



**For More Information, Contact:**

Corrina Williams  
Planning Technician  
City of Winter Garden  
300 West Plant Street  
Winter Garden, FL 34787  
407.656.4111 ext. 5149  
[cwilliams@wintergarden-fl.gov](mailto:cwilliams@wintergarden-fl.gov)

**PLANNING & ZONING BOARD AGENDA**

To: James Gentry – Chairman  
Jimmy Dunn - Vice Chairman  
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 – March 5, 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 FEBRUARY 6, 2012 MEETING**
  - GENERAL BUSINESS**
  4. Tucker Ranch Heritage Park, Jay Conn, Parks and Recreation Director, CWGDN  
Conceptual Usage of City Park - Input
  - LOT SPLIT**
  5. Bay Street W - 770 (Brent Maguire)  
Parcel ID #: 22-22-27-0000-00-085
  - SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**
  6. 13036 Roper Road - Grace Church of Orlando, Inc.  
Parcel ID #: 35-22-27-0000-00-024
  7. 125 N. Lakeview Avenue - First United Methodist Church Memorial Garden  
Parcel ID #: 14-22-27-5656-00-760
  - VARIANCE (PUBLIC HEARING)**
  8. 404 Lake Amberleigh Drive - Douglas E. Smith  
Parcel ID #: 25-22-27-0125-00-430
  9. **ADJOURNMENT**  
To the next regular Planning and Zoning Board meeting on Monday, April 2, 2012 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1<sup>st</sup> floor.

Posted: March 2, 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  
FEBRUARY 6, 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.

**MEMBERS ABSENT:**

Mark Maciel (excused).

**STAFF PRESENT:**

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

**3. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held January 9, 2012.

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

**SPECIAL EXCEPTION PERMIT(Public Hearing)**

**4. 125 N. Lakeview Avenue - First United Methodist Church Memorial Garden**

Community Development Director Ed Williams and City Manager requested this item to be tabled until the next Planning and Zoning Board meeting to allow the applicant time to host a Community Meeting for citizen input on the project.

*Motion by Kent Horsley to recommend the 125 N. Lakeview Avenue - Special Exception Permit be tabled till the next Planning and Zoning Board meeting (March 5, 2012) to allow applicant to resolve outstanding issues. Seconded by James Dunn, the motion carried unanimously 6-0.*

**5. 13036 Roper Road - Grace Church of Orlando, Inc.**

Community Development Director Ed Williams requested this item to be tabled until the next Planning and Zoning Board meeting to allow the applicant time to host a Community Meeting for citizen input on the project.

*Motion by Mac Mckinney to recommend the 13036 Roper Road (Grace Church of Orlando, Inc.) - Special Exception Permit be tabled till the next Planning and Zoning Board meeting (March 5, 2012) to allow applicant to resolve outstanding issues. Seconded by Kent Horsley, the motion carried unanimously 6-0.*

**6. 910 Carter Road - Playtime Storage (a/k/a Lighthouse Storage)**

Community Development Director Ed Williams presented a request for a Special Exception Permit extension or reinstatement of a previously approved permit for the property located at 910 Carter Road (Playtime Storage formerly known as Lighthouse Storage). The special exception permit allowed for an outdoor storage of boats and recreation vehicles on this property. The property has changed ownership and the new owner presented the site plan to the Development Review Committee (DRC) and the DRC has recommended the approval of the projects special exception request for the outdoor storage uses.

General discussion by the board to clarify the night time lighting of the yard. Director Williams advised that the project will maintain similar standards to that of the City's "Dark Skies" standards to keep the lighting focused on the interior of the yard.

General discussion by the board to clarify if the project has an adequate drainage system. Director Williams advised that this project has already be reviewed and approved by the Saint Johns River Water Management and a master drainage system is already installed.

*Motion by James Dunn to approve the special exception permit for 910 Carter Road, with staff recommendations. Seconded by Kent Horsley, the motion carried unanimously 6-0.*

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:43 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:** FEB. 28, 2012 **MEETING DATE:** MARCH 5, 2012

**SUBJECT:** REVIEW OF PROJECT ELEMENTS IN CONSIDERATION FOR THE TUCKER RANCH  
HERTIAGE PARK AT 100 AVALON RD  
**PROJECT NAME** TUCKER RANCH HERITAGE PARK  
**PARCEL ID#** 28-22-27-0000-00-010

**ISSUE:** *MR. JAY CONN, THE PARKS AND RECREATION DIRECTOR OF THE CITY OF WINTER GARDEN, IS PRESENTING THIS ITEM FOR INFORMATIONAL PURPOSES AND TO OBTAIN INPUT ON THE CONCEPTUAL USAGE OF THIS PARTICULAR PIECE OF PROPERTY AS A CITY PARK. THIS ITEM REQUIRES NO FORMAL ACTION FROM THE BOARD. GRANT FUNDING IS BEING SOUGHT FOR THIS PROJECT. PLANNING AND ZONING BOARDS CAN SERVE IN AN ADVISORY CAPACITY FOR CERTAIN GRANT PROGRAMS.*

IN JANUARY OF 2011 THE CITY OF WINTER GARDEN ACQUIRED THE 208.6 ACRE TUCKER RANCH PROPERTY AT 100 AVALON RD. WITH THE INTENTION TO UTILIZE THIS SITE AS A RESOURCE-BASED PARK. IT WILL LIKELY BE BUILT IN PHASES AS LOCAL FUNDING AND GRANT ASSISTANCE BECOME AVAILABLE. PRELIMINARY DESIGN CONCEPTS ARE BASED ON USING THE SITES EXISTING NATURAL CONDITIONS AND ENHANCING THE SITE WITH RESTORED NATIVE PLANT COMMUNITIES. THE PROPERTY HAS LARGE WATER BODIES ON SITE THAT ARE CONSIDERED PART OF JOHNS LAKE AND ARE CONNECTED THROUGH WATERWAYS DURING YEARS OF WETTER CONDITIONS. PROPOSED USES INCLUDE THE FOLLOWING:

- A COMMUNITY-BUILD WOOD PLAYGROUND TO COMPLIMENT THE ENVIRONMENTAL THEME OF THE PARK
- PICNIC AREAS WITH SHELTERS AND GRILLS
- A CANOE AND KAYAK LAUNCH
- RESTORED RESIDENCE WITH INTERPRETIVE ENVIRONMENTAL DISPLAYS
- WALKING TRAILS THROUGHOUT THE PROPERTY WITH INTERPRETIVE ELEMENTS
- A FISHING PIER
- AN OBSERVATION TOWER OR DECK
- A GROUP CAMPING AREA TO ALLOW SCOUTS OR OTHER GROUPS TO UTILIZE
- PUBLIC RESTROOMS
- HISTORICAL DISPLAYS SHOWING REMNANTS OF THE ORIGINAL WEST ORANGE COUNTRY CLUB THAT REMAIN ON SITE

IN ADDITION, THE CITY INTENDS TO PROGRAM ENVIRONMENTAL EDUCATION PROGRAMS AT THIS SITE. THERE IS GREAT POTENTIAL FOR PARTNERING WITH THE NEW ELEMENTARY AND MIDDLE SCHOOLS THAT ARE BEING CONSTRUCTED NEAR THIS PROPERTY.

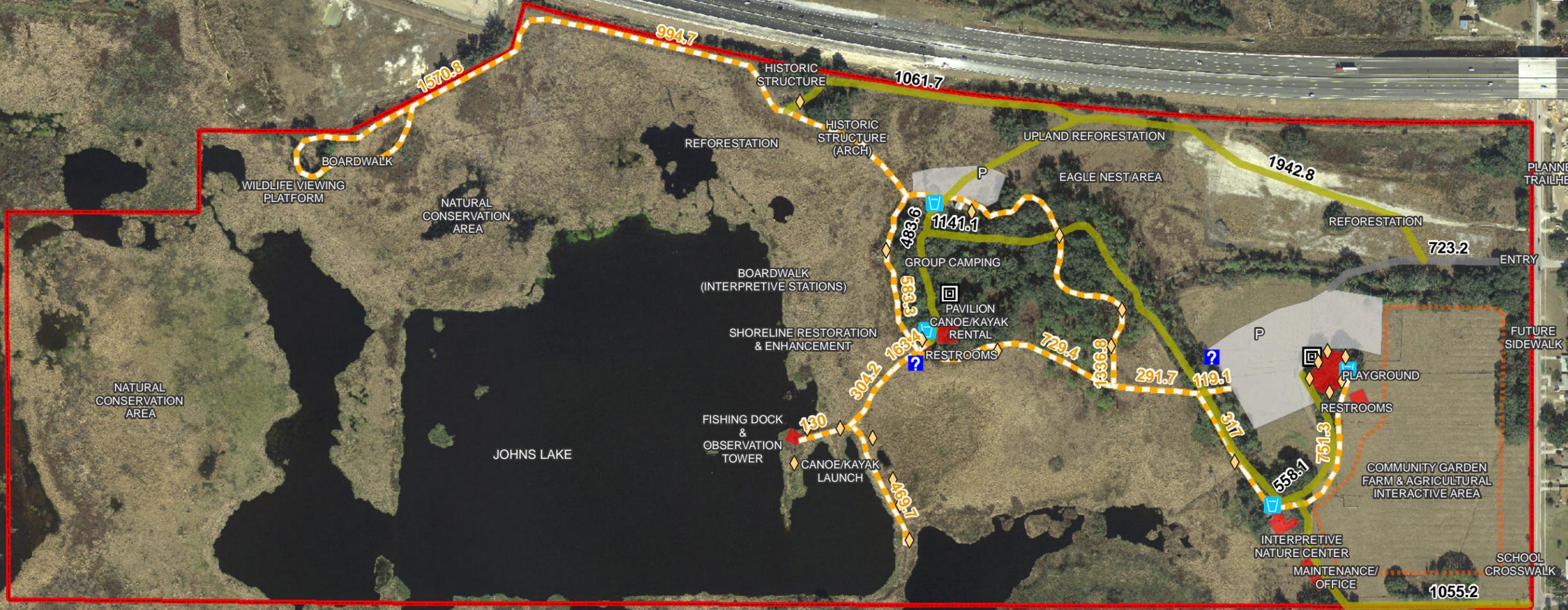
THIS TYPE OF PARK WILL GREATLY ENHANCE THE RECREATIONAL OPPORTUNITIES THAT ARE AVAILABLE TO CITY RESIDENTS SINCE ALL OTHER EXISTING CITY PARKS ARE MORE “ACTIVE” IN NATURE.

**ATTACHMENT(S):**  
PRELIMINARY SITE CONCEPTUAL PLAN

# Exhibit K

## Tucker Ranch Heritage Park

Conceptual Master Plan  
City of Winter Garden - January 2012



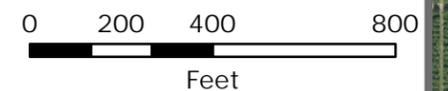
Total Site Area 208.6 AC  
Lake Johns Shoreline 7,300 LF  
Area Above NHWL 43.7 AC  
Area Below NHWL 164.9 AC  
Conservation Area 46 AC  
Shoreline Restoration Area 1,100 AC  
Reforestation Area 16 AC

Upland Restoration Area 10.1 AC  
Multi-Purpose Field Area 7 AC  
(R/D) Stormwater Retention/Detention 4.4 AC  
Primitive Camping Area 6.25 AC  
Multi-use Trail & Boardwalks 11,000 LF  
Parking Spaces 350 Spaces

### Recreation Enhancements Include:

Interpretive/Nature Center, Maintenance/Admin Building, Picnic Pavilion, 2 Restroom Sets, Playground, 2 Historic Interpretive Sites, Bike Trail Head, Wildlife Viewing Platform, Canoe/Kayak Launch, Observation Tower, Information Kiosks, Porch Swings, Benches, Sidewalk and Crosswalk Connection to School, and Interactive Community Agricultural Area

-  Drinking Water Fountain
-  Information Kiosk
-  Park Bench
-  Porch Swing
-  Paved Road
-  Unimproved Service Road
-  Conceptual Trails
-  Tucker



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

**ITEM # 5 (Public Hearing)**

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**DATE:** MARCH 1, 2012 **MEETING DATE:** MARCH 5, 2012

**SUBJECT:** LOT SPLIT - 770 W. BAY STREET  
**PROJECT NAME** BAY STREET W - 770  
**PARCEL ID#** 22-22-27-0000-00-085

**ISSUE:** APPLICANT REQUESTS LOT SPLIT OF PROPERTY LOCATED AT 770 W BAY STREET TO CREATE LOT 1A & LOT 1B

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** BRENT MAGUIRE

**CURRENT ZONING:** C - 3 (COMMERCIAL - PROFESSIONAL OFFICE DISTRICT)

**PROPOSED ZONING:** N/A

**CURRENT FLU:** COM (COMMERCIAL)

**PROPOSED FLU:** N/A

**SUMMARY:**

THE APPLICANT HAS RECENTLY PURCHASED LOTS 3&4 AND IS A PARTNER IN THE OWNERSHIP OF LOT 2. THE PURPOSE OF THE APPLICANT'S REQUEST FOR LOT SPLIT IS TO SPLIT THE SOUTHERN BUILDING ON THE PROPERTY OFF FROM THE NORTHERN BUILDING ON THE PROPERTY SO THAT THE APPLICANT MAY PURCHASE THE SOUTHERN BUILDING.

**STAFF RECOMMENDATION(S):**

CITY STAFF RECOMMENDS APPROVAL OF THE REQUEST FOR LOT SPLIT, SPLITTING THE EXISTING LOT 1 INTO LOTS 1A & LOT 1B WITH THE CONDITIONS OUTLINED IN THE ATTACHED STAFF REPORT.

**NEXT STEP(S):**

FILE THE LOT SPLIT WITH THE ORANGE COUNTY PROPERTY APPRAISER'S OFFICE AND RECORD LOT SPLIT WITH THE OFFICE OF PUBLIC RECORDS.

**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 29, 2012  
**SUBJECT:** LOT SPLIT  
770 West Bay Street  
PARCEL ID # 22-22-27-0000-00-085

### INTRODUCTION

Request approval to allow a lot split on property located at 770 West Bay Street.



## **CURRENT USE AND ZONING**

The subject property contains two buildings which are located on one lot within a larger C-3 zoned site that is comprised of 4 lots containing a total of 5 buildings. Of the 5 buildings located on the site 1 is a single family residence and 4 are commercial buildings used for light industrial, assembly, and fabrication

## **CODE REFERENCE**

Sec. 110-96. Proposed subdivision of existing lot.

(a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of complying with division 3 of this article, the subdivider may conform to the procedural requirements set out in this division or he may comply with the procedure for subdivision or resubdivision contained in this chapter at the applicant's option. This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.

(b) A subdivider shall apply to the city manager on an application form, promulgated by the director of planning, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum criteria:

(1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.

(2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.

(3) A listing of the names and addresses of the record owners abutting subject property.

(4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements thereon.

(c) Lot split procedure. Once the application is determined to be complete, the city staff shall review the request for compliance with the code (e.g. compliance with lot dimensions requirements, setbacks for existing buildings etc.).

Upon review by the city staff, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the planning and zoning board at its next regular meeting or session, following action by the city staff, for approval or disapproval. The planning and zoning board may take the following actions:

(1) Approve the application as recommended by the city staff.

- (2) Approve the application, deleting or supplementing the conditions and restrictions of the city staff.
- (3) Approve the application, adding conditions and restrictions as determined by the planning and zoning board.
- (4) Disapprove the application.

The planning and zoning board shall have the option to take such action as it deems necessary and proper upon one hearing.

### **SUMMARY**

The applicant has recently purchased Lots 3 & 4, and is a partner in ownership of Lot 2. The purpose of the applicant's request for lot split is to split the southern building on the subject property off from the northern building on the subject property so that he may also purchase the southern building. The applicant has expressed intentions to rezone the property to correct the non-conformities, aggregate the proposed Lot 1A and existing Lot 3 into one lot, and annex the existing Lot 4 into the City of Winter Garden.

### **STAFF RECOMMENDATION**

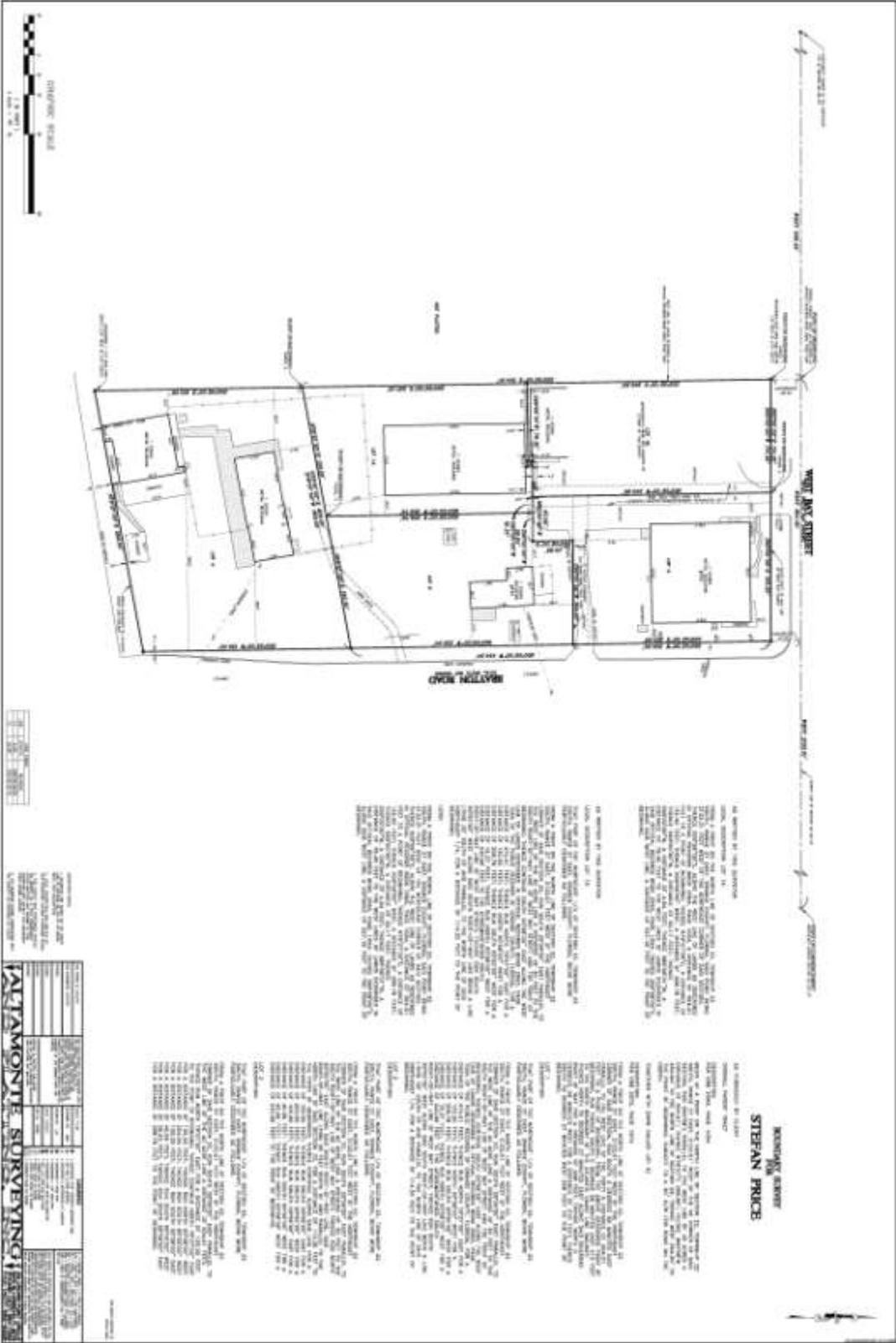
Staff recommends approval of the requested lot split to split the existing Lot 1 into Lot 1A and Lot 1B with the following conditions:

1. A binding lot agreement will be required to aggregate, or combine, the new Lot 1A with the Applicant's property to the east (Lot 3).
2. The property shall be rezoned to address non-conforming setback issues, uses, etc.
3. The unincorporated property to the south shall be annexed into the City within 120 days of approval of the lot split.
4. City Utilities: At the time of any building renovation, expansion, or reconstruction, the site shall be connected to the City's water and wastewater (sewer) systems. No Certificate of Occupancy will be issued for any building on a lot until connection to the City's water and wastewater system has been made and cleared for use by FDEP and/or the City.
5. An ingress/egress/access easement across the southeast corner of Lot 1B must be recorded prior to issuance of any permits for Lot 1A. The ingress/egress/access easement shall provide access from the northeast corner of Lot 1A to the existing 20' ingress/egress/access easement recorded in O.R. Book 6286, Page 1958.

### **NEXT STEP**

If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

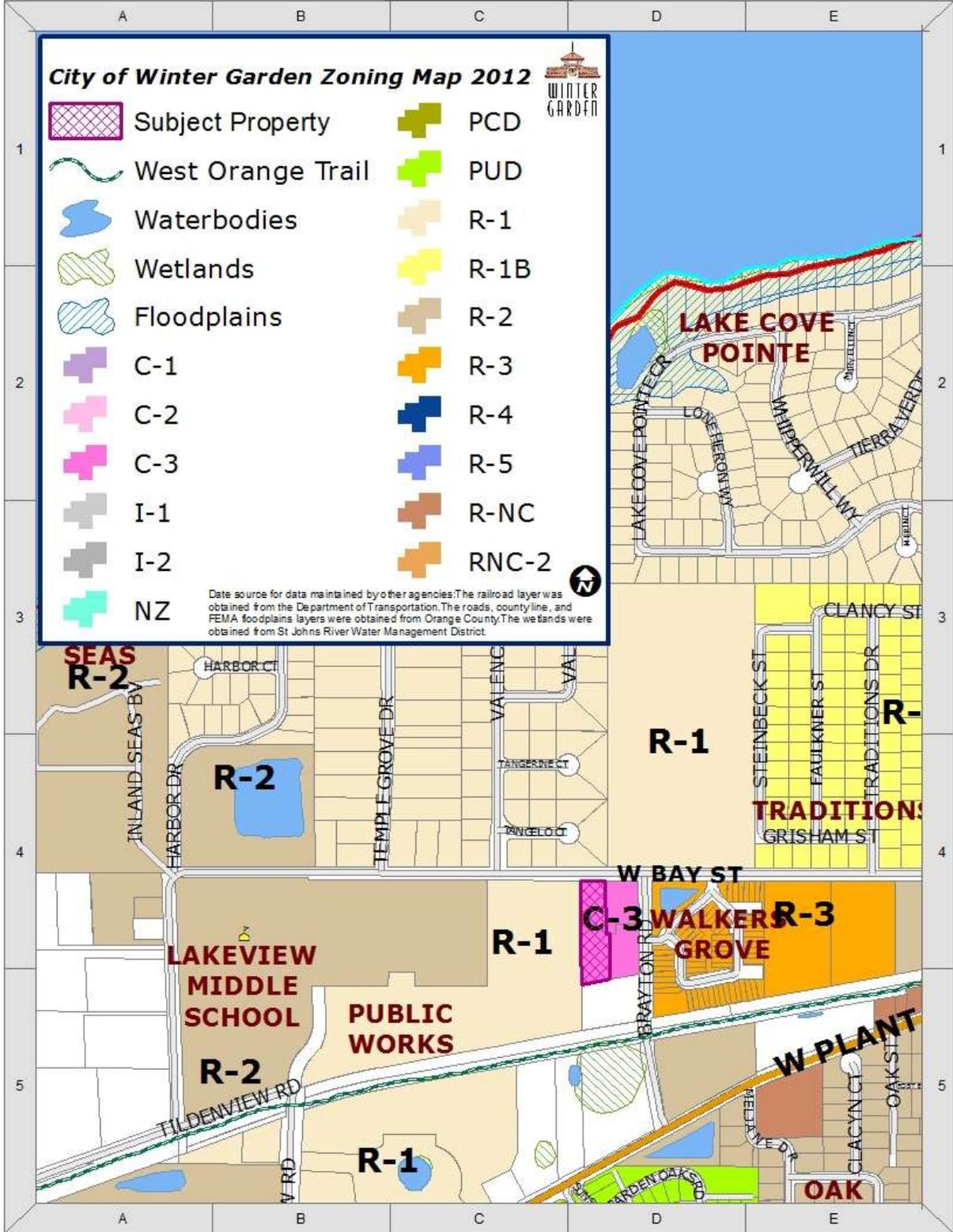
**LOT SPLIT PLAN  
770 W Bay Street**



**AERIAL PHOTO**  
**770 W Bay Street**



**ZONING MAP**  
**770 W Bay Street**



**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:** MARCH 5, 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 29, 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.

### **COMMUNITY CONCERNS**

A Community Meeting was held on February 21, 2012 to review the proposed use with the surrounding property owners and to facilitate discussion between the property owner and the residents in the surrounding communities. The following concerns were raised by the participants:

- Protection of the wetlands and drainage flows during and post construction/site work.

- Days and times of church services/meetings.
- Size of the congregation of the church/number of members.
- Amount of parking to be provided.
- Landscape and buffering plans for the east side of the property.
- Possibility of an additional point of ingress/egress.

## **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.

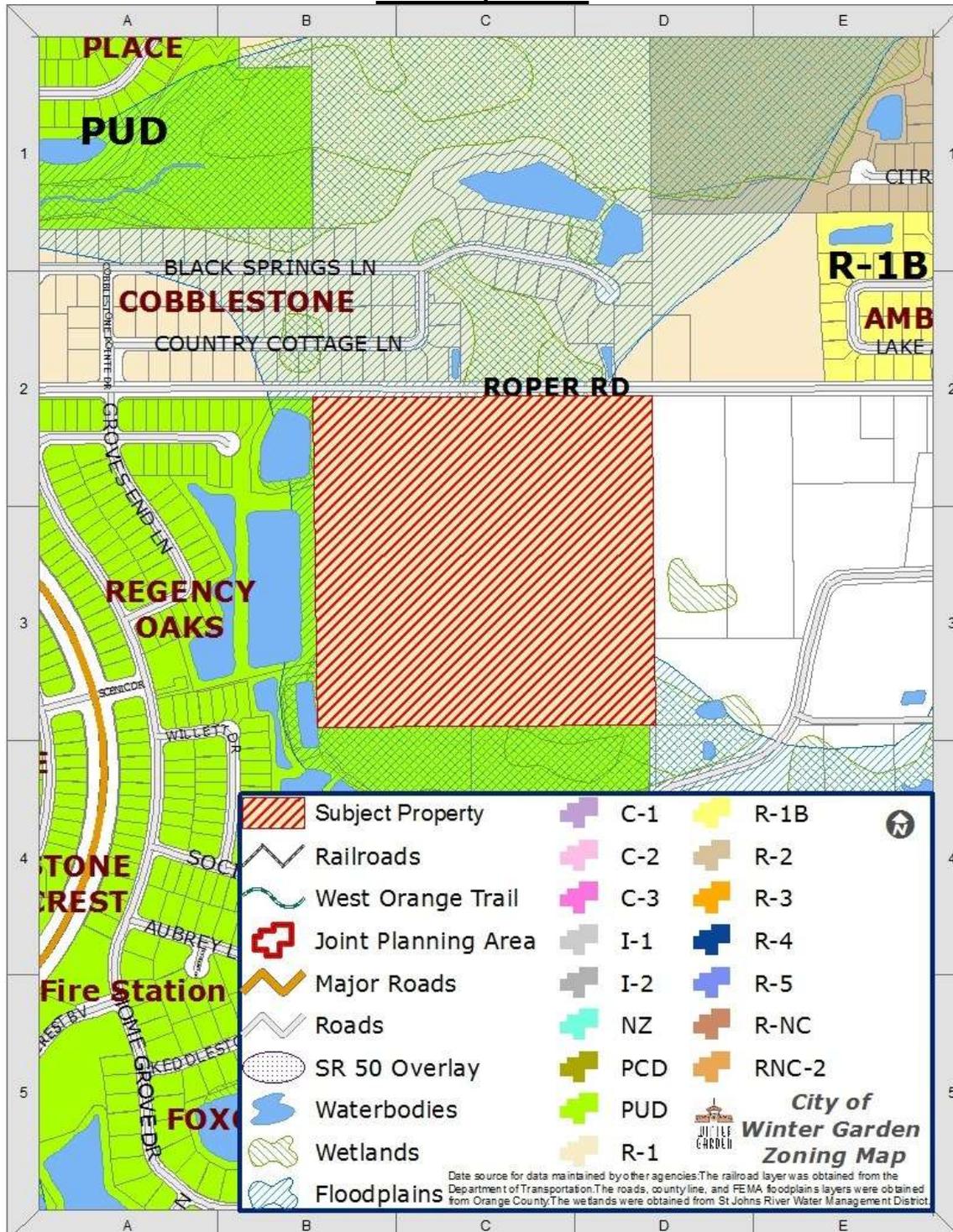
Failure to adhere to all provisions of the Special Exception Permit identified above within 365 days after the effective date of the action granting the Special Exception Permit will result in the expiration of the Special Exception Permit.

**MAPS/EXHIBITS**

**AERIAL PHOTO  
13036 Roper Road**

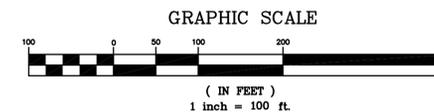


**ZONING MAP**  
**13036 Roper Road**





**GRACE CHURCH**  
**WINTER GARDEN, FLORIDA**  
**SITE PLAN**



PARCEL ID: 03-22-27-0000-00-024

**GENERAL INFORMATION:**

**PROPERTY INFORMATION:**

PHASES: ONE (1)  
PROPOSED USE: CHURCH  
NUMBER OF UNITS: ONE (1)  
EXISTING ZONING: NZ  
PROPOSED ZONING: R-1 (REZONING IN PROCESS THROUGH CITY)  
ADDRESS: 13036 ROPER ROAD, WINTER GARDEN, FL

**ADJACENT ZONING:**

SUBJECT SITE: NZ (REZONING TO R-1 IN PROCESS WITH CITY)  
NORTH: R.O.W. (ROPER ROAD)  
WEST: P.U.D.  
SOUTH: P.U.D.  
EAST: A-1 (ORANGE COUNTY)

**SITE CALCULATIONS:**

TOTAL SITE AREA: 40.29 AC

**EXISTING AREAS:**

UPLANDS: 669,953 SF (15.38 AC)  
WETLANDS: 1,085,080 SF (24.91 AC)

**PROPOSED AREAS\*:**

BUILDING AREA: 22,100 SF. = 0.51 AC. (1.26%)  
CONCRETE, PAVEMENT & CURBS: 87,673 SF. = 2.01 AC. (5.00%)  
TOTAL PROPOSED IMPERVIOUS: 109,773 SF. = 2.52 AC. (6.26%)  
TOTAL PROPOSED OPEN SPACE: 1,645,259 SF. = 37.77 AC. (93.74%)

**BUILDING SETBACKS:**

**REQUIRED:**

30 FT. NORTH SIDE  
50 FT. SOUTH SIDE  
50 FT. WEST SIDE  
50 FT. EAST SIDE

**PROPOSED:**

650 FT. NORTH SIDE  
455 FT. SOUTH SIDE  
1,065 FT. WEST SIDE  
59 FT. EAST SIDE

\* OPEN SPACE INCLUDES WETLAND AREA

I.S.R. ALLOWED = 0.50  
I.S.R. PROPOSED = 0.06

**BUILDING INFORMATION:**

PROPOSED BUILDING (1 STORY): 22,100 SF. (0.51 AC.)  
TOTAL BUILDING AREA: 22,100 SF. (0.51 AC.)

PROPOSED BUILDING HEIGHT: 40 FT.  
BUILDING USE: CHURCH

F.A.R. PROPOSED = 0.51/40.29 = 0.013

**UTILITY PROVIDER**

WATER: CITY OF WINTER GARDEN  
WASTEWATER: CITY OF WINTER GARDEN

**SOILS:**

- 3 BASINGER (D)
- 20 IMMOKALEE (B/D)
- 41 SAMSULA (B/D)
- 42 SANIBEL (B/D)
- 44 SMYRNA (B/D)
- 46 TAVARES (A)
- 54 ZOLFO (C)

**PARKING DATA:**

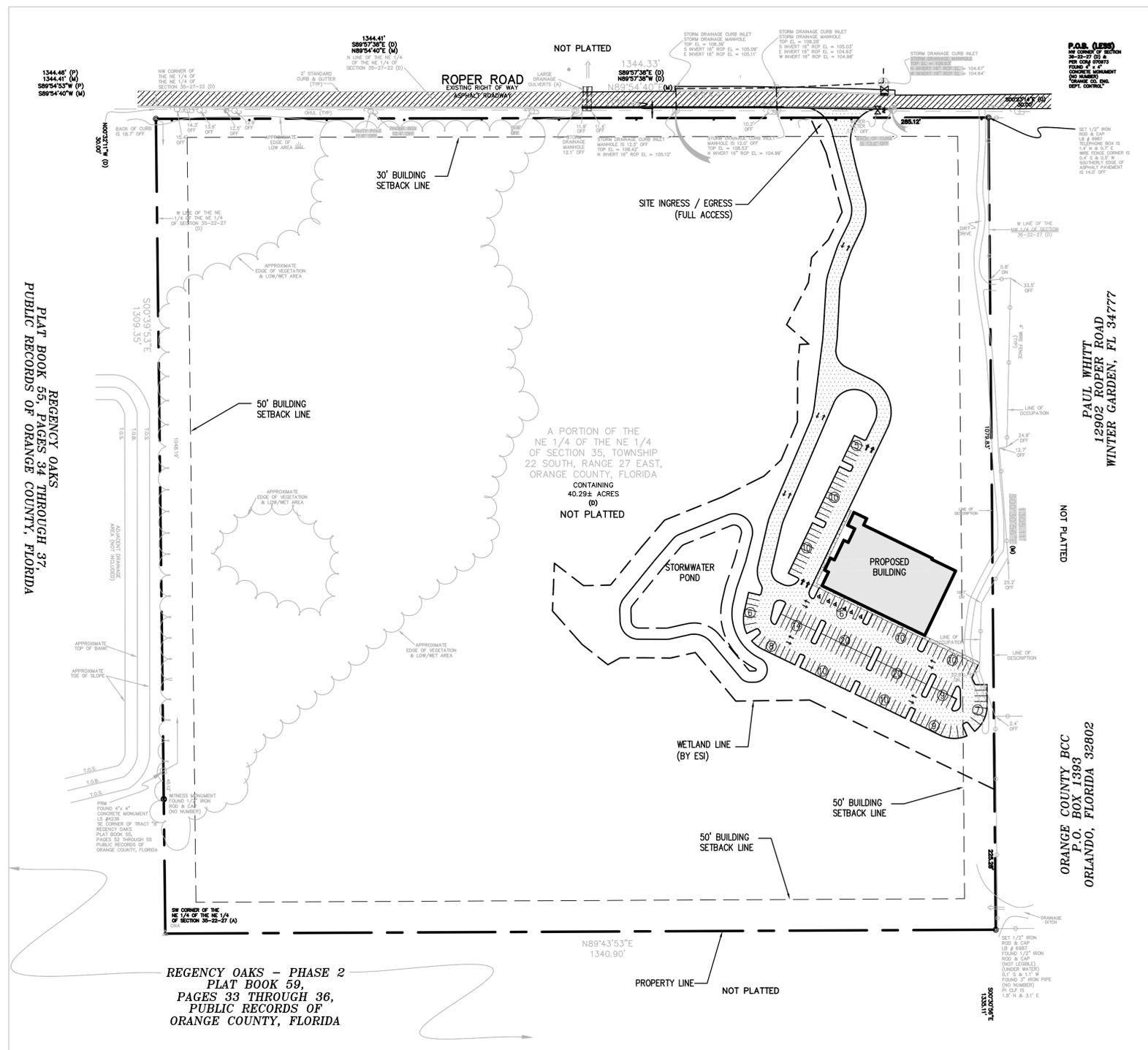
**BASIS:**  
WINTER GARDEN CODE OF ORDINANCES (SECTION 118-1836): 1 SPACE FOR EACH 3 SEATS

**THEREFORE:**  
490 SEATS X 0.33 SPACES/SEAT = 164 SPACES REQUIRED

	REGULAR	ACCESSIBLE	TOTAL
REQUIRED SPACES:	158	6	164
PROVIDED SPACES:	158	6	164

**LEGEND:**

- CONCRETE WALKS AND PAVEMENT
- ASPHALT PAVEMENT SECTION
- PROPOSED BUILDING



revision	description	date
△		
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△		
△		

drawn by: SME  
checked by: SGW  
date: 1/9/2012  
plot scale: AS SHOWN  
project number: 11MICH002  
file name:

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

**ITEM # 7 (Public Hearing)**

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**DATE:** MARCH 1, 2012 **MEETING DATE:** MARCH 5, 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:**

N/A

**STAFF RECOMMENDATION(S):**

STAFF RECOMMENDS ITEM BE TABLED TILL THE APRIL 2, 2012 PLANNING & ZONING BOARD MEETING, TO ALLOW ADDITIONAL TIME FOR THE APPLICANT TO HOST A COMMUNITY MEETING FOR CITIZEN INPUT.

**NEXT STEP(S):**

SCHEDULE A COMMUNITY MEETING

**ATTACHMENT(S):**

N/A

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

**ITEM # 8 (Public Hearing)**

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**DATE:** MARCH 1, 2012

**MEETING DATE:** MARCH 5, 2012

**SUBJECT:** VARIANCE

**PROJECT NAME** LAKE AMBERLEIGH DRIVE - 404

**PARCEL ID#** 25-22-27-0125-00-430

**ISSUE:** THE APPLICANT IS REQUESTING A VARIANCE TO ALLOW A REAR SETBACK OF 6 FEET IN LIEU OF THE REQUIRED REAR SETBACK OF 25 FEET.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** DOUGLAS E. SMITH

**CURRENT ZONING:** R - 1B (SINGLE FAMILY RESIDENTIAL DISTRICT)

**PROPOSED ZONING:** N/A

**CURRENT FLU:** LR (LOW DENSITY RESIDENTIAL 6 DU'S PER ACRE)

**PROPOSED FLU:** N/A

**SUMMARY:**

THE APPLICANT PROPOSES TO BUILD A 304 SQUARE FOOT (16 X 19) SCREEN ROOM ADDITION ONTO THE REAR OF THE STRUCTURE.

**STAFF RECOMMENDATION(S):**

CITY STAFF RECOMMENDS APPROVAL OF A VARIANCE TO SECTION 118-352(1) C TO ALLOW A 6 FOOT REAR YARD SETBACK IN LIEU OF THE REQUIRED 25 FOOT REAR YARD SETBACK FOR THE PROPERTY TO ALLOW THE CONSTRUCTION OF A 304 SQUARE FOOT (16 X 19) SCREEN ROOM ADDITION.

**NEXT STEP(S):**

APPLY FOR APPROPRIATE BUILDING PERMITS

**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

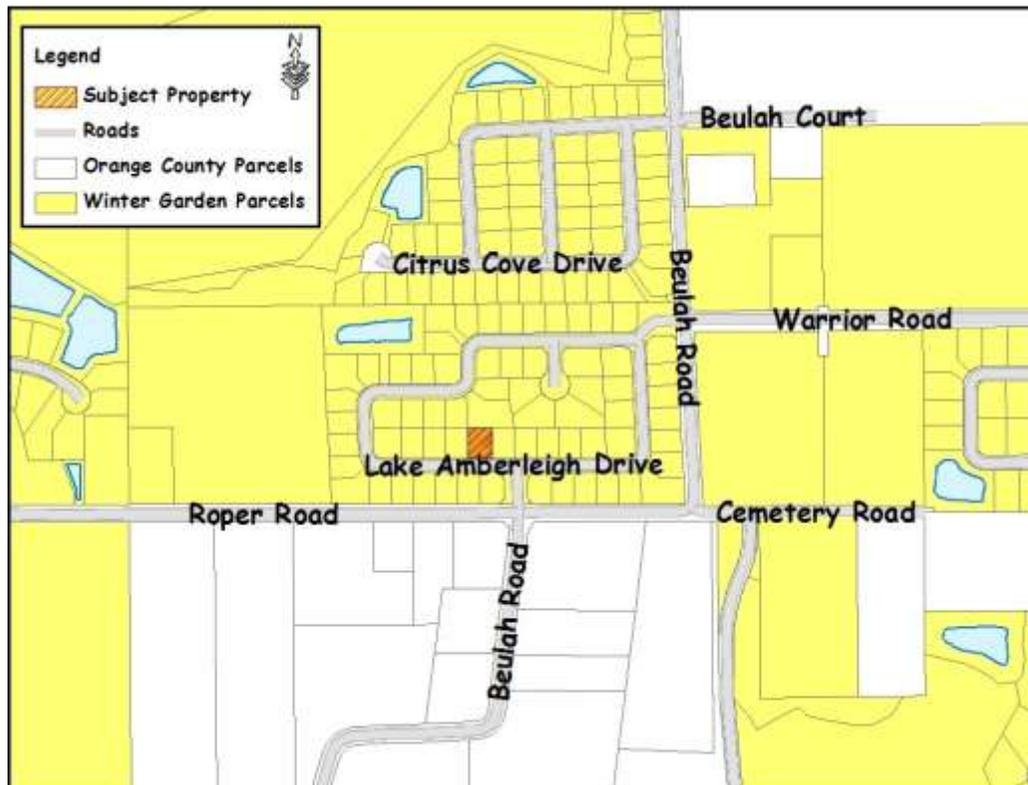
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** LAURA SMITH, SENIOR PLANNER  
**DATE:** February 29, 2012  
**SUBJECT:** VARIANCE  
**404 Lake Amberleigh Drive (0.18+/- ACRES)**  
**PARCEL ID # 25-22-27-0125-00-430**

**APPLICANT:** Douglas & Angelique Smith

### INTRODUCTION

The purpose of this report is to evaluate the request of a 6 foot rear yard setback variance to allow the construction of a 16 foot x 19 foot screen room addition onto the rear of the existing single family residence.

The subject property, located on Lake Amberleigh Drive is approximately a 0.18± acre lot in the Amberleigh Subdivision located at the northwest corner of the intersection of Beulah Road and Roper Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a rear yard setback of 6 feet in lieu of the required rear yard setback of 25 feet. The subject property carries the zoning designation R-1B (Single-Family Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

### **EXISTING USE**

The subject property presently consists of a 3,747 square foot single-family residential home with an 860 square foot screen enclosed pool with decking attached to the rear of the structure.

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

The adjacent properties to the north, south, east and west of the subject property are single-family residential homes within the Amberleigh Subdivision. The adjacent properties have the zoning designation R-1B (Single-Family Residential District) and the future land use designation of LR (Low Density Residential).

### **PROPOSED USE**

The applicant proposes to build a 304 square foot (16 x 19) screen room addition onto the rear of the structure. The proposed screen room addition will not change the single-family residential use of the property.

### **CODE REFERENCE**

**Sec. 118-352 (1) c** of the City Code of Ordinances addresses minimum yard requirements. This section states in part that the minimum yard requirements in the R-1B Single-Family Residential District are "*front: 25 feet, side: 10 feet each, rear: 25 feet.*"

The applicant is seeking a variance to the minimum rear yard requirements for the proposed screen room addition onto the rear of the existing single family residence. The applicant has not proposed the removal of any trees on the property.

### **CODE REQUIREMENTS /CRITERIA**

#### **Code Requirements/Criteria:**

Section 118-131 of the City Code that relates to the review criteria 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 are to be addressed before a variance can be approved. Underlined text is 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;*

Construction of the proposed 304 square foot screen room addition within 6 feet of the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the property currently contains a screen enclosed

swimming pool with decking which is located 6 feet from the rear property line. Additionally, there were no comments received from any of the surrounding property owners regarding the requested 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 allowing a 6 foot rear yard setback in lieu of the required 25' is reasonable use of the property. The request is not out of character with other structures located within the Amberleigh Subdivision or other residential structures in the R-1B single-family residential zoning district, specifically there have been three variances for reduced rear setbacks for similar purposes approved in the Amberleigh Subdivision.

*(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's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easement and does not exceed the maximum impervious surface ratio for R-1B 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 residential 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.

## **SUMMARY**

City Staff recommends approval of a variance to Sections 118-352(1)c to allow a 6 foot rear yard setback in lieu of the required 25 foot rear yard setback for the property to allow for the construction of a 304 square foot (16x19) screen room addition.

## **NEXT STEP**

Apply for appropriate Building Permit.

## **ATTACHMENTS**

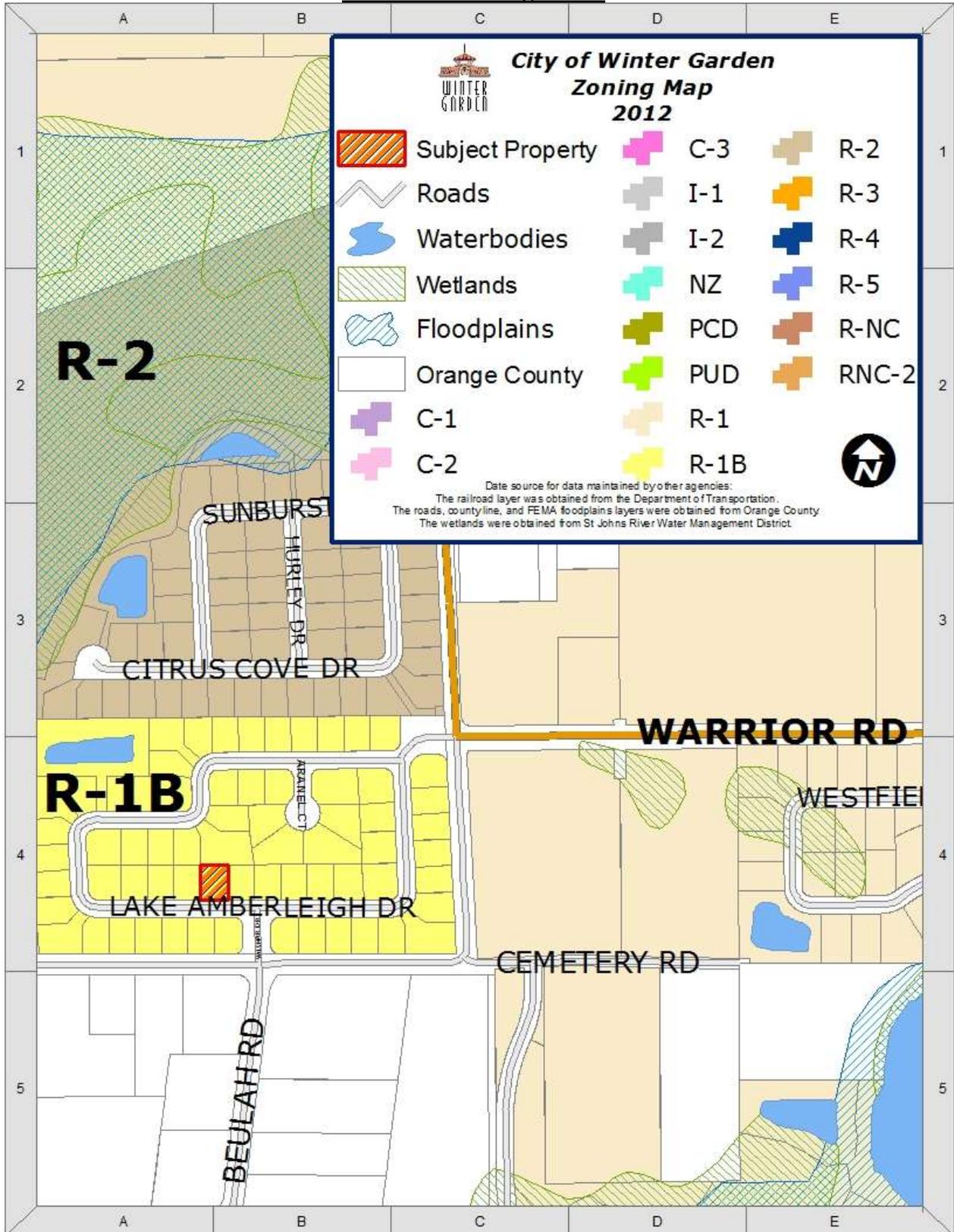
- Aerial Photos
- Zoning Map
- Survey

## **AERIAL PHOTOS**

**404 Lake Amberleigh Drive**

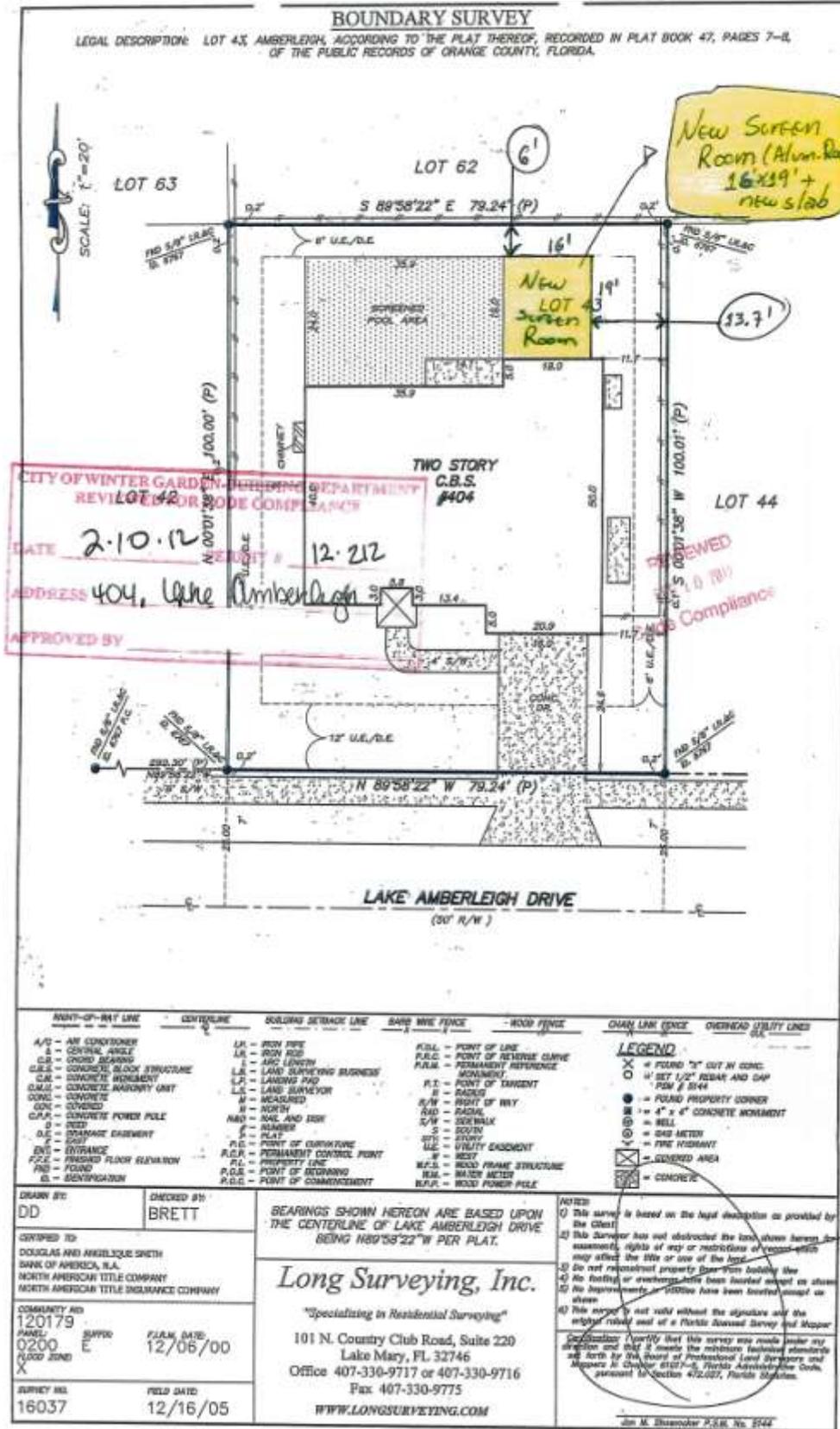


**ZONING MAP**  
**404 Lake Amberleigh Drive**



**SURVEY**

**404 Lake Amberleigh Drive**



AWAY-OF-REY LINE	CENTERLINE	SEPARATING SETBACK LINE	RAILS WIRE FENCE	ROOF FINISH	CHAIN LINK FENCE	OVERHEAD UTILITY LINES
A/C - AIR CONDITIONER A - CROWN ANGLE C.B. - CORNER BEARING C.E.S. - CONCRETE BLOCK STRUCTURE C.M. - CONCRETE MASONRY C.M.S. - CONCRETE MASONRY UNIT CONC. - CONCRETE CON. - CONCRETE C.P.F. - CONCRETE POWER POLE D - DIRT D.E. - DRAINAGE EASEMENT E - EAVE ENT - ENTRANCE F.L.S. - FINISHED FLOOR ELEVATION FND - FOUND G. - GROUND	LA - IRON PIPE L.R. - IRON ROD L.S. - L.S.C. LENDING L.L. - LAND SURVEYING BUSINESS L.P. - LANDING PAD L.S. - LAND SURVEYOR M - MARKED N - NORTH N&D - NAIL AND IRON N. - NUMBER P.C. - POINT OF CURVATURE P.C.P. - PERMANENT CONTROL POINT P.L. - PROPERTY LINE P.O. - POINT OF BEGINNING P.O.C. - POINT OF COMMENCEMENT	P.O.L. - POINT OF LINE P.R.C. - POINT OF REVERSE CURVE P.R.M. - PERMANENT REFERENCE MONUMENT P.T. - POINT OF TANGENT R - RADIOS R/W - RIGHT OF WAY RAD - RADIAL S/W - SIDEWALK S - SOUTH ST - STAIR U.E. - UTILITY EASEMENT W - WEST W.F.S. - WOOD FRAME STRUCTURE W.M. - WOOD MEASUREMENT W.P.F. - WOOD POWER POLE	<b>LEGEND</b> X = FOUND "X" OUT IN CONC. 1/4" SET 1/2" REBAR AND CAP P.M. # 1044 ● = FOUND PROPERTY CORNER ■ = 4" x 4" CONCRETE MONUMENT ⊙ = WELL ⊗ = GAS METER ⊕ = FIRE HYDRANT ⊞ = SEWER AREA ⊚ = CONCRETE			
DRAWN BY: DD	CHECKED BY: BRETT	BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF LAKE AMBERLEIGH DRIVE BEING N89°58'22" W PER PLAT.		NOTES: 1) This survey is based on the legal description as provided by the Client. 2) This Surveyor has not obstructed the land shown herein for assessment, rights of way or restrictions of record which may affect the title or use of the land. 3) Do not reconstruct property boundaries without the approval of this Surveyor. 4) No buildings or structures have been located subject to claim. 5) No improvements or structures have been located subject to claim. 6) This report is not valid without the signature and the original sealed and of a Florida Licensed Survey and Mapper.		
COMPANED TO: DOUGLAS AND ANGELIQUE SMITH BANK OF AMERICA, N.A. NORTH AMERICAN TITLE COMPANY NORTH AMERICAN TITLE INSURANCE COMPANY	COMMUNITY NO: 120179 ANGLED: 0200 FLOOD ZONE: X	PLANK DATE: 12/06/00	<b>Long Surveying, Inc.</b> "Specializing in Residential Surveying" 101 N. Country Club Road, Suite 220 Lake Mary, FL 32746 Office 407-330-9717 or 407-330-9716 Fax 407-330-9775 WWW.LONGSURVEYING.COM			
SURVEY NO: 16037	FIELD DATE: 12/16/05					

END OF STAFF REPORT