

**THE CITY OF WINTER GARDEN**

**PLANNING & ZONING BOARD AGENDA**

**CITY COMMISSION CHAMBERS/ 251 W. PLANT ST.**

**REGULAR MEETING**

**July 9, 2007**

**6:30 P.M.**

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1. Call to Order
2. Roll Call and Determination of Quorum
3. Approval of minutes from the June 4, 2007 meeting - Attachment 1

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

4. 232 Timbercreek Pines Circle Setback Variance – Attachment 2
5. 837 Home Grove Drive Setback Variance – Attachment 3
6. 220 Seminole Street Special Exception Permit – Attachment 4
7. Faith Family Church Special Exception Permit – Attachment 5
8. 227 South Main Street Special Exception Permit – Attachment 6

**Variance Extension (no Public Hearing)**

9. Apex Commerce Center (Lots 1 & 2) Variance Extension – Attachment 7

**Rezoning & Comp Plan Amendments (all Public Hearings)**

10. Windtree Professional Center – Attachment 8

**Site Plans (no Public Hearing)**

11. Bethlehem Missionary Baptist Church – Attachment 9
12. Exotic Car Transport – Attachment 10
13. SunTrust Bank (Avamar Outparcel B) – Attachment 11

**Final Plats (no Public Hearings)**

14. Oakland Park Phase 1A – Attachment 12
15. Stoneybrook West Unit 8 (Parcel 17) – Attachment 13

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:** July 6, 2007                      **Meeting Date:** July 9, 2007

**Subject:** 232 Timbercreek Pines Circle

**Issue:** Request for approval of a 6 foot rear yard setback variance for 232 Timbercreek Pines Circle. 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** Helena Bhagwandass              Email: pames9helly@aol.com

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

**FLU:** Low Density Residential

**Summary:** The property owner is requesting a 6 foot rear yard setback variance to construct an enclosed screen porch for an 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 6 foot rear yard setback variance to build an enclosed screen porch for an existing single family home. The Planning & Zoning Board has granted similar variances in the past. In addition, the screened porch will be located 19’ from the rear

property line and will meet all side yard setbacks. The proposed structure should not negatively affect any adjacent homeowner.

*(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 enclosed screen porch addition is in character with the neighborhood and the zoning category. Screen porches of similar design have been built in this and other residential neighborhoods.

*(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;*

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.*

This variance is a minimal request. Granting this variance will make reasonable use of the land and may enhance the value of the property.

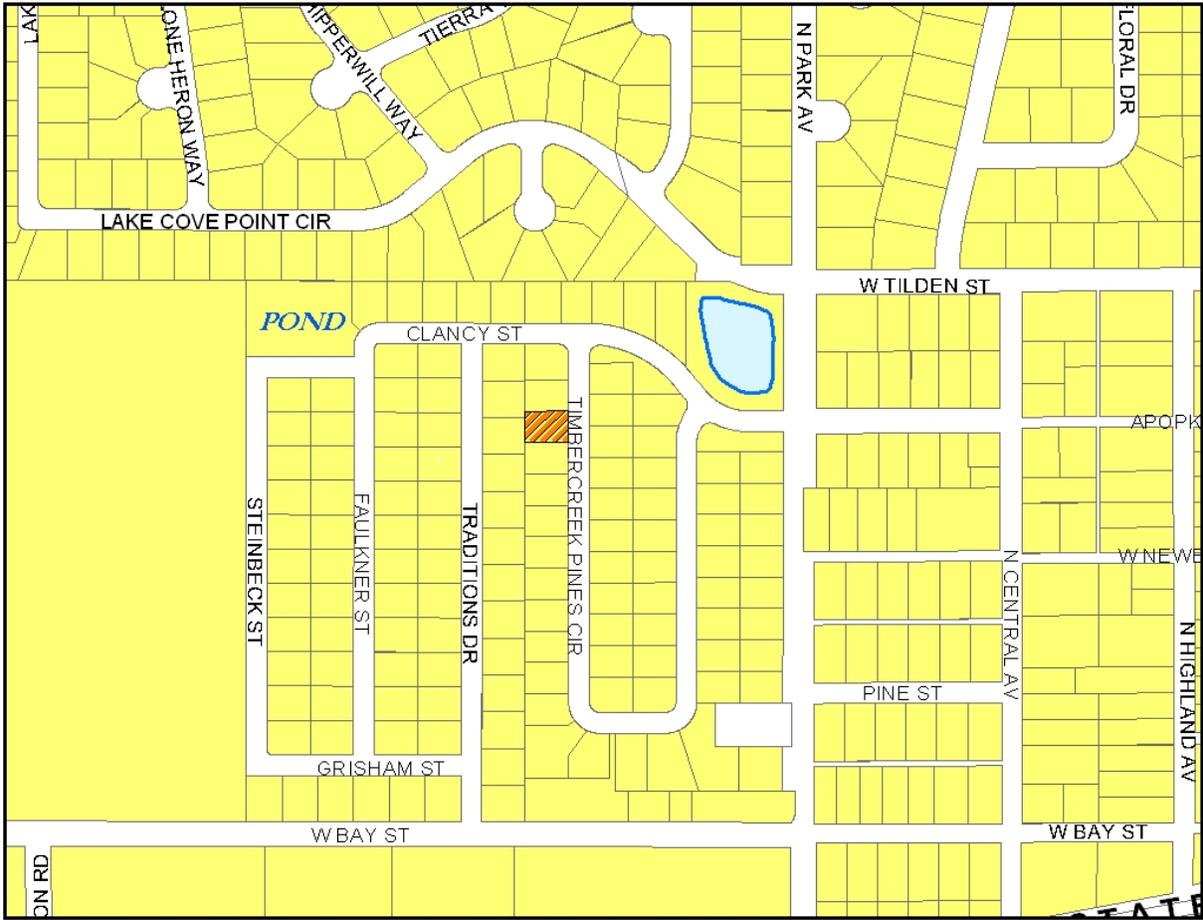
**Staff**

**Recommendation:**

Staff recommends approval of the requested 6 foot rear yard setback variance to allow construction of an enclosed screen porch for an existing single family home.

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

**232 Timbercreek Pines Circle**





Given that the City allows pool enclosures to be located up to 5' of the rear property line and the majority of the structure meets the definition of "pool enclosure", this request should not negatively affect adjacent property owners. The structure, with the exception of the partially solid roof, is similar to other pool enclosures both in the neighborhood and the surrounding community.

*(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 variance is not out of character with other properties in the neighborhood or zoning category. Granting the variance will allow a reasonable use of the property.

*(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 requested variance is a minimal request and should enhance the land value of this property.

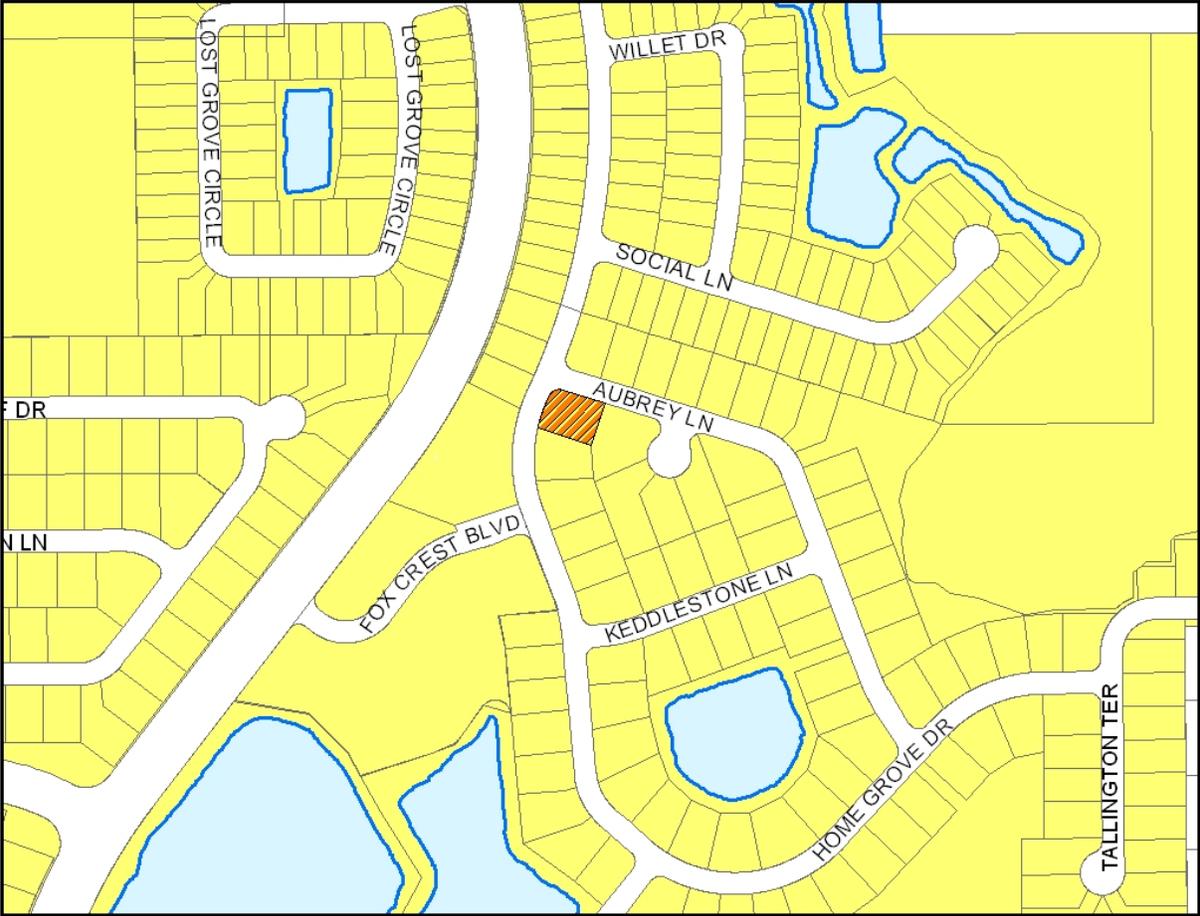
**Staff**

**Recommendation:**

Staff recommends approval of the 14 foot rear yard setback variance to construct a pool enclosure with a partially solid roof.

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

**837 Home Grove Drive**





- 5. Only 1 sign will be allowed. It shall be monument style and be limited to 9 square feet.

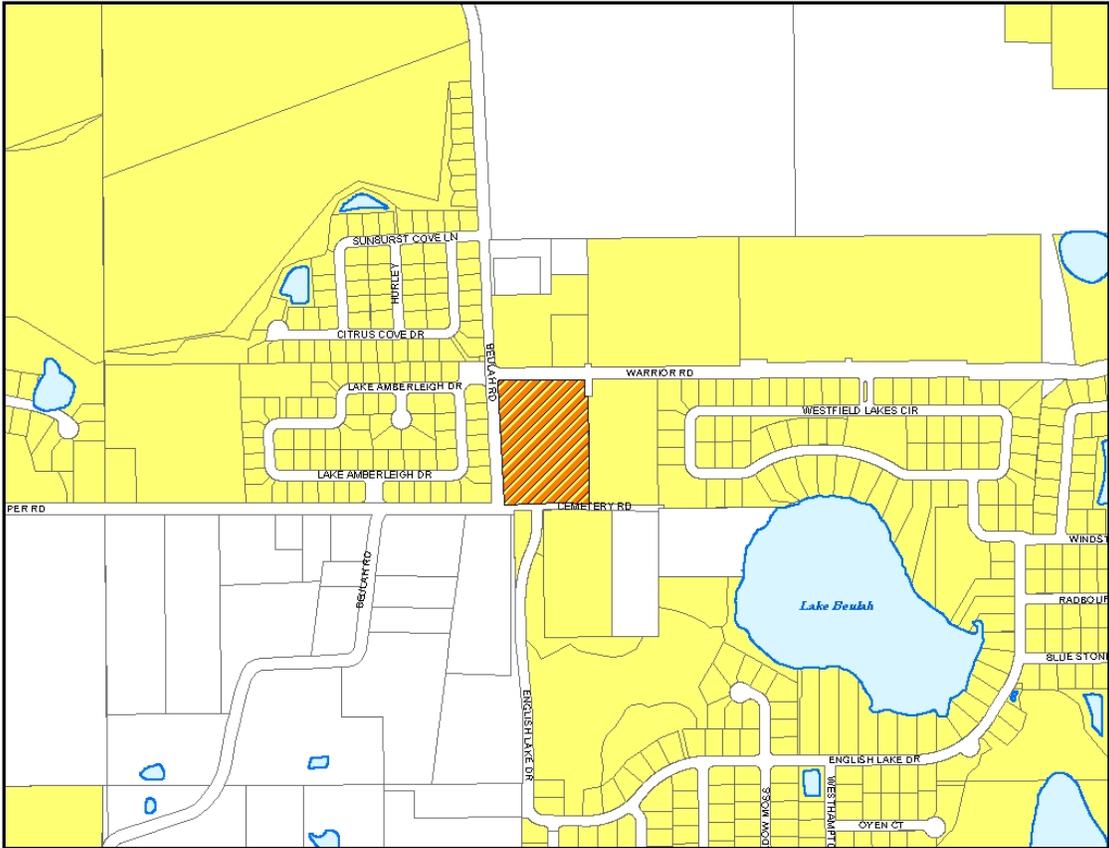
**Next Step:** If P & Z approves, apply for Small-Scale Site Plan review and approval.

**220 Seminole Street**





**Faith Family Church**





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

**ATTACHMENT 6 (Public Hearing)**

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Date: July 6, 2007 Meeting Date: July 9, 2007  
Subject: 227 South Main Street Special Exception Permit  
Issue: Request approval of a Special Exception Permit for the property located at 227 South Main Street to allow the operation of a children day care center in the R-2 zoning district.

This item was tabled from the June 4, 2007 Planning and Zoning Board Agenda.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Sheri Loiacono (407) 468-2025

**Zoning:** R-2

**FLU:** Low Density Residential

**Staff**

**Recommendation:**

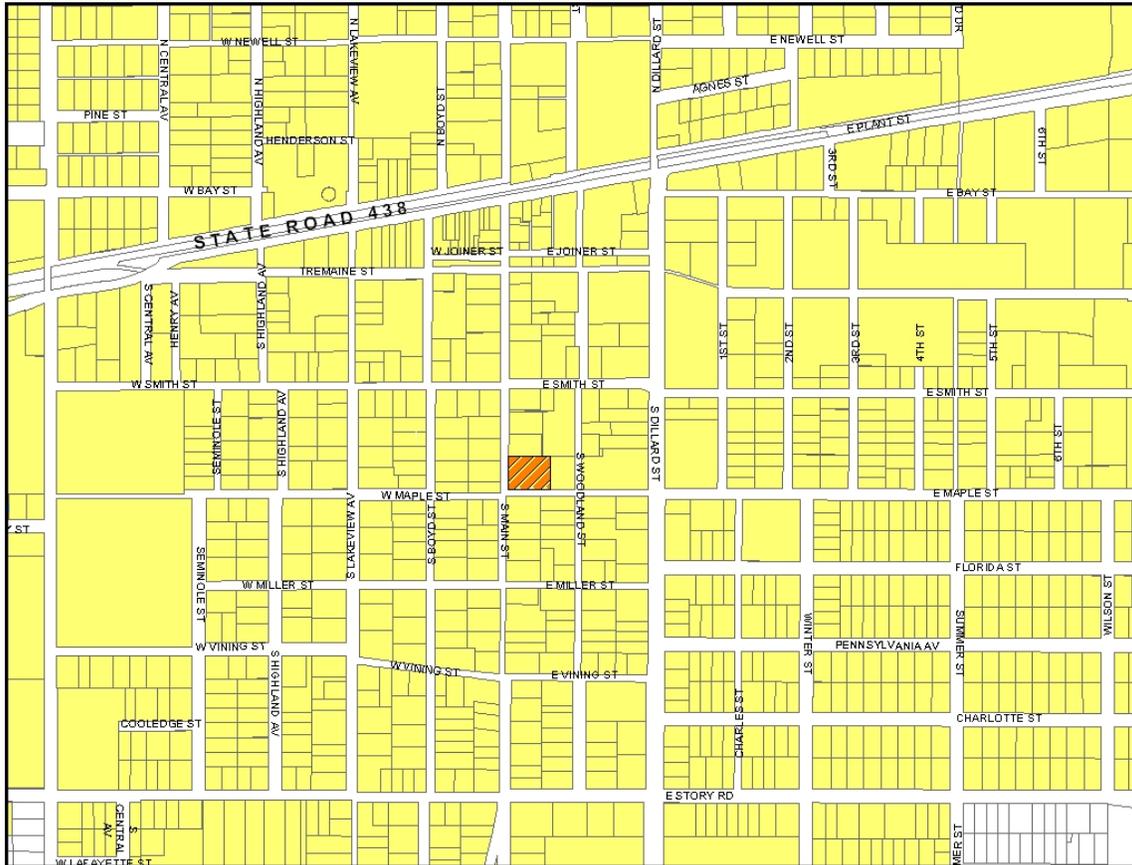
**Staff recommends approval of the Special Exception Permit with the following conditions:**

1. Maximum allowed Occupancy is 30 students.
2. Must provide an approved "*staggered*" drop off and pick up plan with designated time frames for students/children.
3. Minimum of 7 paved parking spaces required.
4. Must meet State playground requirements for Daycare Center and all other staff requirements for small site plan approval.

The adjacent property to the east of the subject property is residential; to the west of the property is also residential; the subject property has many existing overgrown oak trees and extensive landscaping that buffers this property from the existing neighbors. A trip generation calculation was conducted for the proposed day care center and determined that the daily trips generated were less than the minimum required trips to generate a traffic impact analysis for this site. The historical residential character of the existing house will remain the same which is compatible with the existing residential neighborhood.

**Next Step:** If P & Z approves, apply for Small Site Plan review and approval.

**227 South Main Street**



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 7 (No Public Hearing)**

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**Date:** July 6, 2007                      **Meeting Date:** July 9, 2007  
**Subject:** Apex Commerce Center Phase II & III ISR Variance Extension  
**Issue:** Request approval for a 365 day extension of variance previously approved by the Planning and Zoning Board on August 7, 2006.

**Supplemental Material/Analysis:**

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

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

**FLU:** Commercial

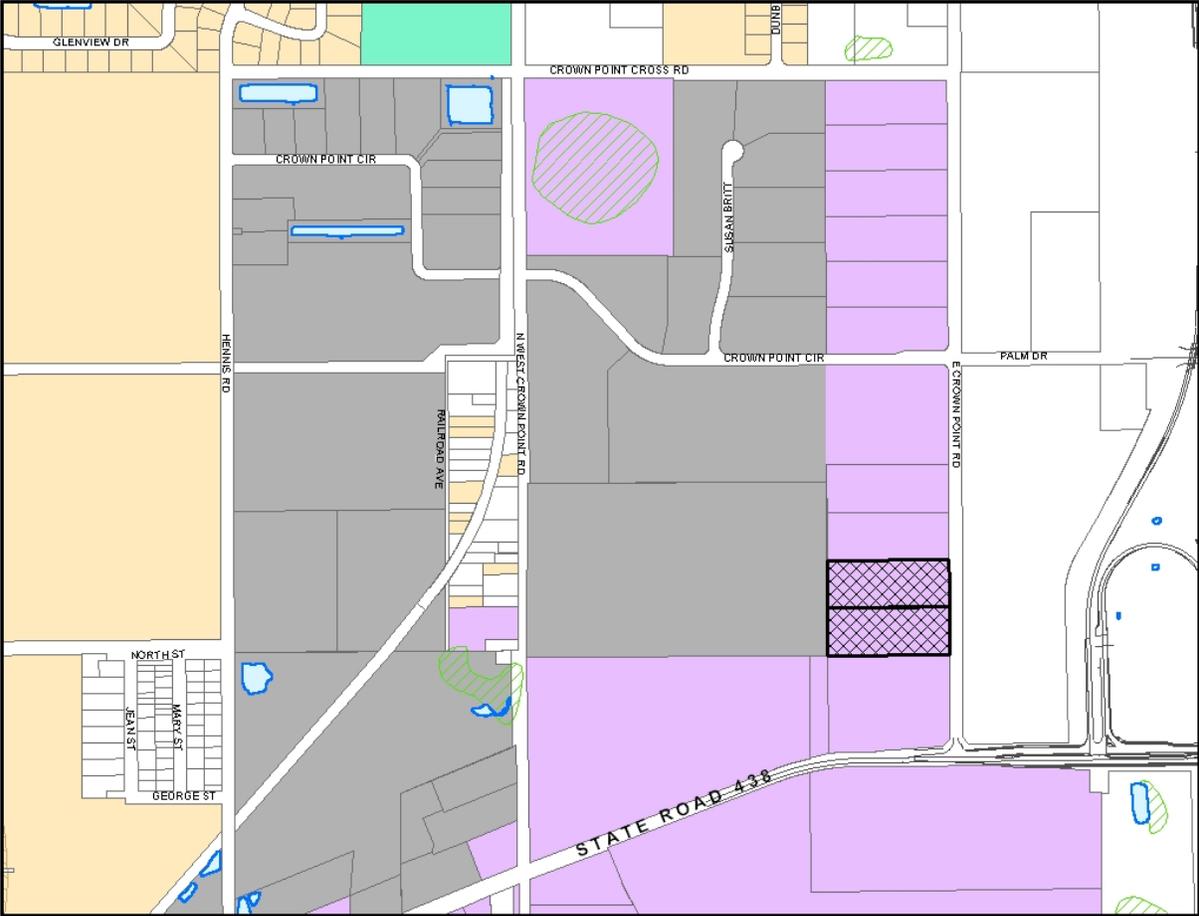
**Summary:** The property owner is requesting a 365 day extension of a previously approved variance by the Planning and Zoning Board on August 7, 2006 for an impervious surface ratio (ISR) variance of 6.5% for 310 East Crown Point Road and 6% for 330 East Crown Point Road (Apex Commerce Center Phase II & III).

*(1) Senior Planner Randall presented the Board with a request for approval of an impervious surface ratio (ISR) variance of 6.5% for 310 East Crown Point Road and 6% for 330 East Crown Point Road, which is Apex Commerce Center Phase II & III. Ms. Randall explained that 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, City Staff is willing to allow the request for a ratio above 75% and recommends approval of the petition.*

*(2) Rick Blecha, 311 N. Rosalind Avenue, Orlando, Civil Engineer for the project, approached the Board to answer questions, but no questions were asked.*

**Motion by Bea Deariso to approve the Impervious Surface Ratio Variance. Seconded by Minister Snell, the motion carried unanimously 6-0.**

**Apex Commerce Center**



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

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**Date:** July 6, 2007                      **Meeting Date:** July 9, 2007

**Subject:** Windtree Professional Center

**Issue:** Approval of Ordinance 07-23 and Ordinance 07-24; amending the Future Land Use map for the Windtree Professional Center from Medium Density Residential to Commercial and rezoning the property from R-3 to C-2.

**Supplemental Material/Analysis:**

***Owner/Applicant:*** Multiple owners; the City is the applicant

***Current Zoning:*** R-3

***Proposed Zoning:*** C-2

***Current FLU:*** Medium Density Residential

***Proposed FLU:*** Commercial

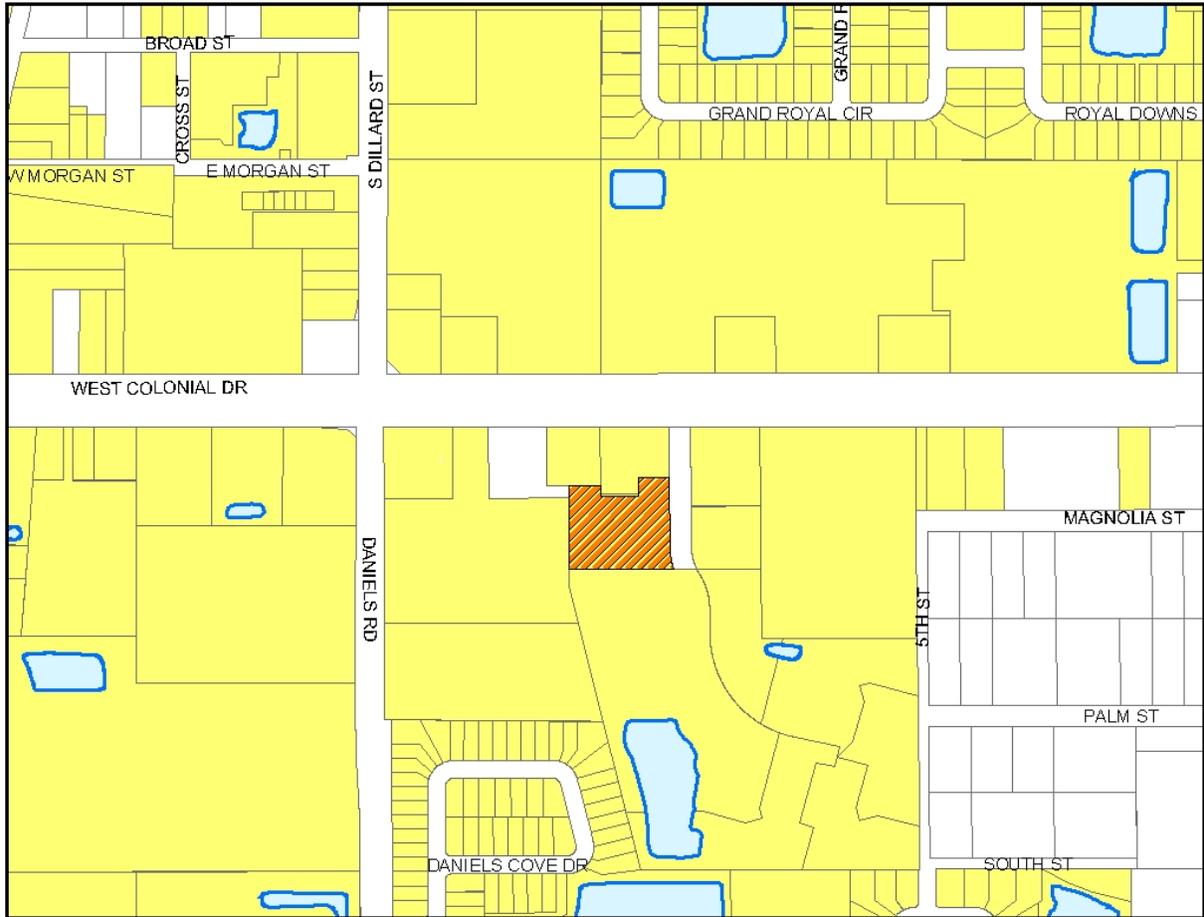
***Summary:*** While reviewing a Business Tax application for the Windtree Professional Center on SR 50 the City discovered that the existing businesses are not compatible with the current zoning and future land designation of high-density residential. Although existing businesses can still operate under the non-conforming use ordinance, it makes more sense to rezone the property to a compatible commercial zoning district.

**Staff**

**Recommendation:** Staff recommends approval of Ordinance 07-23 and Ordinance 07-24; amending the Future Land Use map for the Windtree Professional Center from Medium Density Residential to Commercial and rezoning the property from R-3 to C-2.

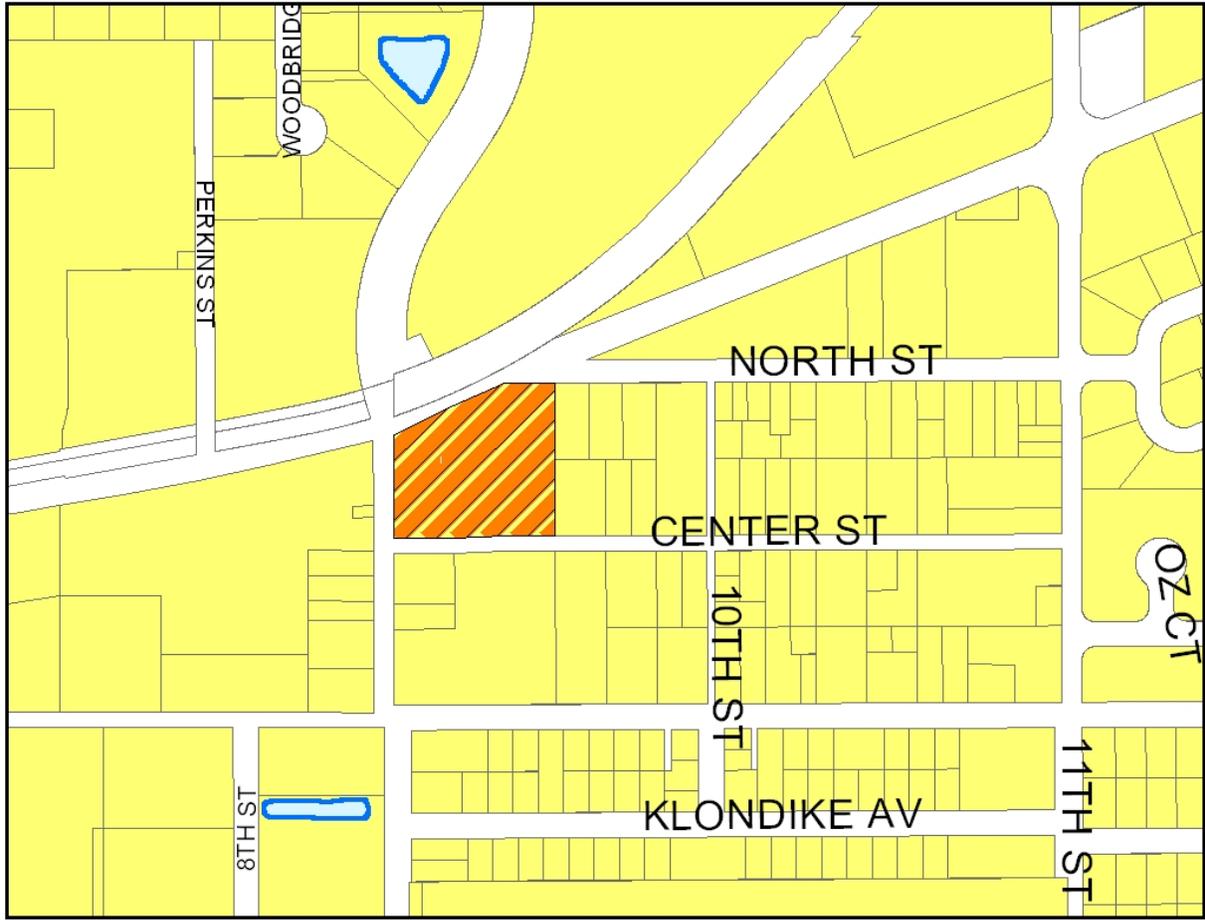
**Next Step:** The Ordinances are tentatively scheduled for first reading by the City Commission on July 12, 2007.

# Windtree Professional Center





**Bethlehem Missionary Baptist Church**



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

**ATTACHMENT 10 (No Public Hearing)**

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**Date:** July 6, 2007                      **Meeting Date:** July 9, 2007

**Subject:** Exotic Car Transport Site Plan

**Issue:** Site Plan approval for Exotic Transport located at 1207 East Story Road.

**Supplemental Material/Analysis:**

***Owner/Applicant:*** Thomas Meunier    Email: tom@exoticcartransport.com

***Zoning:*** I-2

***FLU:*** Industrial

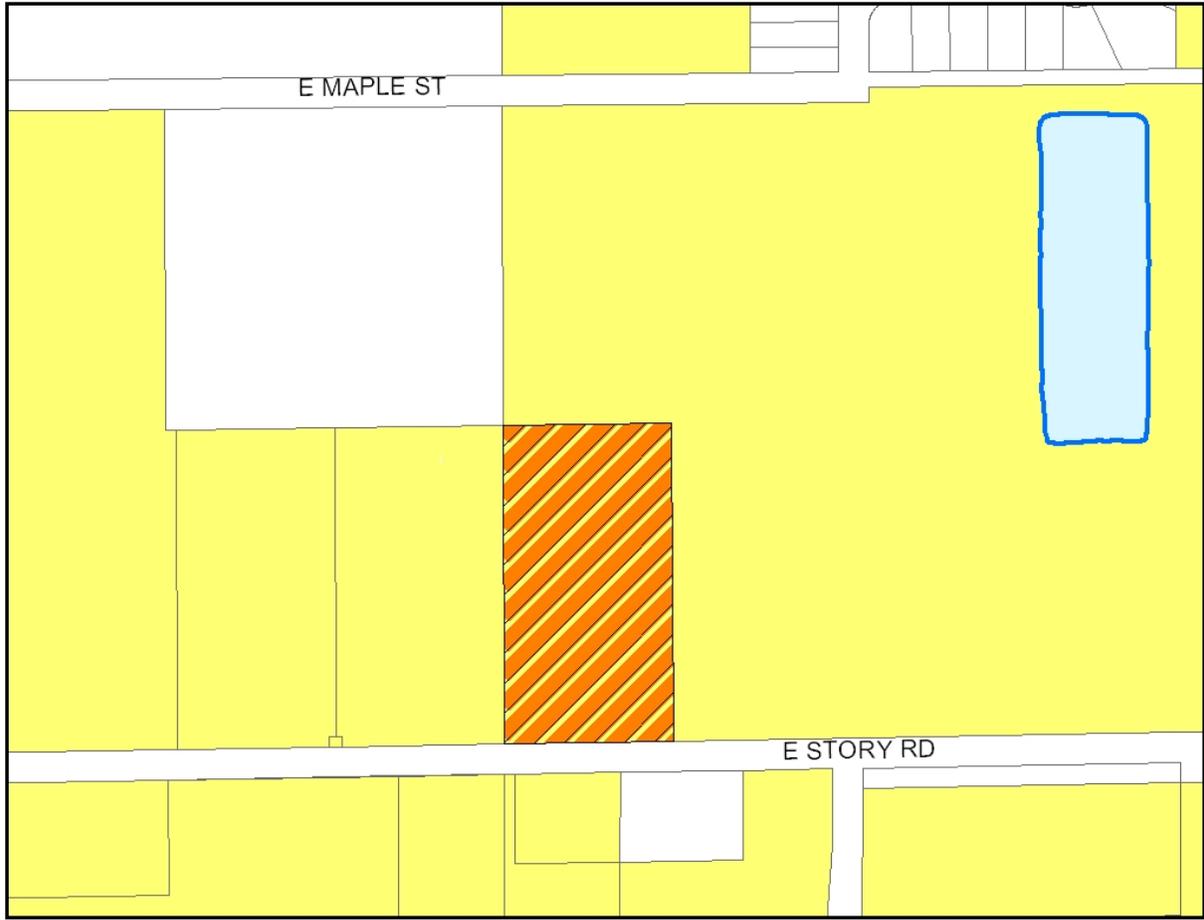
**Staff**

**Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of May 18, 2007.

**Next Step:** This project is tentatively scheduled for the July 26, 2007 City Commission meeting.

**Exotic Car Transport**



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

**ATTACHMENT 11 (No Public Hearing)**

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**Date:** July 6, 2007      **Meeting Date:** July 9, 2007

**Subject:** SunTrust Bank (Avamar Outparcel B) Site Plan

**Issue:** Site Plan approval for SunTrust Bank located on CR 545. This project is Outparcel B of the Avamar retail project.

**Supplemental Material/Analysis:**

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

**Zoning:**        PCD

**FLU:**            Commercial

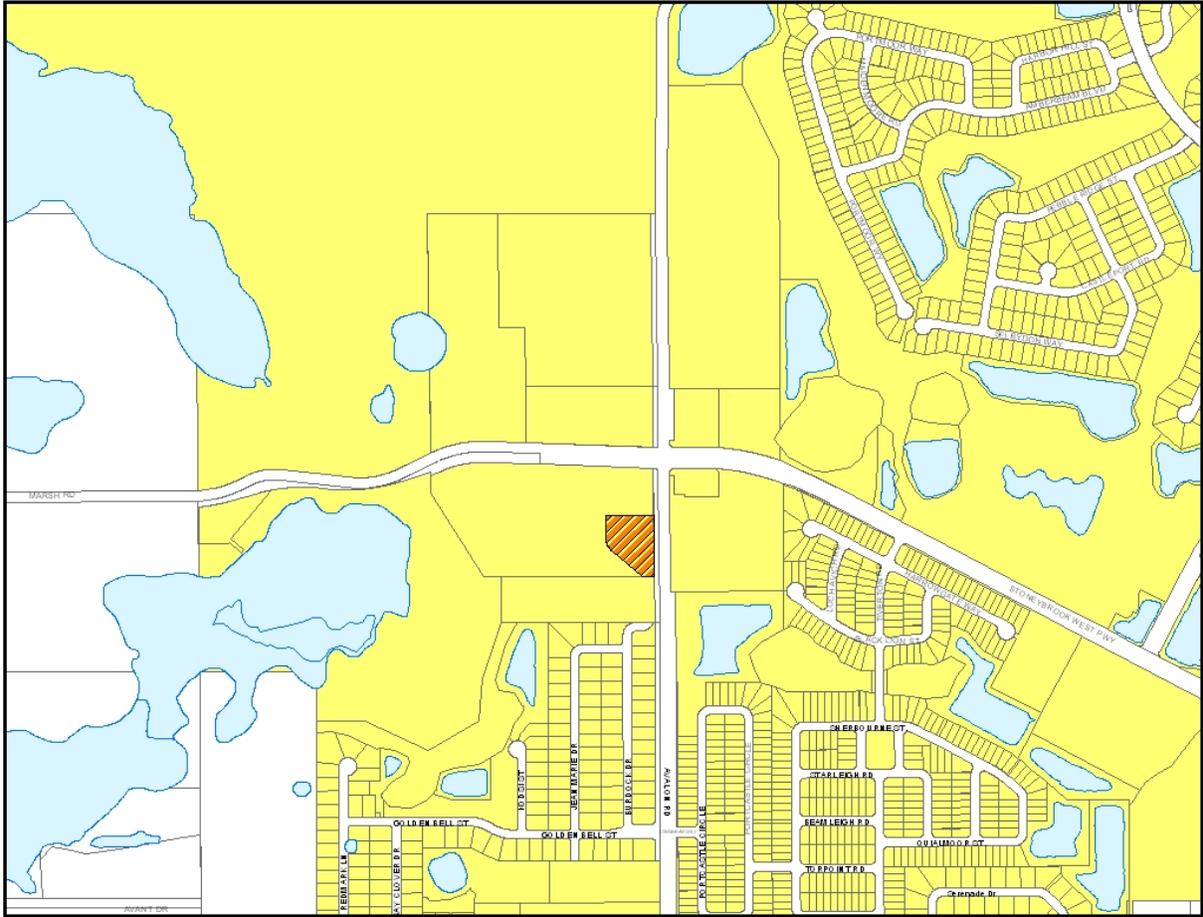
**Staff**

**Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of June 26, 2007.

**Next Step:** This project is tentatively scheduled for the July 26, 2007 City Commission meeting.

# SunTrust Bank



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

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**Date:** July 6, 2007                      **Meeting Date:** July 9, 2007  
**Subject:** Oakland Park Phase 1A Final Plat  
**Issue:** Final Plat approval for Oakland Park Phase 1A located on the east side of CR 545.

**Supplemental Material/Analysis:**

**Owner/Applicant:** John Rhinehart                      Email:jrhinehart@castlecook.com

**Zoning:** PUD

**FLU:** Low Density Residential

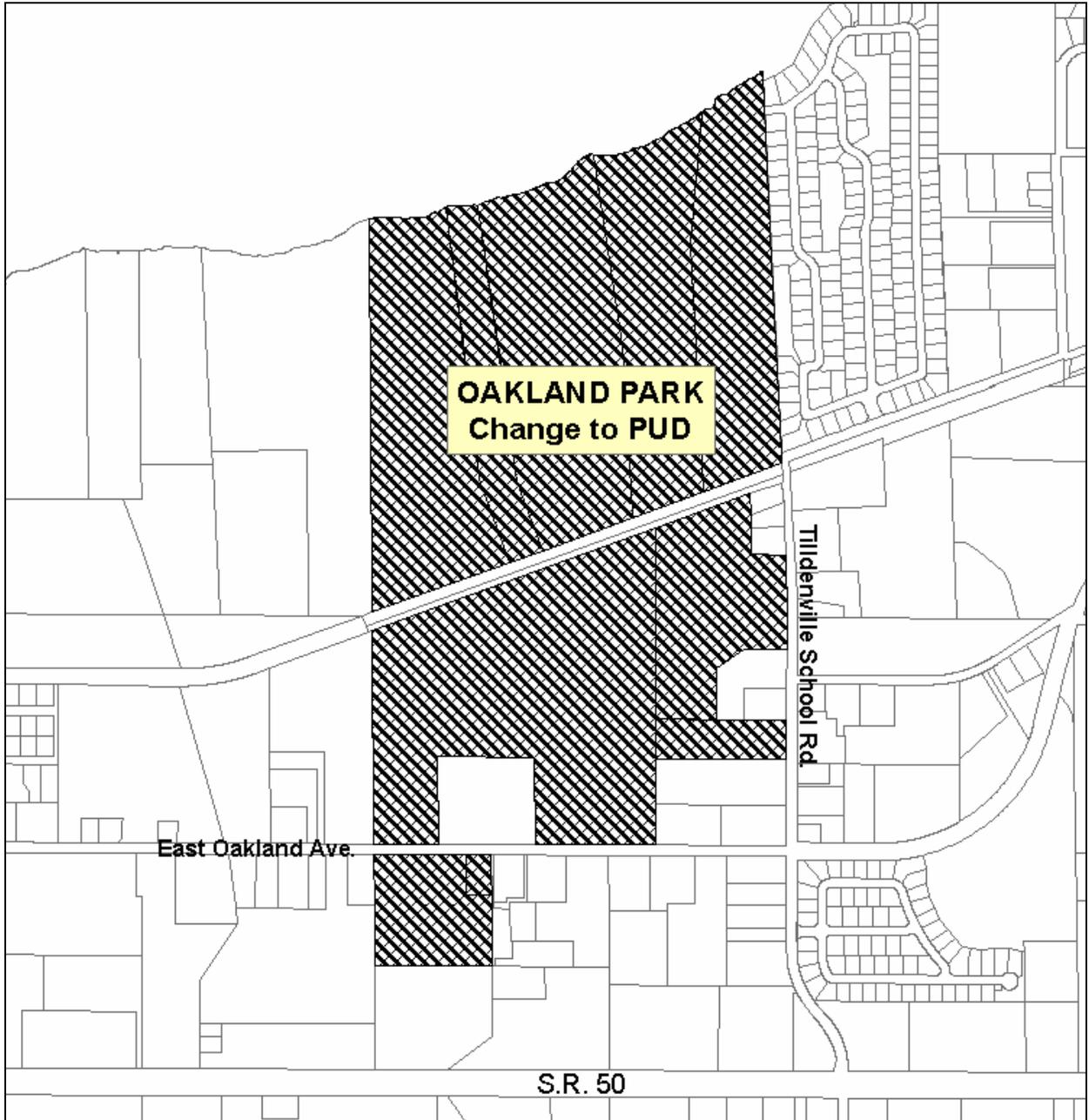
**Staff**

**Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of June 22, 2007 and the Legal Department's letter dated June 22, 2007. The City's Surveyor's memo dated June 25, 2007.

**Next Step:** Prior to scheduling the project for the City Commission, the applicant shall provide all required original documents items as specified in the staff memoranda's and receive final staff approval.

**Oakland Park**



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

**ATTACHMENT 13 (No Public Hearing)**

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**Date:** July 6, 2007                      **Meeting Date:** July 9, 2007

**Subject:** Stoneybrook West Unit 8 (Parcel 17) Final Plat

**Issue:** Final Plat approval for Stoneybrook West Unit 8 (Parcel 17) located on the east side of CR 545.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Mario Chavez                      Email: Mario.chavez@lennar.com

**Zoning:** PUD

**FLU:** Low Density Residential

**Staff**

**Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of June 27, 2007 and the Legal Department's letter dated June 26, 2007.

**Next Step:** Prior to scheduling the project for the City Commission, the applicant shall provide the required performance letter of credit as well as all necessary original documents as specified in the Staff Memoranda.

**Stoneybrook West Unit 8 (Parcel 17)**

