORC) Report, DCA found inconsistencies with the Ordinance. The City has taken into consideration the ORC Report and revised the Ordinance accordingly.

To this end, the City has updated its Comprehensive Plan to adopt the Wastewater Facility Plan and the Regional Master Storm Water Plan. Copies of these plans are located at the office of the Planning Department. In addition, the City has updated its Comprehensive Plan relating to Future Land Use, Potable Water, Sanitary Sewer, and Storm Water Management to comply with the requirements of the Wekiva Act.

**Staff Recommended Action:**

Staff recommends approval of Ordinance 05-56.

**Next Step:** Final adoption hearing for the Ordinance to be held on the April 12, 2007 City Commission meeting.

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

**ATTACHMENT 11 (No Public Hearing)**

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**Date:** March 29, 2007                      **Meeting Date:** April 2, 2007  
**Subject:** 186 S. Main Street Lot Split  
**Issue:** Applicant is requesting a 10 feet lot split on the north side of the property.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Lisa Bennett                      (407) 287-9288

**Zoning:** City C-1

**FLU:** Commercial

**Summary:** Applicant is requesting a lot split for the subject property. The 10 feet lot split will be added to the adjacent parcel located at 160 S. Main Street. The proposed lot split will create a 100'x150' lot for the property located at 160 S. Main Street and will create a 120' x 150' lot at 186 S. Main Street. Both lots still meet the minimum lot size requirements.

**Staff**

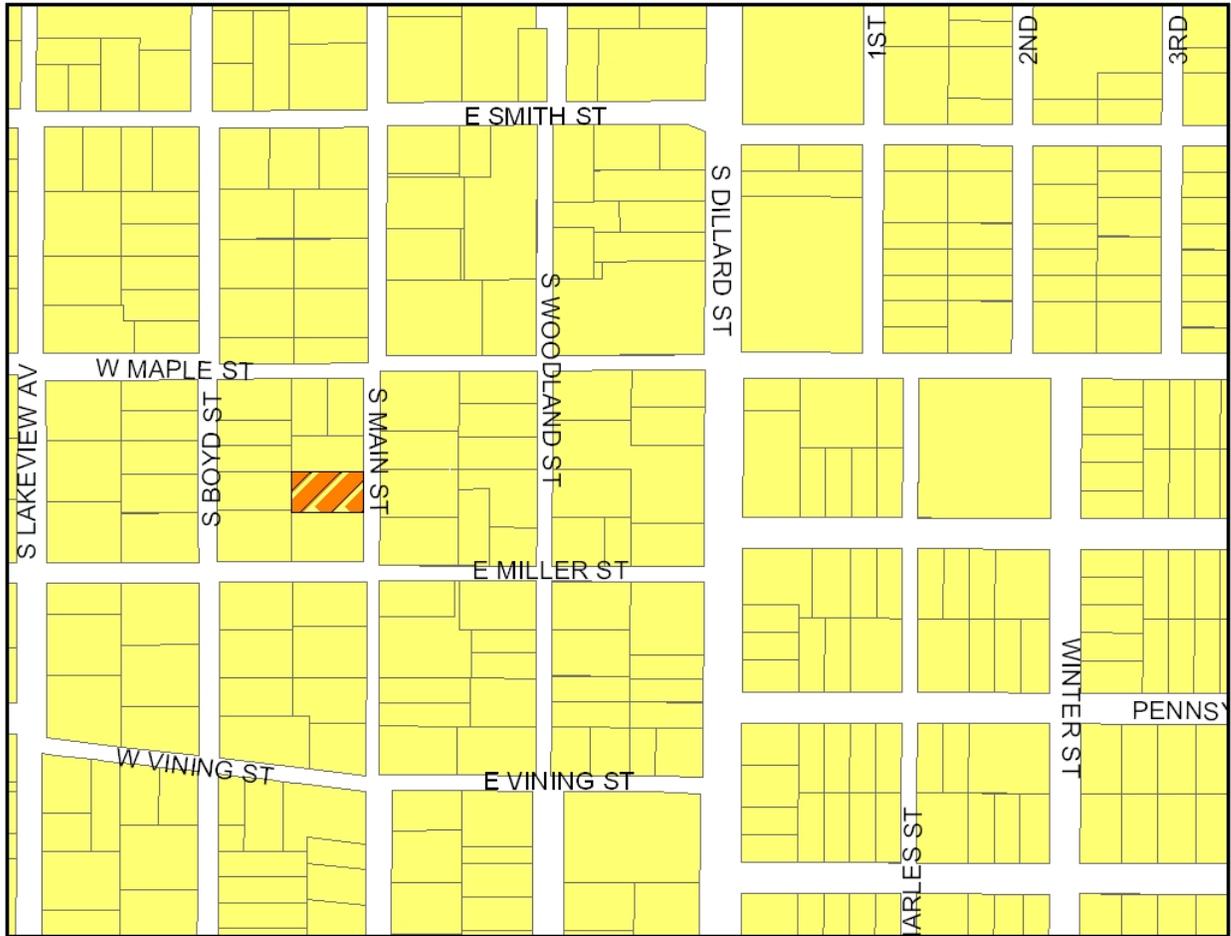
**Recommendation:**

Staff recommends approval of the request 10 feet lot split.

**Next Step:**

Applicant needs to record the lot split with the Orange County Property Appraiser.

**186 S. Main Street**



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

**ATTACHMENT 12 (No Public Hearing)**

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**Date:** March 29, 2007                      **Meeting Date:** April 2, 2007  
**Subject:** Avalon Marsh Retail (Avamar) Site Plan  
**Issue:** Request approval of the site plan for Avalon Marsh Retail (Avamar).

**Supplemental Material/Analysis:**

**Owner/Applicant:** Earl Kurtz  
Email: ekurtz@monroesprestigegroup.com

**Zoning:** PCD

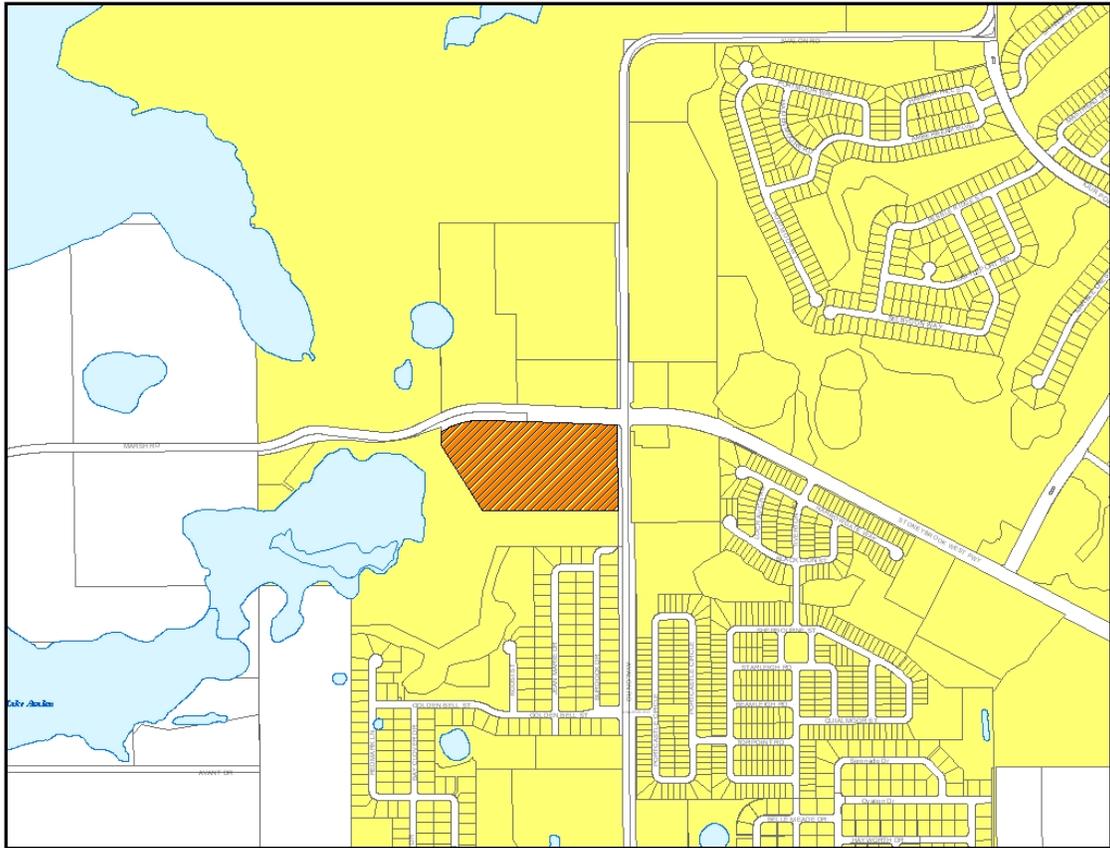
**FLU:** Commercial

**Staff  
Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of March 20, 2007 and with the condition that the final plat must be recorded prior to any Certificate of Occupancy is granted from the City.

**Next Step:** Tentatively scheduled for the April 26, 2007 City Commission meeting.

**Avalon Marsh Retail (Avamar)**



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 13 (No Public Hearing)**

---

**Date:** March 29, 2007                      **Meeting Date:** April 2, 2007

**Subject:** 252 West Plant Street Site Plan

**Issue:** Request approval of the site plan for 252 West Plant Street.

**Supplemental Material/Analysis:**

**Owner/Applicant:** John Kirby    (407) 877-9400

**Zoning:** C-1

**FLU:** Commercial

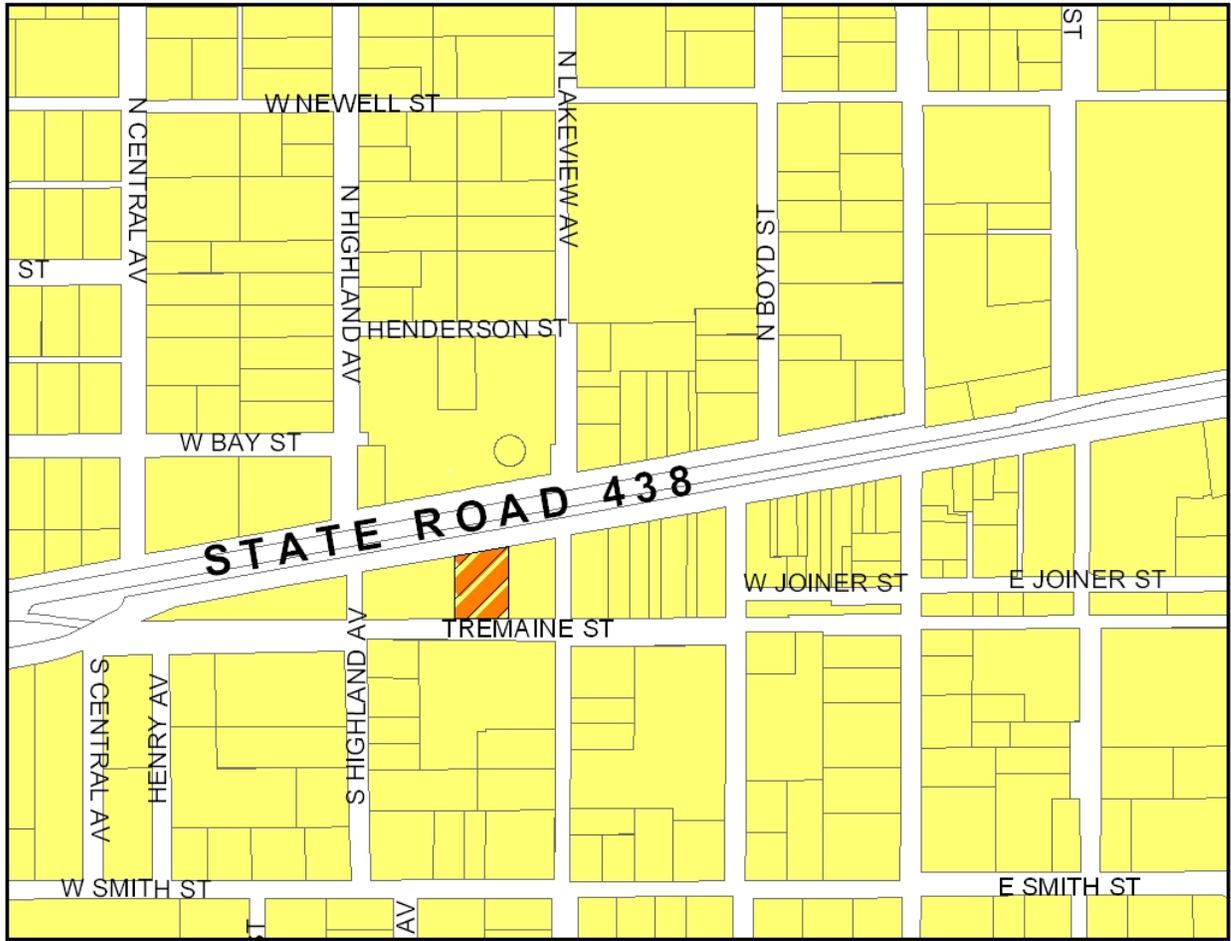
**Staff**

**Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of March 14, 2007 and with the Stormwater Engineer's memo of March 14, 2007 and with the condition that all staff comments must be addressed and satisfied prior to City Commission approval.

**Next Step:** Tentatively scheduled for the April 26, 2007 City Commission meeting.

**252 West Plant Street**



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

**ATTACHMENT 14 (No Public Hearing)**

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**Date:** March 29, 2007                      **Meeting Date:** April 2, 2007

**Subject:** Lake Roberts Landing Final Plat

**Issue:** Request approval of the final plat for Lake Roberts Landing.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Shane Cox, Meritage Homes  
Email: Shane.Cox@meritagehomes.com

**Zoning:** PUD

**FLU:** Suburban Residential

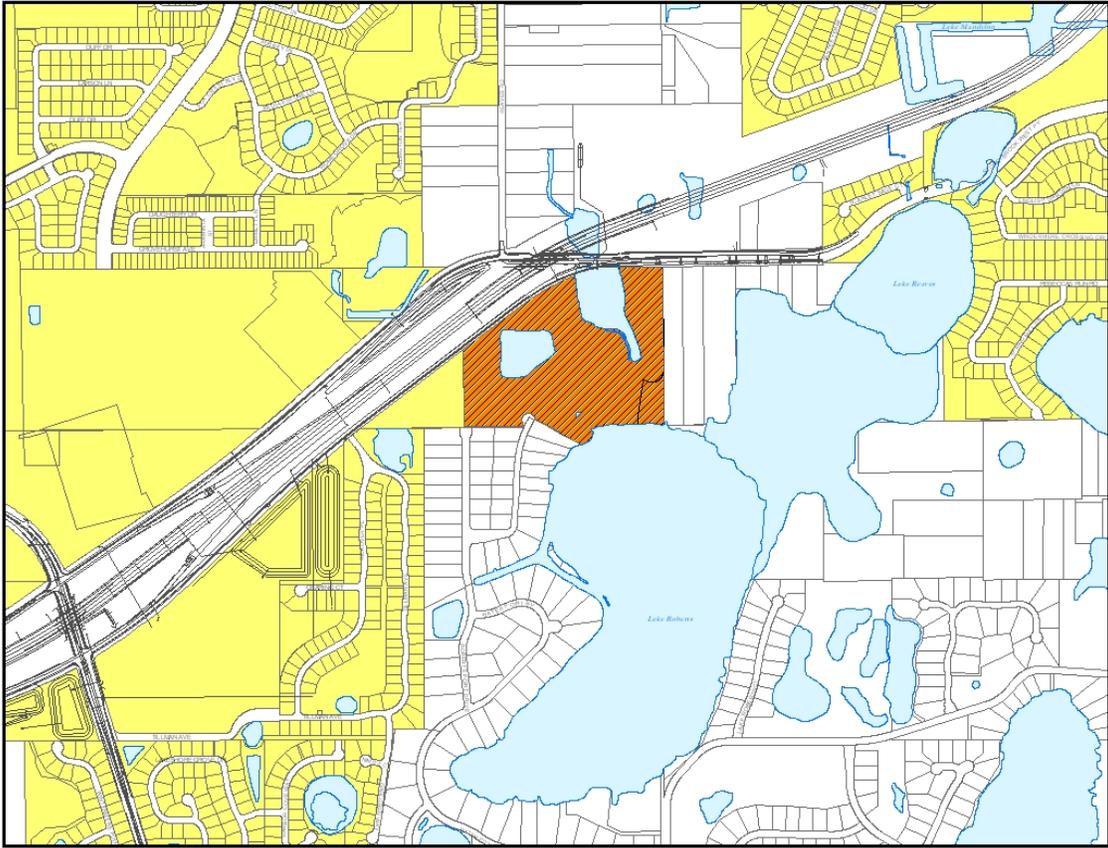
**Staff**

**Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of March 26, 2007, the City Attorney's letter dated March 27, 2007, and the City Surveyor's letter dated March 28, 2007.

**Next Step:** Tentatively scheduled for the April 26, 2007 City Commission meeting.

# Lake Roberts Landing



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

**ATTACHMENT 15 (No Public Hearing)**

---

**Date:** March 29, 2007                      **Meeting Date:** April 2, 2007  
**Subject:** Winter Garden Village at Fowler Groves Final Plat  
**Issue:** Request approval of the final plat for Winter Garden Village at Fowler Groves.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Tom Hareas, Sembler Florida  
Email: Tom.Hareas@sembler.com

**Zoning:** PCD

**FLU:** Beltway Center

**Staff  
Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of March 26, 2007, the City Attorney's letter dated March 29, 2007, and the City Surveyor's letter dated March 28, 2007.

**Next Step:** Tentatively scheduled for the April 26, 2007 City Commission meeting.

**Winter Garden Village at Fowler Groves**

