WINTER GARDEN

A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
SEPTEMBER 9, 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.

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 Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Stephen Pash, Planner Kelly Carson, and Customer Service Representative Kathy Rathel.

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held on August 5, 2013.

Motion by Kent Horsley to approve the above minutes. Seconded by Jimmy Dunn, the motion carried unanimously 6-0.

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

4. 14890 W Colonial Drive (Bello, Luis)

Senior Planner Stephen Pash presented a voluntary annexation application for 14890 W. Colonial Drive. The applicant has requested annexation with an initial zoning of C-2 and a

land use designation of Commercial. The Zoning and Land Use is consistent with the surrounding area and City Staff recommends approval of Ordinances 13-56, 13-57 and 13-58.

Motion by James Dunn to recommend approval of the annexation at 14890 W Colonial Drive, Ordinances 13-56, 13-57 and 13-58 (Attached Exhibit "A"). Seconded by Mac McKinney, the motion carried unanimously 6-0.

SPECIAL EXCEPTION PERMIT (Public Hearing)

5. **16106 Marsh Road, Suites 102 & 103 (My Nite Out, LLC)**

Senior Planner Steve Pash presented a Special Exception application for 16106 Marsh Road in Suites 102 & 103. The applicant is requesting a Special Exception to open a Child Care Facility in the PCD Zoning District. The proposed child care facility consists of two suites, approximately 2400 square feet, with a maximum of 36 children. It is a night time facility only and open only on Friday and Saturday evenings from 6:00 pm to 1:30 am. As a night time facility there are different regulations thru the State so they are not required to have the outdoor play area. Staff recommends approval of the Special Exception subject to the conditions outlined in the staff report. The facility would be limited to a maximum of 36 children, if they want to enlarge the facility for more children they would have to come back before the Board. The facility is only allowed to operate between the hours of 6:00 pm and 1:30 am on Fridays and Saturdays, no outdoor activities can occur of any kind, no outdoor displays of any kind, signs are subject to all code requirements, and the Special Exception is for this business at this location only.

Daniel Thompson, owner of My Nite Out, LLC, was present. He pointed out that the faculty will be teachers from the area. Eric Weiss asked why they were limited to certain days of the week. Mr. Thompson replied they designed the plan to give parents an evening out.

Motion by Eric Weiss to recommend approval of the Special Exception permit for 16106 Marsh Road Suites 102 & 103 with staff recommendations (Attached Exhibit "B"). Seconded by Kent Horsley, the motion carried unanimously 6-0.

6. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:38p.m.

APPROVED: **ATTEST:**

Chairman James Gentry **Customer Service Rep Kathy Rathel**

EXHIBIT "A"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

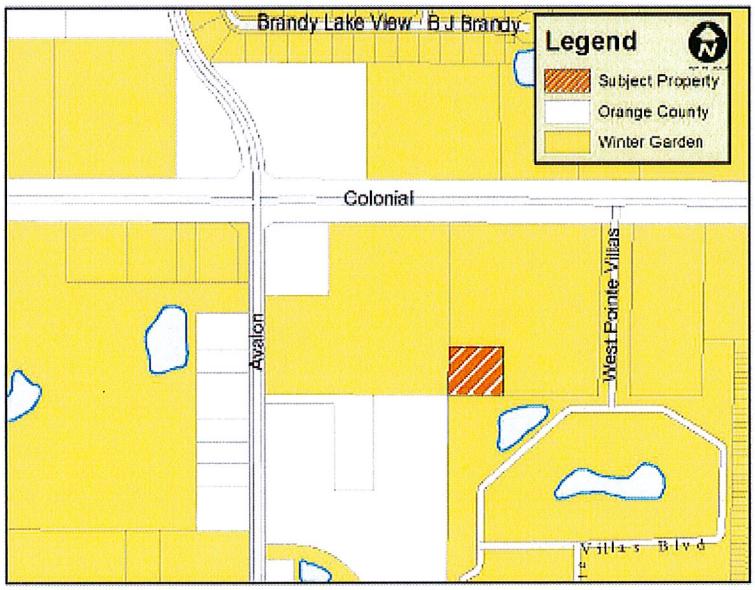
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: SEPTEMBER 9, 2013
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
14890 W. COLONIAL DRIVE (0.74 +/- ACRES)
PARCEL ID #: 27-22-27-0000-00-066
APPLICANT: LUIS BELLO

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 14890 W. Colonial Drive and is approximately 0.74 ± 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 Commercial, and rezoning the property to C-2 Arterial Commercial District. The subject property is located adjacent to the West State Road 50 Overlay District, which contains additional design standards.

In accordance with the City's Comprehensive Plan, permitted uses within the the Commercial land use include retail, service, and professional activities. The zoning classifications that are consistent with the Commercial land use designation include C-1, C-2, C-3, C-4, PCD, 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 manufactured home.

ADJACENT LAND USE AND ZONING

The property located to the north and east is vacant commercial land, zoned C-2 and located in the City. The property located to the south is developed with West Pointe Villas Apartment complex, zoned R-3 and located in the City. The property to the west is vacant commercial land, zoned C-2 and located in the City. The surrounding properties to the north, east, and west are also located with the West State Road 50 Overlay.

PROPOSED USE

The owner is proposing to annex the property and keep the existing maunufactured home.

PUBLIC FACILITY ANALYSIS

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

SUMMARY

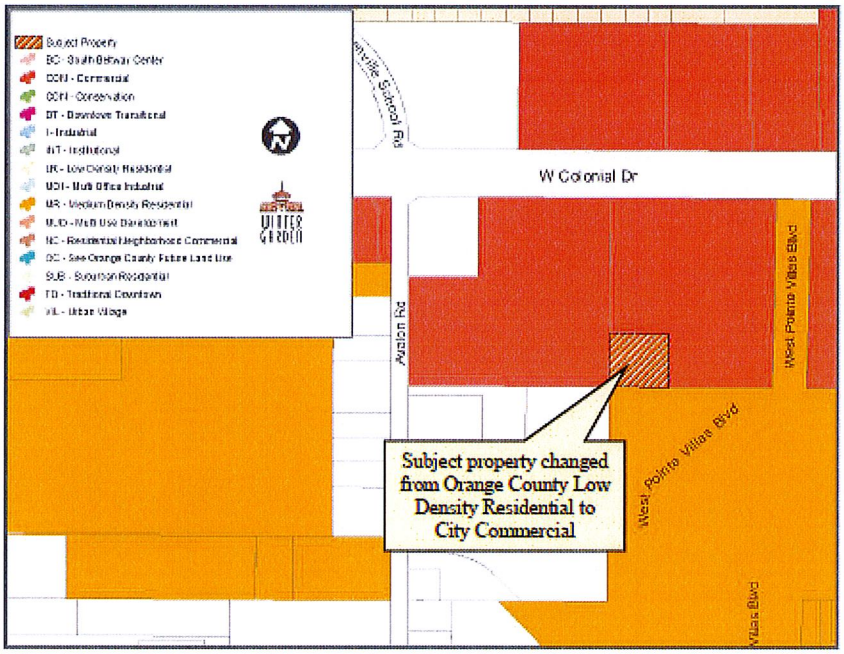
City Staff recommends approval of the proposed Ordinances. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves.

MAPS

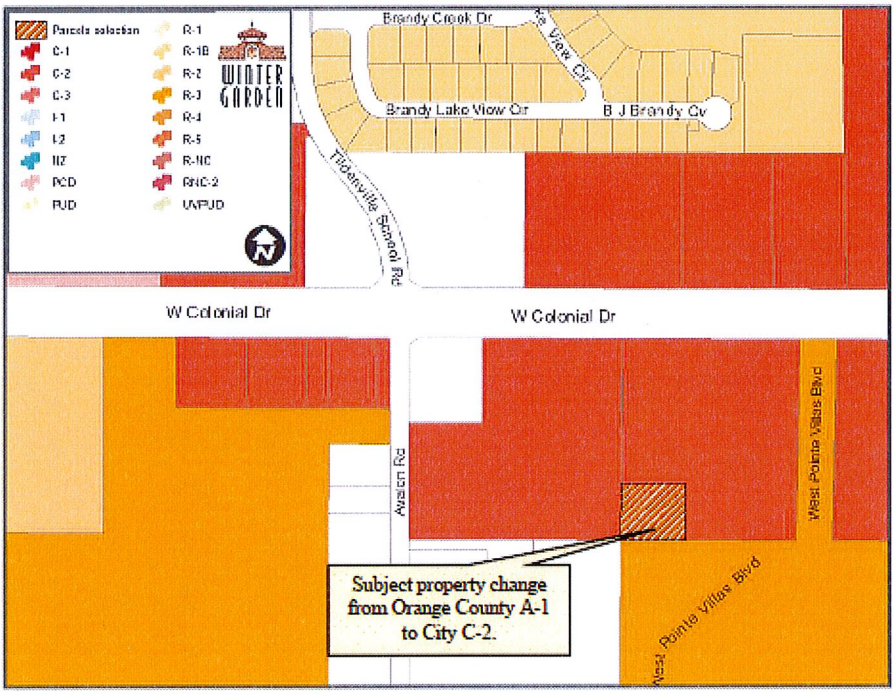
AERIAL PHOTO

14890 W. Colonial Drive

FUTURE LAND USE MAP
14890 W. Colonial Drive



ZONING MAP
14890 W. Colonial Drive



END OF STAFF REPORT

EXHIBIT "B"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

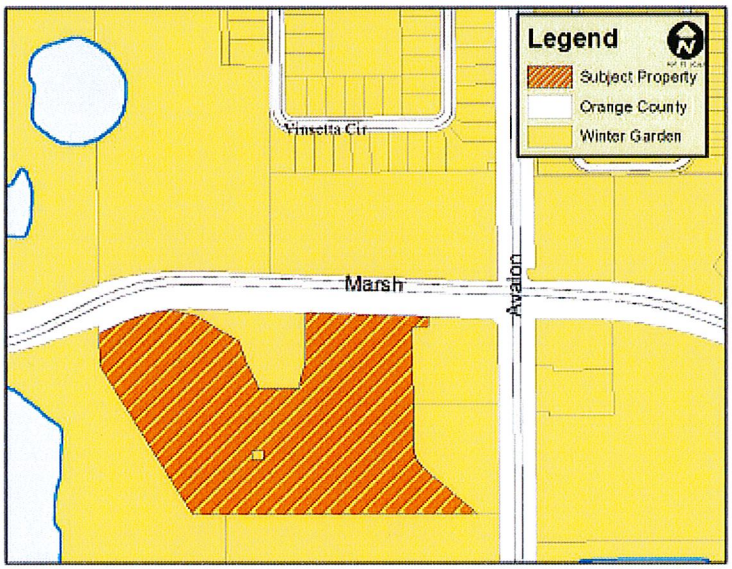
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: SEPTEMBER 5, 2013
SUBJECT: SPECIAL EXCEPTION PERMIT
16106 Marsh Road (Child Care Facility)
PARCEL ID # 04-23-27-0302-03-000

APPLICANT: My Nite Out, LLC/Daniel Thompson

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 16106 Marsh Road, Suites 102 and 103. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The request is for a Special Exception Permit to allow a portion of the building (Suites 102 & 103) to be used for a night time child care facility. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PCD and is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The property contains multiple buildings with 46,958 square feet of buildings, which contain restaurants, a bank, and retail stores.

The applicant is proposing to rent the two suites which contain 2,400 square feet and open a child care facility for a maximum of 36 children. The child care facilility being proposed will not be open during the day, but rather at night. The proposed business is meant to be a baby sitting type of service so parents can schedule a night out and have a professional service as the baby sitter. The proposed hours are from 6:00 PM to 1:30 AM on Friday and Saturday only.

ADJACENT LAND USE AND ZONING

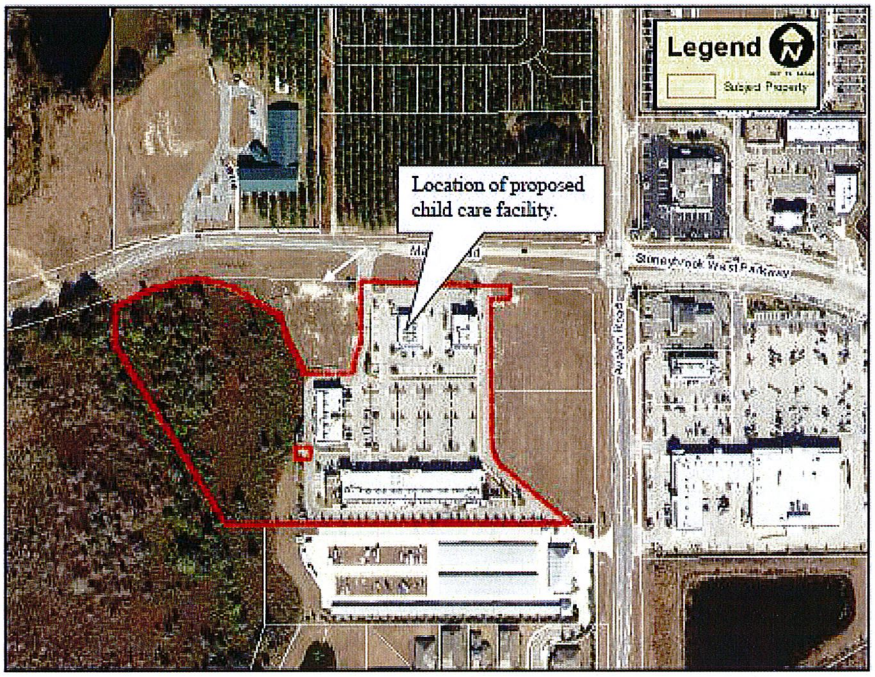
The property located to the north is a vacant commercial land, zoned PCD, and in the City of Winter Garden. The property to the east is developed with multiple commercial uses including a bank, restaurants, and other retail shops, zoned PCD, and in the City of Winter Garden. The property to the south is developed with a storage facility, zoned PCD, and in the City of Winter Garden. The property to the west is vacant land owned by the City of Winter Garden with a Conservation Land Use designation, and in the City of Winter Garden.

SUMMARY

City Staff recommends approval of the proposed special exception permit to operate the child care facility at 16106 Marsh Road, Suites 102 and 103 with the following conditions:

1. The child care facility shall be limited to a maximum capacity of 36 children, expansion of the facility and/or enrollment of additional children will require additional review and amendment to the special exception permit
2. The proposed child care facility is only approved to operate between the hours of 6:00 PM and 1:30 AM on Friday and Saturday. If the owner wants to change the hours and days of operation they will need to submit for an amendment to the Special Exception.
3. No outdoor activities can occur. All play equipment required by DCF shall be inside the building.
4. No outdoor displays of any kind are allowed.
5. This Special Exception is approved for this business (My Nite Out) only and shall expire if the business relocates or closes.
6. No additional signage is allowed, all signs shall be consistent with Code requirements.

AERIAL PHOTO
16106 Marsh Road



END OF STAFF REPORT