

THE CITY OF WINTER GARDEN

PLANNING & ZONING BOARD AGENDA

CITY COMMISSION CHAMBERS/ 251 W. PLANT ST.

REGULAR MEETING

August 6, 2007

6:30 P.M.

1. Call to Order
2. Roll Call and Determination of Quorum
3. Approval of minutes from the July 9, 2007 meeting - Attachment 1

Variances & Special Exception Permits (all Public Hearings)

4. 758 Citrus Cove Drive Setback Variance – Attachment 2
5. 2650 Shirehall Lane Setback Variance – Attachment 3
6. 219 E. Lafayette Street Variances – Attachment 4
7. Church of the Messiah Parking Variance – Attachment 5

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

8. Oakland Commons PCD – Attachment 6
9. Karr-Plant Street Property – Attachment 7
10. Nabers Property – Attachment 8

Annexations & Large-Scale Comp Plan Amendments (all Public Hearings)

11. Cantero Property – Attachment 9
12. Assaf Property – Attachment 10
13. Cra-Mar Groves Property – Attachment 11
14. McKinnon, Edwards, et al Property – Attachment 12

Lot Splits (no Public Hearings)

15. 15240 Oakland Avenue (Macchi Property) – Attachment 13
16. 367 North Park Avenue – Attachment 14

Site Plans (no Public Hearing)

17. Depot Plaza – Attachment 15
18. Golden Pond – Attachment 16

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.

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 porch addition is in character with the neighborhood and the zoning category. 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 9 foot rear yard setback variance to allow construction of an enclosed porch for an existing single family home.

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

758 Citrus Cove Drive



In addition, the Stoneybrook ARB has reviewed and approved this request.

(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 Stoneybrook West community 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 2 foot side yard setback variance to construct a screened enclosure off the rear of an existing single-family home.

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

structure must be applied for no later than 180 days from the date of the destruction. In the issuance of the permit, the following standards shall apply:

a. If the single-family dwelling or accessory structure can be rebuilt on the same lot and meet all setback requirements, it shall be so rebuilt.

b. If the single-family dwelling or accessory structure cannot be rebuilt at the same size (i.e., ground floor area) in accordance with the minimum standards of the district in which it is located, then it shall be placed on the lot in as conforming a manner as possible and a variance must be obtained to the extent of any nonconformity.

c. A lawful nonconforming building or structure shall not be rebuilt in a manner which increases its nonconformity, unless a variance is obtained.

d. Construction must commence within one year from the date of destruction.

As these homes cannot be rebuilt in accordance with the minimum standards of the R-2 zoning district, variances are required. Staff has worked with the applicant to design a plan that reduces the existing non-conforming situation. For example, instead of placing two single-family detached homes on the lot, the home will be converted into a true duplex. In addition, the applicant has stated that they will dress up the front of the existing home. Staff feels that this request meets the intent of the non-conforming ordinance and reflects the best possible solution to this situation for all parties involved.

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 side yard setback variance, 50 foot lot width variance, 3750 square foot lot area variance, and 10 foot front setback variance to build a two-family home. Staff feels that this

will reduce an existing non-conforming situation while upgrading the neighborhood with an attractive duplex.

(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 R-2 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 2 foot side yard setback variance, 50 foot lot width variance, 3750 square foot lot area variance, and 10 foot front setback variance to build a two-family home. Staff also requests that the property owner modify the existing house by improving the front façade of the building. In addition, the property owner must provide 4 parking spaces on site.

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

219 E. Lafayette Street



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

Date: August 3, 2007 **Meeting Date:** August 9, 2007

Subject: Church of the Messiah Reduction of Required Parking Spaces (Variance)

Issue: Request for approval of the reduction of the number of required parking spaces from 60 spaces to 58 spaces at the Church of the Messiah, 206 North Woodland Street. The variance will allow the applicant the ability to save an exiting 54" oak tree.

Supplemental Material/Analysis:

Owner/Applicant: Tom Rutherford (407) 877-6041

Zoning: R-2

FLU: Low Density Residential

Summary: The request is for approval of the reduction of the required number of parking spaces from 60 spaces to 58 spaces to allow the applicant the ability to save an existing 54" oak tree.

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 variance request is for approval of the reduction of the required number of parking spaces from 60 spaces to 58 spaces to save an existing 54" oak tree in the middle of the parking lot. The exiting tree was discovered in the middle of construction of the new

addition to the church. The church currently has sufficient parking and has also entered upon agreement with Orange County Schools to use the adjacent vacant lot for any overflow parking.

(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;

Staff believes that strict compliance with the land development regulations will not further any legitimate City objective. In addition, the reduction of the required number of parking from 60 spaces to 58 spaces will allow the applicant the ability to save the existing 54" oak tree.

(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.

(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 request for approval of the reduction of the number of required parking spaces from 60 spaces to 58 spaces to save an existing 54" oak tree that is located in the middle of the parking lot.

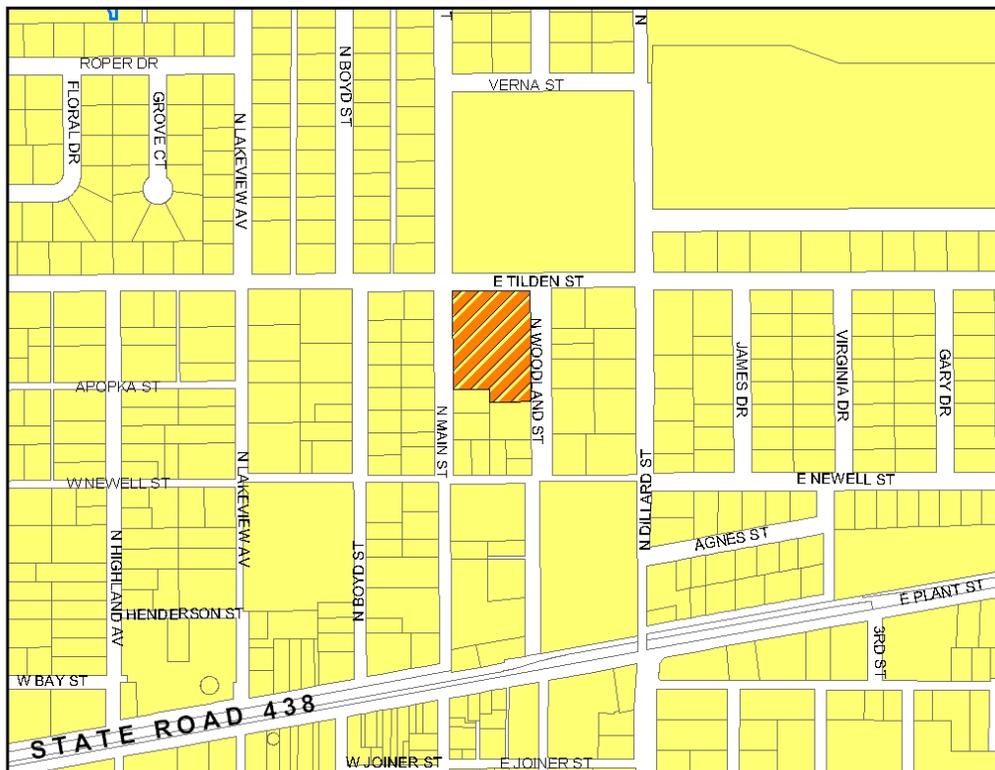
Staff

Recommendation:

Staff recommends approval of the requested reduction of the required parking spaces from 60 spaces to 58 spaces that will allow the applicant the ability to save the existing 54" oak tree.

Next Step: If P & Z Board approves, revise site plan and continue construction of improvements.

Church of Messiah



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

Date: August 3, 2007 **Meeting Date:** August 6, 2007

Subject: Oakland Commons PCD Rezoning

Issue: Request for approval of Ordinance 07-41; rezoning to PCD

Supplemental Material/Analysis:

Owner/Applicant: Alan Haughey E-mail: ahaughey@comtec.com

Current Zoning: C-2

Proposed Zoning: PCD (Planned Commercial Development)

FLU: Commercial

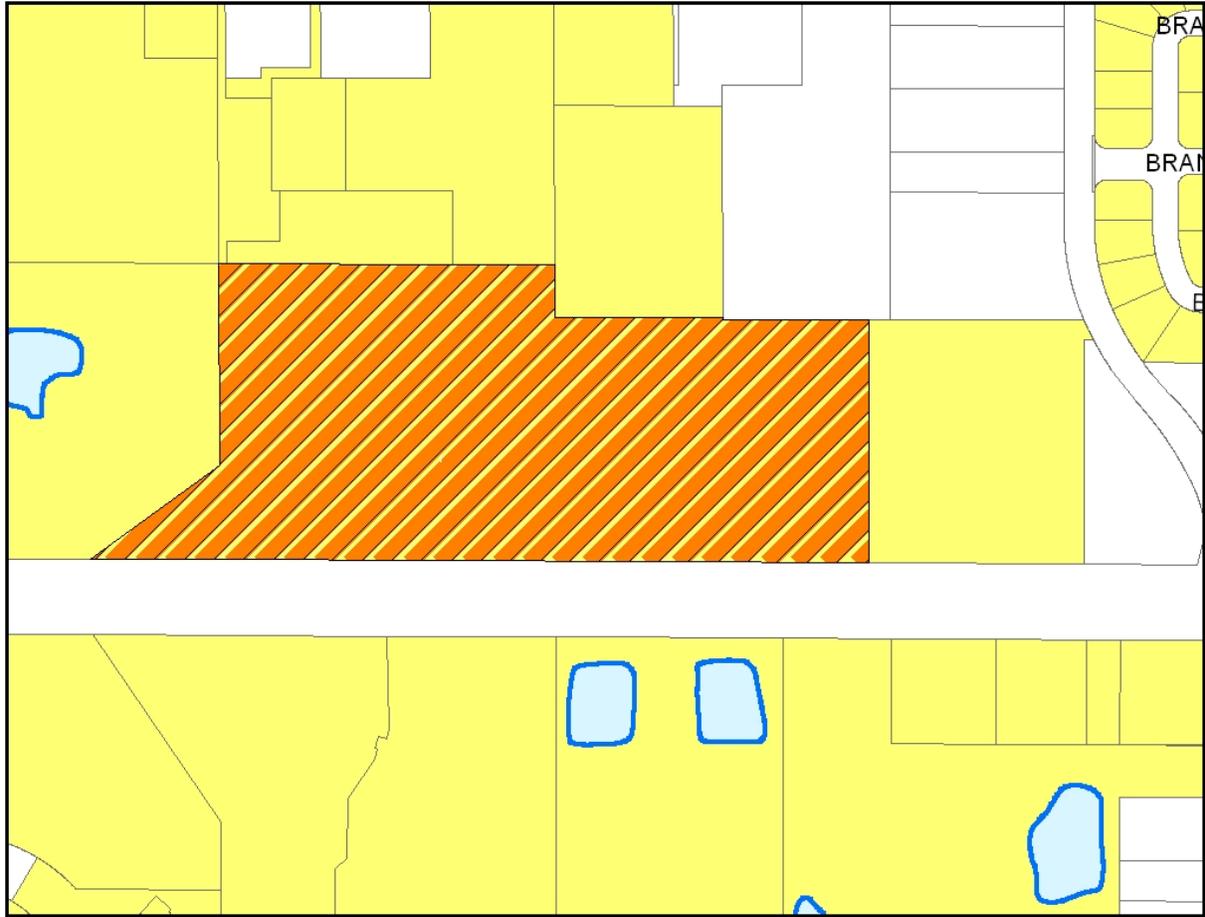
Staff

Recommendation:

Staff recommends approval of Ordinance 07-41 with the conditions in the Engineering Department's memorandum of June 26, 2007, and the Fire Department's memo of June 12, 2007 and Planning Department's memo dated July 3, 2007.

Next Step: Tentatively scheduled for first reading at the August 23, 2007 City Commission agenda.

Oakland Commons PCD



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

Date: August 3, 2007 **Meeting Date:** August 6, 2007
Subject: Karr-Plant Street Small-Scale Comprehensive Plan Amendment
Issue: Approval of Ordinance 07-38, amending the future land use map of the City of Winter Garden's Comprehensive Plan for this property from Low Density Residential to City Commercial.

Supplemental Material/Analysis:

Applicant: Jim Hall Email: jhall@vhb.com

Zoning: R-2

Existing FLU: Low Density Residential

Proposed FLU: City Commercial

Summary: Please see the attached Staff Report for additional information regarding this project.

The zoning ordinance will be placed before the P & Z Board and City Commission for approval at a later date.

**Staff
Recommendation:**

Staff recommends approval of Ordinance 07-38, amending the future land use map of the City of Winter Garden from Low Density Residential to City Commercial.

Next Step:

A public hearing for the first reading of Ordinance 07-38 is scheduled for the City Commission on August 23, 2007.

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

Date: August 3, 2007 **Meeting Date:** August 6, 2007
Subject: Nabers Property Small-Scale Comprehensive Plan Amendment
Issue: Approval of Ordinance 07-37, amending the future land use map of the City of Winter Garden's Comprehensive Plan for this property from Low Density Residential to City Commercial.

Supplemental Material/Analysis:

Applicant: Jim Hall Email: jhall@vhb.com

Zoning: R-2

Existing FLU: Low Density Residential

Proposed FLU: City Commercial

Summary: The applicant has requested a change of the future land use of this property from low density residential to City Commercial. As this time, Staff believes this change is premature given the residential character of the surrounding neighborhoods. After the mall is built and Winter Garden-Vineland Road is fully operational, Staff may revisit this request. In addition, the applicant will be required to present a conceptual plan outlining the proposed uses, traffic circulation, and buffering.

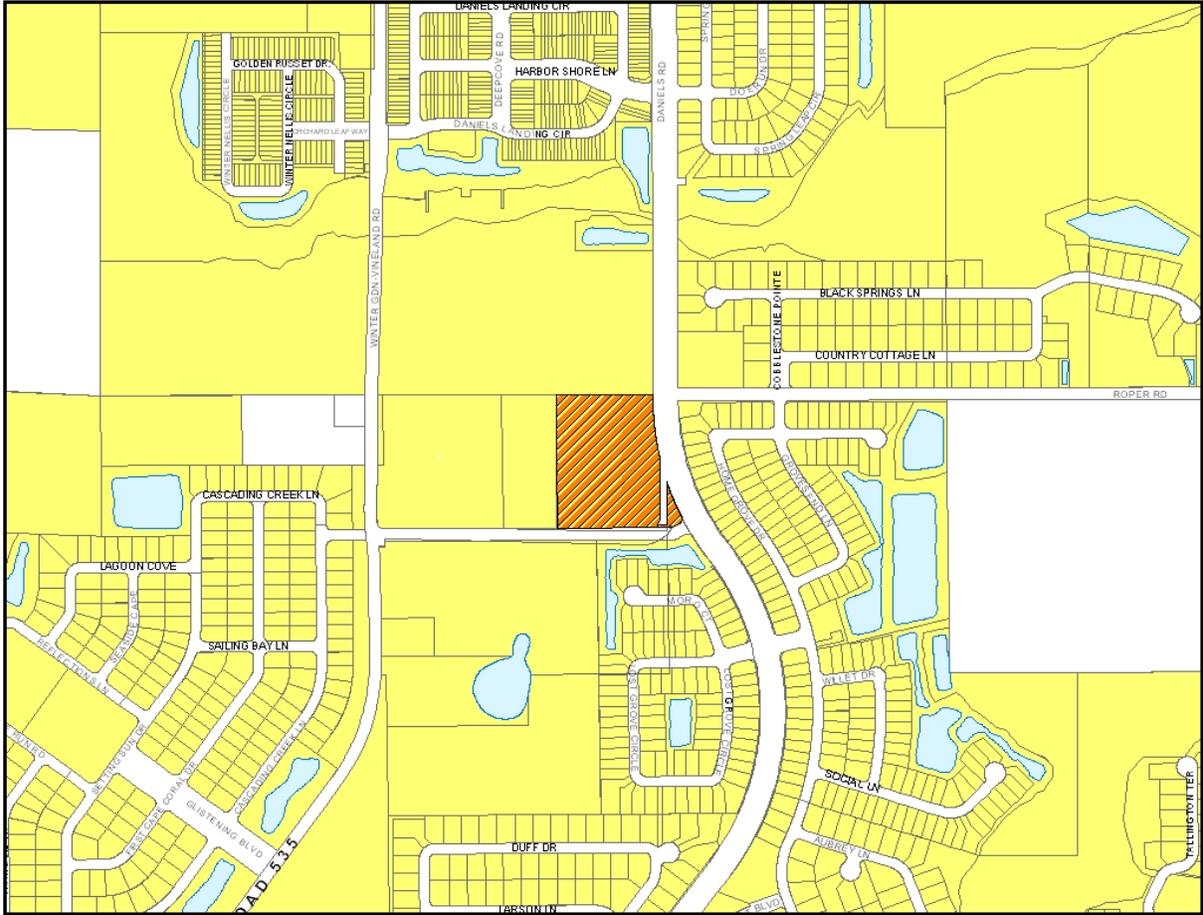
Staff Recommendation:

Staff recommends denial of Ordinance 07-37, amending the future land use map of the City of Winter Garden from Low Density Residential to City Commercial.

Next Step:

A public hearing for the first reading of Ordinance 07-37 is scheduled for the City Commission on August 23, 2007.

Nabers Property



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 9 (Public Hearing)

Date: August 3, 2007 **Meeting Date:** August 6, 2007

Subject: Cantero Property Annexation & Large-Scale Comprehensive Plan Amendment

Issue: Approval of Ordinance 07-28, annexation of the subject property, and Ordinance 07-29, amending the future land use map of the City of Winter Garden's Comprehensive Plan for this property from Orange County Village to City Suburban Residential.

Supplemental Material/Analysis:

Applicant: Jose Cantero Email: josepi64@aol.com

Zoning: Orange County Rural

Existing FLU: Orange County Village

Proposed FLU: City Suburban Residential

Summary: Please see the attached Staff Report for additional information regarding this project. Approval will cause the transmittal of Ordinance 07-29 to the Department of Community Affairs for review.

The zoning ordinance will be placed before the P & Z Board and City Commission for approval at a later date.

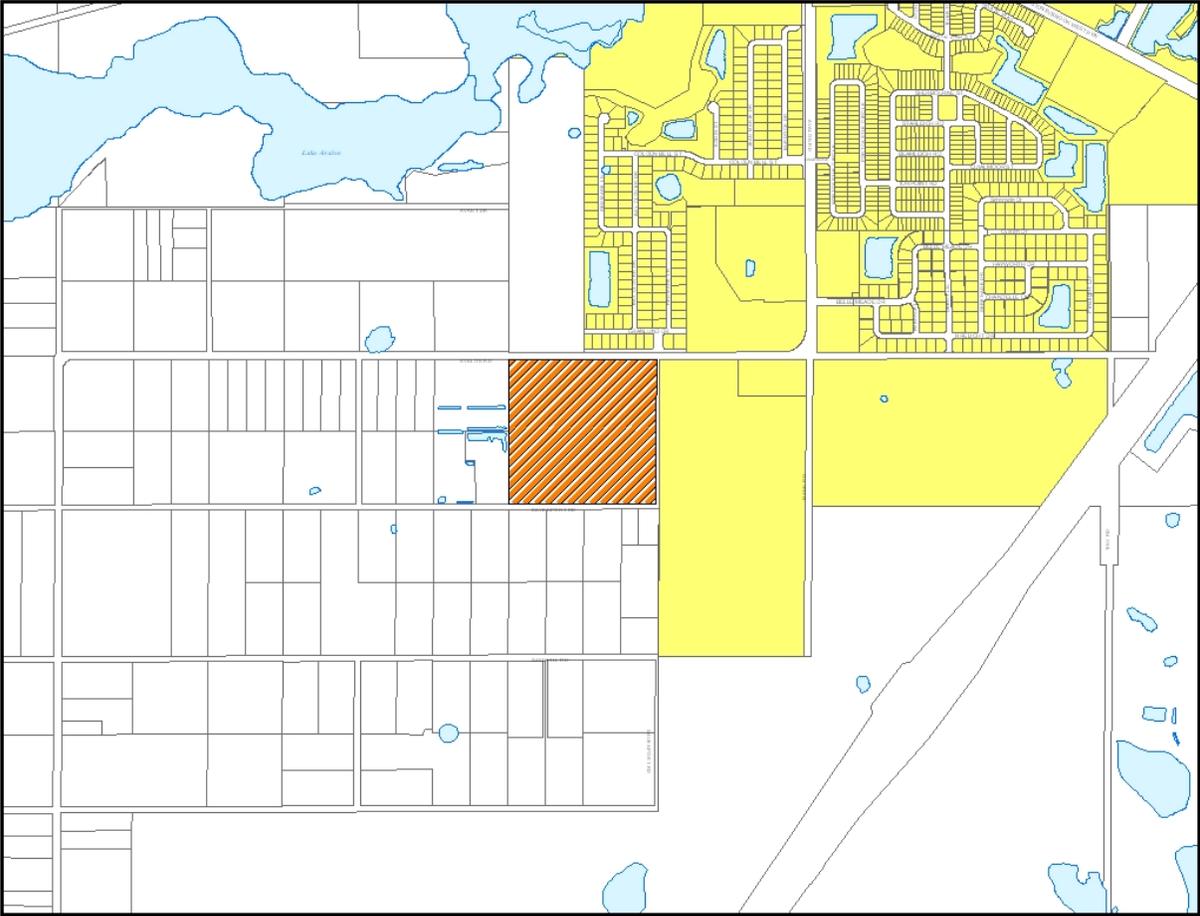
**Staff
Recommendation:**

Staff recommends approval of Ordinance 07-28, annexation of the subject property, and Ordinance 07-29, amending the future land use map of the City of Winter Garden's Comprehensive Plan for this property from Orange County Village to City Suburban Residential and transmittal to DCA for comments.

Next Step:

A public hearing for the first reading of Ordinance 07-28 and Ordinance 07-29 is scheduled for the City Commission on August 23, 2007.

Cantero Property



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 10 (Public Hearing)

Date: August 3, 2007 **Meeting Date:** August 6, 2007

Subject: Assaf Property Annexation & Large-Scale Comprehensive Plan Amendment

Issue: Approval of Ordinance 07-30, annexation of the subject property, and Ordinance 07-31, amending the future land use map of the City of Winter Garden's Comprehensive Plan for this property from Orange County Village to City Suburban Residential.

Supplemental Material/Analysis:

Applicant: Dulcy Miller Email: dmiller@foley.com

Zoning: Orange County Rural

Existing FLU: Orange County Village

Proposed FLU: City Suburban Residential

Summary: Please see the attached Staff Report for additional information regarding this project. Approval will cause the transmittal of Ordinance 07-31 to the Department of Community Affairs for review.

The zoning ordinance will be placed before the P & Z Board and City Commission for approval at a later date.

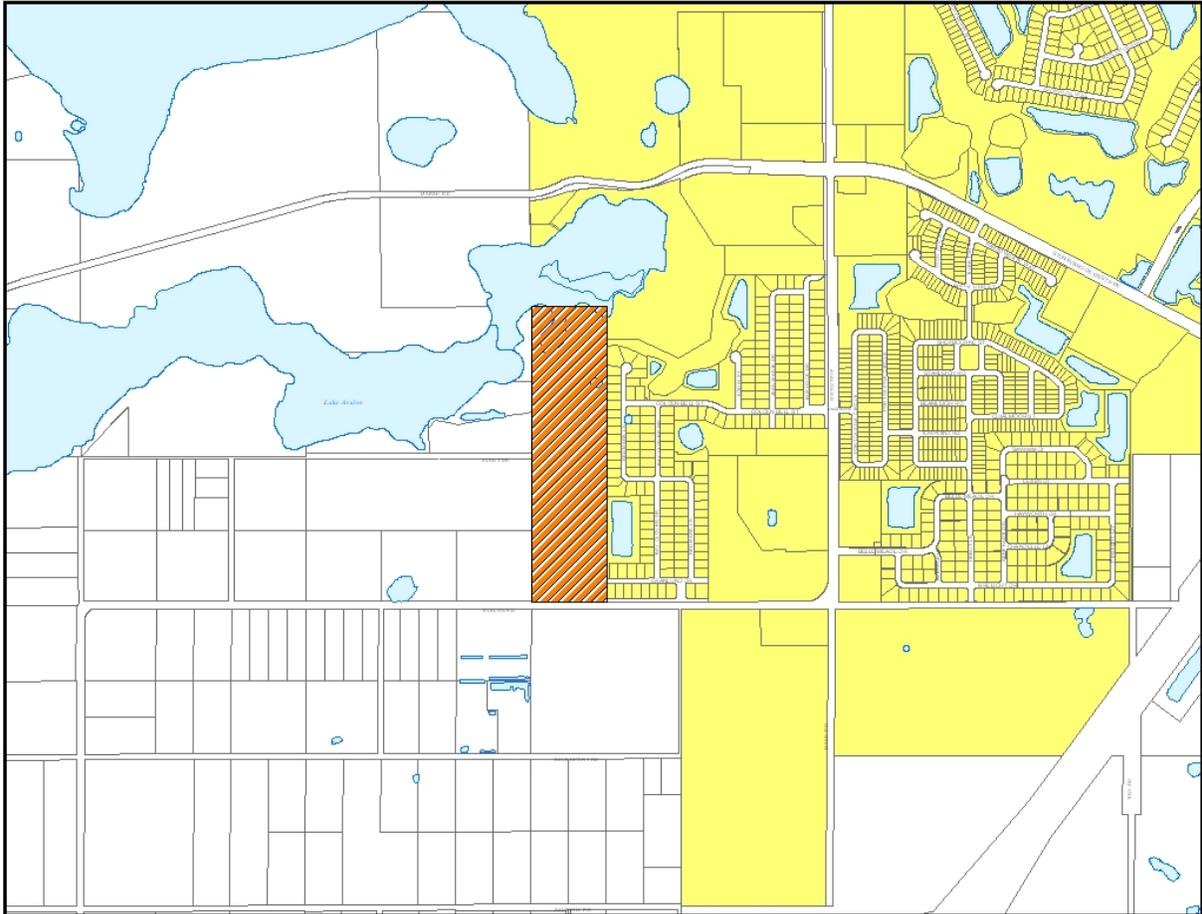
Staff Recommendation:

Staff recommends approval of Ordinance 07-30, annexation of the subject property, and Ordinance 07-31, amending the future land use map of the City of Winter Garden's Comprehensive Plan for this property from Orange County Village to City Suburban Residential and transmittal to DCA for comments.

Next Step:

A public hearing for the first reading of Ordinance 07-30 and Ordinance 07-31 is scheduled for the City Commission on August 23, 2007.

Assaf Property



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 11 (Public Hearing)

Date: August 3, 2007 **Meeting Date:** August 6, 2007

Subject: Cra-Mar Groves Annexation & Large-Scale Comprehensive Plan Amendment

Issue: Approval of Ordinance 07-32, annexation of the subject property, and Ordinance 07-33, amending the future land use map of the City of Winter Garden's Comprehensive Plan for this property from Orange County Village to City Suburban Residential.

Supplemental Material/Analysis:

Applicant: Jim Hall Email: jhall@vhb.com

Zoning: Orange County Rural

Existing FLU: Orange County Village

Proposed FLU: City Suburban Residential

Summary: Please see the attached Staff Report for additional information regarding this project. Approval will cause the transmittal of Ordinance 07-33 to the Department of Community Affairs for review.

The zoning ordinance will be placed before the P & Z Board and City Commission for approval at a later date.

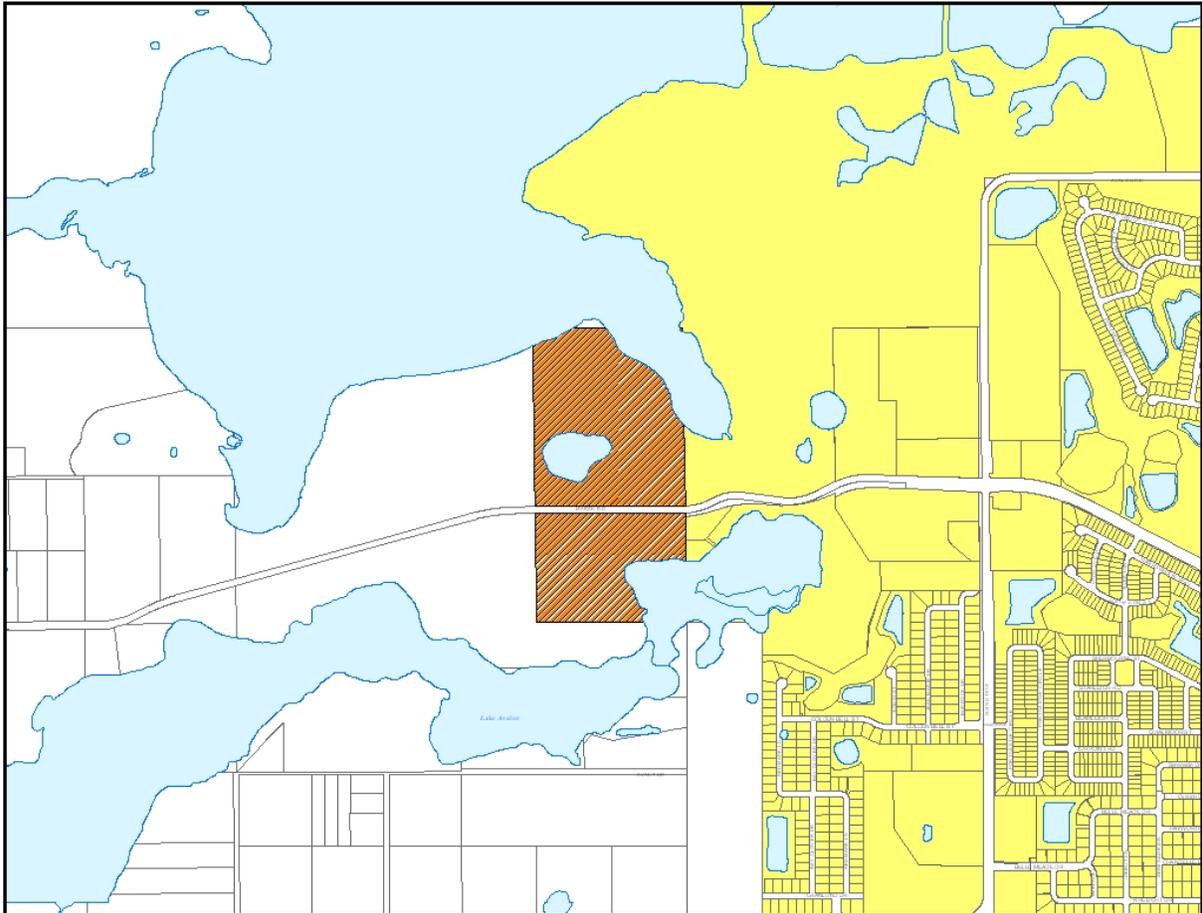
**Staff
Recommendation:**

Staff recommends approval of Ordinance 07-32, annexation of the subject property, and Ordinance 07-33, amending the future land use map of the City of Winter Garden's Comprehensive Plan for this property from Orange County Village to City Suburban Residential and transmittal to DCA for comments.

Next Step:

A public hearing for the first reading of Ordinance 07-32 and Ordinance 07-33 is scheduled for the City Commission on August 23, 2007.

Cra-Mar Groves



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 12 (Public Hearing)

Date: August 3, 2007 **Meeting Date:** August 6, 2007

Subject: McKinnon, Edward, et al Annexation & Large-Scale Comprehensive Plan Amendment

Issue: Approval of Ordinance 07-34, annexation of the subject property, Ordinance 07-35, amending the future land use map of the City of Winter Garden's Comprehensive Plan for the Edward's property from Orange County Village to City Suburban Residential, and Ordinance 07-36 amending the future land use map of the City of Winter Garden's Comprehensive Plan for the McKinnon property from Orange County Village to City Suburban Residential.

Supplemental Material/Analysis:

Applicant: Kathy Hattaway Email: kathy@hattawayconsulting.com

Zoning: Orange County Rural

Existing FLU: Orange County Village

Proposed FLU: City Suburban Residential

Summary: Please see the attached Staff Report for additional information regarding this project. Approval will cause the transmittal of Ordinance 07-35 and Ordinance 07-36 to the Department of Community Affairs for review.

The zoning ordinance will be placed before the P & Z Board and City Commission for approval at a later date.

**Staff
Recommendation:**

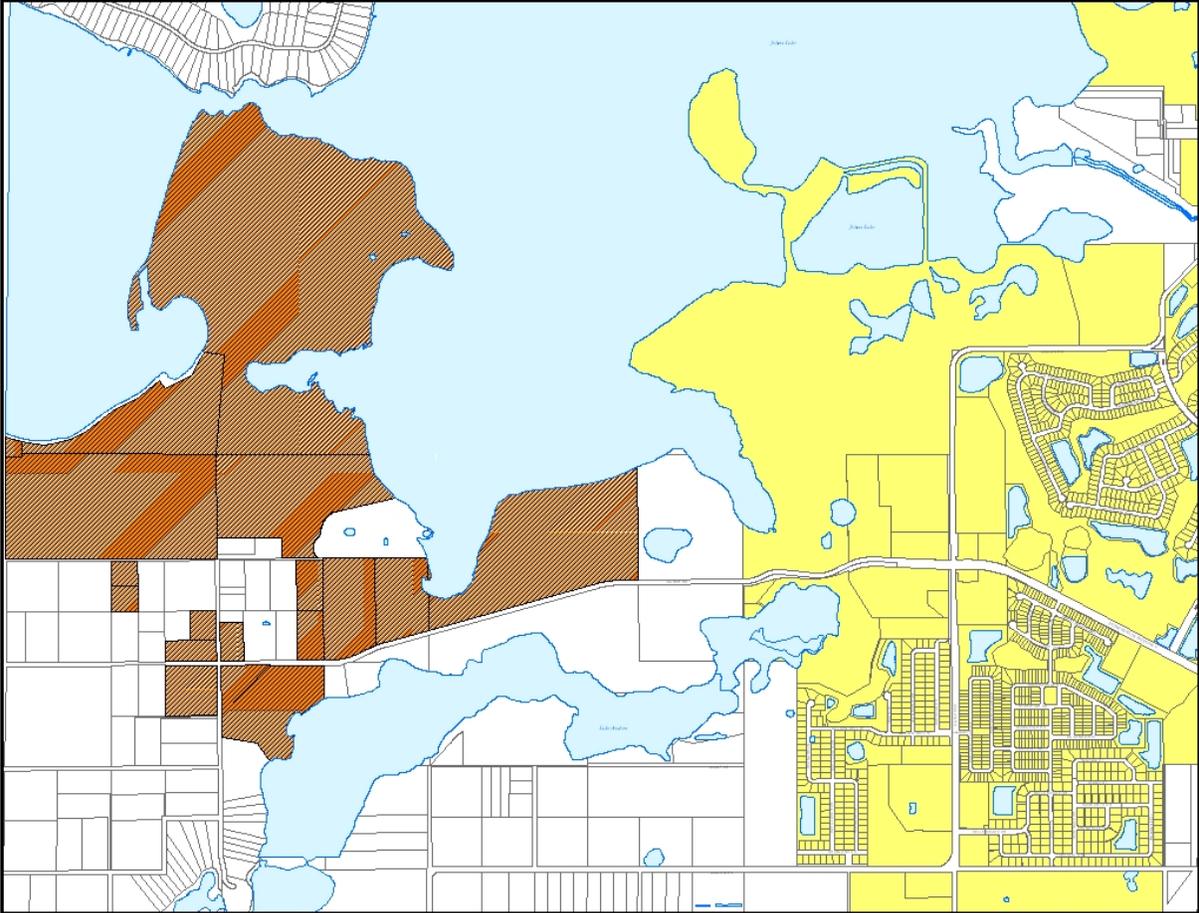
Staff recommends approval of Ordinance 07-34, annexation of the subject property, Ordinance 07-35, amending the future land use map of the City of Winter Garden's Comprehensive Plan for the Edward's property from Orange County Village to City Suburban Residential transmittal to DCA for comments, and Ordinance 07-36 amending the future land use map of the

City of Winter Garden's Comprehensive Plan for the McKinnon property from Orange County Village to City Suburban Residential transmittal to DCA for comments.

Next Step:

A public hearing for the first reading of Ordinance 07-34, Ordinance 07-35, and Ordinance 07-36 is scheduled for the City Commission on August 23, 2007.

McKinnon, Edwards, et al



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

Date: August 3, 2007 **Meeting Date:** August 9, 2007

Subject: 15240 Oakland Avenue (Macchi Property) Lot Split

Issue: Applicant is requesting a lot split of the existing 4.253 acre lot (Lot 1) into (3) residential lots that will contain:

- 1. Lot 2 (1.00 ac lot)
- 2. Lot 3 (0.9017 ac lot)
- 3. Lot 4 (0.873 ac lot)

Supplemental Material/Analysis:

Owner/Applicant: William Blackham (407) 877-7979

Zoning: R-1 (Requires 85' x 100' minimum lot requirements)

FLU: Low Density Residential

Summary: Applicant is requesting a lot split for the existing 4.253 acre lot into 3 residential lots. Each split will create a buildable lot that meets the minimum requirements for R-1 zoning. These lots will be required to connect to City water, reuse and sewer. All easements for ingress, egress, utilities and drainage shall be recorded prior to issuance of any site or building permits. City Manager, Mike Bollhoefer has approved a one time wavier that will allow the property the ability to split the parcel into 3 buildable lots that meet the minimum requirements without the required platting process.

**Staff
Recommendation:**

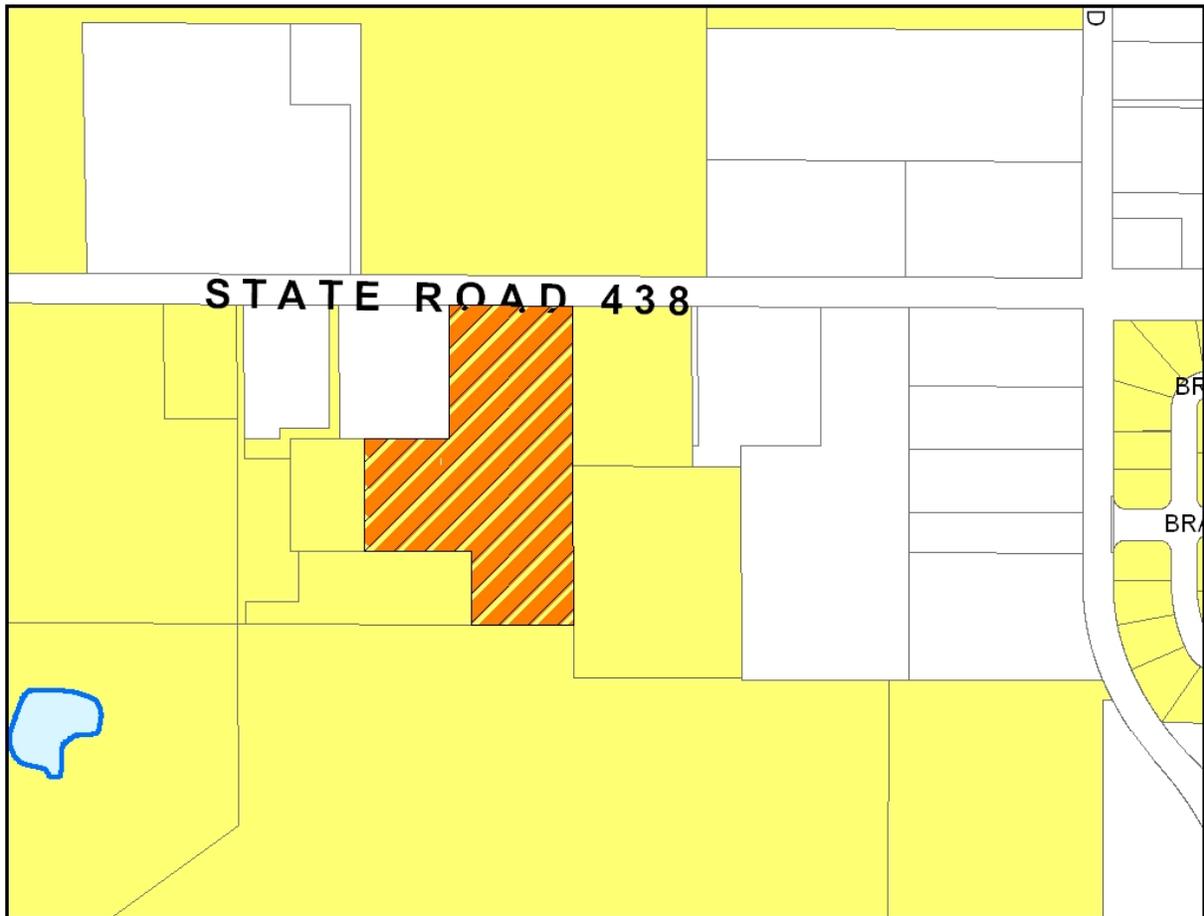
Staff recommends approval with the conditions in the Engineering's Memorandum dated July 18, 2007 of the request to split the existing 4.253 acre parcel (Lot 1) into 3 residential lots that will consist of the following:

1. Lot 1 (1.00 ac lot)
2. Lot 2 (0.9017 ac lot)
3. Lot 3 (0.873 ac lot)

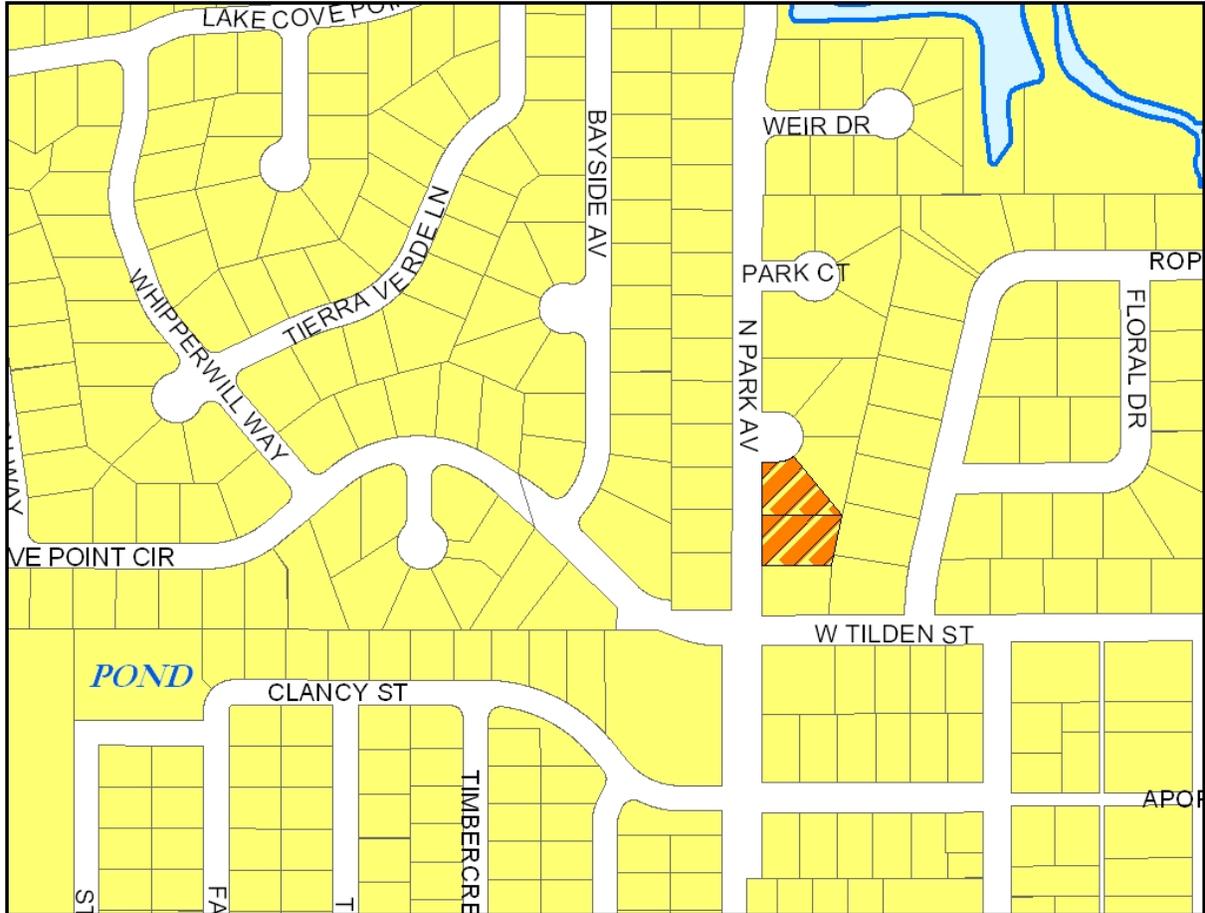
Next Step:

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

15240 Oakland Avenue



367 North Park Avenue



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 15 (No Public Hearing)

Date: August 3, 2007 **Meeting Date:** August 9, 2007
Subject: Golden Pond Addition Site Plan
Issue: Site Plan approval for Golden Pond Site Plan located at 404 Lakeview Road.

Supplemental Material/Analysis:

Owner/Applicant: Denham Summitt, Engineering, LLC. (407) 352-243-2575

Zoning: R-2

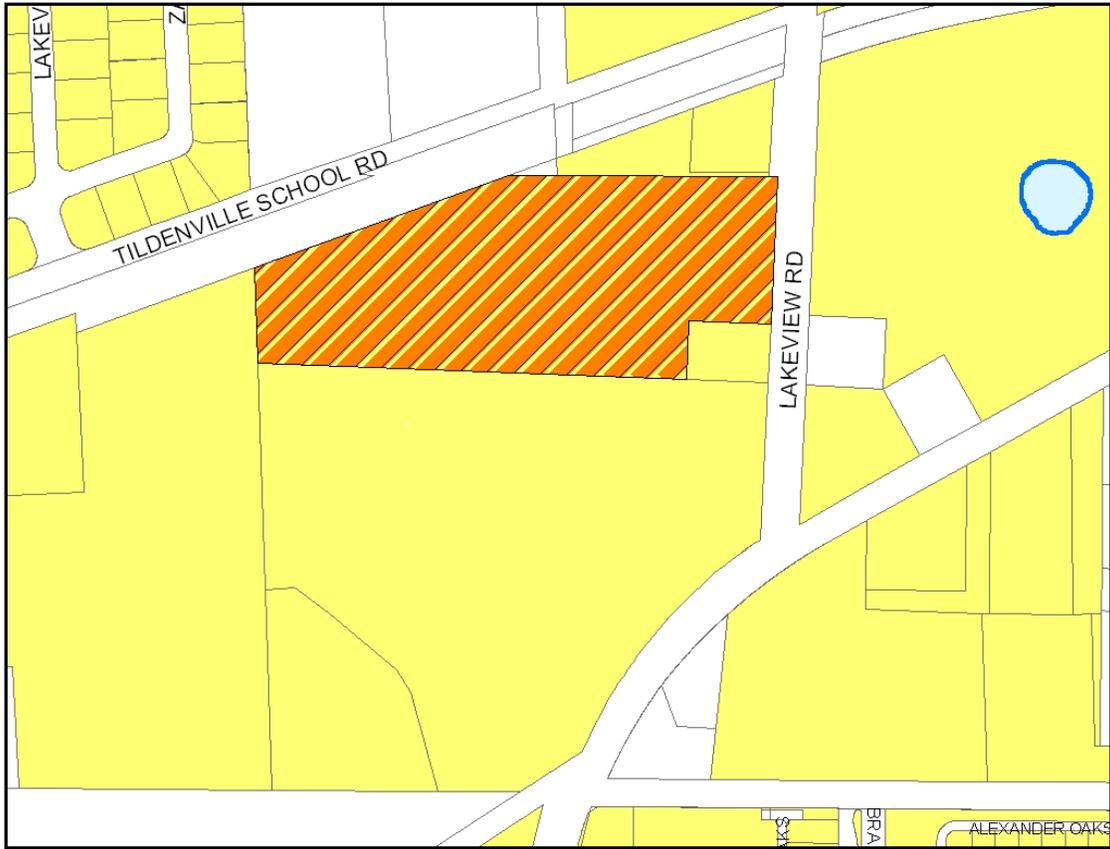
FLU: Low Density Residential

**Staff
Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of July 31, 2007.

Next Step: This project is tentatively scheduled for the August 23, 2007 City Commission meeting.

Golden Pond



Depot Plaza

