



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
FEBRUARY 4, 2013**

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 at 6:30 p.m.

MEMBERS PRESENT:

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

MEMBERS ABSENT/ARRIVED LATE:

Board Member – Mark Maciel Arrived Late (7:23 pm)

STAFF PRESENT:

City Attorney(s) Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Stephen Pash, and Planning Technician Corrina Williams.

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held on January 7, 2013.

Motion by Kent Horsley to approve the January 7, 2013 minutes, seconded by James Dunn, the motion carried unanimously 6-0.

VARIANCE(Public Hearing)

4. 1089 Walker Street – (CPH Engineers, Inc. – Autozone)

Senior Planner Steve Pash presented a request for two variances at 1089 Walker Street. Applicant is requesting a variance to the side yard setback and a variance to the minimum 10' landscape area around the building to build a new "AutoZone" auto parts store. The property

is located at the northeast corner of W. State Road 50 (W. Colonial Drive) and Walker Street. The variances would allow the applicant to build the building with a side yard setback of 6.86' and allow for approximately 50% of no landscaping in the minimum 10' buffer around the building. Staff is recommending denial of both variances, being new construction on vacant property the development should be designed to meet the City standards and City code requirements. Allowing the new construction to be designed without meeting the City code is not consistent with any City objectives and could cause negative impact to the City. The requested variances are out of character with the surrounding neighborhood and the West State Road 50 Road expansion and modifications completed in the commercial corridor. Granting of the variance is not consistent with the City Comprehensive Plan as it relates to the West State Road 50 (WSR50) Commercial Corridor Overlay and that we use setbacks and landscaping to enhance this area. Variances requested are not the minimum to make use of the land. New construction can be designed to meet all code requirements.

Brady Lessard of CPH Engineers, Inc., 500 Rosalind Avenue, Orlando, FL 32801, representing property owner and applicant as "AutoZone" - made a presentation to the Board with a handout delivered to the Board. Mr. Lessard provided a summary of the community meeting discussion items and that the applicant has made adjustments to the design to incorporate remedies for neighboring properties owners.

Citizen, Steven Verhoest, 175 Water Street, Winter Garden, FL 34787 – made a statement opposing the request.

General discussion by the Board with staff clarifying there is no justification for these variances and that they are self-created. Also recognizing that a site plan has not been submitted and should be the first step before a variance is requested.

Mr. Lessard responded to the Boards comments summarizing that the goals of the WSR50 Overlay are met with the current design and the variance requests are justified, and being submitted due to proprietary requirements of "AutoZone" corporation.

Board further discussed with Mr. Lessard and Senior Planner Stephen Pash to clarify what the applicant is actually requesting a variance of. It was clarified the applicant was asking for a side yard setback variance on the east side of the building and a landscape variance for the west and south side of the building.

Property Owner, George Bori, 1515 Blackwood Avenue, Gotha, FL 34734 – made a statement in support of the request.

Motion by Kent Horsley that the application for a variance on the various parcels identified as 1089 Walker Street be denied per staff recommendation for improvement. Seconded by James Dunn, the motion carried unanimously 6-0.

5. 3638 Turningwind Lane – (Wallace, Paul)

Senior Planner Steve Pash presented a variance request for a property located in the Windward Cay neighborhood at 3638 Turningwind Lane. The owners are requesting a

variance to the minimum rear yard setback to allow for construction of a screen room that has a solid roof. The Owners are asking for a rear yard setback of 16.2' in lieu of the required 20' setback. Staff is recommending approval of this variance as the proposed addition should not cause any negative impacts to the neighbors and is not out of character with the neighborhood. Strict compliance of the City regulations doesn't further any City objectives and the variance is consistent with the Comprehensive Plan and it is the minimum to make reasonable use of the property. Staff recommends approval of the variance request.

Property Owner/Applicant, Ashley Wallace, 3638 Turningwind Lane, Winter Garden, FL 34787 – made a statement in support of the request.

General discussion by Board with Staff to clarify the area to be covered by the screen room.

Motion by Eric Weiss to approve 3638 Turningwind Lane variance with staff recommendations (Attached Exhibit "A"). Seconded by James Gentry, the motion carried unanimously 6-0.

SPECIAL EXCEPTION PERMIT (Public Hearing)

6. 12788 W. Colonial Drive (12792 W. Colonial Dr. Ste 100 & 120)–(Howards Hot Rod)

Senior Planner Steve Pash presented a special exception permit request to allow an auto service facility in a C-2 zoning district. Suite 100 will be a showroom for cars. Suite 120 will be used to perform the services on the cars. Staff is recommending approval of the special exception permit with the following conditions; no outdoor work is allowed; no outdoor storage is allowed; and no display or sale of merchandise is allowed.

Board Member – Mark Maciel Arrived Late (7:23 pm)

General discussion with the Board and Staff to clarify the conditions listed as the sale of merchandise. No outdoor storage of vehicles is to be included in the conditions of approval. Only sale of the service is being allowed and no sale of merchandise and vehicles is allowed. Vehicles shown in the showroom are not for sale.

Motion by James Dunn to approve the special exception permit for the property at 12792 W. Colonial Drive, Suite 100 and 120, for Howards Hot Rod. with staff recommendations (Attached Exhibit "B"). Seconded by Kent Horsley, the motion carried unanimously 7-0.

PRELIMINARY & FINAL PLAT(S)

7. Carriage Pointe Reserve – Phase 1- 37.01 +/- Acres (Taylor Morrison of Florida, Inc.)

Senior Planner Stephen Pash presented the final plat for Carriage Pointe Reserve – Phase 1. It is a final plat for a 60 lot subdivision located at the southwest corner of Avalon Road and Davenport Road. Board approved the preliminary plat for this project in June 2012 for 90 lots, and they have phased it out. The remaining 30 lots will come back on a separate application. This proposed plat is consistent with all the code requirements for final plats.

General discussion with Board and Staff.

Motion by Mac McKinney recommending approval of the Carriage Pointe Reserve – Phase 1 Final plat of 60 lots with Staff Recommendations (Attached Exhibit “C”). Seconded by Kent Horsley, the motion carried unanimously 7-0.

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

8. 17416 Amber Sweet Lane (Roberts, Joseph)

Senior Planner Stephen Pash presented a voluntary annexation application for the property located at 17416 Amber Sweet Lane for approximately 4.62 +/- acres. The applicant has requested voluntary annexation and a land use designation of Urban Village. Zoning district will not be applied until the property becomes redeveloped at which time they would be required to submit for the Urban Village Planned Unit Development. The City Staff recommends approval of Ordinance 13-09 and Ordinance 13-10 to annex the property and assign the future land use designation Urban Village.

Motion by Eric Weiss to recommend the approval of annexation and future land use map amendment of 4.62 +/- acres as 17416 Amber Sweet Lane – Annexation - Ordinance 13-09 – FLU – Ordinance 13-10, with staff recommendations (Attached Exhibit “D”). Seconded by James Dunn, the motion carried unanimously 7-0.

9. 1751 Williams Road (Foremostco, Inc.)

Senior Planner Stephen Pash presented a voluntary annexation application for the property located at 1751 Williams Road. This is the main part of the fernery where the greenhouses are and this use is proposed to remain for the time being but if and when they develop the land they would be required to submit for the Urban Village Planned Unit development The City Staff recommends approval of Ordinance 13-07 and Ordinance 13-08 to annex the property and assign the future land use designation Urban Village.

Motion by Kent Horsley to recommend the approval of annexation and future land use map amendment of 1751 Williams Road – Annexation - Ordinance 13-07 – FLU – Ordinance 13-08, with staff recommendations (Attached Exhibit “E”). Seconded by Rohan Ramlackhan, the motion carried unanimously 7-0.

CITY CODE AMENDMENT (PUBLIC HEARING)

10. Amending Article III, Division 4 and 5 of Chapter 110 of the City Code of Ordinances of the City of Winter Garden

Community Development Director Ed Williams presented two proposed amendments to the subdivision regulations for the Boards consideration. The first takes out final plats from Planning and Zoning Board review. The Planning and Zoning Board would still review preliminary plats with the discretion of this Board to make changes and or cause revisions.

The final plat is an administrative review where nothing changes. Either the project is built in that form and all the infrastructure is in or it has been bonded to be put in consistent with the preliminary plat. We are recommending that this no longer be brought before the Planning and Zoning Board and it will go directly to the City Commission.

The second change is to require a two year maintenance bond on all of the improvements after the project is done. At the present time our regulations provide a one year time frame for that maintenance bond. Often problems are not being found out in that one year period and many other jurisdictions in the central Florida already go to the two year time frame. Staff is recommending that we change the regulations to a two year maintenance bond and several developers in the past six months to a year have agreed to this even though it is not in the regulations at this point.

Staff asks Boards approval of the two changes.

General discussion with Board and Staff to clarify that if a project is phased the maintenance bond is two years from the completion of each phase.

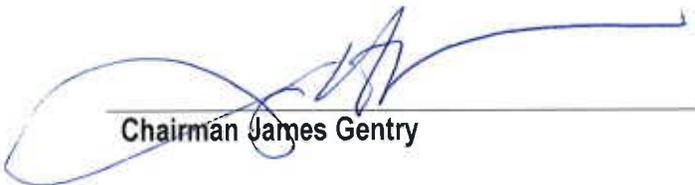
Motion by Eric Weiss to approve revision of the City Code of Ordinances to amend Article III, Division 4 and 5 of Chapter 110 of the code of Ordinances of the City of Winter Garden. Seconded by James Gentry, the motion carried unanimously 7-0.

11. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:38 p.m.

APPROVED:

ATTEST:



Chairman James Gentry



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: JANUARY 31, 2013
SUBJECT: VARIANCE
3638 Turningwind Lane (0.25+/- ACRES)
PARCEL ID# 11-23-27-9167-00-220

APPLICANT: Paul Wallace

INTRODUCTION

The purpose of this report is to evaluate the request for a rear yard setback variance for property located at 3638 Turningwind Lane in Winter Garden, Florida. The request is for a 16.2 foot rear yard setback in lieu of the required 26 foot rear yard setback. If approved, this variance will allow an addition to the house that will contain a screen room with a solid roof.

The subject property, located on Turningwind Lane is approximately a 0.25± acre lot in the Windward Cay subdivision. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



P&Z : PH12-049

impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as there is a conservation tract to the west, no adjacent neighbor to the south, and the neighbor to the north has a pool and screen room in their back yard.

- (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 variance allowing a 16.2 foot rear yard setback in lieu of the required 26 foot rear yard setback will allow reasonable use of the property. The request is consistent with the existing screen room, with the exception of the proposed addition having a solid roof. The property to the north has a screen room located +/- 10 feet from the rear property line and many of the homes in this neighborhood have pools with screen rooms located close to the rear property line, non oof which have or required variances.

- (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, does not expand the home any futher into the setbacks than the existing screen room already sits, and does not exceed the maximum impervious surface allowed in the R-1 zoning district (50%).

- (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 variance requested is the minimum variance that will make reasonable use of the land. The existing screen room is already located at a rear yard setback of 16.2 feet. The proposed addition adds a covered screen area but does not impact the neighbors and is consistent with the screen room setbacks enjoyed by many other property owners in this neighborhood. 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)c to allow a 16.2 foot rear yard setback in lieu of the required 26 foot rear yard setback to allow for the construction of the proposed screen room addition subject to the following condition:

1. The screen room cannot be enclosed with windows or solid walls.

NEXT STEP

Apply for the appropriate Building Permits.

ATTACHMENTS

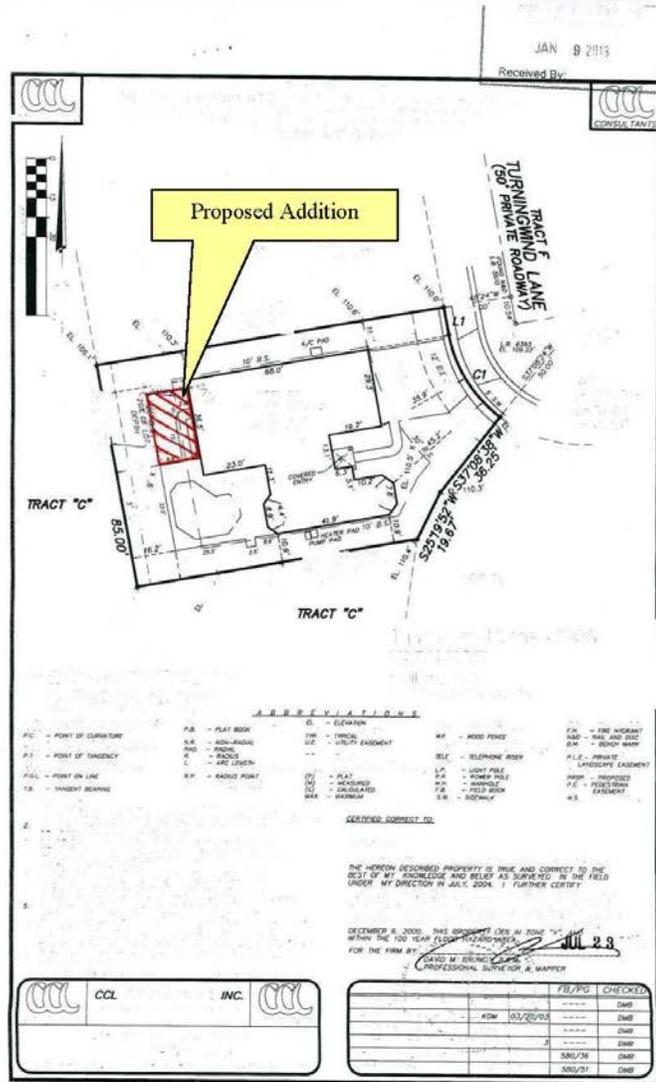
- Aerial Photos
- Survey
- Site Photos

AERIAL PHOTO
3638 Turningwind Lane



P&Z : PH12-049

SURVEY (SITE PLAN)
3638 Turningwind Lane



P&Z : PH12-049

SITE PHOTOS
3638 Turningwind Lane



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

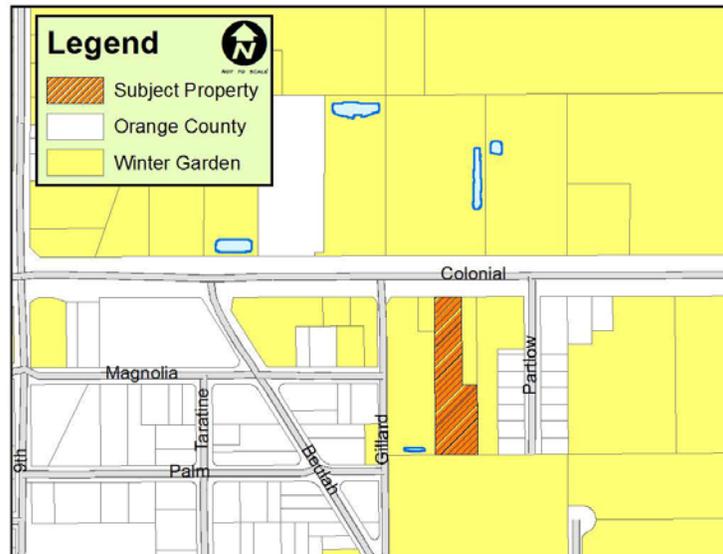
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JANUARY 31, 2013
SUBJECT: SPECIAL EXCEPTION PERMIT
12792 West Colonial Drive, Suite 100 & 120 (Howards Hot Rod Shop)
PARCEL ID # 12-22-27-6496-23-005

APPLICANT: Howards Hot Rod Shop

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 located at 12792 West Colonial Drive, Suite 100 and 120 and is approximately 1.66 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:

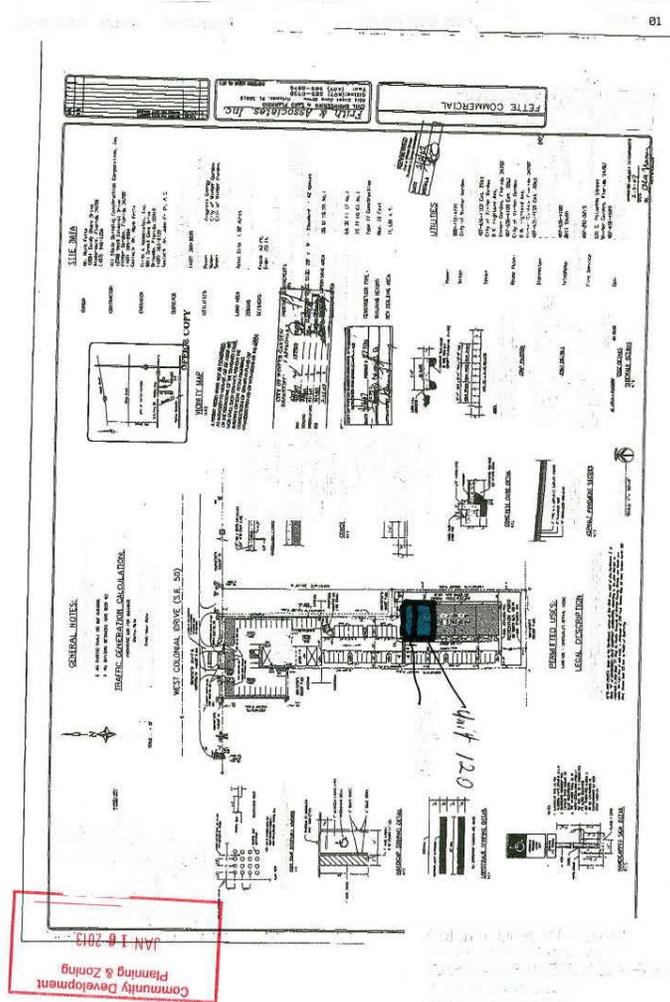


MAPS/EXHIBITS

AERIAL PHOTO
12792 W. Colonial Drive



PROPOSED SITE PLAN
12792 W. Colonial Drive



END OF STAFF REPORT

The applicant is requesting approval of Final Plat of the first phase of the 37.01± acre property to be platted as the Reserve at Carriage Pointe Phase 1 for 60 single family residential lots. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PUD (Planned Unit Development) in the City of Winter Garden. The subject property is designated Suburban Residential on the Future Land Use Map of the Comprehensive Plan. The applicant requests to plat the project in 2 phases (Phase 1 and Phase 2). The 37.01± acre site proposed for Final Plat encompasses the entire property of the subdivision, however only 60 lots of the 90 lots approved by the PUD zoning will be platted through this Final Plat as Phase 1 and an additional 30 lots will be submitted for Final Plat at a later date as Phase 2.

EXISTING USE

The preliminary plat for the 37.01± acre Reserve at Carriage Pointe PUD was approved by the Planning and Zoning Board on June 4, 2012; Construction Plans for the subdivision were approved by the City Commission on June 14, 2012. Site work for the subdivision is currently underway.

ADJACENT LAND USE AND ZONING

The properties located to the north are a vacant property of 39.45 ± acres zoned NZ in the City and Carriage Pointe PUD. The properties located to the south are in unincorporated Orange County and are large-lot (e.g., 1 to 5 acres) single-family homes and vacant properties currently zoned A-1. The property to the east is Alexander Ridge, an undeveloped PUD with 72.54 ± acres. The properties to the west are Green Machine with 9.55 ± acres and Hodges Green Houses, Inc with 4.86 ± acres.

The subject property as well as some of the surrounding properties are located within the JPA expansion area as adopted by the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden dated January 24, 2007.

PROPOSED USE

The applicant proposes to plat the 37.01± acre site to construct 60 single family residential homes as Reserve at Carriage Pointe Phase 1.

PUBLIC FACILITY ANALYSIS

The Reserve at Carriage Pointe PUD subdivision was approved for 90 single family residential lots to be developed in two phases. Infrastructure in the form of roads, water, sewer, and reclaimed water systems are being installed to support the approved subdivision.

SUMMARY

City Staff recommend approval of the proposed Final Plat for Reserve at Carriage Pointe Phase 1.

Staff has coordinated with the applicant to ensure that the Final Plat is consistent with the Code of Ordinances regarding Final Plat approval, the property specific PUD Zoning Ordinance and the approved Preliminary Plat.

ZONING MAP
Reserve at Carriage Point



**FUTURE LAND USE MAP
 Reserve at Carriage Pointe**

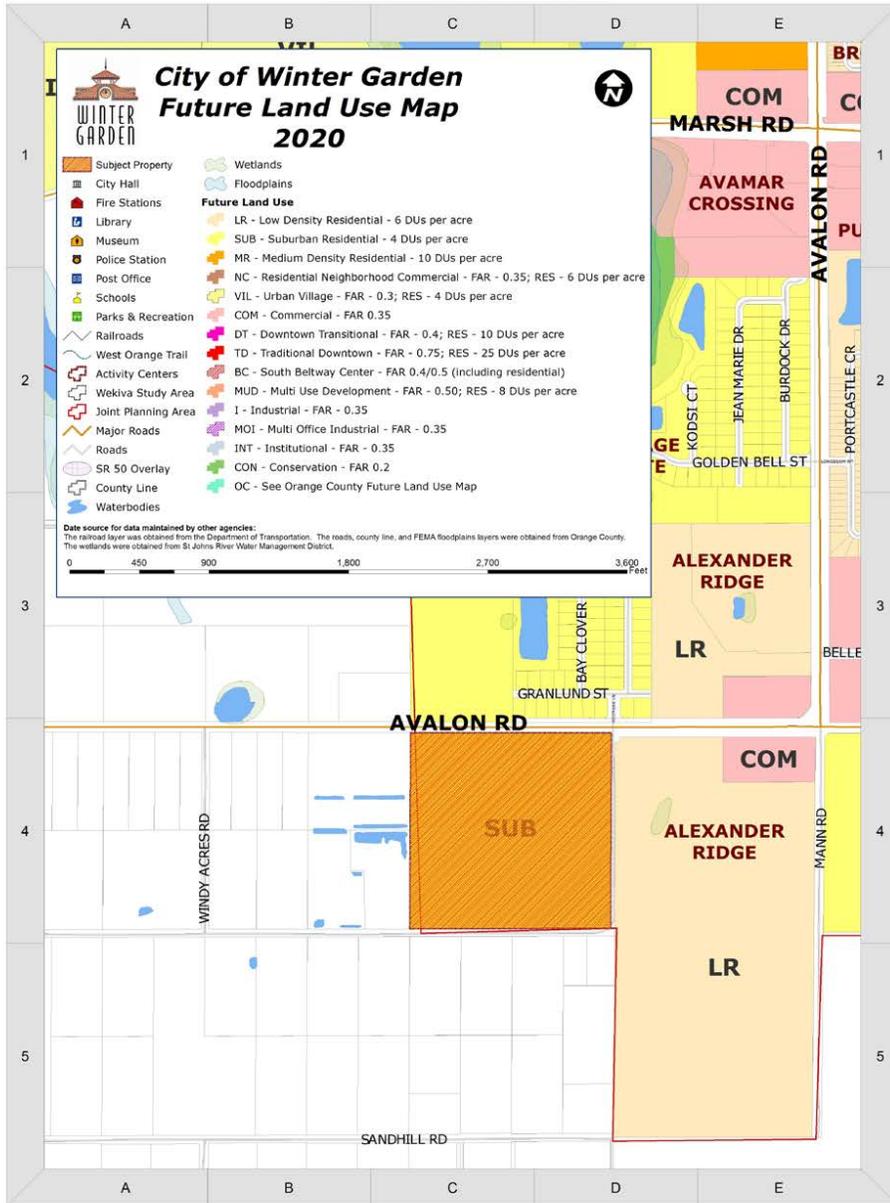


EXHIBIT “D”

**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: JANUARY 31, 2013
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
17416 AMBER SWEET LANE (4.62 +/- ACRES)
PARCEL ID #: 06-23-27-4288-08-221
APPLICANT: JPR FAMILY HOLDINGS, LLP

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 located at 17416 Amber Sweet Lane and is approximately 4.62 ± acres. The map below depicts the proximity of the subject property to the City’s jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Urban Village. At this time, no zoning designation will be applied to the property as they will be required to submit for a Urban Village Planned Unit Development when they redevelop the property.

In accordance with the City's Comprehensive Plan, permitted uses within the Urban Village land use include residential, commercial, and natural land. The zoning classifications that are consistent with the Urban Village land use designation include UVPUD and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently developed with a single-family house and an out building. The property has been used as a home and a construction business operation. The new owners are using it for agricultural purposes to operate a fernery along with the property to the north and intend to always use it for this purpose.

ADJACENT LAND USE AND ZONING

The property located to the north is developed as a fernery (agricultural use) with a large green house, and currently annexing into the City. The property located to the east is developed with a single-family house, zoned A-1 and located in Orange County. The property to the south is developed with a single-family house, zoned A-1 and located in Orange County. The property to the west is developed with a single-family house, zoned A-1 and located in Orange County.

PROPOSED USE

The applicant intends to annex the property and continue using it for the agricultural business. If they ever decide to develop the property, they will be required to submit for an Urban Village Planned Unit Development.

PUBLIC FACILITY ANALYSIS

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.

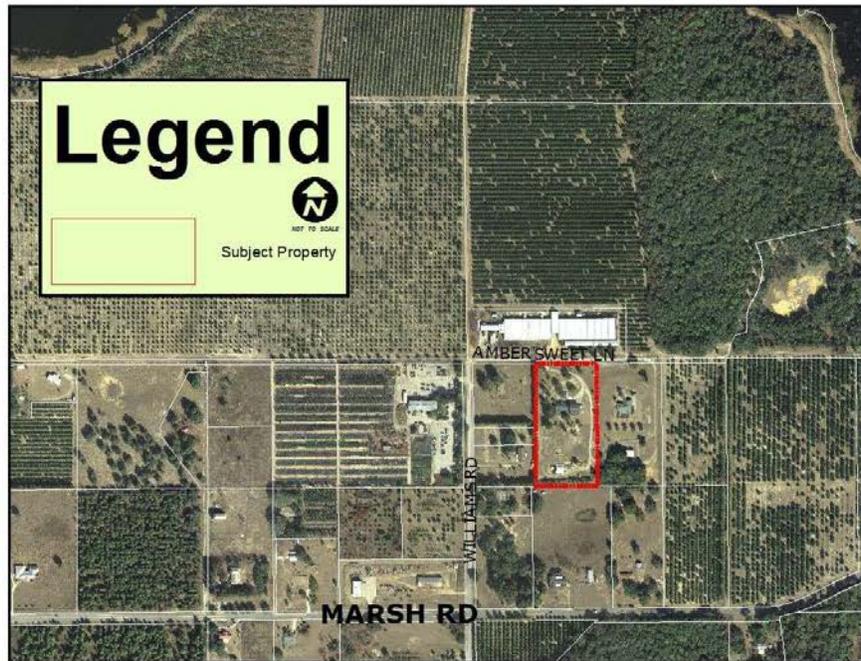
SUMMARY

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

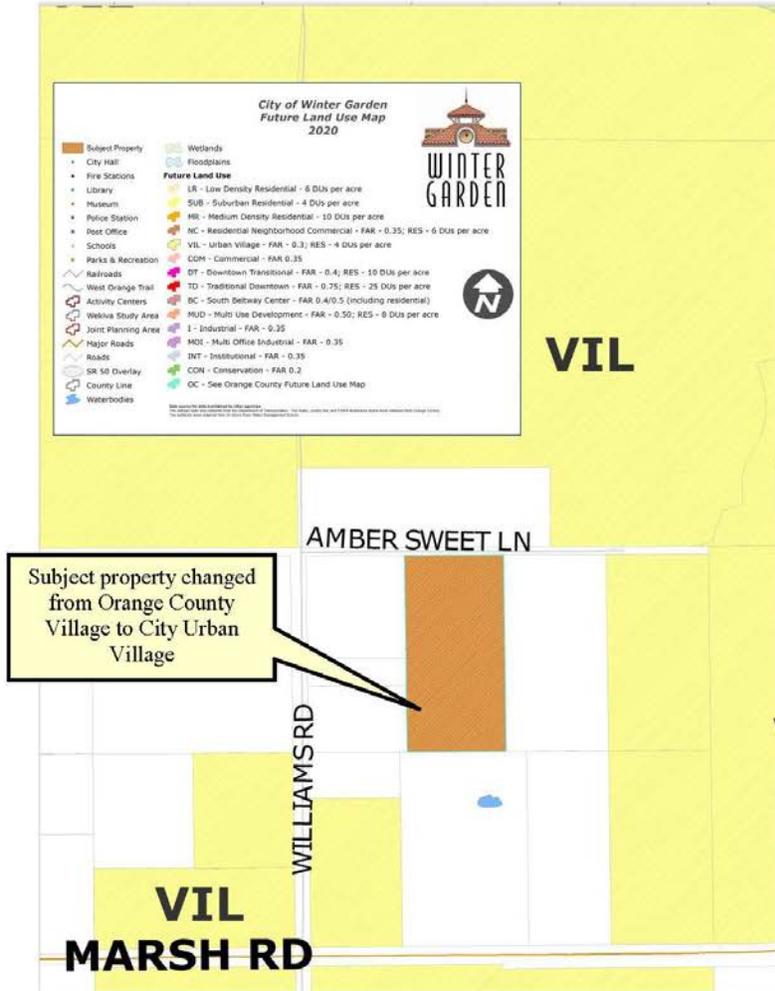
MAPS

AERIAL PHOTO

17416 Amber Sweet Lane



FUTURE LAND USE MAP
17416 Amber Sweet Lane



END OF STAFF REPORT

EXHIBIT “E”

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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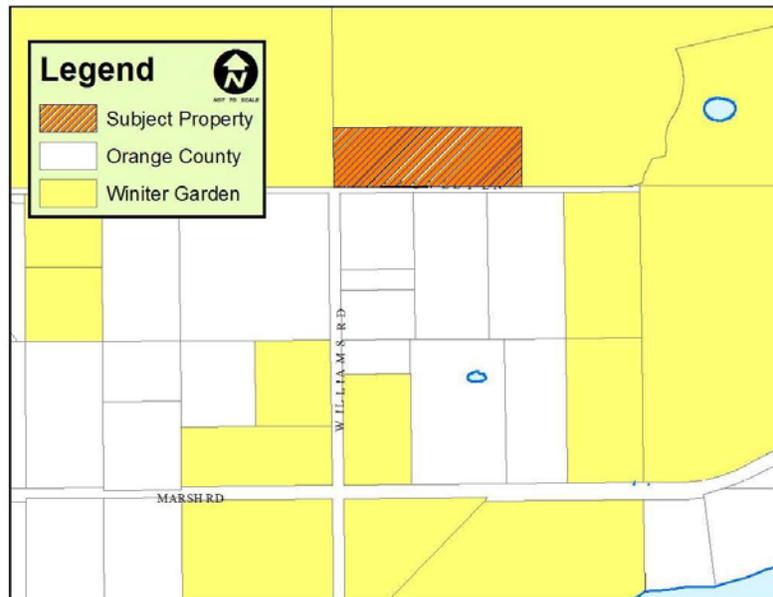
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JANUARY 31, 2013
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
1751 WILLIAMS ROAD (4.82 +/- ACRES)
PARCEL ID #: 06-23-27-0000-00-007
APPLICANT: FOREMOSTCO, 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 is located at 1751 Williams Road and is approximately 4.82 ± acres. The map below depicts the proximity of the subject property to the City’s jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Urban Village. At this time, no zoning designation will be applied to the property as they will be required to submit for a Urban Village Planned Unit Development when they redevelop the property.

In accordance with the City's Comprehensive Plan, permitted uses within the Urban Village land use include residential, commercial, and natural land. The zoning classifications that are consistent with the Urban Village land use designation include UVPUD and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently developed with a large green house / fernery and the owner intends to always use it for this purpose.

ADJACENT LAND USE AND ZONING

The properties located to the north, east, and west are a citrus farm, with no zoning and located in the City. The property located to the south is developed with a single-family home, used as part of this fernery, and being annexed with this property.

PROPOSED USE

The applicant intends to annex the property and continue using it for the agricultural business. If they ever decide to develop the property, they will be required to submit for an Urban Village Planned Unit Development.

PUBLIC FACILITY ANALYSIS

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

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

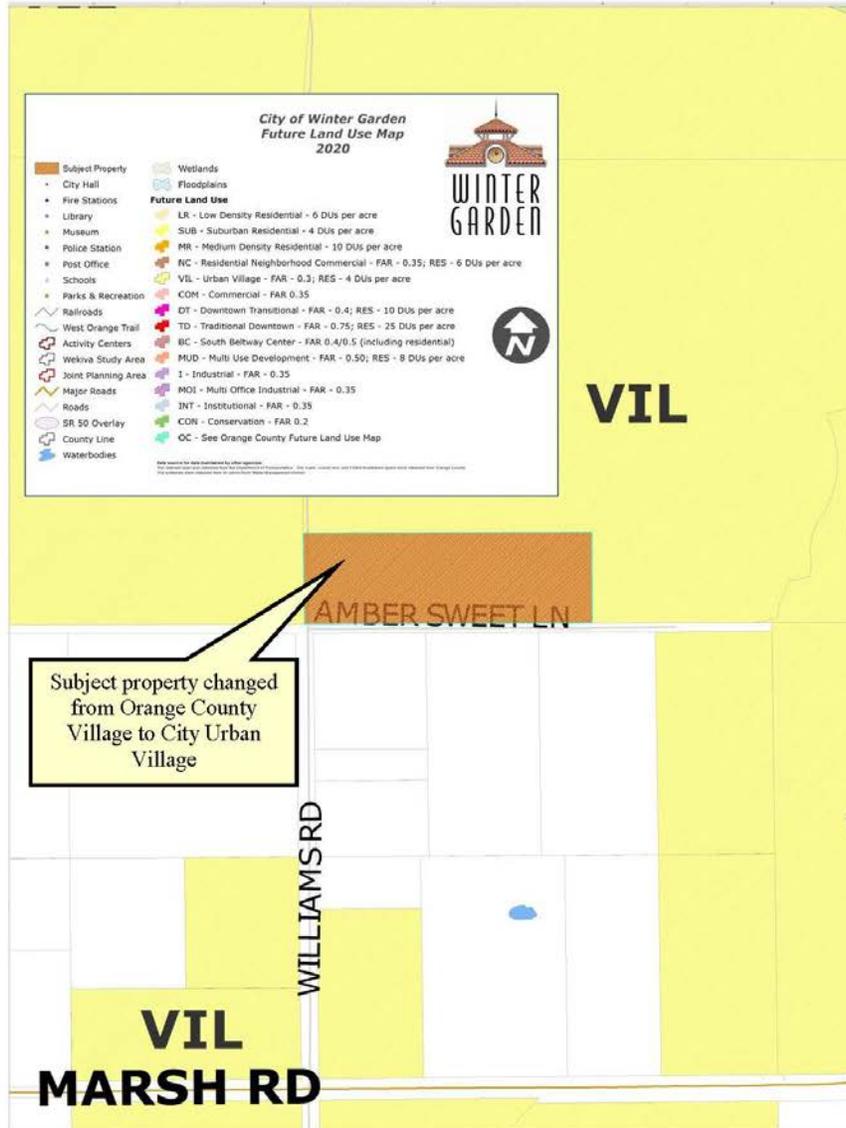
MAPS

AERIAL PHOTO

1751 Williams Road



FUTURE LAND USE MAP
1751 Williams Road



END OF STAFF REPORT