



**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
NOVEMBER 5, 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 6:31 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 at 6:32 p.m.

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT/ARRIVED LATE:**

None

**STAFF PRESENT:**

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, and Planning Technician Corrina Williams.

**3. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held September October 1, 2012.

*Motion by Kent Horsley to approve the October 1, 2012 minutes, seconded by James Dunn, the motion carried unanimously 7-0.*

**GENERAL STATEMENT:** Community Development Director Ed Williams requested the Board to change the December 3rd regular meeting of the Planning and Zoning Board to November 26, 2012 at the request of Sembler/Florida Hospital applicants for the Winter Garden Village @ Fowler Groves PCD and Development Order Amendment for the purpose of meeting a yearend deadline. All members expect to be present with the exception of Mr. Mark Maciel.

*Motion by James Gentry to approve the moving of the December 3, 2012 regular meeting of the Planning and Zoning Board to November 26, 2012 at 6:30 pm. Seconded by James Dunn, the motion carried unanimously 7-0.*

**VARIANCE(Public Hearing)**

**4. 50 W. Garden Avenue – (Sansing, Mark)**

Senior Planner Stephen Pash presented the request for two variances for the property located at 50 W. Garden Avenue. The applicant is requesting the two variances to build an addition onto the existing house. The proposed addition is in approximately the same location as an existing pool and screen room. The applicant is requesting a 7' side yard setback in lieu of the 10' set back required by City Code along with a rear yard setback of 10.8' which is the same of the existing pool and screen room structures, in lieu of the 24' setback required by City Code. Staff is recommending approval of both variance requests. The request will not negatively impact any of the surrounding properties and the proposed setbacks are consistent with the surrounding area. The variances are consistent with the City's Comprehensive Plan and requested variances are the minimum to make reasonable use of the land. The property to the east was granted several variances consistent with this applicants request, along with the development of the surrounding properties happened during the 1940's and were subject to smaller setback requirements.

*Motion by Kent Horsley to approve the two variance requests to allow for a 7' side yard setback and a 10.8' rear yard setback reduction for the construction of a proposed addition on the property at 50 W. Garden Avenue subject to Staff recommendations (Attached Exhibit "A)". Seconded by Rohan Ramlackhan, the motion carried unanimously 7-0.*

**SPECIAL EXCEPTION PERMIT(Public Hearing)**

**5. 32 E. Miller Street – (S & A Commercial)**

Senior Planner Laura Smith presented the special exception at 32 E. Miller Street to allow for a personal service uses in a C-3 zoning district. The C-3 zoning district does not allow for personal service uses. The applicant proposes to open a hair salon in one of the tenant spaces of this duplex for up to three operators with the possibility of growing into the other tenant space for an additional three operators for a maximum of six if they were both under the same ownership. This property was recently renovated and redeveloped into a commercial site from the prior use of a residential duplex. Staff have reviewed the proposal and would recommend approval subject to the conditions of the staff report.

General discussion of the Board and City Staff with clarification of the parking for this site. The Board reviewed the site plan and deemed that the parking may not be sufficient to handle the expansion of the business into the second tenant space having a total of six operators on the site.

Saul Grimes, 32 E. Miller Street, Winter Garden, FL 34787 – owner of the building of the proposed project. Spoke with regard to the property having 13 paved parking spaces currently on the site utilizing the previous residential with the new commercial spaces.

Senior Planner Laura Smith clarified to the Board that the property has six commercial paved spots on the side with one more additional space for handicap parking. The two front driveways are not wide enough to be counted as two parking spaces so they are counted as one each resulting in a total of 8 regular and 1 handicap parking spaces for this site.

Board discussed with City Staff and City Attorney that if the applicant is willing to modify the application to be for half the property as only one tenant space resulting in the use of 3 operators and if the applicant does have a need to grow into the other tenant space it can be brought back before the Board at that time. Mr. Grimes requested clarification on whether or not he was allowed to rent the other tenant space. Senior Planner Smith advised Mr. Grimes that he is allowed to rent the other tenant space as long as it is for a use that is allowed in the C-3 zoning district and that tenant would not have to appear before this Board.

*Motion by Eric Weiss to approve the Special Exception Permit for half the property of 32 E. Miller Street –to allow for a hair salon with a 3 operator capacity subject to Staff recommendations to be modified to 3 operators instead of the 6 operators under the summary (Attached Exhibit “B”). Seconded by James Gentry, the motion carried unanimously 7-0.*

## **ANNEXATION, REZONING, FUTURE LAND USE MAP AMENDMENT (Public Hearing)**

### **6. 441 Lakeview Road (Asma, Charles)**

Senior Planner Stephen Pash presented a voluntary annexation application for the property located at 441 Lakeview Road. The applicant has requested voluntary annexation with the future land use designation of low density residential and the zoning of R1. City Staff recommends approval of all three ordinances.

*Motion by James Dunn to recommend the approval of 441 Lakeview Road – Annexation - Ordinance 12-49, Future Land Use Amendment – Ordinance 12-50, and Rezoning – Ordinance 12-51. Seconded by Kent Horsley, the motion carried unanimously 7-0.*

### **7. 1101 E. Plant Street (City of Winter Garden)**

Senior Planner Stephen Pash presented an annexation application for the property located at 1101 E. Plant Street. The City recently acquired this property as part of the Plant Street road widening project to obtain right-of-way. The buildings on the property will be demolished and once the Plant Street road widening project is complete will probably sell the property. By this the City submits the application for annexation, and to apply a land use designation of commercial and a zoning designation of a C-2 district. City Staff recommends approval of all three ordinances.

*Motion by Eric Weiss to recommend the approval of 1101 E. Plant Street – Annexation - Ordinance 12-56, Future Land Use Map Amendment – Ordinance 12-57, and Rezoning – Ordinance 12-58. Seconded by Mark Maciel, the motion carried unanimously 7-0.*

**8. 100 and 200 Avalon Road (City of Winter Garden)**

Senior Planner Laura Smith presented a proposal for a future land use map amendment for the 209 acre property commonly known as Tucker Ranch located at 100 and 200 Avalon Road, the southwest corner of the intersection of the Florida Turnpike and Avalon Road. City owned site purchase in January 2011 and annexed into the City in October 2011. City requests a future land use designation of the property from its Orange County designation of Rural Agricultural to the City designation of Conservation. It is the City’s intent to develop the property into a City Park with a variety of uses and activities providing a limited access to Johns Lake. Due to the size of the property amending the future land use designation requires review by the Florida Department of Economic Opportunity and other State and Regional Agencies. Upon adoption and the thirty day waiting period it is the City’s intent to present a proposal for the rezoning of the property as well. Staff recommends the approval of Ordinance 12-63 and recommend that staff be allowed to transmit the future land use map amendment to the Florida Department of Economic Opportunity for consideration.

*Motion by Mark Maciel to recommend the approval of 100 and 200 Avalon Road –Future Land Use Map Amendment – Ordinance 12-63 for transmission to the Florida Department of Economic Opportunity with staff recommendations (Attached Exhibit “C”). Seconded by James Dunn, the motion carried unanimously 7-0.*

**9. 3017 Daniels Road (Winter Garden Village @ Fowler Groves PCD)**

Community Development Director Ed Williams requested this item to be tabled as part of the general statement presented at the beginning of the meeting.

*Motion by Kent Horsley to table this item until the next Planning and Zoning Board Meeting on November 26, 2012 at 6:30 pm. Seconded by Eric Weiss, the motion carried unanimously 7-0.*

**10. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:00 p.m. and scheduled to meet for a revised regular meeting date of November 26, 2012 at 6:30 p.m. in the City Hall Commission Chambers, 300 W. Plant Street.

**APPROVED:**

**ATTEST:**

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Chairman James Gentry

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Planning Technician Corrina Williams

# EXHIBIT "A"

## 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:** STEVE PASH, SENIOR PLANNER  
**DATE:** NOVEMBER 5, 2012  
**SUBJECT:** VARIANCE  
**50 W. Garden Avenue (0.32+/- ACRES)**  
**PARCEL ID # 14-22-27-9392-02-530**

**APPLICANT:** Mark Sansing

### INTRODUCTION

The purpose of this report is to evaluate the request for a side yard setback and a rear yard setback variance for property located at 50 W. Garden Avenue in Winter Garden, Florida. The request is for a 7 foot side setback in lieu of the required 10 foot side yard setback and for a 10.8 foot rear yard setback in lieu of the required 24 foot rear yard setback. If approved, this variance will allow an addition to the house that will contain a new dining room and a covered patio.

The subject property, located on W. Garden Avenue is approximately a 0.32± acre lot near the intersection of W. Garden Avenue and N. Lakeview Avenue. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



P&Z : PH12-049

The subject property carries the zoning designation R-1 (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 2,196 square foot single-family residential home with a screened pool positioned in the same general location as the proposed addition.

**ADJACENT LAND USE AND ZONING**

The adjacent properties to the south, east and west of the subject property are single-family residential homes, have the zoning designation R-1 (Single-Family Residential District) and the future land use designation of LR (Low Density Residential). The property to the north is Tanner Auditorium and a City of Winter Garden Park.

The property to the east (40 W. Garden Avenue) was granted several variances in 2007 to build an accessory structure with a 5 foot rear yard setback and a 5 foot side yard setback. The property located at 30 W. Garden Avenue, built in 1946 is constructed with a very minor (+/- 2 foot) rear yard setback.

**PROPOSED USE**

The applicant would like to demolish the existing pool and screen room and build an addition to the principal structure in the same general location as the pool. The proposed addition will consist of a new dining room and a covered patio.

**CODE REFERENCE**

**Sec. 118-308 (1)** of the City Code of Ordinances addresses minimum yard requirements. This section states in part that the minimum yard requirements in the R-1 Single-Family Residential District are *“front: 30 feet, side: 10 feet each, rear: 20% of depth of lot.”*

The applicant is seeking a variance to the minimum side yard and a variance to the minimum rear yard setbacks to allow the proposed addition to be built with a 7 foot side yard setback and a 10.8 foot rear yard setback. The application for variance does not include any removal of 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.

- (1) *Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

The proposed addition located 7 feet from the side property line and 10.8 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the existing pool and screen room are already located 4.2 feet from the side property line and at the same rear yard setback as the proposed addition.

- (2) *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 variances allowing a 7 foot side yard setback in lieu of the required 10 foot and a 10.8 foot rear yard setback in lieu of the required 24 foot will allow reasonable use of the property. The request is actually less of an impact than the existing structure. The existing structure is built with a 4.2 foot side yard setback and the proposed setbacks are in character with other structures located in the surrounding area.

- (3) *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 expand the home any further into the setbacks than the existing structure already sits.

- (4) *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.

- (5) *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 variances requested are the minimum variances that will make reasonable use of the land. The existing structure is already located at a side yard setback of 4.2 and a rear yard setback of 10.8 feet. The proposed addition removes the existing pool and screen room and replaces them with a structure that is located at the same rear yard setback, but further from the side yard. Denying this variance does not benefit the property owner or the City.

#### **SUMMARY**

City Staff recommends approval of a variance to Sections 118-308(1)b to allow a 7 foot side yard setback in lieu of the required 10 foot side yard setback and a approval of a variance to Section 118-308 (1)c to allow a 10.8 foot rear yard setback in lieu of the required 24 foot rear yard setback for the property to allow for the construction of the proposed addition.

P&Z : PH12-049

**NEXT STEP**

Apply for the appropriate Building Permits.

**ATTACHMENTS**

- Aerial Photos
- Survey
- Site Photos

**AERIAL PHOTO**  
**50 W. Garden Avenue**



P&Z : PH12-049





**Site Photos**  
**50 W. Garden Avenue**



P&Z : PH12-049



P&Z : PH12-049



P&Z : PH12-049



**END OF STAFF REPORT**

P&Z : PH12-049

**EXHIBIT “B”**

**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:** NOVEMBER 1, 2012  
**SUBJECT:** SPECIAL EXCEPTION PERMIT  
**32 East Miller Street (S & A Commercial LLC.)**  
**PARCEL ID # 23-22-27-8900-01-140**

**APPLICANT:** Alexia Clemens

**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 32 East Miller Street. 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 the personal service use of a hair salon. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-3. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

**EXISTING USE**

The property consists of one 1,472 square foot residential duplex structure which has been recently renovated and the site redeveloped for professional office use. The building is now divided into 2 tenant spaces and the site contains a total of 8 standard parking spaces and one handicapped parking space.

**ADJACENT LAND USE AND ZONING**

The properties located to the north of the subject property are both single family residential structures zoned R-2 within the City of Winter Garden. The property located to the east of the subject property is another commercial property that is owned and occupied by a Church and is zoned C-3 within the City of Winter Garden. The property located to the west of the subject property is a single family residential structure which is zoned R-2 within the City of Winter Garden. The property located to the south is a residential duplex zoned R-2 in the City of Winter Garden.

**PROPOSED USE**

The applicant proposes to open a hair salon in one of the two tenant spaces located at 32 East Miller Street for up to 3 operators with potential expansion into the other tenant space for an additional 3 operators.

**SUMMARY**

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

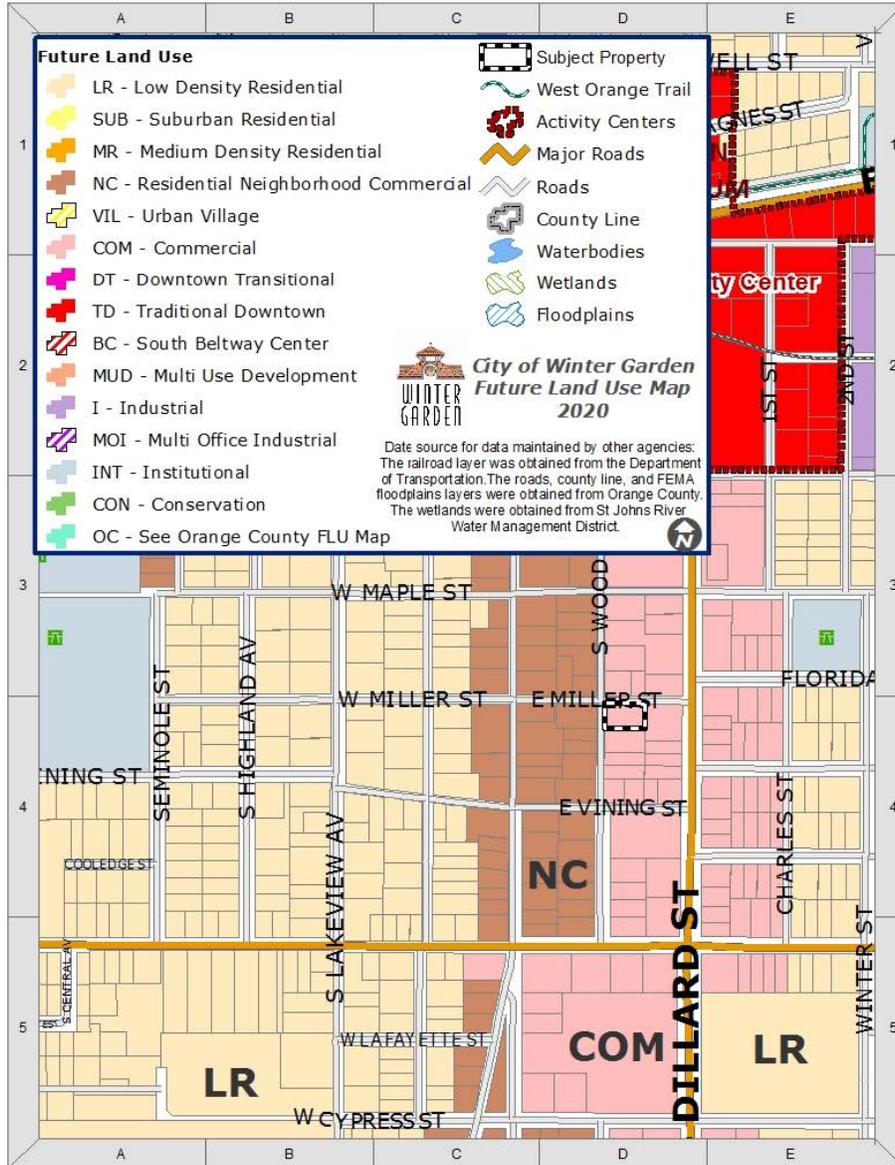
- The personal service uses permitted at the subject property are limited to those uses which are classified as one of the following: Barber Shop, Beauty Shop, Hair Salon and/or Health Spa.
- The maximum number of state licensed operators and/or service providers shall be limited to 3 ~~per individual~~ **within the** tenant space, ~~and shall not exceed 6 such operators if both tenant spaces are occupied by the same business.~~
- All necessary permits must be obtained prior to beginning any construction on or alterations to the site and/or facility.

MAPS/EXHIBITS

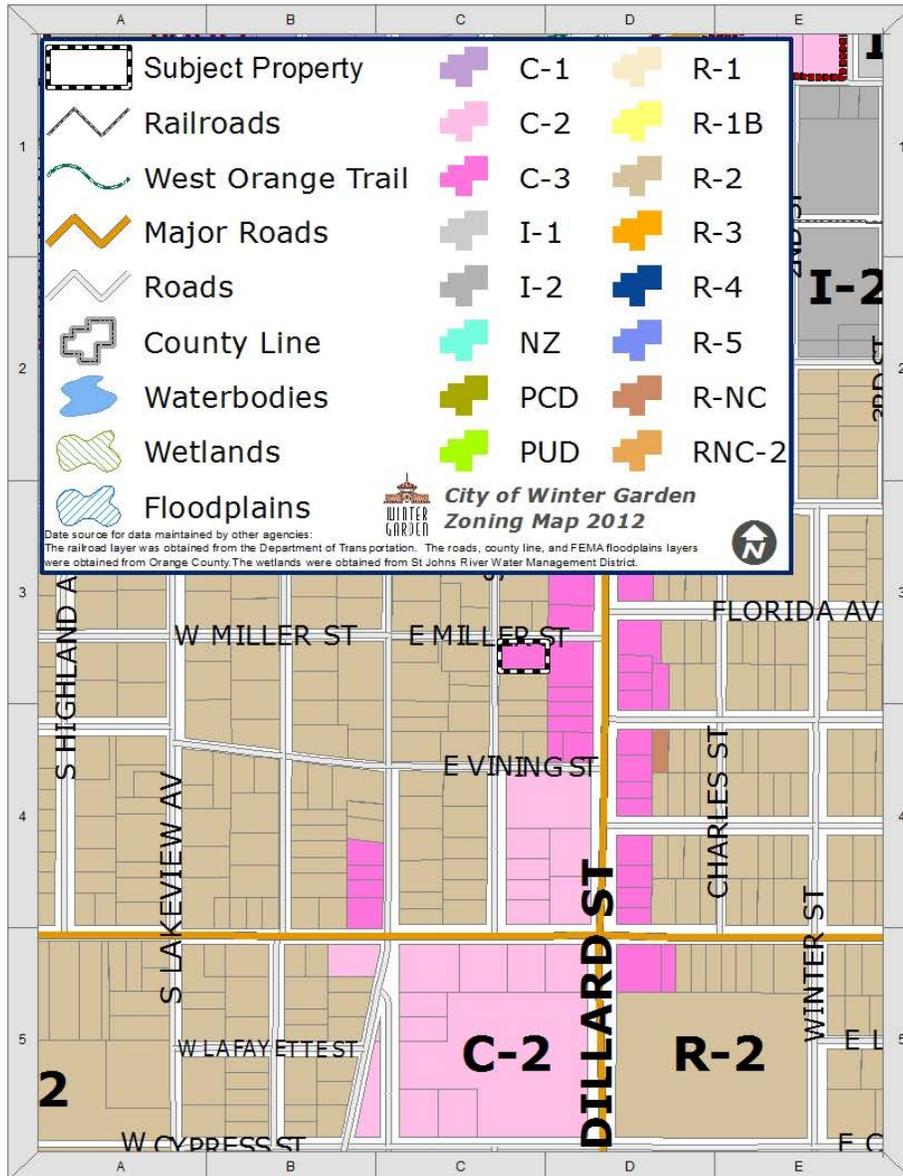
**AERIAL PHOTO**  
**32 East Miller Street**



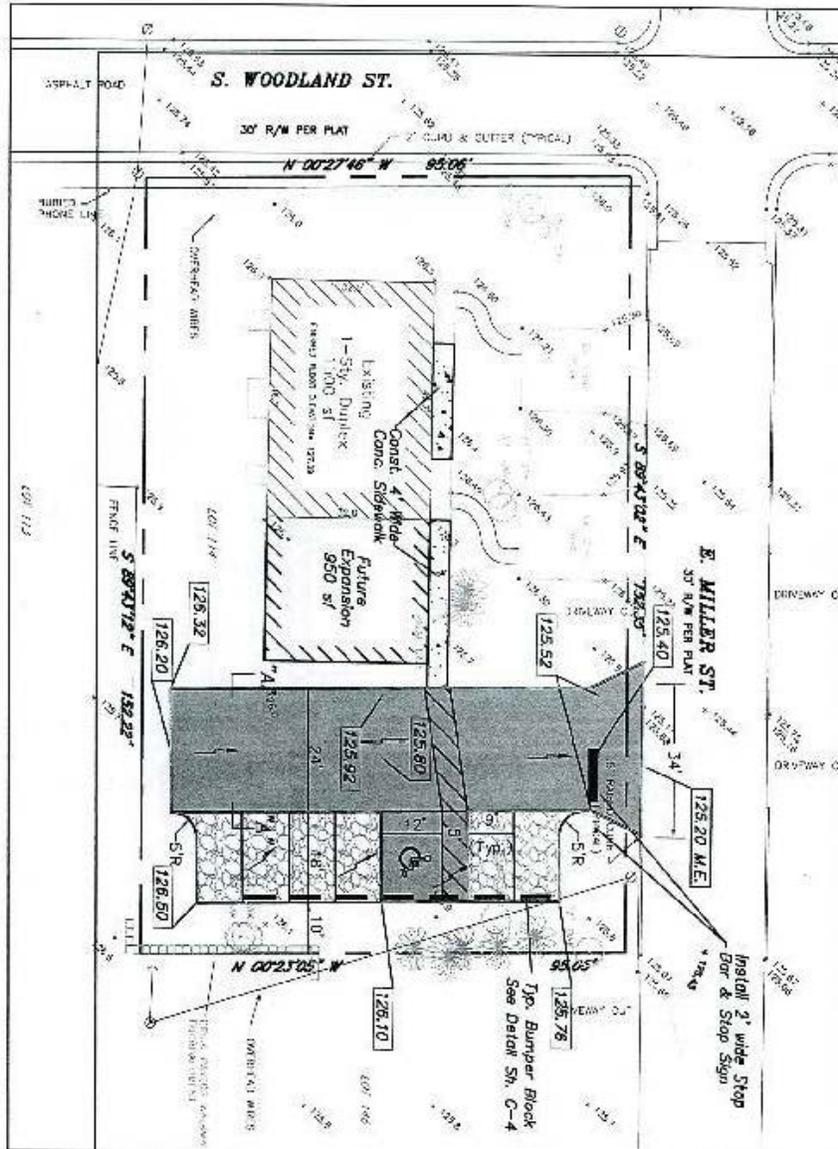
**Future Land Use Map  
 32 East Miller Street**



**Zoning Map**  
**32 East Miller Street**



**Site Plan**  
**32 East Miller Street**



END OF STAFF REPORT

**EXHIBIT “C”**

**CITY OF WINTER GARDEN  
PLANNING & ZONING DIVISION**

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

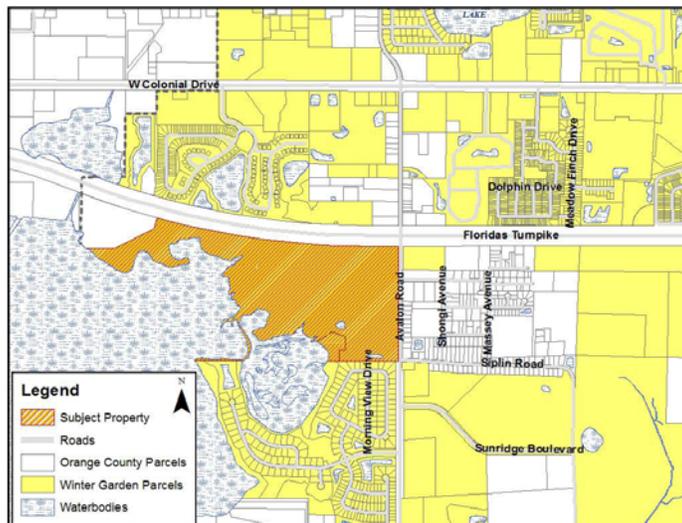
**STAFF REPORT**

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** LAURA SMITH, SENIOR PLANNER  
**DATE:** NOVEMBER 1, 2012  
**SUBJECT:** FUTURE LAND USE MAP AMENDMENT  
**TUCKER RANCH PROPERTY (209 +/- ACRES)**  
Parcel ID # 28-22-27-0000-00-010  
Parcel ID # 28-22-27-0000-00-035  
**APPLICANT:** CITY OF WINTER GARDEN

**INTRODUCTION**

The purpose of this report is to evaluate the proposed future land use map amendment for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located on the west side of Avalon Road and south of the Florida Turnpike and is approximately 209 +/- acres. The City purchased the property in January 2011 and was annexed into the City in October 2011. The map below depicts the location of the Tucker Ranch property within the City’s jurisdictional limits:



As owner of the Tucker Ranch property, the City has annexed the land onto the City and now requests to amend the future land use designation of the property from Orange County Rural/Agricultural to City Conservation. At this time the property is not being considered for rezoning, however upon completion of the future land use map amendment for the Tucker Ranch property City staff will proceed with the rezoning process to ensure that all City laws and regulations apply to the land.

The City's Comprehensive Plan policy for the future land use designation of Conservation states:

**Policy 1-1.2.11:** Conservation. Properties designated with the Conservation land use category are required to be developed at a floor area ratio not greater than 0.2. Property assigned the Conservation land use designation shall be lands that are natural resources. It is the intent of this land use designation to provide for the long term protection and preservation of environmentally sensitive natural resources systems. Development shall be limited to passive recreation facilities such as boardwalk or conservation related facilities such monitoring facilities or educational trails. The developer of land adjacent to areas designated with the Conservation land use shall bear the burden of proof in determining that proposed development will not adversely impact conservation resources. The zoning classifications that is consistent with the Conservation classification is CON and INT.

#### **EXISTING USE**

The property is substantially vacant except for the single family residence that is located on the southernly portion of the land. The property was formerly used for a variety of agricultural and recreational uses. Most recently, the southeastern area of the site had a cattle ranch on approximately thirty (30) acres.

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

To the north of the property is the Florida Turnpike. To the south is the Johns Lake Pointe subdivision, which is actively being developed with single family residential homes under PUD Zoning. To the east is the Tildenville neighborhood that is located in unincorporated Orange County. To the west of the property is Johns Lake, of which a portion is part of the City's land. The surrounding zoning consists of PUD to the south and the Tildenville neighborhood to the east which is located in unincorporated Orange County and primarily zoned R-2 with some properties zoned R-3.

#### **PROPOSED USE**

The City purchased the property for a future park with the intent to create a unique nature park with a variety of passive recreational uses and activities, as well as, provide limited access to the lake. Also, the City is in the process of using a portion of the property for sustainable farming.

#### **PUBLIC FACILITY ANALYSIS**

The property's primary point of transportation access is from Avalon Road (County Road 545). The existing property access is along the southern edge of the property.

The City will provide water and sewer service to the property. The City has facilities adjacent to the property on the south side along Avalon Road (CR545). The City will provide utilities for the park office with the development of the property. The existing house currently utilizes a well and septic system.

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 Fire Department under the First Response system.

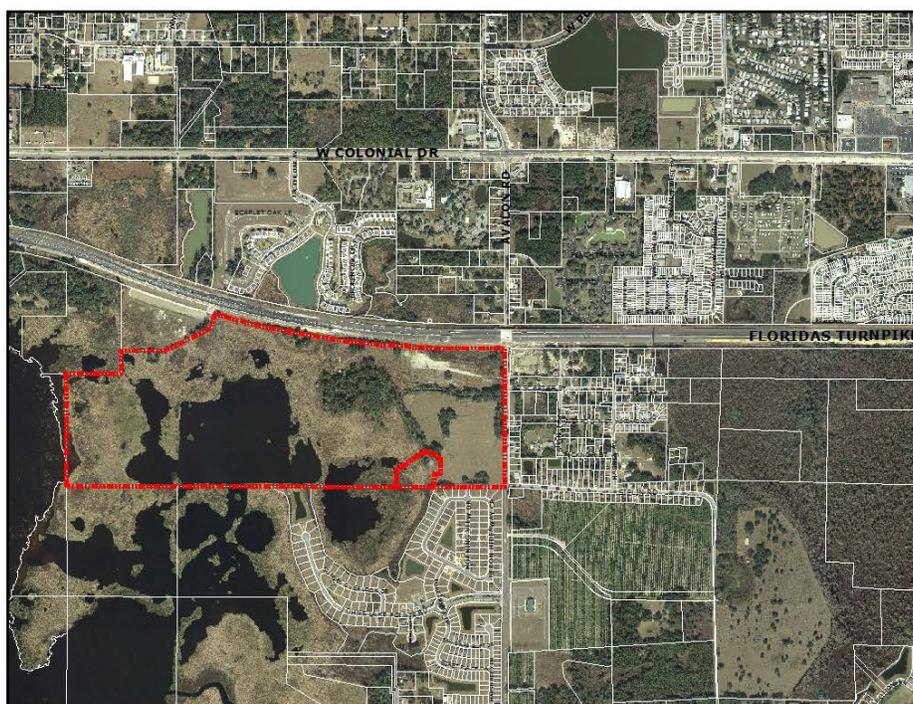
**SUMMARY**

The City Planning Department has reviewed the proposed ordinance and recommends approval.

**MAPS**

**AERIAL PHOTO**

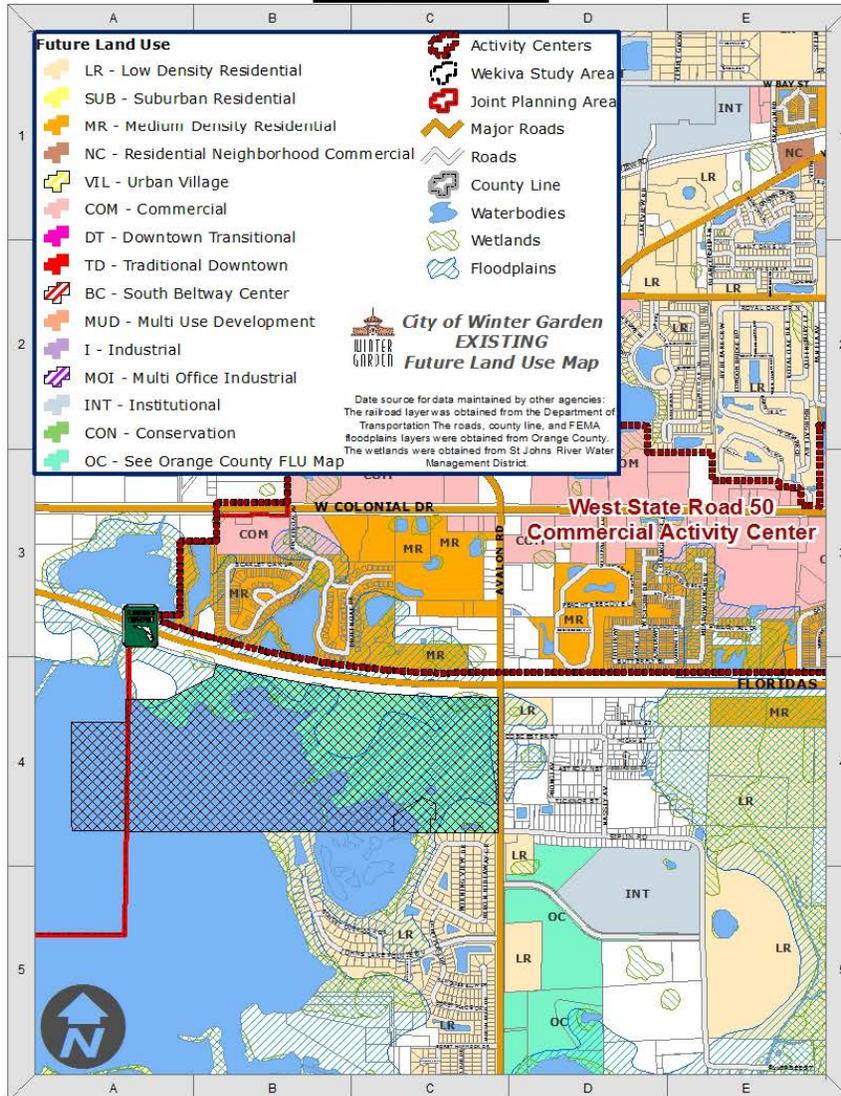
**100 - 200 Avalon Road**



**WINTER GARDEN  
 FUTURE LAND USE MAP**

**EXISTING**

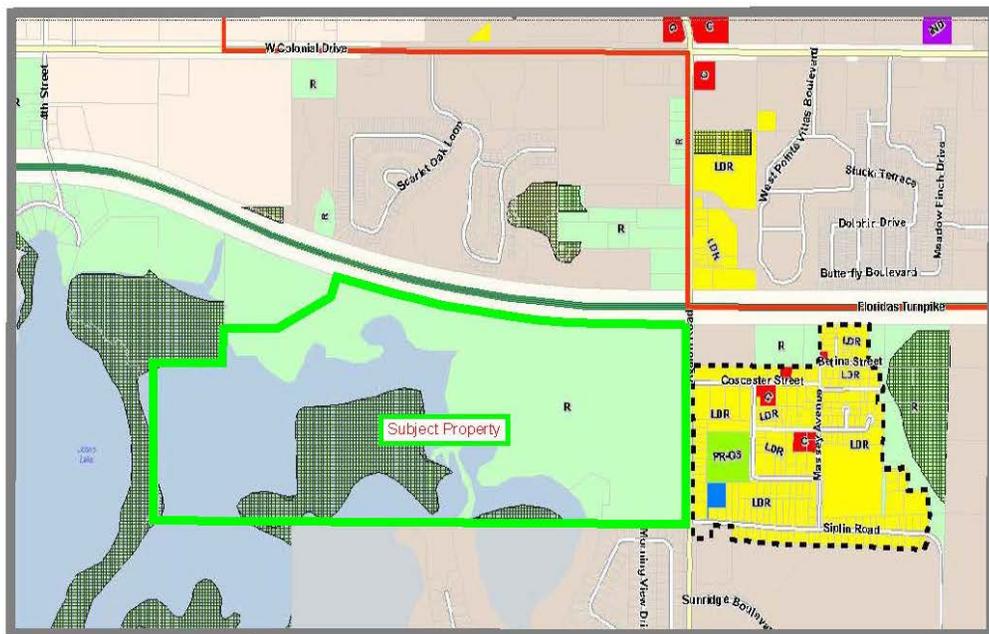
**100 - 200 Avalon Road**



ORANGE COUNTY  
 FUTURE LAND USE MAP

EXISTING

**100 - 200 Avalon Road**

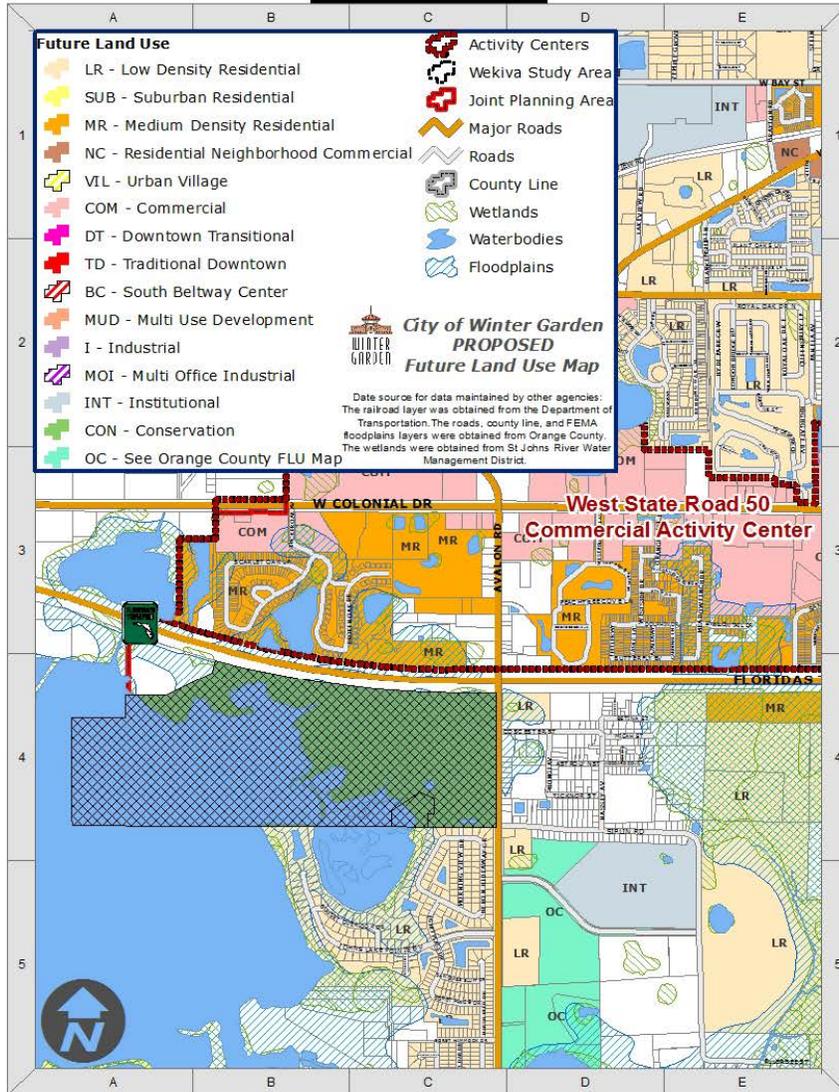


Rural	Low-Medium Density	Neighborhood Center	Village	Education
Rural 1/1	Medium Density Residential	Neighborhood Residential	Office	Parks/Recreation
Rural 1/2	High Density Residential	Activity Center Residential	Commercial	Preservation
Rural 1/5	Traditional Neighborhood	Activity Center Mixed Use	Industrial	Planned Development
Low Density Residential	Neighborhood Activity Corridor	Community Village Center	Institutional	Water Body

WINTER GARDEN  
 FUTURE LAND USE MAP

PROPOSED

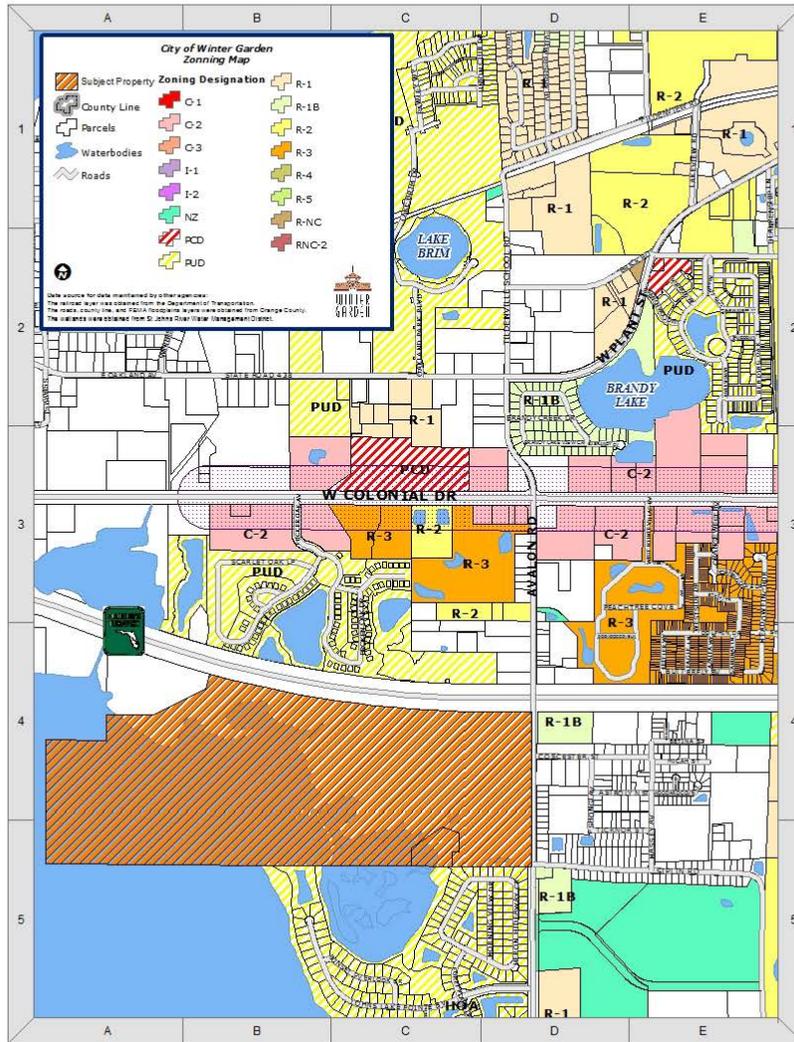
100 - 200 Avalon Road



**WINTER GARDEN  
 ZONING MAP**

**CURRENT**

**100 - 200 Avalon Road**



**END OF STAFF REPORT**