

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

REGULAR MEETING November 5, 2007 6:30 P.M.

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

Variances & Special Exception Permits (all Public Hearings)

4. 15531 Amberbeam Boulevard Setback Variance – Attachment 2
5. 285 James Drive Setback Variance – Attachment 3
6. 705 Hennis Road Setback Variance – Attachment 4
7. 81 N. Main Street Special Exception Permit – Attachment 5
8. 236 Windermere Road Special Exception Permit – Attachment 6
9. 3343 Daniels Road Sign Variance – Attachment 7

Annexations, Rezoning & Comp Plan Amendments (all Public Hearings)

10. 933 Carter Road – Attachment 8
11. 1225 N. West Crown Point Road – Attachment 9
12. 21 & 35 Broad Street – Attachment 10

Final Plats (Non-Public Hearings)

13. Stoneybrook Mini-Storage – Attachment 11
14. Walker's Grove – Attachment 12

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: November 6, 2007 **Meeting Date:** November 5, 2007
Subject: 15531 Amberbeam Boulevard
Issue: Request for approval of 3 foot rear yard setback variance for property located at 15331 Amberbeam Boulevard. If approved, this variance will allow the property owners to construct an enclosed screen room.

Supplemental Material/Analysis:

Owner/Applicant Jonathan Schmidt Email: ucjons@hotmail.com

Zoning: PUD (requires 20' rear yard setback)

FLU: Low Density Residential

Summary: The property owner is requesting a 3 foot rear yard setback variance to construct an enclosed screen room in the Stoneybrook West subdivision. Since the structure is greater than 160 square feet, it must meet the rear yard setbacks requirements of the zoning district.

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 3 foot rear yard setback variance to build an enclosed screen room. Similar structures in this subdivision have been built in the past through the variance process. Given that the

porch will be 17' from the rear property line and still meet all side yard setbacks, approval of this request should not negatively impact 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 proposed screen room is in character with the neighborhood and the zoning category. Accessory structures of this size and 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.

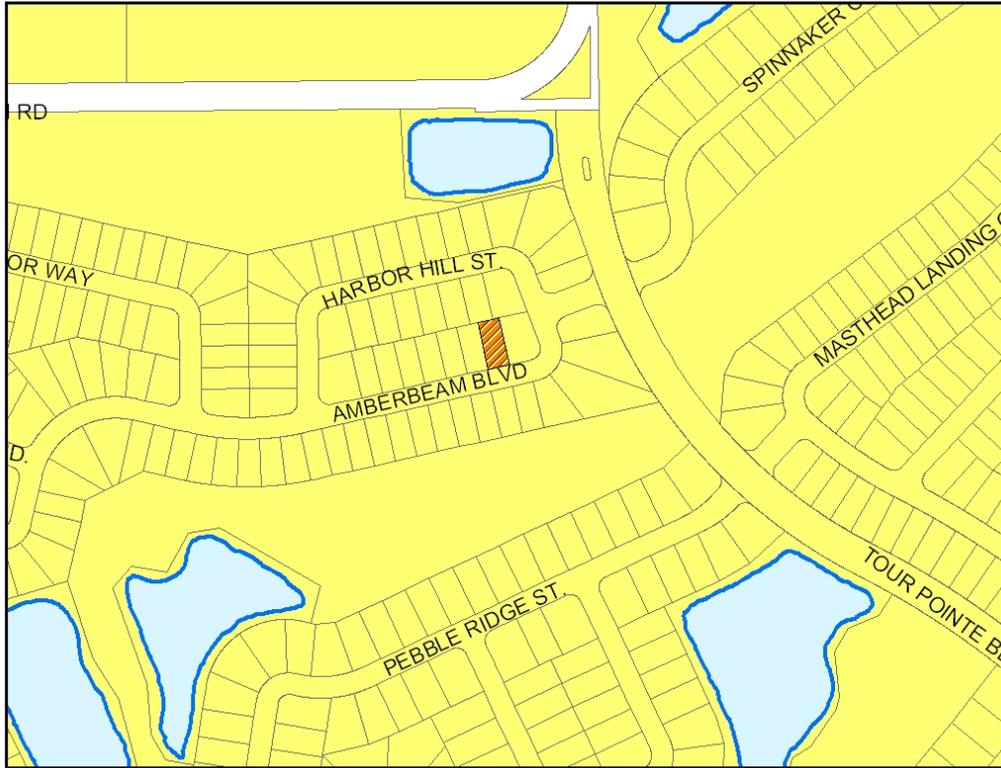
Staff

Recommendation:

Staff recommends approval of the requested 3 foot rear yard setback variance to allow construction of an enclosed screen porch.

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

15331 Amberbeam Blvd.



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

Date: November 6, 2007 **Meeting Date:** November 5, 2007
Subject: 285 James Drive
Issue: Request for approval of 10 foot front yard setback variance for property located at 285 James Drive. If approved, this variance will allow the property owners to construct an open front porch.

Supplemental Material/Analysis:

Owner/Applicant Mercedes Irving Email: bellbenz@msn.com

Zoning: R-2 (requires 30' front yard setback)

FLU: Low Density Residential

Summary: The property owner is requesting a 10 foot front yard setback variance to construct an attached open front porch on 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 10 feet front yard setback variance to build a 10' x 17' front porch on the existing single family home. The proposed open front porch will be an improvement to the existing structure and similar front porches are existing in the neighborhood;

approval of this request should not negatively impact 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 proposed front porch is in character with the neighborhood and the zoning category. Accessory structures of this size and 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 10 foot front yard setback variance to allow construction of an open front porch.

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

285 James Drive



(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 commercial development 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;

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.

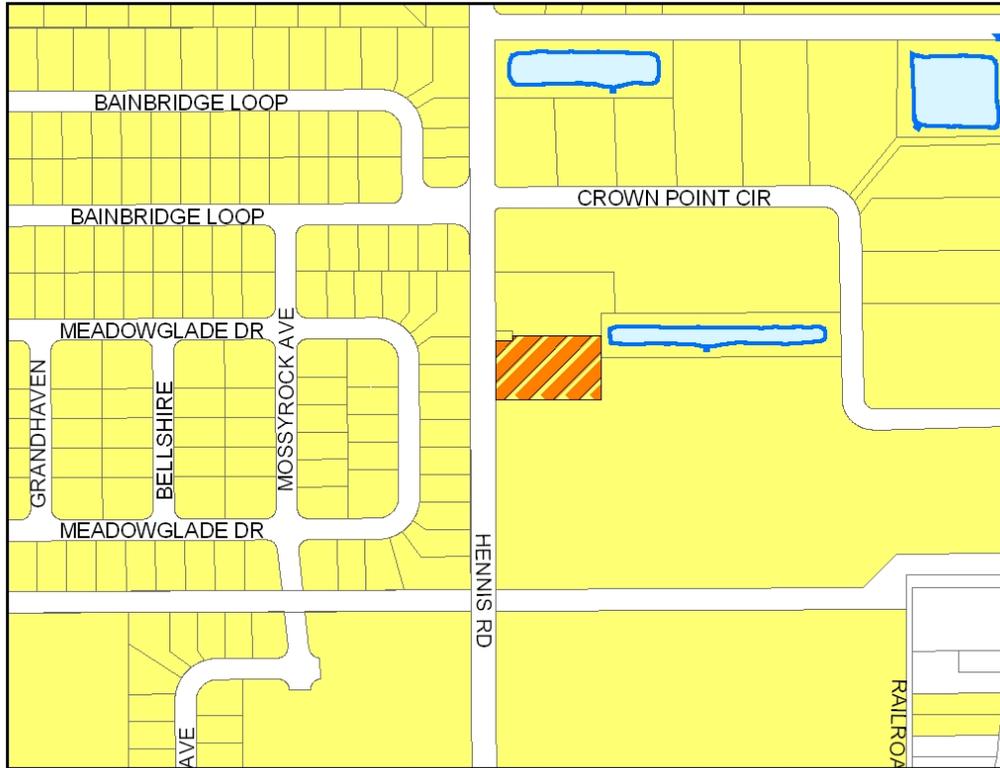
Staff

Recommendation:

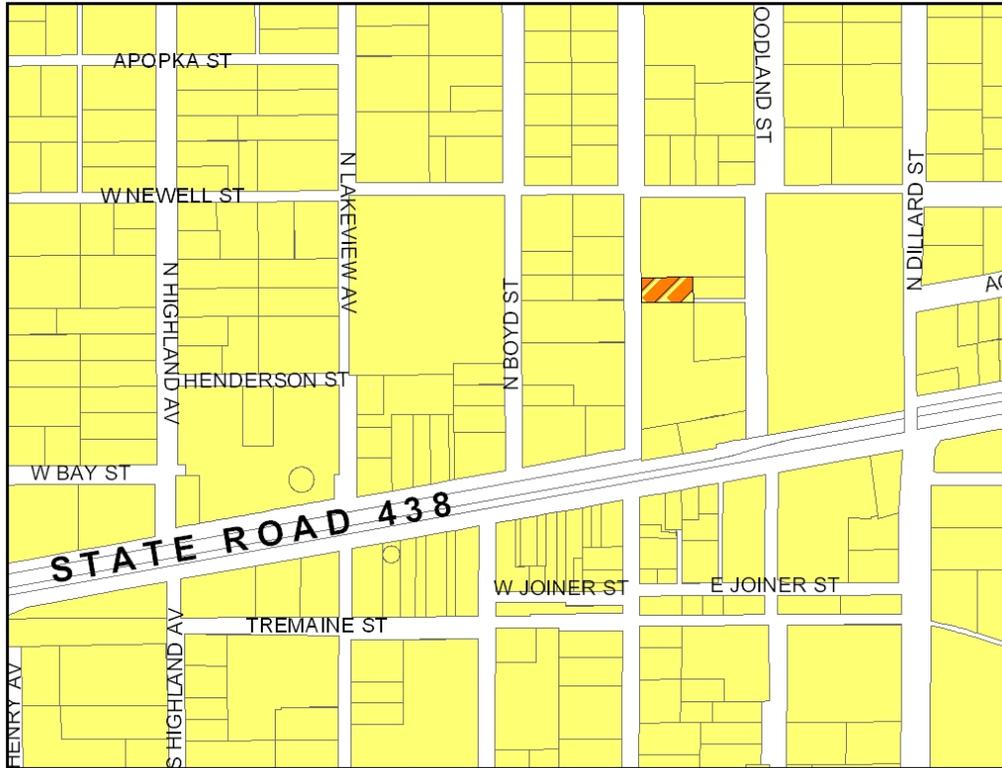
Staff recommends approval of the requested 10 foot rear yard setback variance to allow construction of two 5,100 square feet commercial buildings.

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

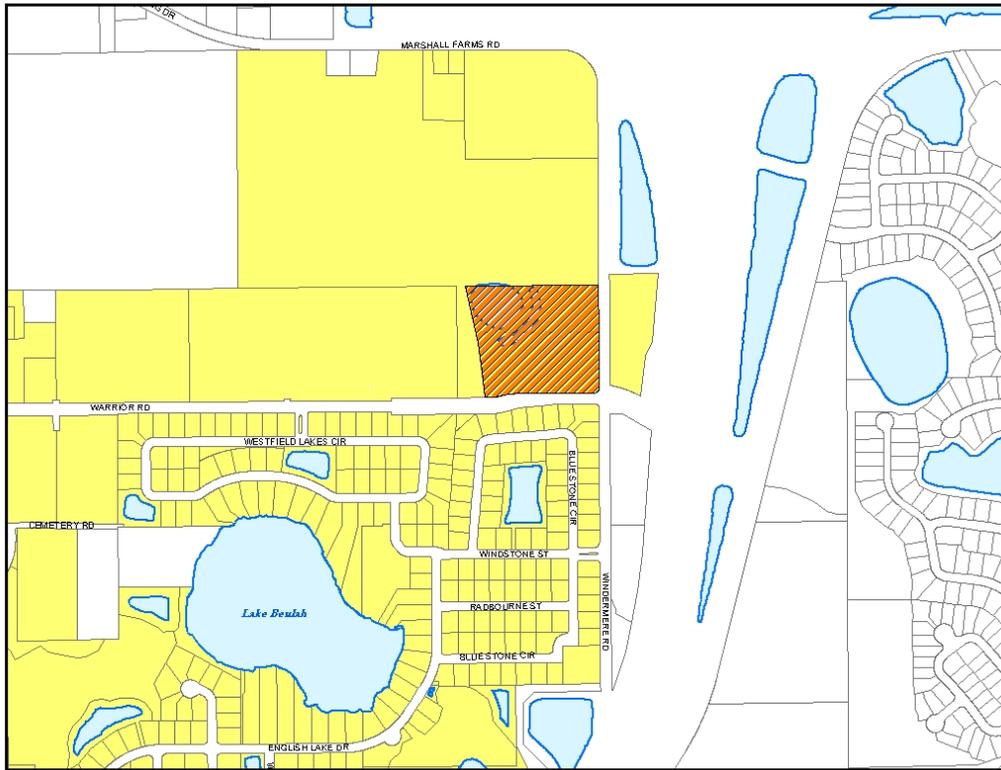
705 Hennis Road



81 N. Main Street



236 Windermere Road



Although the sign may not negatively affect adjacent property owners, Staff feels that Target does not meet the requirements of a "necessary hardship." Target has numerous ground and wall signs that allow high visibility to the site and their store.

(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 feels that this variance is out of character with other properties at the Winter Garden Village at Fowler Groves. Depending on the size of the store, all tenants are required to meet the maximum letter height as prescribed by the PCD Design Standards.

(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 further legitimate City objectives as the PCD Design Standards were implemented after many months of negotiations with citizens, developers, and the City.

(d) The granting of the variance is consistent with the city's comprehensive plan; and

This variance is not consistent with the City's comprehensive plan as, if approved, it will be granted in violation of the PCD Design Standards.

(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 not a minimum request. As stated above, Staff feels that requiring a maximum letter of 6' is reasonable and allows high visibility to both the site and store.

**Staff
Recommendation:**

Staff recommends denial of the variance to allow the property owners to construct a 10' high sign instead of the PCD required 6' high sign.

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

Date: November 6, 2007 **Meeting Date:** November 5, 2007

Subject: 933 Carter Road

Issue: Request for approval of Ordinance 07-58, annexation of subject property, Ordinance 07-59 amending the future land use designation of subject property from Orange County Low Density Residential to City Industrial and Ordinance 07-60, rezoning this property from Orange County Citrus Rural to City I-2.

Supplemental Material/Analysis:

Owner/Applicant: William N. Asma, Esquire (407) 656-5750

Current Zoning: Orange County Citrus Rural

Proposed Zoning: City I-2

Current FLU: Orange County Low Density Residential

Proposed FLU: City Industrial

Summary:

The applicant is requesting to annex the subject property into the City, amend the future land use designation from Orange County Low Density Residential to City Industrial, and rezone this property from Orange County Citrus Rural to City I-2.

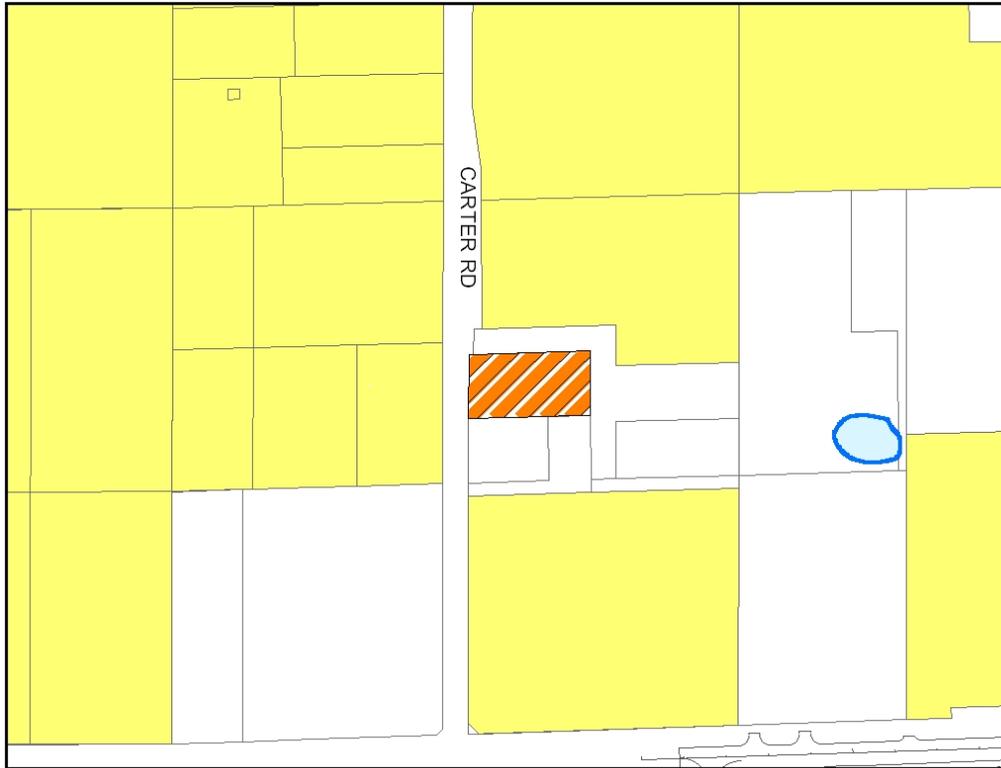
Deleted: The property currently has a vacant single-family home. The applicant has proposed building an addition and using the site for professional offices. ¶

Staff

Recommendation:

Staff recommends tabling this item until a date uncertain.

933 Carter Road



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

Date: November 6, 2007 **Meeting Date:** November 5, 2007

Subject: 1225 N. West Crown Point Road

Issue: Request for approval of Ordinance 07-48, annexation of subject property, Ordinance 07-49 amending the future land use designation of subject property from Orange County Low Density Residential to City Low Density Residential and Ordinance 07-50, rezoning this property from Orange County Residential to City R-1.

Supplemental Material/Analysis:

Owner/Applicant: Maria Cisneros (321) 231-8774

Current Zoning: Orange County Residential

Proposed Zoning: City R-1

Current FLU: Orange County Low Density Residential

Proposed FLU: City Low Density Residential

Summary:

The applicant is requesting to annex the subject property into the City, amend the future land use designation from Orange County Low Density Residential to City Low Density Residential, and rezone this property from Orange County Residential to City R-1.

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

Staff

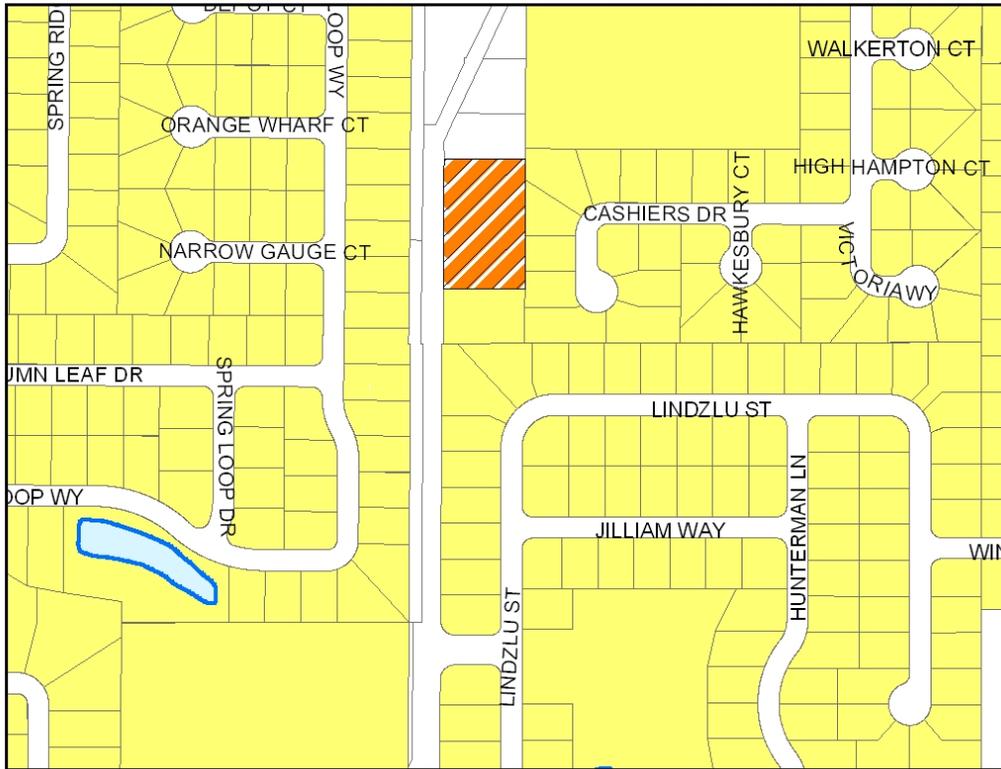
Recommendation:

Staff recommends approval of Ordinance 07-48, Ordinance 07-49 and Ordinance 07-50.

Next Step:

Tentatively scheduled for first reading by the City Commission on November 8, 2007.

1225 N. West Crown Point Road



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

Date: November 6, 2007 **Meeting Date:** November 5, 2007

Subject: 21 & 35 Broad Street

Issue: Request for approval of Ordinance 07-56, amending the future land use designation of subject property from Low Density Residential to Neighborhood Commercial and Ordinance 07-57, rezoning this property from City R-2 to City R-NC.

Supplemental Material/Analysis:

Owner/Applicant: Jose Conty (407) 760-8888

Current Zoning: City R-2

Proposed Zoning: City R-NC

Current FLU: Low Density Residential

Proposed FLU: Neighborhood Commercial

Summary:

The applicant is requesting to amend the future land use designation from Low Density Residential to Neighborhood Commercial; and rezone this property from City R-2 to City R-NC.

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

Staff

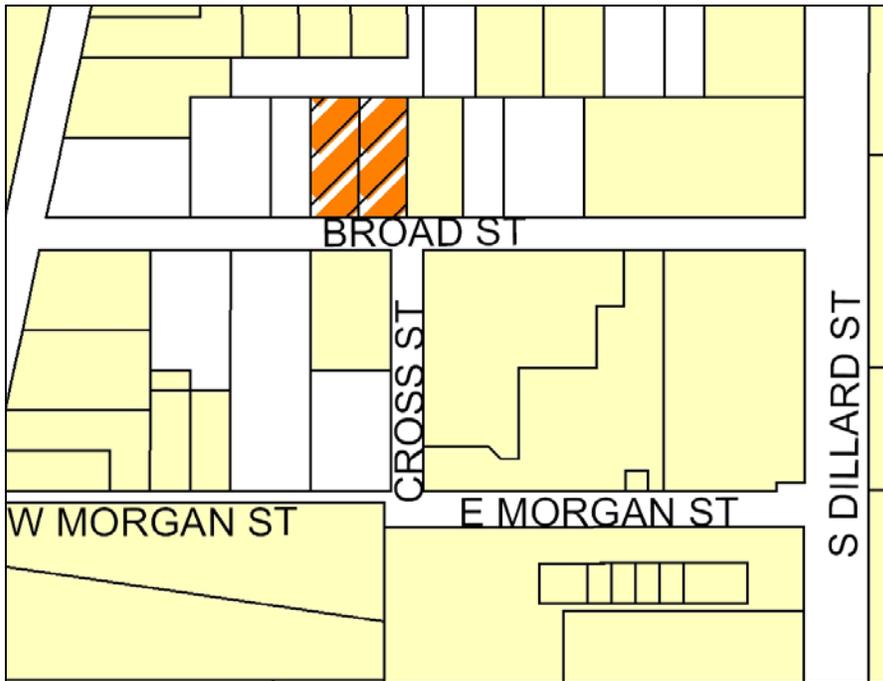
Recommendation:

Staff recommends approval of Ordinance 07-56 and Ordinance 07-57.

Next Step:

Tentatively scheduled for first reading by the City Commission on November 8, 2007.

21 & 35 Broad Street



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

Date: November 6, 2007 **Meeting Date:** November 5, 2007

Subject: Stoneybrook Mini-Storage Final Plat

Issue: Final Plat approval for Stoneybrook Mini-Storage located on Avalon Road.

Supplemental Material/Analysis:

Owner/Applicant: Jeff Sedloff Email: Jeff@jec3.com

Zoning: PCD

FLU: Commercial

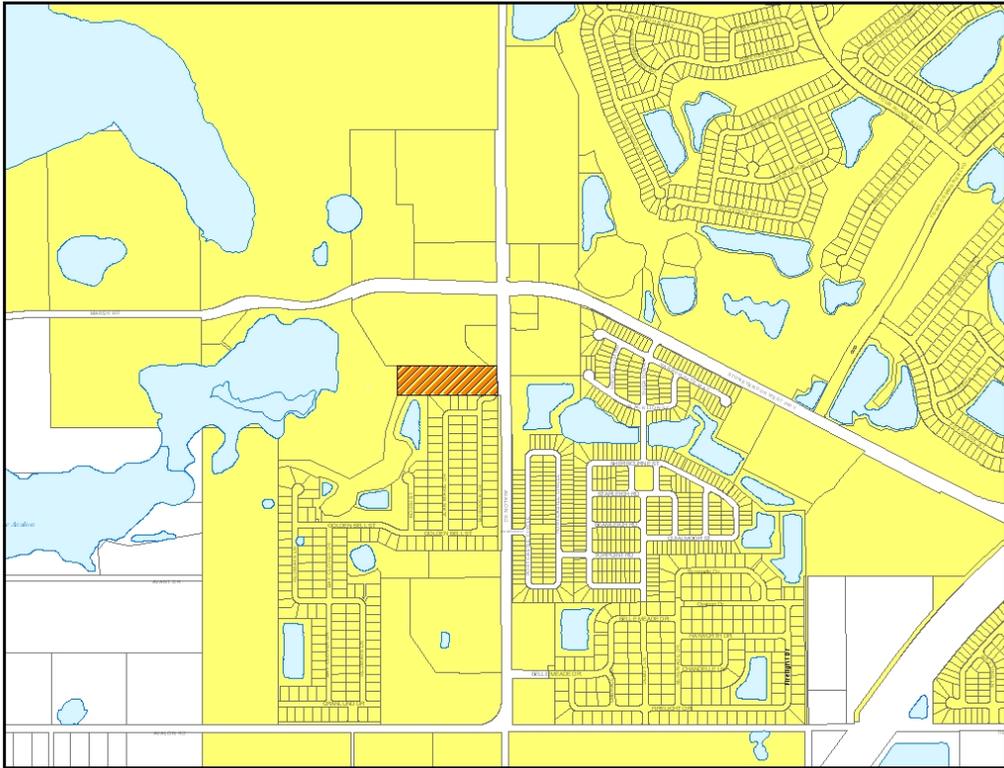
Staff

Recommendation:

Staff recommends approval with the conditions in the Engineering Department's memorandum of October 31, 2007 and the Legal Department's letter dated October 31, 2007. In addition, Tract "A" must be conveyed to the City as a condition of approval for the final plat.

Next Step: Tentatively scheduled for the November 8, 2007 City Commission meeting.

Stoneybrook Mini-Storage



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

Date: November 6, 2007 **Meeting Date:** November 5, 2007
Subject: Walker's Grove Townhomes Final Plat
Issue: Final Plat approval for Walker's Grove Townhomes located on W. Bay Street.

Supplemental Material/Analysis:

Owner/Applicant: Kevin Roy Email: Kevin@rkhomes.cc

Zoning: R-3

FLU: Medium Density Residential

Staff Recommendation:

Staff recommends approval with the conditions in the Engineering Department's memorandum of October 31, 2007 and the Legal Department's letter dated October 18, 2007.

Next Step: Tentatively scheduled for the November 8, 2007 City Commission meeting.

Walker's Grove Townhomes

