



For More Information, Contact:

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PLANNING & ZONING BOARD

To: James Balderrama
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CC: Mike Bollhoefer, City Manager
Ed Williams, Planning Director
Dolores Key, Econ. Dev. Director
Tim Wilson, Chief Planner
Regina McGruder-Jones, Planner II
Brandon Byers, Planner II
Dan Langley, City Attorney

RE: Agenda – September 8, 2008 - 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

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

Variances & Special Exception Permits (all Public Hearings)

4. 1500 Daniels Road, Special Exception Permit & Variances– Attachment 2

Annexation, SSCPA and Rezoning (all Public Hearings)

5. 422 Magnolia Street– Attachment 3
6. Apex Commerce Center PCD Rezoning – Attachment 4

Final Plat (no Public Hearings)

7. Winter Garden Commerce Center – Attachment 5

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.

Amended #1

THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 2 (Public Hearing)

Date: September 5, 2008 **Meeting Date:** September 8, 2008
Subject: 1500 Daniels Road
Issue: Request for approval of a 30 foot rear yard setback variance, a 30 foot side yard setback variance, and a special exception permit to allow a 50 foot tall storage tank, for property located at 1500 Daniels Road in Winter Garden, Florida. If approved, this will allow the City to construct the proposed Reclaimed Water Facility.

Supplemental Material/Analysis:

Owner/Applicant City of Winter Garden Email: bbyers@cwqdn.com

Zoning: R-1

FLU: Low Density Residential

Summary: The City of Winter Garden is requesting a special exception permit and setback variances to construct the Daniels Road Reclaimed Water Pumping Facility. The R-1 zoning district requires 50' setbacks for the rear and side property lines for uses other than residential. The Code also requires a special exception permit for any structure taller than 40'. The structure will not be located closer than 20' from the rear and side property lines.

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 property to the west is zoned PCD. Currently, the front buildings abutting Winter Garden – Vineland Road have been constructed. The property to the south is zoned C-2. The property to the north is the Florida Turnpike. The structure will be located adjacent to the wetlands and retention pond on the southern parcel. Granting this variance should not negatively affect the adjacent property owners. The main structure will be located at least 20' from the rear and side property lines. By locating the structures in a commercial area, it will minimize the impact on any residential uses and provide a necessary benefit to the existing and future residents of Winter Garden.

(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 City intends to utilize eastern portion of the property for recreational uses. The rear portion will be used for the Reclaimed Pumping Facility. This variance will maximize the amount of land needed for the tank and its auxiliary uses.

(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;

The City has placed other public facilities in the residential zoning districts when it has not impacted adjacent residential uses. Granting this variance should allow greater benefit than relocating the facility to another location. This parcel is the ideal location for this facility along Daniels Road.

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

The granting of this variance is consistent with the Comprehensive Plan. The Comprehensive Plan requires the City to provide reclaimed water service as part of its Wekiva Amendments.

(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 the minimum to make reasonable use of the land given the constraints of the site and the desire of the City

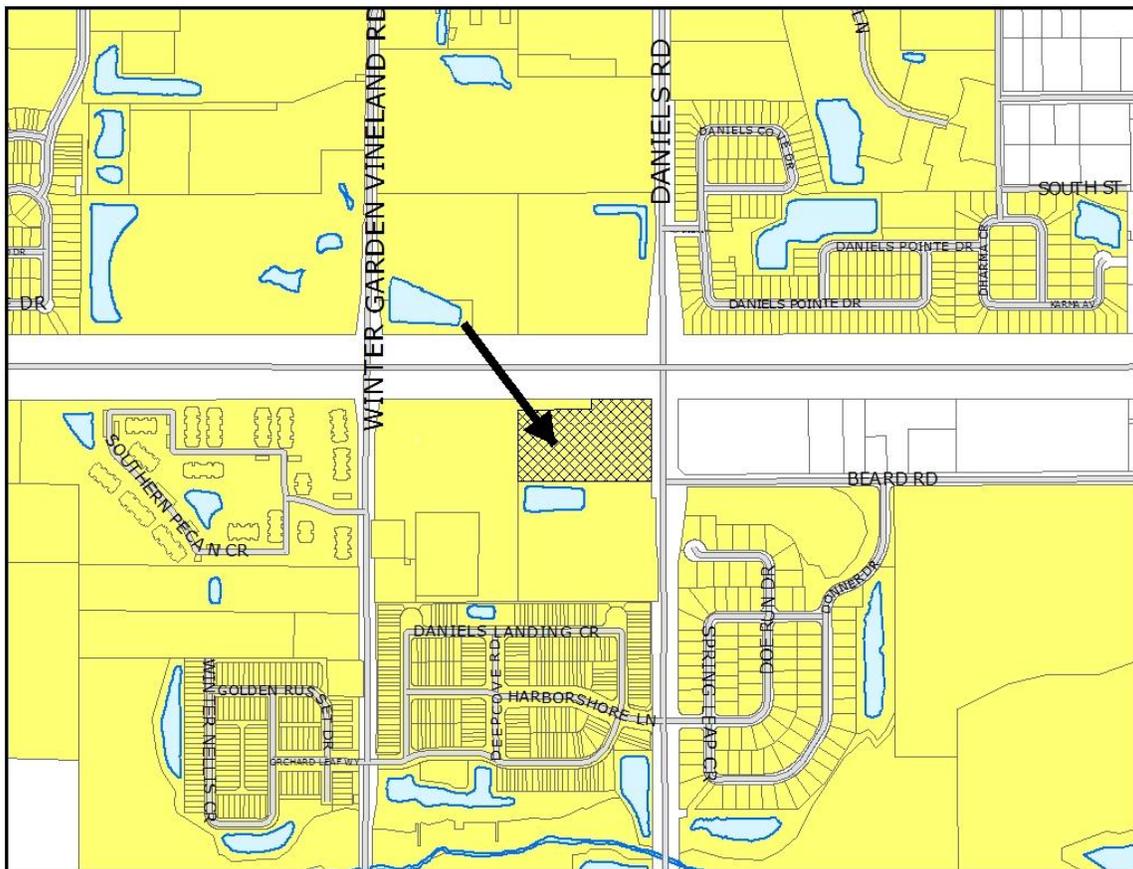
to make the reclaimed water facility viable for the residents of the City.

Staff Recommendation:

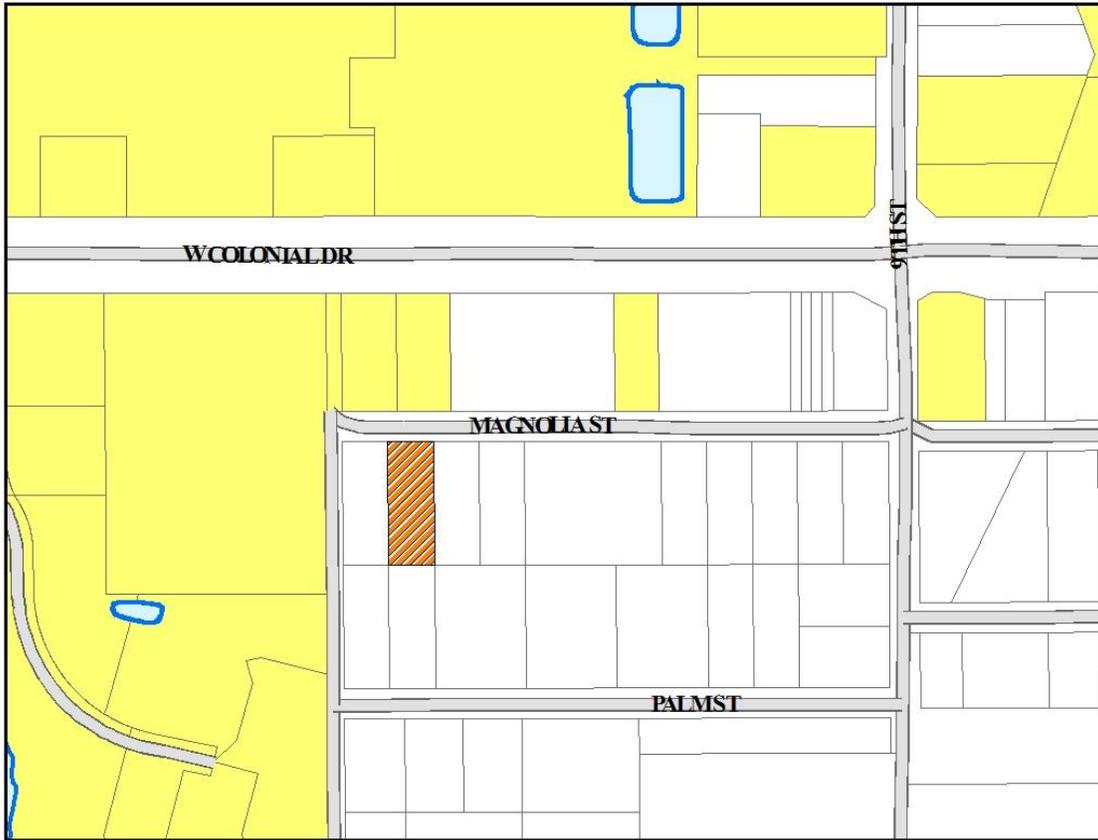
Staff recommends approval of the 30 foot rear yard setback variance, the 30 foot side yard setback variance, and a special exception permit to allow a 50 foot tall storage tank, for property located at 1500 Daniels Road in Winter Garden, Florida.

Next Step: If P& Z Board approves, receive site plan approval.

1500 Daniels Road



422 Magnolia Street



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

Date: September 5, 2008 **Meeting Date:** September 8, 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 Planned Commercial Development which allows some light manufacturing and light industrial uses.

Staff

Recommendation:

Staff recommends approval of Ordinance 08-13 with the conditions in the site plan previously approved by the City Commission on January 26, 2006 and conditions of the Engineering Department's memorandum of December 9, 2005 for Lot 3; located at 350 E. Crown Point Road. Also, the site plan approved by the City Commission on December 28, 2006; and the conditions of the Engineer's Memo dated November 8, 2006 for Lots 1 & 2 located at 310 & 330 East Crown Point Road. .

Next Step: A public hearing for the first reading of Ordinance 08-13 is scheduled for the City Commission on September 25, 2008.

Amended #1

Apex Commerce Center

