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PLANNING & ZONING BOARD

To: Jerry Carris
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CC: Mike Bollhoefer, City Manager
Dan Langley, City Attorney
Ed Williams, Planning Consultant
Tim Wilson, Community
Development Director
Bill Wharton, Principal Planner
Regina McGruder-Jones, Planner II
Brandon Byers, Planner II

RE: Agenda – June 07, 2010 - 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

1. Call to Order
2. Roll Call and Determination of Quorum
3. Approval of minutes from the May 3, 2010 meeting – Attachment 1

Annexations & Rezoning (All Public Hearings)

4. 555 Bethune Avenue – Attachment 2

Variations (All Public Hearings)

5. 640 S. Boyd Street Setback Variance - Attachment 3

Special Exception Permits (All Public Hearing)

6. 130 West Crown Point Road (Barachel Bike & Skate) – Attachment 4
7. Ladybird Academy Daycare (Avamar, Lot 4) – Attachment 5

Preliminary Plats (No Public Hearings)

8. Oaks at Brandy Lake – Attachment 6

ADJOURN to a regular Planning and Zoning Board meeting on Monday, July 12, 2010 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.

Note: §286.0105, Florida Statutes, states that if a person decides to appeal any decision by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability, as defined by the ADA, needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the City Clerk's Office at 407-656-4111 extension 2254.

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

Date: June 4, 2010 **Meeting Date:** June 7, 2010
Subject: 555 Bethune Avenue
Issue: Request for approval of Ordinance 10-25, annexation of 555 Bethune Avenue, and Ordinance 10-26, rezoning 555 Bethune Avenue to R-4.

Supplemental Material/Analysis:

Applicant: Richard Bergmann, West Orange Habitat for Humanity

Current Zoning: Orange County R-2

Proposed Zoning: City R-4

Existing FLU: Orange County Low Density Residential

Proposed FLU: None

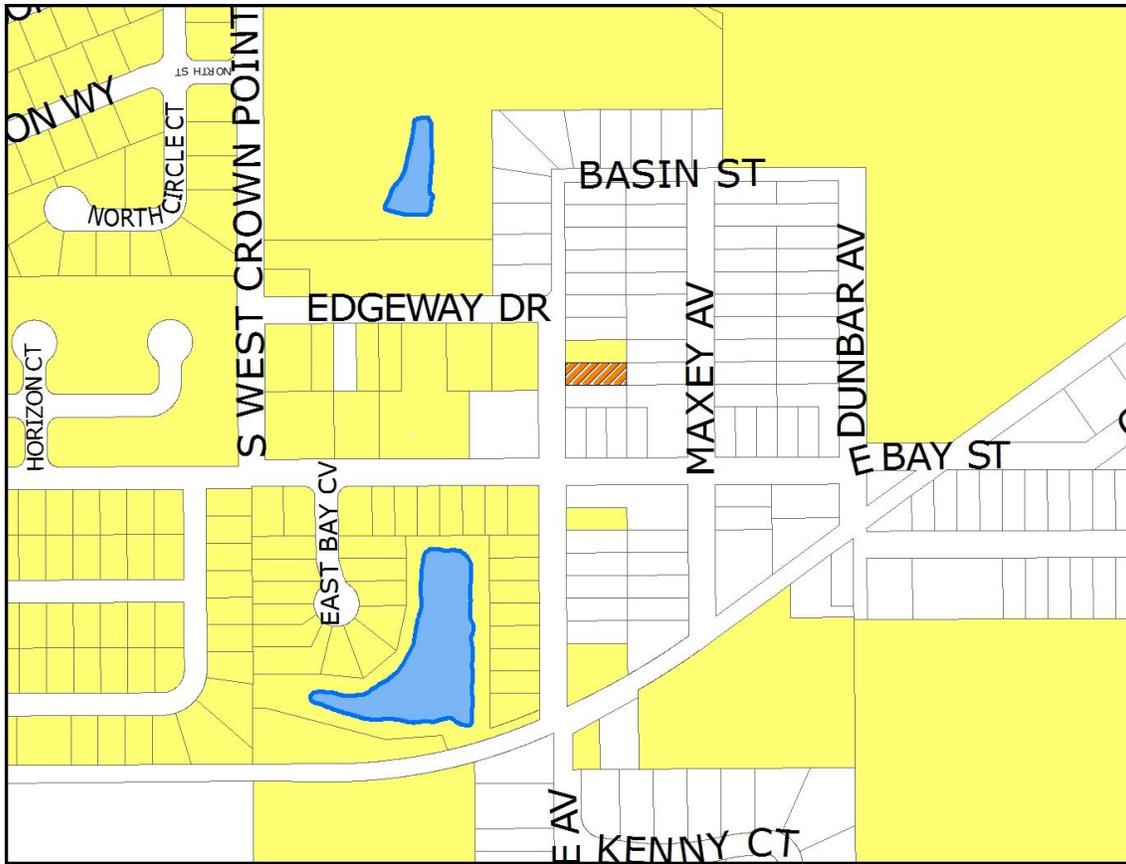
Summary: Please see the attached Staff Report for additional information regarding this project.

**Staff
Recommendation:**

Staff recommends approval of Ordinance 10-25, annexation of 555 Bethune Avenue, and Ordinance 10-26, rezoning 555 Bethune Avenue to R-4

Next Step: A public hearing for the first reading of these Ordinances is scheduled for the City Commission on June 24, 2010.

555 Bethune Avenue



Similar single family lots have been granted variances to allow smaller setbacks to accommodate reasonable size homes on smaller platted lots. Adjacent property owners should not be negatively affected by this variance.

(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 will allow reasonable use of the property. This request is not out of character with other 50 foot platted lots in the R-2 residential zoning district. The single family residence is completely in character with the existing neighborhood.

(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 City Land Development Regulations will not further any legitimate city objective. This request does not encroach into any recorded easement and should not affect the drainage pattern for the residence and does not exceed the maximum impervious surface ratio for residential zoning.

(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 the minimum variance that will make reasonable use of the land. Denying this variance does not benefit the property owner or the City.

Staff Recommendation:

Staff recommends approval of the 25' lot width variance, 750 square foot lot area variance, a 4 foot side yard setback variance and 10' side street setback variance to allow construction of a new 1,400 square foot residential home with the following condition:

1. The applicant must provide a paved driveway to accommodate the required two spaces per dwelling unit as defined in City Code Section 118-1386.

Next Step: Apply for appropriate Building Permit.

640 S. Boyd Street



Therefore, the traffic impact is minimal for surrounding neighborhoods and businesses.

Staff believes the proposed use is consistent with the existing use of property and will provide a minimum impact to the surrounding neighborhood. However, since the skateboard park already exists, the City needs to incorporate specific conditions and requirements so not to jeopardize public safety for the users of the skateboard park from the adjoining construction related business also owned by the applicant.

Staff Recommendation:

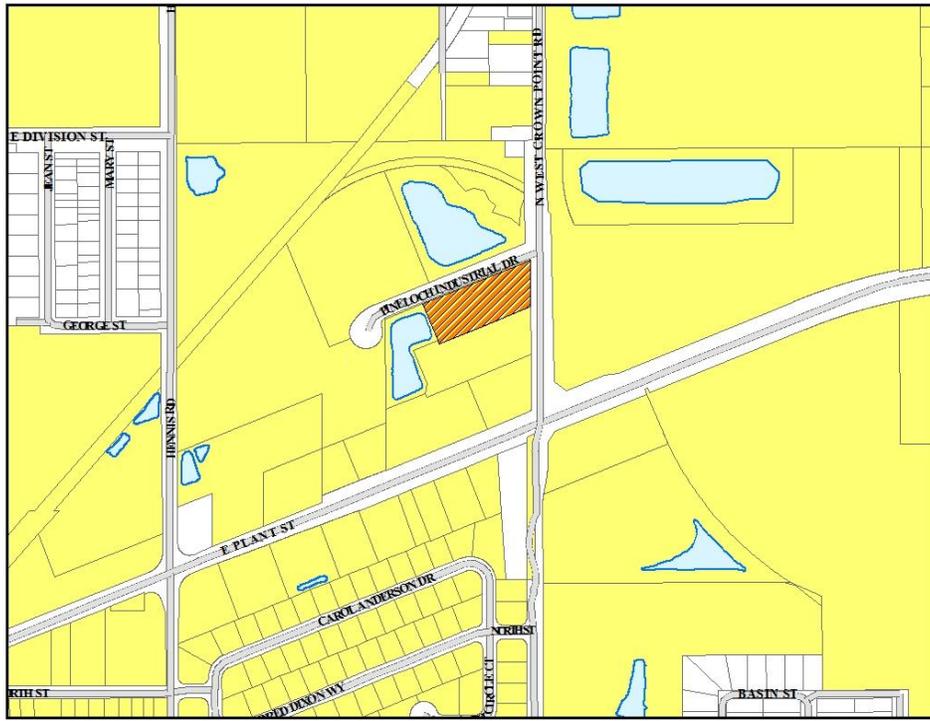
Staff recommends approval of the Special Exception Permit with the following conditions:

The owner/applicant must be able to meet and satisfy all building and fire code requirements to allow this type of use and occupancy. Also, owner/application must receive any/all appropriate building permits, business tax license, fire safety inspections and certificate of occupancy within the specific time frames.

1. The applicant shall meet all business tax, building code and other permitting requirements within **120 days** of the Special Exception Permit Approval. If all these actions do not occur, the Special Exception Permit granted shall become invalidated and the applicant must reapply to allow the use to continue.
2. With respect to building and fire code requirements, the owner/applicant shall have a design professional (architect or engineer) provide to the building official an analysis of the needs to obtain compliance with the Florida Building Code 2007 and the Florida Fire Prevention Code 2004. This analysis should include those building and fire life safety code requirements currently provided in the building as well as those necessary to obtain compliance and a certificate of occupancy. The City will make a determination of the specific improvements that are needed after the review of the report. This report will need to be submitted within two (2) weeks of the special exception public hearing (June 21, 2010). The City will have the ability to require temporary building and fire life safety requirements to allow the skate park occupancy to continue to operate until the necessary permanent life safety improvements are installed. The owner and the City will agree on an acceptable time frame to install temporary solutions for the building and fire life safety improvements.
3. The skate park use will be limited to less than 50 occupants for the indoor skate park and business area of the building.
4. No outdoor skating shall be permitted.

Next Step: Apply for appropriate building permits and fire code safety inspection and approval.

130 W. Plant Street



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

Date: June 4, 2010

Meeting Date: June 7, 2010

Subject: Ladybird Academy Daycare (Avamar Crossing, Lot 4) – Special Exception Permit

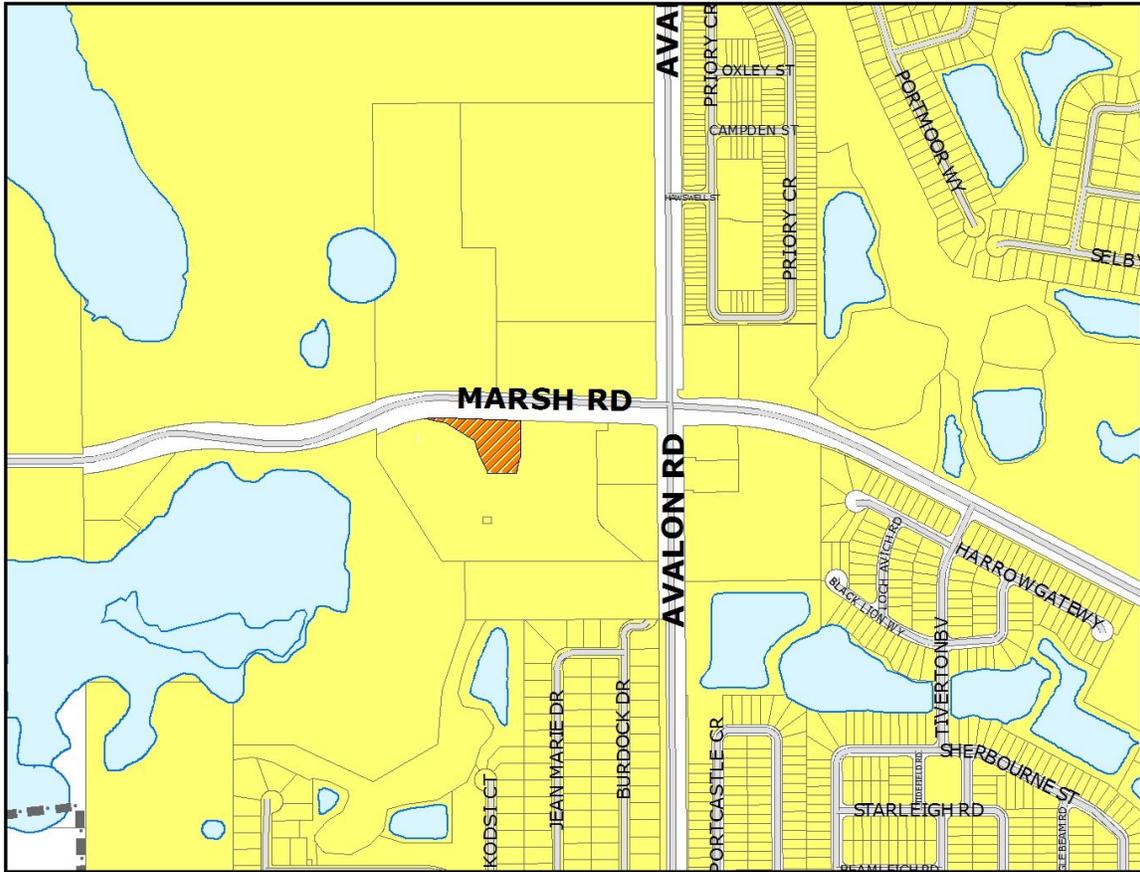
Issue: Applicant has withdrawn their special exception request to allow a children’s daycare for property located at Parcel Identification Number 04-23-27-0302-04-000 (Avamar Crossing, Lot 4). This item was continued from the May 3, 2010 Planning and Zoning Board meeting.

Staff

Recommendation:

No action required.

Ladybird Academy (Avamar Crossing, Lot 4)





THE CITY OF WINTER GARDEN

CITY PLANNING AND ZONING BOARD AGENDA ITEM

ATTACHMENT 6 (Public Hearing)

Date: June 4, 2010

Meeting Date: June 7, 2010

Subject: Oaks at Brandy Lake Preliminary Plat Approval

Issue: Request for preliminary plat approval for the Oaks at Brandy Lake.

Supplemental Material/Analysis:

Owner/Applicant: Meritage Homes

Zoning: PUD

FLU: Low Density Residential

Summary: The applicant has requested to amend their PUD and preliminary plat by converting thirty-two (32) platted townhome lots into sixteen (16) 50'-wide and 60'-wide detached single-family residential lots

for a total of one-hundred-thirteen (113) detached single-family residential lots and thirty-six (36) townhome lots.

In addition to preliminary plat approval, the City Commission will hear Resolution 10-08. Per the PUD, minor amendments to the PUD require approval from the Commission via a resolution. However, this Board will only be hearing the preliminary plat.

Staff

Recommendation:

Staff recommends approval of the preliminary plat for the Oaks at Brandy Lake, with the conditions in the Development Review Committee's memo of May 6, 2010.

Next Step: If P& Z Board approves, the preliminary plat and resolution may be scheduled for the June 24, 2010 City Commission meeting.

Oaks at Brandy Lake

