



**For More Information, Contact:**

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**PLANNING & ZONING BOARD AGENDA**

To: James Gentry – Vice-Chairman  
Jimmy Dunn  
Kent Horsley  
Mark Maciel  
Mac McKinney  
Rohan Ramlackhan  
Eric Weiss

Copy to: Mike Bollhoefer  
Dan Langley  
Ed Williams  
Laura Smith  
Stephen Pash  
Alejandra Fazekas

RE: Agenda – February 6, 2012 - 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 JANUARY 9, 2012 MEETING**

**Special Exception Permit (Public Hearing)**

4. 125 N. Lakeview Avenue - First United Methodist Church Memorial Garden  
Parcel ID #: 14-22-27-5656-00-760
5. 13036 Roper Road - Grace Church of Orlando, Inc.  
Parcel ID #: 35-22-27-0000-00-024
6. 910 Carter Road - Playtime Storage (a/k/a Lighthouse Storage)  
Parcel ID #: 24-22-27-0000-00-049
7. **ADJOURNMENT:**  
To the next regular Planning and Zoning Board meeting on Monday, March 5, 2012 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1<sup>st</sup> floor.

Posted: February 3, 2012

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTES 286.0105: ANY PERSON WHO DESIRES TO APPEAL ANY DECISION AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THIS PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED, WHICH SUCH WRITTEN RECORD IS NOT PROVIDED BY THE CITY OF WINTER GARDEN.

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTE 286.26: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT CORRINA WILLIAMS, 300 WEST PLANT STREET, WINTER GARDEN, FL 34787, (407) 877-5149 - 48 HOURS IN ADVANCE OF THE MEETING.



**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
JANUARY 9, 2012**

**1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE**

Chairman James Gentry called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. The invocation was given followed by the Pledge of Allegiance.

**2. ROLL CALL AND DETERMINATION OF QUORUM**

The roll was called and a quorum was declared present.

**MEMBERS PRESENT:**

Chairman James Gentry, Vice-Chairman James Dunn, Board Members: Kent Horsley, Mac McKinney, Rohan Ramlackhan, and Eric Weiss.

**STAFF PRESENT:**

City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Planner I Alejandra Fazekas, and Administrative Specialist Corrina Williams.

**MEMBERS ABSENT:**

Mark Maciel (excused).

**3. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held December 5, 2011.

*Motion by Kent Horsley to approve the above minutes, seconded by Rohan Ramlackhan, the motion carried unanimously 6-0.*

**VARIANCE (Public Hearing)**

**4. 953 Glenmeadow Drive**

Planner I Alejandra Fazekas presented the Board with a request for approval of an accessory structure setback variance on the property located at 953 Glenmeadow Drive. The applicant requests to allow the construction of a 14' x 24' shed in the backyard, surrounding the

existing pool and several trees, of which the applicant would like to not have to remove. The application was previously submitted at the December 5, 2011 P & Z meeting but was tabled to allow the applicant to provide a revised survey to include the swimming pool. The present survey reflects the revisions requested. The applicant is requesting a 5' side yard setback in lieu of the 10' foot side yard setback requirement and a 5' rear yard setback in lieu of the 24' rear yard setback requirement for accessory structures over 160 square feet located in the R-1 residential zoning district. City staff recommends approval of a variance to Sections 118-1310(c)(2)(a) and 118-308 of the City Code to allow the construction of the shed. City staff also recommended landscaping requirements to offset the visual impact of the shed to the adjacent property located on the east side of the applicant's property.

Board had a general discussion to review alternate locations of the shed on the site but it was established that with the location of the pool and to prevent the removal of the existing trees, along with the condition that if the code is followed the shed would be too close to the principle structure.

*Motion by Kent Horsley to recommend the project of 953 Glenmeadow Drive and variance as proposed to be approved and to include staff recommendations. Seconded by James Dunn, the motion carried unanimously 6-0.*

## **ANNEXATION, REZONING AND FUTURE LAND USE AMENDMENTS (Public Hearing)**

### **5. 13501 W. Colonial Drive**

Senior Planner Stephen Pash presented the Board with a request for a voluntary annexation of an existing gas station/convenience store/window tinting business into the city located at the northwest corner of W. Colonial Drive and S. Dillard Street. The applicant also requests rezoning the property from C-1 (Orange County) to C-2 (Winter Garden), and changing the land use designation from Orange County Commercial to City of Winter Garden Commercial. This property lies within the West State Road 50(WSR50) Overlay District which has additional development standards, sign regulations, and landscaping requirements. Staff recommends the approval of Ordinance 12-04, Ordinance 12-05 and Ordinance 12-06.

Board had a general discussion regarding the existing signage which is not in compliance with City Code and the WSR50 Overlay District standards and is considered to be "grandfathered-in" until redevelopment or the owner presents an application for a new sign. The "grandfathered-in" status stays in effect with the sale of the property. City Staff is working with, and will continue to work with the Owner of the property, to bring the signage and any other elements up to City Code. The property Owner has demonstrated an ongoing willingness to work with City Staff to come into compliance.

*Motion by James Gentry to approve Ordinance 12-04, Ordinance 12-05, and Ordinance 12-06 for the property located at 13501 W. Colonial Drive. Seconded by Rohan Ramlackhan, the motion carried unanimously 6-0.*

### **6. 13036 Roper Road**

Senior Planner Laura Smith presented the Board with a request to rezone 40.29 ± acres property located on Roper Road to R-1 City of Winter Garden zoning. Property is owned by Grace Church of Orlando, and was annexed into the City of Winter Garden in 2009 and assigned the future land use designation of low density residential in 2010. The property owner is proposing to construct a 22,100 square foot church on the 40.29± acre property, which contains approximately 24.9± acres of jurisdictional wetland. The proposed use of the property for a Church is not a permitted use in the R-1 zoning district but it is permitted by special exception, and the owner has submitted an application for a special exception permit which will be presented before the Board at the February 6, 2012 meeting if this rezoning application is approved by the City Commission. City staff has coordinated with the property owner to ensure that the wetlands on the property will be impacted to the least extent possible with any development of the property. City staff recommends the rezoning of the property to R-1.

Board had questions with regard to the capacity of the church and the traffic impact this development may have on Roper Road and Daniels Road. Senior Planner Smith advised that a traffic study would be required and would be addressed with the future applications for development which would be brought before the Board at a later date.

Board had a general discussion with regard to the jurisdictional wetlands on the property and what actions the City have and will take to ensure the preservation of the wetlands. Senior Planner Smith advised the Board that the applicant has been through the City's development review process and the Development Review Committee (DRC) has provided comments to the applicant advising that the City will not support any development of the property that could substantially or unnecessarily impact the jurisdictional wetlands. A clause for the preservation of the wetlands will be a stipulation in the special exception permit. It is determined that there are three upland areas on the property and the development is proposed to be on the far east side of the property. Future development for the other two areas located on the west side of the property, have not been proposed.

*Motion by Kent Horsley to approve Ordinance 11-37 for the rezoning of the 40.29± acres located at 13036 Roper Road rezoning from City of Winter Garden N-Z to City R-1 Seconded by Mac McKinney, the motion carried unanimously 6-0.*

## **PUD REZONINGS (Public Hearing)**

### **7. Oakland Park, PUD Amendment**

Senior Planner Laura Smith presented the Board with a request to amend the Oakland Park Planned Unit Development (PUD) Zoning Ordinance 05-26. The Oakland Park PUD is comprised of 189.9± acres located along Oakland Avenue east of the Town of Oakland and south of Lake Apopka. Ordinance 05-26 adopted the Oakland Park PUD concept plan which allowed for 575 dwelling units which equate to a gross 3.02 units per acre. The amendment is to increase the dwelling units to 610 resulting in an additional 35 dwelling units adjusting the gross units per acre to 3.21 units per acre. The owner/developer also request to amend the lot mixture approved by Ordinance 05-26 which included 5 single family detached lot types and 2 attached lot types. The amendment proposal includes 8 single family detached

lot types and 1 attached lot type. The townhomes, apartments, and live-work units originally established by Ordinance 05-26 will remain unchanged. The owner/developer is also requesting the phasing schedule established by Ordinance 05-26 to allow a new methodology of “transect zones”, which is a categorization system offering greater flexibility with citing the various lot types within the project as a whole. The owner/developer also requests the revision to the recreational amenities schedule. Ordinance 05-26 specified that each recreational amenity be completed by the time that the phase it is located within is 50% complete, and the “union club”, located on Lake Apopka was required to be completed by the 450<sup>th</sup> building permit issuance. The amendment removes the distinction for the “union club” and changes it to apply to the same criteria as all the other amenities. City staff has worked with the owner/developer to ensure the proposed amendment is consistent with the existing homes of the community, and that the architectural design criteria are maintained with from the original planned unit development concept plan and recommend the approval of the proposed PUD amendment, as it is consistent with the City’s Comprehensive Plan and the code of ordinances.

John Rinehart, of Castle & Cooke of Florida, 15241 E. Oakland Avenue, Winter Garden, Florida, applicant for the proposed amendment, approached the board to present a description of the project and discuss the market conditions that necessitated the changes to the project thereby initiating the request for a PUD amendment. Mr. Rinehart advised of a correction to Senior Planner Smiths presentation to that of the time frame conditions of the “union club” which Senior Planner Smith state 450<sup>th</sup> building permit issuance whereas; Mr. Rinehart stated it to be at the 150<sup>th</sup> building permit issuance. Mr. Rinehart also advised that to meet commitments to the new builders brought to the project they have proposed to build the “meadowmarsh park” facility this year, and then the “union club” park will fall into the phase it is a part of, with the exception of the swimming pool portion which is to also be completed this year.

Ann Ellis, 15136 Oakland Avenue, Winter Garden, Florida, provided public comment with regard to traffic impact from the density of the project. Based on the project was first approved with the intent to construct a road from west end of Oakland Park through to West State Road 50 to alleviate traffic on Oakland Avenue, and now it is no longer going to happen Ms. Ellis wanted clarification on what was the new intent of the City to manage the traffic along Oakland Avenue. City Manager, Mike Bollhoefer advised that the project will include a traffic light at the commercial center of the project, the intersection at Avalon Road and Plant Street will be modified to include additional turn lanes. City Manager Bollhoefer also clarified that it is not the City’s intent to widen Oakland Avenue so that the existing trees and the aesthetics along the road will remain as a complimentary feature for the City of Winter Garden.

Board had general discussion to further clarify the traffic issue and Mr. Rinehart presented, in addition to the intersection modifications the City Manager Bollhoefer explained, there are 25 cottage homes in the project which will have an additional exit across the trail and out onto Tildenville School Road. Mr. Rinehart presented that as the development continues, it will be the intent to have a network parallel to Oakland Avenue.

Tim Keating, 802 Tildenville School Road, Winter Garden, Florida, provided public comment with regard to the traffic impact and maintenance of Tildenville School Road. City Manager Bollhoefer advised the citizen that the City, along with the cooperation of Orange County will address the maintenance issues.

Board had general discussion to further clarify where the proposed additional lots would be located. Mr. Rinehart advised that the streets were shortened to allow the additional lots throughout the project and that there is not one designated area impacted by the new 35 lots.

*Motion by James Dunn to approve Ordinance 12-08 with staff recommendations. Seconded by Rohan Ramlackhan, the motion carried unanimously 6-0.*

## **8. Cantero Property, PUD**

Senior Planner Laura Smith presented the Board with a request to rezone 37.8± acres of land, located on the northwest corner of Avalon Road and Davenport Road for the project known as the “Cantero Property” with a proposed new name of “Carriage Pointe Reserve”, from City NZ to City PUD. The proposed project is to build 90 single family residential homes on the property which equates to a gross density of 2.43 units per acres. The project will be developed in two phases with 65’ and 75’ width residential single family lots. The property is within the Joint Planning Agreement - 6 (JPA6) expansion area and has been reviewed to be in compliance with the JPA6 guidelines, which include provisions for front porches, garage setbacks, and a 100’ open space buffer along the south and west perimeter of the property. The property is also located within the Wekiva Study Area resource protection overlay and is subject to additional stringent open space and environmental standards due to the recharge potential in the soil. The owner/developer has allocated 25 % (9.48 ± acres) of the developable area to Wekiva open space. The owner/developer held a community meeting on December 15, 2011. City Staff finds the proposed planned unit development plan is consistent with the City’s comprehensive plan, the code of ordinances, JPA6, and the Wekiva Study Area requirements and would recommend approval of the rezoning of the property to planned unit development.

Jim McNeil, of Akerman Senterfitt, 420 South Orange Avenue, Orlando, Florida, counsel for the applicant, Taylor Morrison, presented an overview of the project to the board and advised the board that as a result of the community meeting, and citizens concerns, additional buffering was added along the south of the project.

Board had general discussion to further clarify ingress and egress to the development for residents and emergency services. Senior Planner Smith advised the board of the emergency access road that is planned on the southside of the property. Scott Stearns, of Bowyer-Singleton & Associates, 520 S. Magnolia Avenue, Orlando, Florida, Civil Engineer for the applicant advised the board that this location would be an “emergency stabilized access” road capable of holding fire trucks along with a crash gate at the back of the property. This would not be a road for the residents to access the development on a daily basis. Residents will have only a one way in and out of the development.

Board further discussed the traffic impact to Avalon Road with the development of the 90 homes. Community Development Director Ed Williams reviewed with the Board several things that will be taking place to assist with the traffic conditions of Avalon Road. The City has an agreement with Orange County for the future widening of Avalon Road to four lanes. The City is looking into accelerating the intersection improvements and the owner/developer will be required to install turn lanes into the development.

*Motion by Mac McKinney to approve Ordinance 12-07 for the PUD rezoning for Carriage Pointe Reserve/Cantero Property with staff recommendations Seconded by James Dunn, the motion carried unanimously 6-0.*

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:53 p.m.

**APPROVED:**

**ATTEST:**

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**Chairman James Gentry**

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**Administrative Specialist Corrina Williams**

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 4 (Public Hearing)**

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**DATE:** FEBRUARY 2, 2012 **MEETING DATE:** FEBRUARY 6, 2012

**SUBJECT:** 125 N LAKEVIEW AVE (SPECIAL EXCEPTION PERMIT)  
**PROJECT NAME** FIRST UNITED METHODIST CHURCH  
**PARCEL ID#** 14-22-27-5656-00-760

**ISSUE:** THE APPLICANT IS REQUESTING A SPECIAL EXCEPTION PERMIT TO ALLOW FOR THE PROPERTY LOCATED AT 125 N LAKEVIEW AVENUE TO BE USED FOR A CEMETERY FOR THE OPERATION OF A COLUMBARIUM.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** FIRST UNITED METHODIST CHURCH OF WINTER GARDEN, INC.

**CURRENT ZONING:** C-1

**PROPOSED ZONING:** N/A

**CURRENT FLU:** TRADITIONAL DOWNTOWN

**PROPOSED FLU:** N/A

**SUMMARY:**

APPLICANT PROPOSES TO CONSTRUCT A CEMETERY FOR THE OPERATION OF A COLUMBARIUM ON THE PROPERTY CONNECTING TO THE SOUTH SIDE OF THE EXISTING PRINCIPAL STRUCTURE. THE PROPOSAL INCLUDES CONSTRUCTION OF A MEMORIAL GARDEN AND COLUMBARIUM IN THE 11,875 SQUARE FOOT AREA BETWEEN THE EXISTING PRINCIPAL STRUCTURE AND ACCESSORY STRUCTURE LOCATED ALONG N LAKEVIEW AVENUE.

**STAFF RECOMMENDATION(S):**

STAFF RECOMMENDS APPROVAL OF THE PROPOSED SPECIAL EXCEPTION PERMIT WITH THE CONDITIONS AS SHOWN IN THE ATTACHED STAFF REPORT.

**NEXT STEP(S):**

SUBMIT FOR BUILDING PERMIT

**ATTACHMENT(S):**

STAFF REPORT

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** LAURA SMITH, SENIOR PLANNER  
**DATE:** FEBRUARY 1, 2012  
**SUBJECT:** SPECIAL EXCEPTION PERMIT  
**125 North Lakeview Avenue (First United Methodist Church)**  
**PARCEL ID # 14-22-27-5656-00-760**

**APPLICANT:** First United Methodist Church

### INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is generally located on the south side of West Newell Street, between North Lakeview Avenue and North Boyd Street at 125 North Lakeview Avenue. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception to allow for the subject property to be used for a cemetery limited to the operation of a columbarium. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-1. The subject property is designated Traditional Downtown on the Future Land Use Map of the Comprehensive Plan.

### **EXISTING USE**

The property contains the following facilities which are occupied by the First United Methodist Church of Winter Garden, Inc.: approximately 20,265 square foot principal use structure, approximately 2,324 square foot accessory office/residential structure, basketball court, playground, shed, carport, and parking facilities.

### **ADJACENT LAND USE AND ZONING**

The properties located to the north and west of the subject property are single family residential properties zoned R-2 within the City of Winter Garden. The properties located to the east of the subject property consist of single family residences zoned R-2, and a commercial warehouse zoned C-1 located within the City of Winter Garden; the property located to the south is a developed commercial property zoned C-1 within the City of Winter Garden.

### **PROPOSED USE**

The applicant proposes to construct a cemetery limited to the operation of a columbarium on the property connecting to the south side of the existing principal structure. A columbarium is defined in Chapter 497 of Florida Statutes to mean a structure or building that is substantially exposed above the ground and that is intended to be used for the inurnment of cremated remains. In accordance with Florida Statutes, all of the following fall under the classification of cemetery: land or earth interment, mausoleum, vault, crypt interment, columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains.

The applicant proposes to construct a memorial garden and columbarium in the 11,875 square foot area between the existing principal structure and the accessory residential/office structure located along North Lakeview Avenue.

The proposed memorial garden includes a fountain, benches, landscaping, and a brick wall to extend approximately 20 feet south along the east and west boundary of the garden area from the existing brick façade of the principal structure (as shown on the attached drawings).

The proposed columbarium includes the construction of a 16 inch deep brick niche wall along the south side of the principal structure to accommodate approximately 63 niches, and another 16 inch brick niche wall located approximately 20 feet south of the principal structure running east/west parallel to the principal structure to accommodate approximately 42-45 niches. A niche

is defined as a recessed compartment designed to house an urn.

### **NEIGHBORHOOD ISSUES**

The following issues have been raised by neighboring property owners:

- Parking on adjoining streets (North Lakeview Avenue, West Newell Street, North Boyd Street) preventing emergency access and blocking driveways.
- Maintenance of the memorial garden and columbarium area (flowers and other items placed on the niche walls deteriorating and littering the surrounding area).
- Possibility of the property being used for any type of cemetery in the future (burial ground, mausoleum, crypt, scattering garden, etc.).

### **SUMMARY**

City Staff recommends approval of the proposed use subject to the following conditions.

- Parking shall be restricted to the existing parking facilities located on the subject property; no parking will be permitted on the adjoining streets.
- A maximum of 110 niches may be constructed on the subject property under the approval of this special exception permit, expansion of the memorial garden and/or columbarium area or construction of additional niches would require amendment to this special exception permit and approval of the Planning and Zoning Board.
- All materials used for construction of the memorial garden and columbarium facility shall be of similar materials to the principal structure.
- Memorial garden and columbarium facility shall not be open for access earlier than dawn or later than dusk and shall be restricted from access during all other times of the day.

**MAPS/EXHIBITS**

**AERIAL PHOTO**  
**125 N Lakeview Avenue**



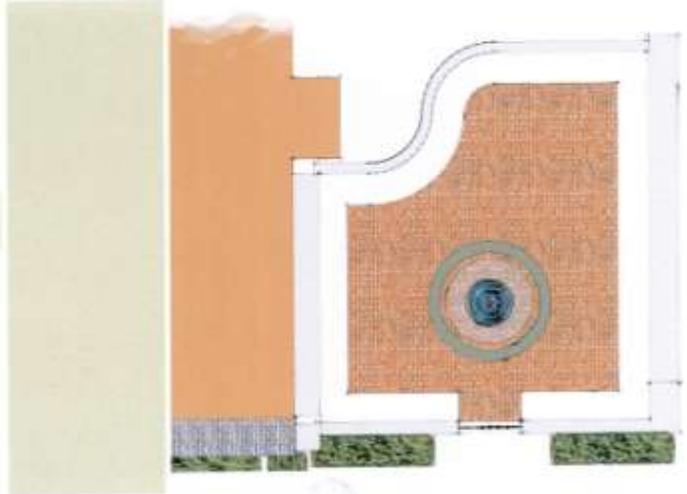
FIRST UNITED METHODIST CHURCH  
Memorial Garden



ELEVATION



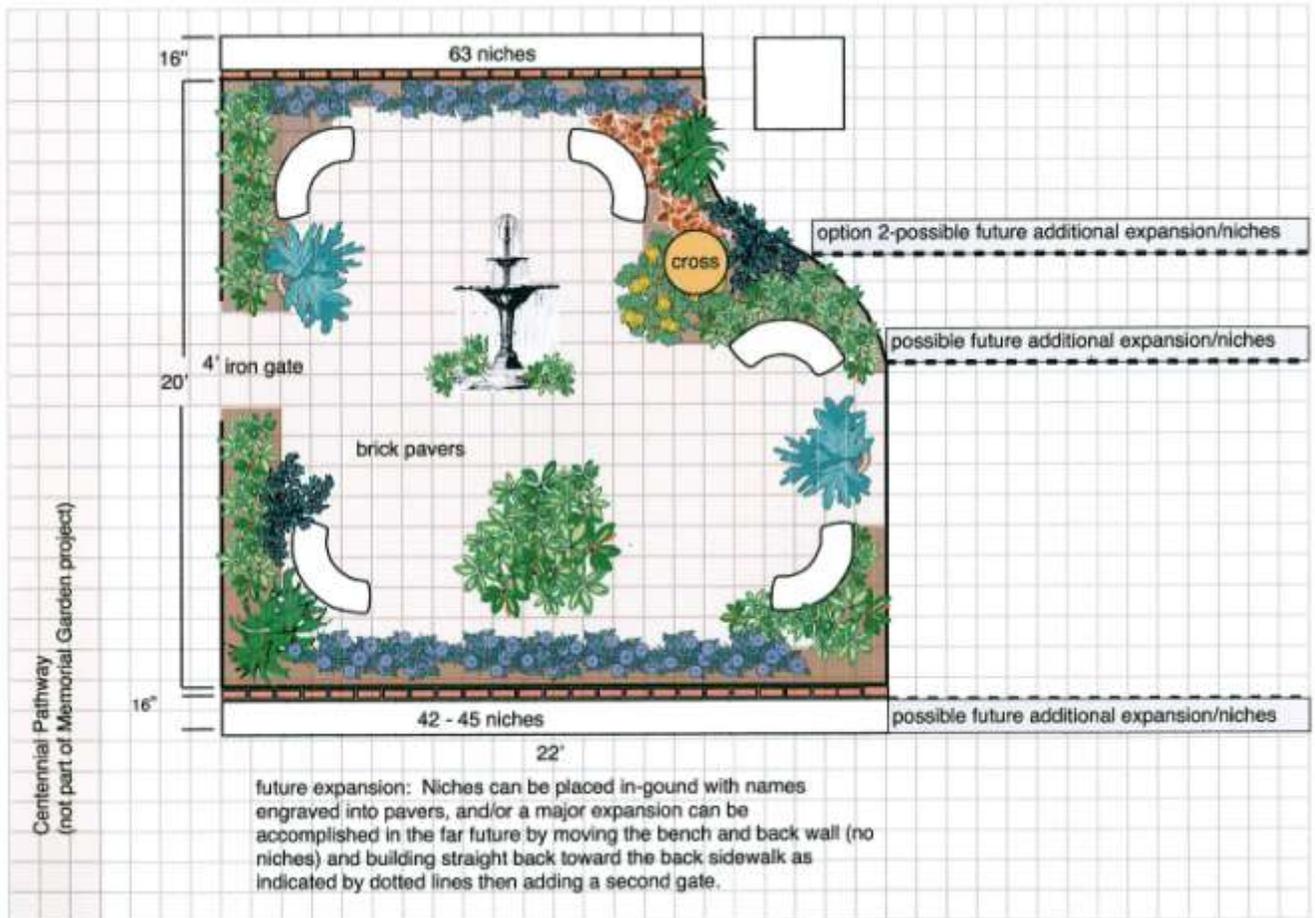
ELEVATION

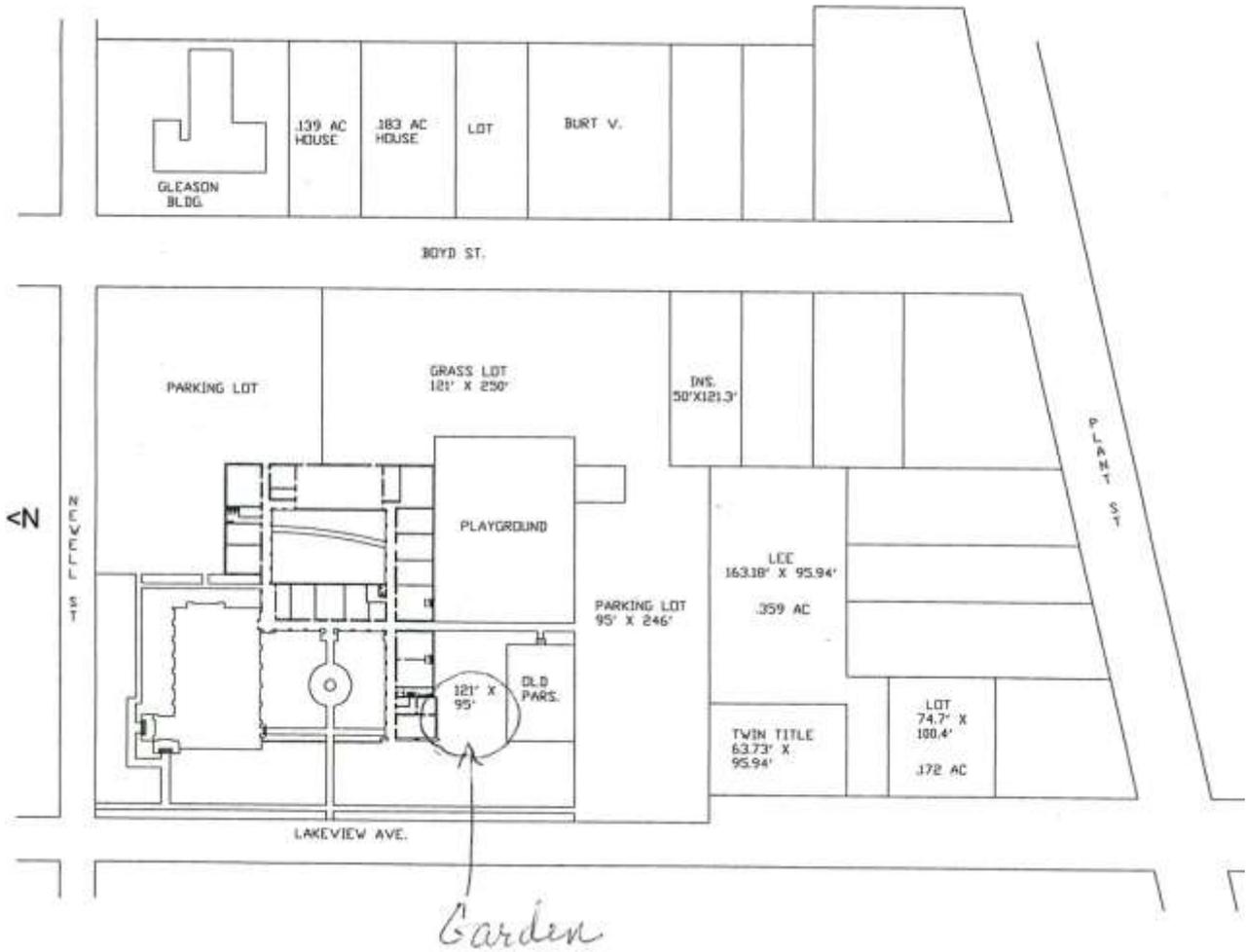


Plan does not indicate  
landscape other than privacy  
hedge

PLAN









**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 5 (Public Hearing)**

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**DATE:** FEBRUARY 2, 2012 **MEETING DATE:** FEBRUARY 6, 2012

**SUBJECT:** 13036 ROPER ROAD (SPECIAL EXCEPTION PERMIT)  
**PROJECT NAME** GRACE CHURCH OF ORLANDO, INC.  
**PARCEL ID#** 35-22-27-0000-00-024

**ISSUE:** APPLICANT REQUESTS SPECIAL EXCEPTION PERMIT TO ALLOW FOR THE PROPERTY LOCATED AT 13036 ROPER ROAD TO BE USED FOR A CHURCH.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** GRACE CHURCH OF ORLANDO, INC.

**CURRENT ZONING:** R-1

**PROPOSED ZONING:** N/A

**CURRENT FLU:** LOW DENSITY RESIDENTIAL

**PROPOSED FLU:** N/A

**SUMMARY:**

APPLICANT PROPOSES TO CONSTRUCT A 22,100 SQUARE FOOT CHURCH ON THE PROPERTY LOCATED AT 13036 ROPER ROAD. THE PROPERTY WAS RECENTLY REZONED TO R-1 WHICH DOES NOT ALLOW FOR A CHURCH AS A PERMITTED USE, HOWEVER A CHURCH IS ALLOWED BY SPECIAL EXCEPTION PERMIT IN THE R-1 DISTRICT. THE PROPERTY IS APPROXIMATELY 4.29 +/- ACRES, OF WHICH APPROXIMATELY 24.91 +/- ACRES ARE JURISDICTIONAL WETLANDS.

**STAFF RECOMMENDATION(S):**

STAFF RECOMMENDS APPROVAL OF THE PROPOSED SPECIAL EXCEPTION PERMIT SUBJECT TO THE CONDITIONS IDENTIFIED IN THE ATTACHED STAFF REPORT.

**NEXT STEP(S):**

SUBMIT FOR SITE PLAN REVIEW

**ATTACHMENT(S):**

STAFF REPORT  
CONCEPTUAL SITE PLAN

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** LAURA SMITH, SENIOR PLANNER  
**DATE:** FEBRUARY 1, 2012  
**SUBJECT:** SPECIAL EXCEPTION PERMIT  
**13036 Roper Road (Grace Church of Orlando, Inc.)**  
**PARCEL ID # 35-22-27-0000-00-024**

**APPLICANT:** Grace Church of Orlando, Inc.

### INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property, generally located on the south side of Roper Road, east of Daniels Road and west of Beulah Road at 13036 Roper Road, is approximately 40.29± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception to allow for the subject property to be used for a Church. The subject property is located within the City of Winter Garden municipal limits, and was recently rezoned and assigned the zoning designation R-1. The subject property is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

### **EXISTING USE**

The property is vacant unimproved land which is comprised of approximately 24.91 +/- acres of jurisdictional wetlands and contains several upland areas which encompass approximately 15.38 +/- acres.

### **ADJACENT LAND USE AND ZONING**

The properties located to the north, south, and west of the subject property are developed residential subdivisions zoned PUD and R-1 within the City of Winter Garden. The properties located to the east of the subject property consist of a single family residence (A-1) located in Unincorporated Orange County and an agriculture use (A-1) Orange County owned property which is also located in Unincorporated Orange County.

### **PROPOSED USE**

The applicant proposes to construct a 22,100 square foot church on the 40.29 +/- acre property. The R-1 zoning district does not allow for churches or other places of worship as permitted uses, however the R-1 zoning district does allow for churches and other places of worship as special exceptions.

### **PUBLIC FACILITY ANALYSIS**

The property does not have a point of transportation access at this time because it is unimproved vacant land. However, if the property is developed for a Church then access would be from Roper Road.

The property is not currently served by central water or sewer; however water and sewer are available along Roper Road. Connection to City water and sewer are required at time of development and the cost of connection shall be borne by the property owner.

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

### **SUMMARY**

City Staff recommends approval of the proposed use subject to the following conditions.

The subject property contains approximately 15.38± acres identified as uplands and approximately 24.91± acres identified as jurisdictional wetlands. Development on the subject property shall be restricted to preserve and buffer the wetlands to the greatest extent possible.

Prior to any development on the subject property, the owner shall seek and obtain a wetland determination by Saint John's River Water Management District and the City.

In accordance with Section 78-2, City of Winter Garden Code of Ordinances, all potable water, reclaimed water and sanitary sewer main lines and utilities required for development of the subject property shall be extended from their current terminus to the subject property and along the subject property's entire frontage along public rights-of-way, at the owner's expense. The City will require the owner/developer to enter into an agreement with the City concerning installation of main lines, reimbursement of any oversizing costs and other matters relating to the utilities requirements.

Prior to any development on the subject property, the owner must submit a site plan for review and recommendation of the Development Review Committee and approval of City Commission. In addition to the required site plan submittal information as stipulated in Chapter 118, Article II, Division 2, Section 118-66 the owner shall provide a Transportation Analysis/Traffic Impact Study for the subject property. Additionally, at time of site plan submittal a Landscape Plan will be required; the Landscape Plan must include all proposed buffering and screening methods to be used on the property, specifically in areas where development of the subject property will abut existing single family residential structures on neighboring properties, and must comply with Chapter 114, Article II of the City Code of Ordinances.

Prior to final site plan approval, final plat approval or any other further development orders or permits being issued, a minimum of 30 ft of right-of-way south of the centerline of Roper Road along the entire frontage of the subject property must, at owner's expense, be conveyed in fee simple via warranty deed (in a form acceptable to the City) to the City free and clear of all liens, encumbrances and title defects. Prior to the right-of-way conveyance, the owner shall provide a boundary survey of the right-of-way property certified to the City and a current attorney's opinion of title or a current title commitment, evidencing that fee simple title to the right-of-way property is free and clear of all liens and encumbrances except for those matters acceptable to the City. Real property taxes on the right-of-way property shall be prorated as of the day before the City's acceptance of the conveyance of the same, and the prorated amount of such real property taxes attributable to the Owner shall be paid and escrowed by the owner in accordance with the provisions of Section 196.295, Florida Statutes. Owner and its successors and assigns shall not be entitled to any road impact fee credits or other compensation of any kind for, on account of, or with respect to the required conveyance of right-of-way to the City.

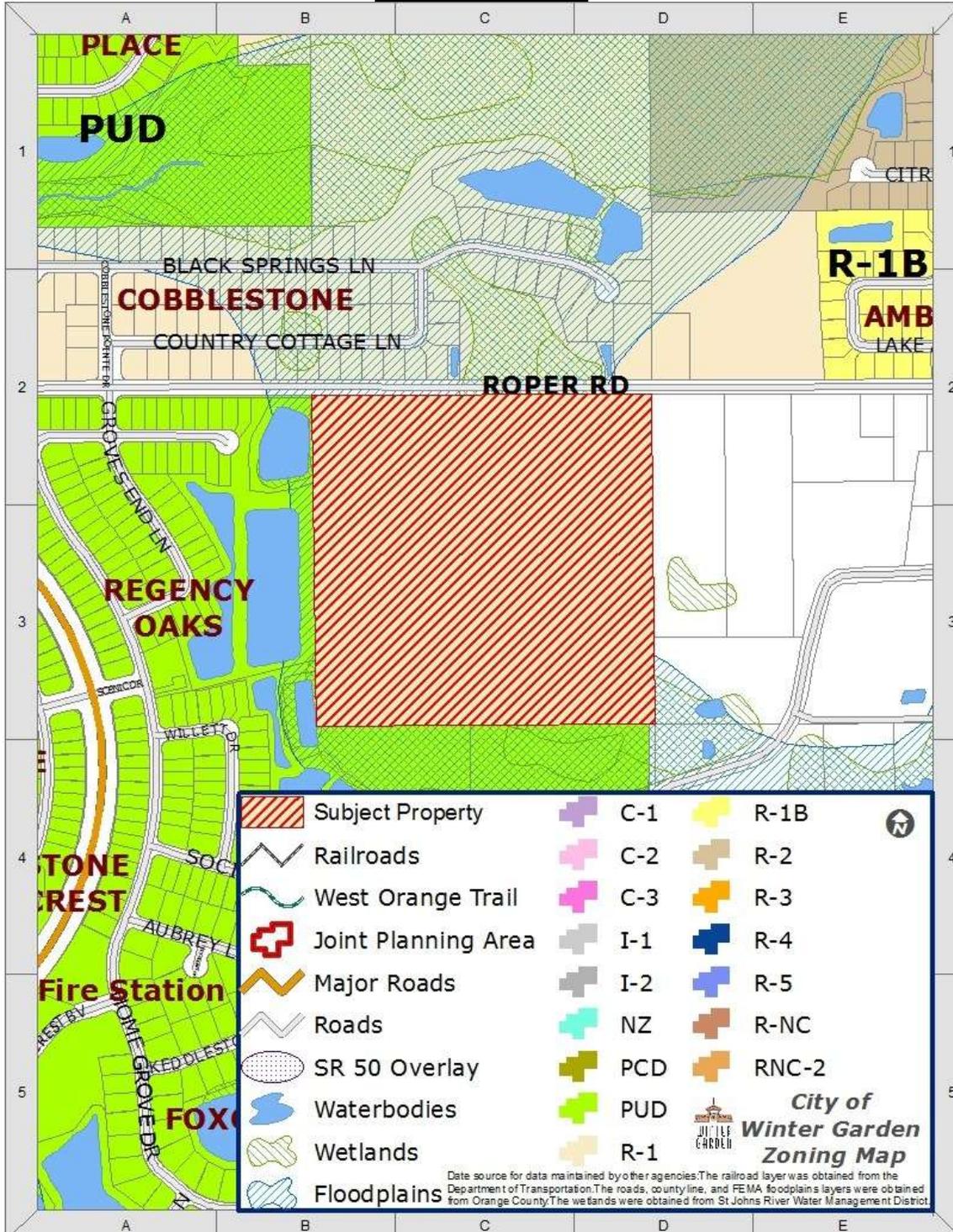
Failure to adhere to all provisions of the Special Exception Permit identified above within 365 days after the effective date of the action granting the Special Exception Permit will result in the expiration of the Special Exception Permit.

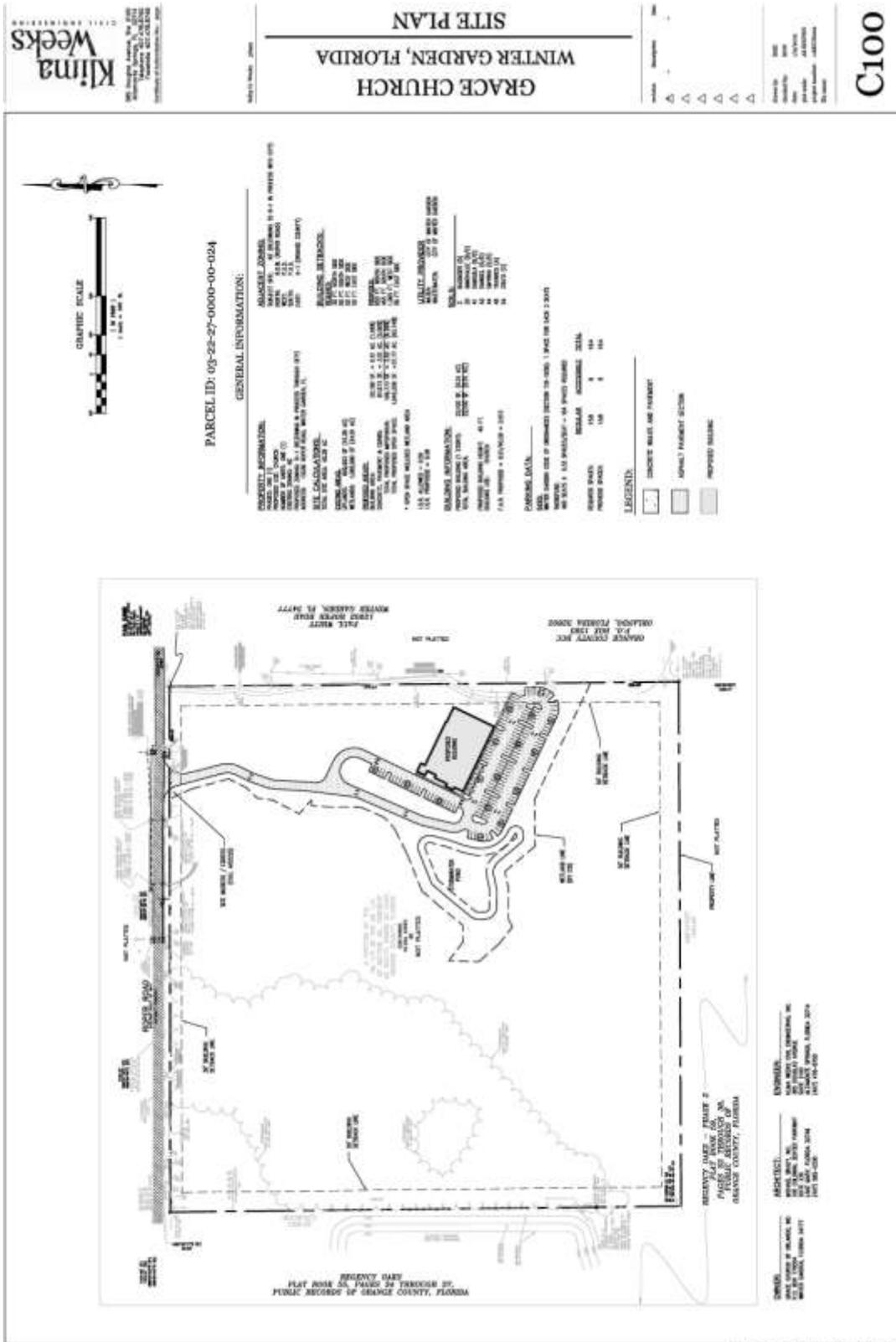
**MAPS/EXHIBITS**

**AERIAL PHOTO  
13036 Roper Road**



**ZONING MAP**  
**13036 Roper Road**





END OF STAFF REPORT

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 6 (Public Hearing)**

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**DATE:** FEBRUARY 2, 2012 **MEETING DATE:** FEBRUARY 6, 2012

**SUBJECT:** 910 CARTER ROAD (SPECIAL EXCEPTION PERMIT)  
**PROJECT NAME** PLAYTIME STORAGE, INC  
**PARCEL ID#** 24-22-27-0000-00-049

**ISSUE:** APPLICANT REQUESTS SPECIAL EXCEPTION PERMIT TO ALLOW FOR OUTDOOR STORAGE OF BOATS AND RECREATIONAL VEHICLES ON PROPERTY LOCATED AT 910 CARTER ROAD.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** JOWERS FAMILY ENTERPRISE, LLC

**CURRENT ZONING:** I-2

**PROPOSED ZONING:** N/A

**CURRENT FLU:** INDUSTRIAL

**PROPOSED FLU:** N/A

**SUMMARY:**

APPLICANT PROPOSES TO CONSTRUCT APPROXIMATELY 42,560 SQUARE FEET OF IMPERVIOUS SURFACE WITH LANDSCAPING, FENCING, AND PARKING ON APPROXIMATELY 1.56 +/- ACRE PROPERTY. THE PROPERTY WAS PREVIOUSLY GRANTED A SPECIAL EXCEPTION PERMIT FOR THIS USE, HOWEVER THE PROPERTY CHANGED HANDS AND THE APPROVAL LAPSED.

**STAFF RECOMMENDATION(S):**

STAFF RECOMMENDS APPROVAL OF THE PROPOSED SPECIAL EXCEPTION PERMIT SUBJECT TO THE CONDITIONS IDENTIFIED IN THE ATTACHED STAFF REPORT.

**NEXT STEP(S):**

SITE PLAN APPROVAL EXTENSION OF EXPIRATION THEN SUBMIT CONSTRUCTION PLANS FOR REVIEW.

**ATTACHMENT(S):**

STAFF REPORT  
SITE PLAN

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** LAURA SMITH, SENIOR PLANNER  
**DATE:** FEBRUARY 1, 2012  
**SUBJECT:** SPECIAL EXCEPTION PERMIT  
**910 Carter Road (Playtime Storage, LLC)**  
**PARCEL ID # 24-22-27-0000-00-049**

**APPLICANT:** Jowers Family Enterprise, LLC

### INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property, generally located on the west side of Carter Road, south of Story Road and north of Colonial Drive at 910 Carter Road, is approximately 1.576± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception to allow for the subject property to be used for outdoor storage of boats and recreational vehicles. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation I-2. The subject property is designated Industrial on the Future Land Use Map of the Comprehensive Plan.

### **EXISTING USE**

The property is vacant unimproved land.

The subject property has previously been granted a special exception use permit for the outdoor storage of boats and recreational vehicles, however the property changed hands and the special exception permit which was granted in December 2009 expired. The subject property also received approval for a site plan to develop the subject property for the outdoor storage of boats and recreational vehicles in December 2009, this approval has also lapsed and the property owner is seeking an extension of the site plan approval for the subject property from the City Commission.

### **ADJACENT LAND USE AND ZONING**

The properties located to the north and west of the subject property are developed industrial properties zoned I-2 within the City of Winter Garden. The properties located to the east of the subject property consist of single family residences (A-1) located in Unincorporated Orange County, and the property located to the south is a developed commercial property zoned C-2 within the City of Winter Garden.

### **PROPOSED USE**

The applicant proposes to construct approximately 42,560 square feet of impervious surface with landscaping, fencing and parking on the 1.576 +/- acre property for outdoor storage of boats and recreational vehicles. The I-2 zoning district does not allow for outdoor storage as a principal use however the I-2 zoning district does allow for outdoor storage as a special exception with the condition that any outdoor storage area shall have an opaque screen on all sides in order to avoid any deleterious impact on adjacent property.

### **PUBLIC FACILITY ANALYSIS**

The property does not have a point of transportation access at this time because it is unimproved vacant land. However, if the property is developed for outdoor storage then access would be from the private access road which runs along the north side of the property.

The property is not currently a water or sewer customer of the City of Winter Garden; however water and sewer are available along Carter Road. At such time that the property is developed and connection to City water and/or sewer is necessary the cost shall be borne by the property owner.

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

### **SUMMARY**

City Staff recommends approval of the proposed use subject to the following conditions.

- Prior to issuance of any site work or building permits the property owner must provide current permits from St. Johns River Water Management District (SJRWMD).
- The north car parking area, including both driveways, must be paved with asphalt or concrete. The drive aisles within the storage area must be paved, and the storage area must at minimum be stabilized with no less than 6 inch thick gravel (#57 stone, etc.) over a 12 inch stabilized subbase.
- 6 inch x 16 inch concrete curbing shall be provided on either side of the concrete flumes.
- All lighting of the subject property shall comply with dark skies requirements as stated in Sections 118-1536 – 118-1538 of the City Code of Ordinances.
- The top of the existing sanitary sewer manhole in the southeast corner of the gravel storage area shall be adjusted to be above the stabilized/gravel surface to prevent stormwater intrusion.
- All proposed fencing shall be vinyl coated and shall meet all City requirements for height, type, location etc.
- All landscape and buffering shall conform with the attached drawing.
- Owner shall provide a pedestrian easement for side walk that is outside of the right-of-way, prior to final completion of construction.
- All signage shall require a permit from the City Building Department and must comply with Chapter 102 of City Code of Ordinances.

**MAPS/EXHIBITS**

**AERIAL PHOTO**  
**910 Carter Road**



