

THE CITY OF WINTER GARDEN

PLANNING & ZONING BOARD AGENDA

CITY COMMISSION CHAMBERS/ 251 W. PLANT ST.

REGULAR MEETING April 7, 2008 6:00 P.M.

1. Call to Order
2. Roll Call and Determination of Quorum
3. Approval of minutes from the February 4, 2008 meeting – Attachment 1

Miscellaneous (No Public Hearing) 6:00 to 6:30 p.m.

4. Workshop on Planning & Zoning Board Duties & Procedures – Attachment 2

Variances & Special Exception Permits (all Public Hearings) 6:30 p.m.

5. 535 North Main Street Variances – Attachment 3
6. Church of Christ of West Orange Special Exception Permit – Attachment 4
7. Bright Horizons Daycare Special Exception Permit – Attachment 5
8. 1291 Winter Garden Vineland Road, Suite 110 and 210, Special Exception Permit – Attachment 6
9. 13 E. Cypress Street Special Exception Permit – Attachment 7

Rezoning (all Public Hearings)

10. Apex Commerce Center PCD Rezoning – Attachment 8

Final Plats (No Public Hearings)

11. Avamar Final Plat – Attachment 9

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 (No Public Hearing)

Date: April 4, 2008 **Meeting Date:** April 7, 2008

Subject: Duties and Procedures of Planning and Zoning Board Workshop

Summary: The City Attorney will discuss the duties and procedures of the Planning and Zoning Board. A question-and-answer session will follow.

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

Date: April 4, 2008 **Meeting Date:** April 7, 2008

Subject: 535 North Main Street

Issue: A request for the following variances:

- 35' lot width variance
- 3250 sq. ft. lot area variance
- 5' side yard setback variance
- 22' rear yard setback variance

Supplemental Material/Analysis:

Owner/Applicant: Kevin Michael

Zoning: R-1 (requires 85' x 100' lots with at least 10,000 sq. ft.)

FLU: Low Density Residential (LR)

Summary: On October 3, 2005, the applicant was granted the following variances and lot split for the property located on 535 N. Main Street:

Lot 186:

- 15' lot width variance
- 550' lot area variance
- 2' side setback variance

Lot 185:

- 35' lot width variance
- 3250' lot area variance

The approved lot split created a new buildable lot of 50' x 135' for the vacant lot (Lot 185) and 70' x 135' for the existing lot (Lot 186).

The applicant had the following conditions attached to the approved variances:

1. The final design for the new house must have traditional downtown style of architecture such as front porches, framed windows, etc.
2. The size of the house must be greater than 1,400 s.f. and no more than 2,500 s.f.
3. At a minimum a front garage will need to be setback from the front house line by five feet. Ideally, the garage should be in the rear of the lot. If the garage is in the front, Staff suggests it is limited to a one car garage.

The applicant also received a 365-day variance extension on July 10, 2006. However, that extension expired prior to construction commencement. The applicant then received another variance on June 4, 2007. The applicant has since finalized a building plan for Lot 185. The proposed building plan desires a detached garage in the rear that will encroach into the setbacks. The house itself meets all the required setback requirements. Given that the applicant has met all the previous Planning & Zoning Board conditions, Staff does support their variance request.

For a frame of reference, the minutes from the October 3, 2005 minutes are as follows:

Variances

1. 535 N. Main Street – Lot Split and Variances

City Planner Cechman presented the Board with a request for a lot split and several variances for property located at 535 N. Main Street. He proceeded with a Power Point presentation identifying issues such as the property's size and location, zoning history of the site, development pattern of the neighborhood, and photographs of the existing structures on the property. City Planner Cechman explained that there is an existing house located on lot 186, which will remain on a 70 foot wide lot by 135 foot deep, and with an 8 foot wide side yard setback on the south side, and for that lot the applicant is requesting a 15 foot lot width variance, a 550 square feet lot area variance and a 2 foot side setback variance. If those variances are approved the remainder will become a buildable lot (lot 185) with dimensions of 50 feet wide by 135 feet deep. This new lot will need approval of a 35 foot lot width variance and a 3250 square foot lot area variance to construct a single family residence, which would meet the front, side and rear yard setbacks required by code. Mr. Cechman stated that City Staff has carefully reviewed the requests and has taken into consideration concerns such as the style of the house and the fact that the lot

width is very narrow, and also if the applicant complies with the 10 foot side yard setback, the building footprint will be only 30 feet wide and if they built a garage in the front the building footprint of the house will be only 20 feet, but the applicant agrees to place the garage at the back. Mr. Cechman stated that the applicant has received support signatures from the neighbors concerning the variance petitions, and recommends approval of the lot split and the variances with the conditions that the final design for the new house must have traditional downtown style of architecture such as front porches, framed windows, etc; the size of the house must be greater than 1,400 s.f. and no more than 2,500 s.f.; at a minimum a front garage will need to be setback from the front house line by five feet, ideally, the garage should be in the rear of the lot, and if the garage is in the front, City Staff suggests it is limited to a one car garage.

Chairman Bedsole expressed his disagreement with the option of having a one car garage, and stated that having the garage on the rear of the property seemed to be the most appropriate alternative.

Richard Mask noted that a large house would not harmonize with the character of the neighborhood and stated that it was important that City Staff monitors the house design.

Pam Phillips approached the board and stated that she resides at 535 N. Main Street, which is her childhood home. She stated that she was considering using one of the elevations from one of the model homes located at Winter Oaks subdivision, which she thought would be in harmony with the character of the neighborhood. Richard Mask asked Ms. Phillips if she was in agreement with City Staff conditions, Ms. Phillips responded affirmatively and stated that the garage on the rear of the property was the best alternative, but stated that she was not sure if she wanted a front porch.

City Manager Bollhoefer clarified that traditional downtown style consists of several architectural features and front porches are only an example of those features.

Dennis Turner, 512 N. Main Street, approached the board and stated that he was concerned about having a house in the neighborhood with 16 feet of garage and 4 feet of door. He stated that if a garage is allowed in the front, it should be a single car garage, or no more than 12 feet wide. Mr. Turner stated that if 10 foot side yard setbacks will be required the property owner will not be able to drive to the backyard and park the car, because there is

not enough room on the side of the house. Mr. Turner suggested that a side yard setback variance be granted, so a driveway can be built.

City Planner Cechman stated that City Staff has taken into consideration the side setback requirements, and perhaps if the new house is built closer to the existing house, it will provide a bigger space on the south side for a ribbon driveway. Ms. Phillips stated that since there is an oak tree on the south side of the property, the driveway has to go on the north side of the property.

Further discussion took place among City Planner Cechman, City Manager Bollhoeffer, board members and Ms. Phillips concerning the side yard setbacks and other possible options for the driveway on the new home, or the possibility of a side yard setback variance request. Ms. Phillips mentioned that perhaps she could use another house plan with smaller dimensions. City Planner Cechman explained that if necessary, the applicant may come back before the Board to request approval of another variance.

Motion by Richard Mask to approve the Lot Split and Variances with City Staff conditions (see attached). Seconded by Bea Deariso, the motion carried unanimously 5-0.

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;

Although generally Staff believes that the R-1 zoning district should be upheld where the character of the neighborhood consistently has 85’ wide or larger lots, this section of Main Street was platted with 60’ wide lots, and at least four of the houses on the block are constructed on 60’ wide lots, including the two houses directly north of the subject property. Therefore, Staff believes that the proposed 70’ wide and 50’ wide lots are not out of character with the existing houses, and that due to the character of the neighborhood, and the quality of the houses proposed, the requested variances should not impact the standard of living or property values of the adjacent or nearby neighbors.

(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;

As previously stated the character of the neighborhood, although zoned R-1, is such that smaller lots would not be inconsistent with the area. In addition, the proposed single-family house is consistent with the intent of the R-1 zoning code.

(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 zoning regulations will not further any legitimate City objective, and the benefits in tax value and raising the value of the properties in the area with a well-constructed new home, could outweigh any negative effects.

(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 variance requested is reasonable considering the proposed should not significantly impact the adjacent neighbors and will create an opportunity for further development and an increase in property values in this neighborhood.

Staff

Recommendation:

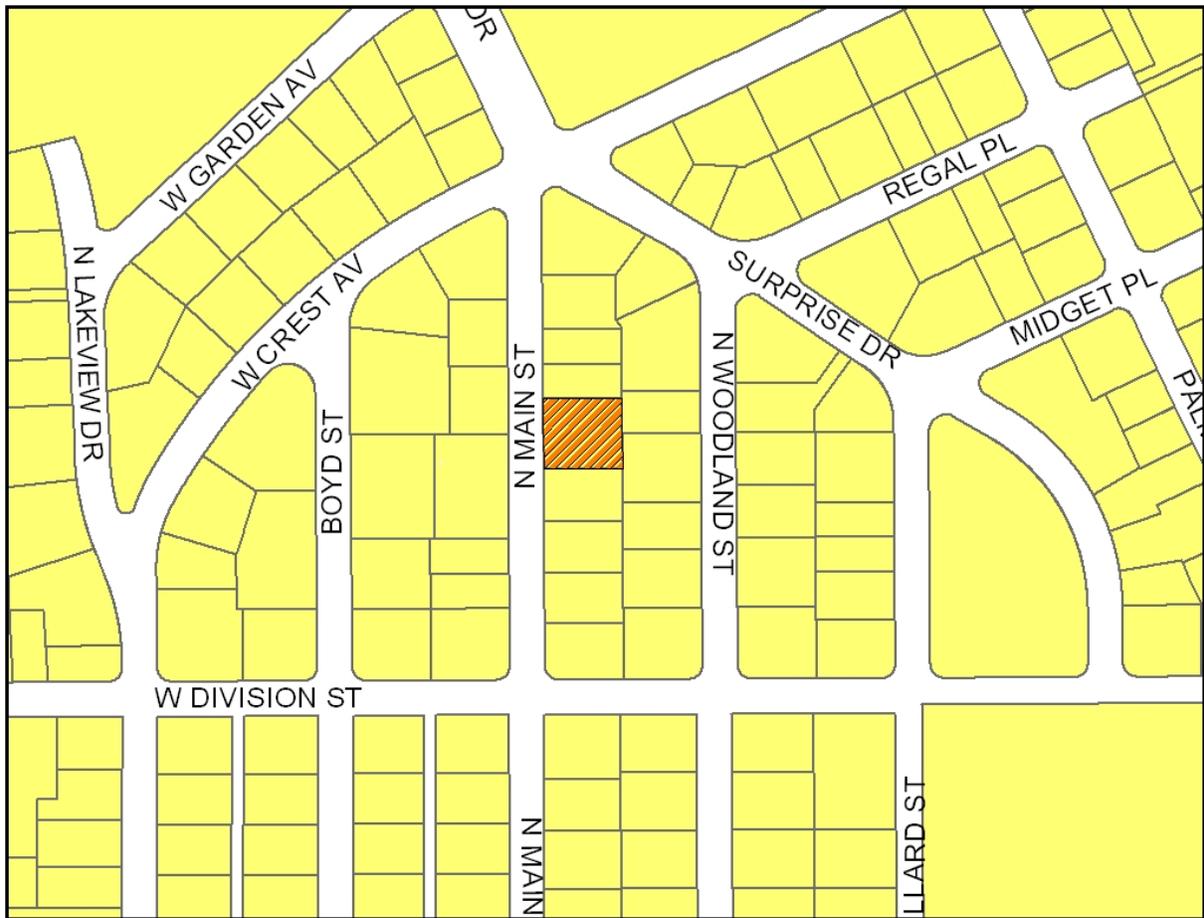
Staff recommends approval of the variance for the property located on 535 N. Main Street with the following conditions:

1. The final design for the new house must be similar in design to the drawings submitted with the variance request.
2. Prior to the start of construction, the applicant must provide evidence that the previously approved lot split was filed with the Orange County Property Appraiser's office.

Next Step:

Apply for building permits and commence construction. If applicant has not filed the previously approved lot split with the Orange County Property Appraiser's office, then that will need to be completed as soon as possible.

535 North Main Street



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

Date: April 4, 2008 **Meeting Date:** April 7, 2008
Subject: Church of Christ of West Orange
Issue: Request for approval of a special exception permit to allow 2 temporary portable buildings on the site.

Supplemental Material/Analysis:

Owner/Applicant: Bob Miller Email: bob_miller@rmillerarchitecture.com

Zoning: R-1

FLU: Low Density Residential (LR)

Summary: The applicant is requesting approval of a special exception permit to allow 2 temporary portable buildings on the site. These buildings will be used as an office and Sunday school instruction as the principal building undergoes renovation and expansion.

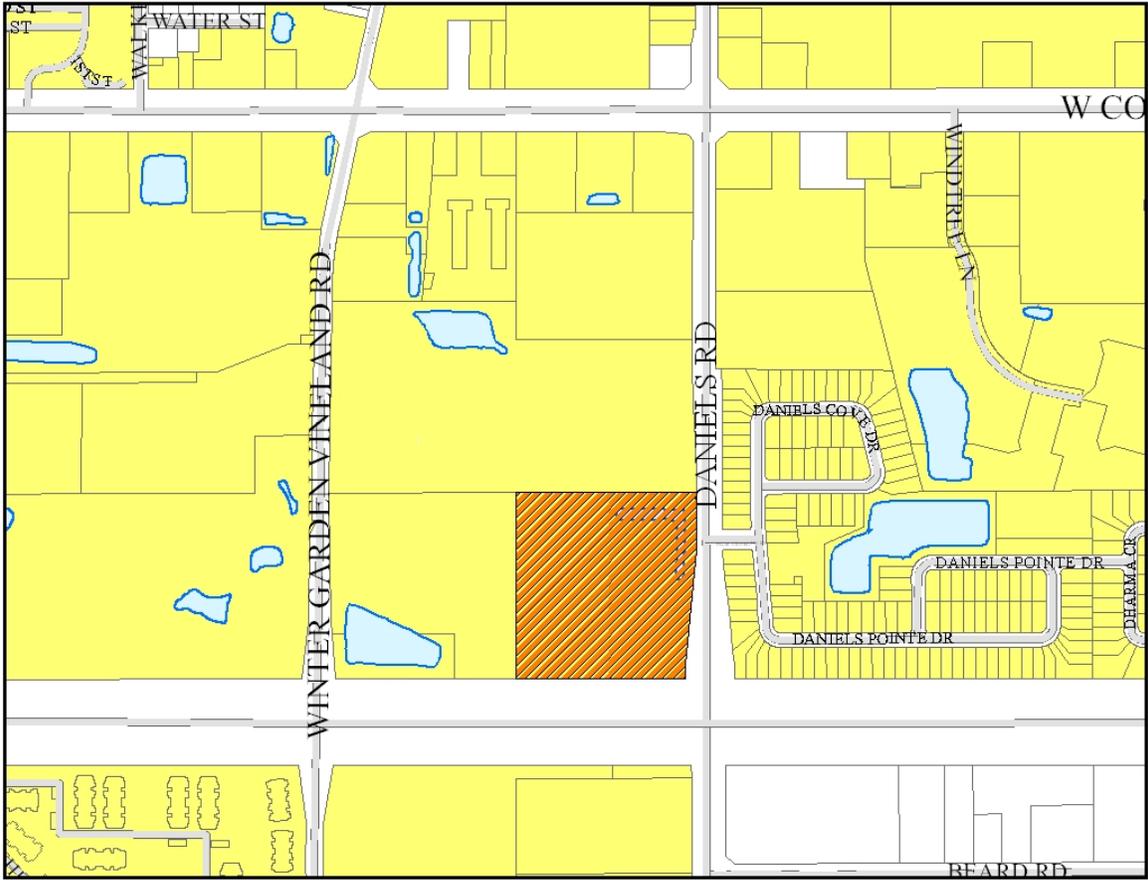
**Staff
Recommendation:**

Staff recommends approval of the special exception permit to allow 2 temporary portable buildings on the site with the conditions in the Engineering Department's memorandum of March 19, 2005, and with the following:

1. The temporary portable buildings shall be removed at the earlier of: (1) 30 days after issuance of the Certificate of Occupancy for the Church addition, or (2) 18 months after issuance of the building permit for the Church.

Next Step: Receive site plan approval from the City Commission on April 10, 2008.

Church of Christ of West Orange



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

Date: April 4, 2008 **Meeting Date:** April 7, 2008
Subject: Bright Horizons Daycare (152 Daniels Road)
Issue: Request for approval of a special exception permit to allow a child day care center.

Supplemental Material/Analysis:

Owner/Applicant: Steve Geller Email: sgeller@brighthorizons.com

Zoning: C-2

FLU: Commercial

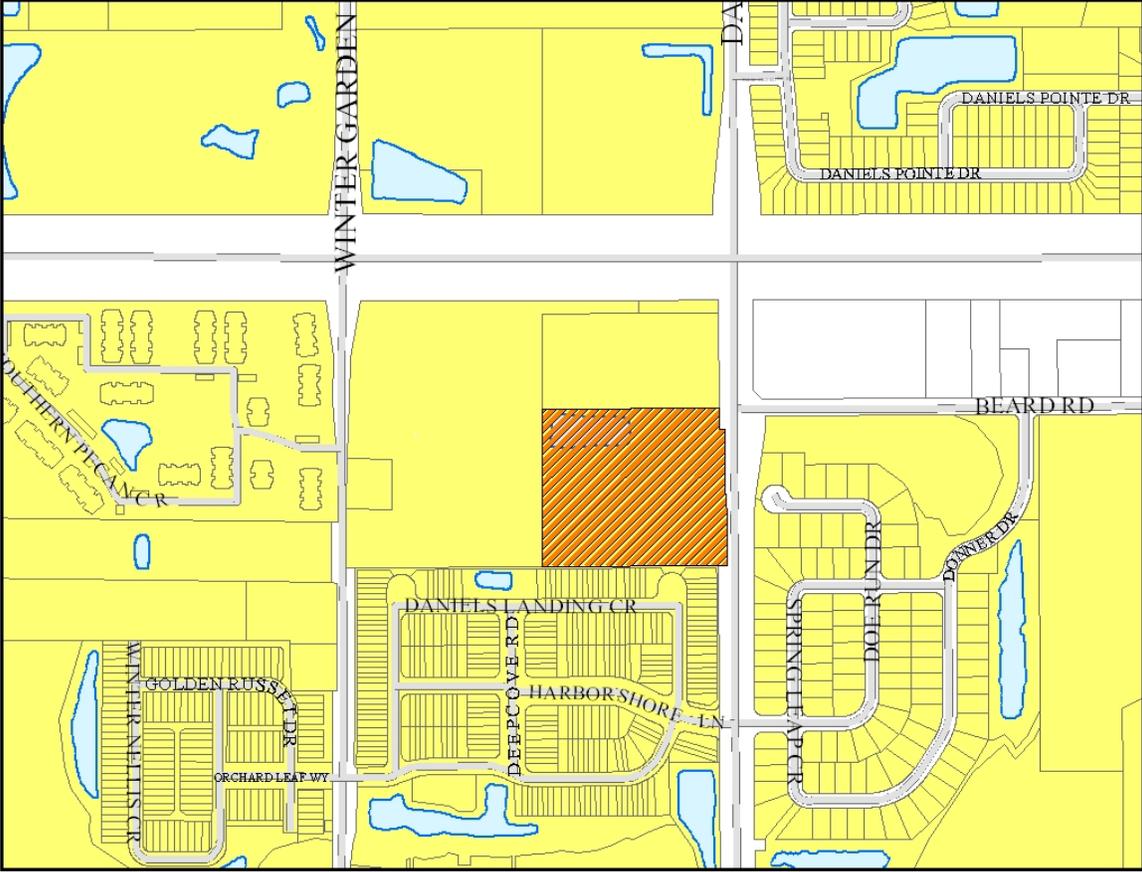
Summary: The applicant is requesting approval of a special exception permit to allow a child day care center.

**Staff
Recommendation:**

Staff recommends approval of the special exception permit to allow a child day care center with the conditions in the Planning Department's memo dated March 24, 2008 and the Engineering Department's memo dated March 24, 2008.

Next Step: Apply for site plan approval.

Bright Horizons Daycare (152 Daniels Road)



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

Date: April 4, 2008 **Meeting Date:** April 7, 2008

Subject: 1291 Winter Garden – Vineland Road, Suite 110 and 210

Issue: Request for approval Special Exception Permit for property located at 1291 Winter Garden – Vineland Road, Suite 110 and 210 (West Orange Business Park). If approved, this Special Exception Permit will allow the property owners to operate a full-service dry-cleaning business.

Supplemental Material/Analysis:

Owner/Applicant Thien N. Bui Email: andytbui@yahoo.com

Zoning: PCD

FLU: Commercial

Summary: The property owner is requesting approval Special Exception Permit to operate a full-service dry-cleaning business. In the City of Winter Garden, full service dry cleaning operations include operations where cleaning is done on site. Because of the use of chemicals, the City requires these businesses to be located in Light Industrial zoning districts. However, the West Orange Business Center PCD does allow full-service dry-cleaning as a Special Exception.

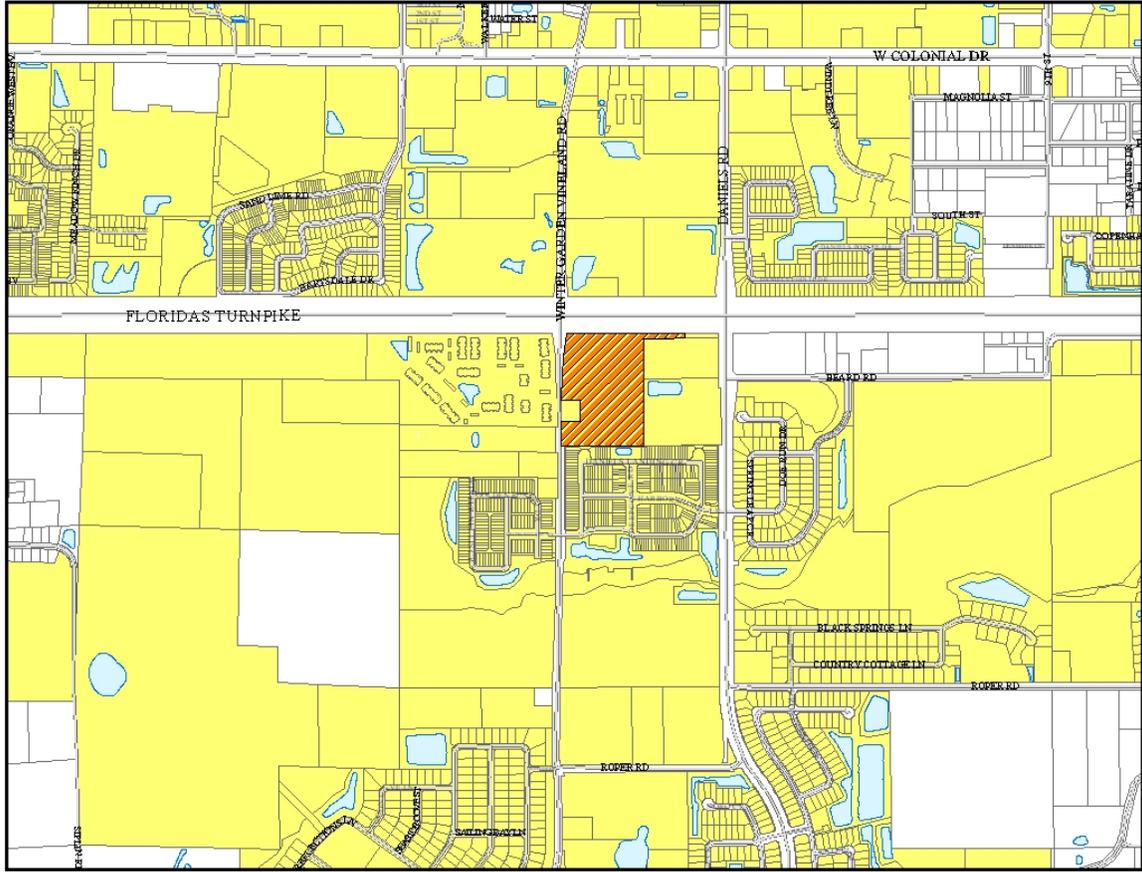
Staff

Recommendation:

Staff recommends approval of the requested Special Exception Permit to operate a full-service dry-cleaning business located at 1291 Winter Garden – Vineland Road, Suite 110 and 210 (West Orange Business Park) with the conditions found in the Engineering Department’s memo dated April 3, 2008.

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

1291 Winter Garden – Vineland Road, Suite 110 and 210



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

Date: April 4, 2008 **Meeting Date:** April 7, 2008
Subject: Apex Commerce Center Planned Commercial Development Rezoning
Issue: Request for approval of Ordinance 08-13, rezoning the subject property from City C-2 to City PCD for property located at 310, 330 & 350 East Crown Point Road.

Supplemental Material/Analysis:

Owner/Applicant: Yog Melwani Email: yog@apexdevelopment.net

Current Zoning: C-2

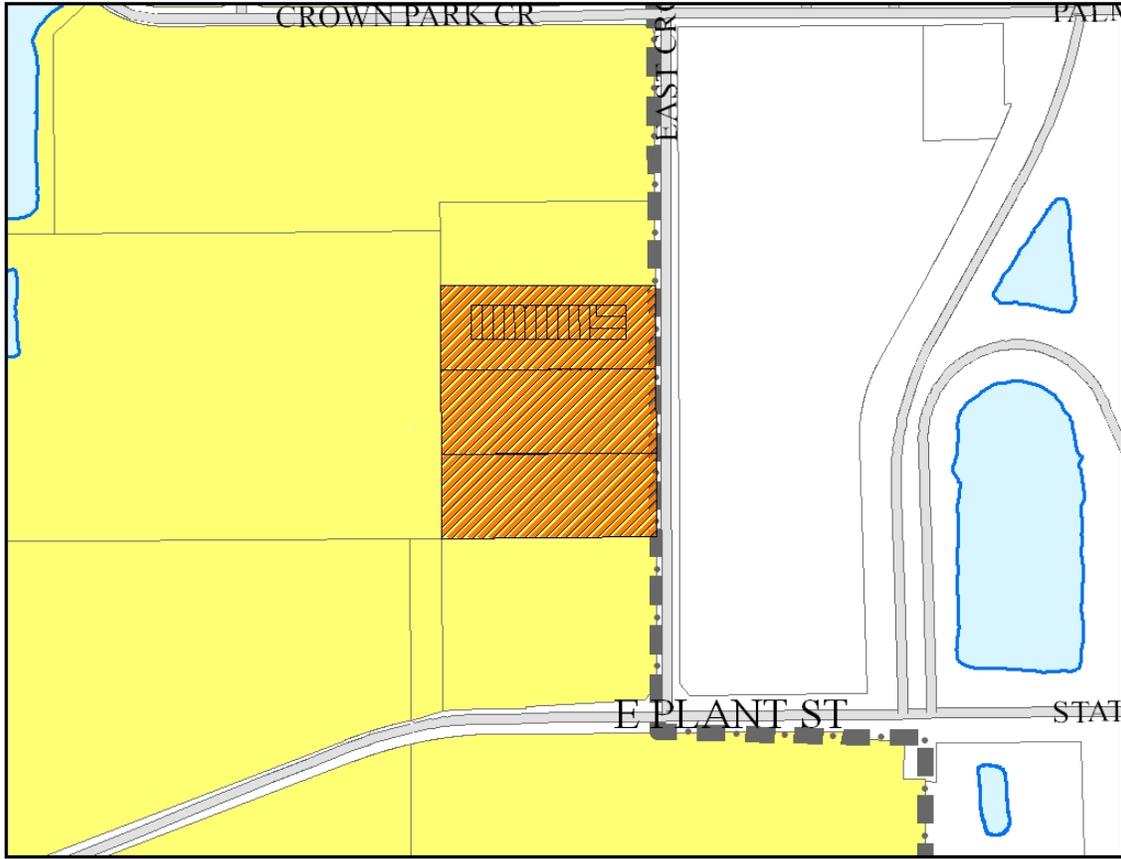
Proposed Zoning: PCD (Planned Commercial Development)

Summary: Applicant is requesting approval of Ordinance 08-13, rezoning the subject property from City C-2 to City PCD for property located at 310, 330 & 350 East Crown Point Road. Previously the site plan was approved by Planning and Zoning on December 4, 2006 and received City Commission approval on December 28, 2006. The applicant is not requesting any changes to the previously approved site plan; but only requesting to change the current City C-2 zoning to City PCD to allow some light manufacturing and light industrial uses.

**Staff
Recommendation:**

Staff again recommends that this item be tabled until a later date so that the applicant can have a 2nd community meeting with the residents of the surrounding neighborhoods. Provide staff with a Preliminary Development Plan as required by Section 118-987 Zoning Code.

Apex Commerce Center



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 9 (No Public Hearing)

Date: April 4, 2008 **Meeting Date:** April 7, 2008

Subject: Avamar Final Plat

Issue: Final Plat approval for Avamar located on Marsh Road and Avalon Road.

Supplemental Material/Analysis:

Owner/Applicant: Mike Staesche
Email: staesche@monroesprestigegroup.com

Zoning: PCD

FLU: Commercial

Staff

Recommendation:

Staff recommends approval with the conditions in the Engineering Department's memorandum of April 3, 2008 and the Legal Department's letter dated April 3, 2008.

Next Step: Tentatively scheduled for the April 24, 2008 City Commission meeting.

Avamar

