



For More Information, Contact:

Kathy Rathel
Customer Service Technician
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
407.656.4111 ext. 5149
krathel@cwqdn.com

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
Kurt Ardaman
Ed Williams
Stephen Pash
Laura Smith
Kelly Carson

RE: Agenda – October 7, 2013 - 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 SEPTEMBER 9, 2013 MEETING**

ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)
 4. 1150 & 1170 Elboc Way – (Mary P. & Clint O. Webster)
Rezoning and Future Land Use Amendment
Parcel ID # : 25-22-27-8814-00-020 & 25-22-27-8814-00-030

VARIANCE (PUBLIC HEARING)
 5. Windtree Gardens Condominiums Pool
Variance
Parcel ID # : 26-22-27-9361-00-001
 6. **ADJOURNMENT**
To the next regular Planning and Zoning Board meeting on Monday, November 4, 2013
at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.



**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

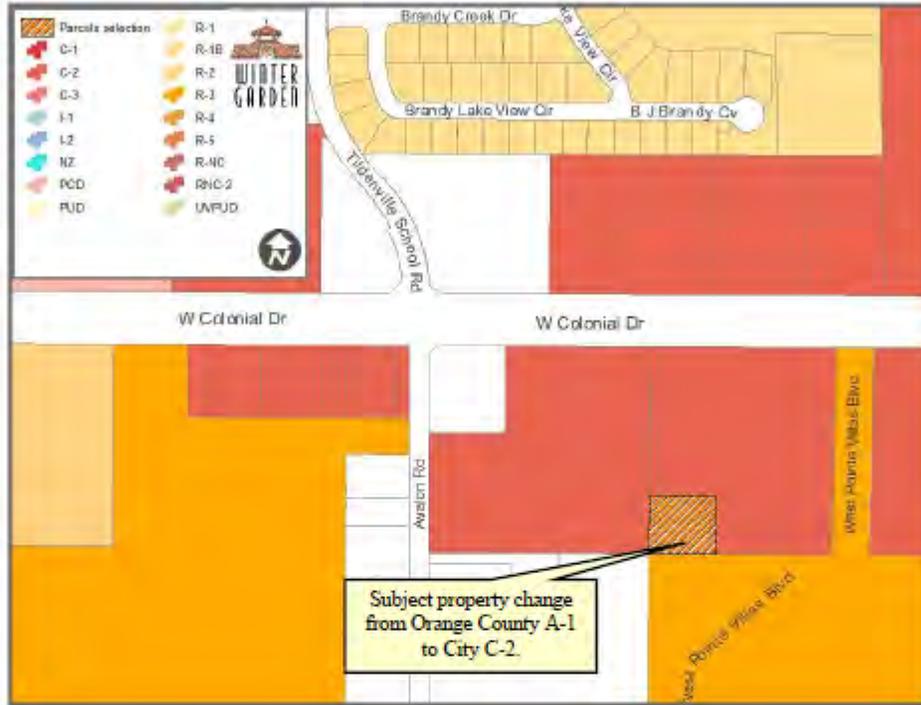
City Staff recommends approval of the proposed Ordinances. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves.

MAPS

AERIAL PHOTO
14890 W. Colonial Drive



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: MyNite 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 facility 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

LOCATION MAP

1150 & 1170 Elboc Way

REZONING and FLU MAP AMENDMENT



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: OCTOBER 7, 2013
SUBJECT: REZONING & FLU AMENDMENT
1150 & 1170 ELBOC WAY (0.83 +/- ACRES)
PARCEL ID #: 25-22-27-8814-00-030 & 25-22-27-8814-00-020
APPLICANT: MARY P. & CLINT O. WEBSTER

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 1150 and 1170 Elboc Way and is approximately 0.83 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant is requesting to rezone and amend the Future Land Use designation on the 0.83 ± acre property which is located within the City of Winter Garden. The property is currently zoned I-2 (General Industrial District) and carries a Future Land Use Designation of I (Industrial) on the Future Land Use Map of the City's Comprehensive Plan. The proposed zoning is C-2 (Arterial Commercial) and the proposed Future Land Use designation is C (Commercial).

EXISTING USE

The subject property is currently developed with a 5,097 square foot office building at 1150 Elboc Way which was built in 1986, and a 3,375 square foot warehouse at 1170 Elboc Way which was built in 1997.

ADJACENT LAND USE AND ZONING

The property located to the north is developed with a commercial building that has retail and restaurant uses, located in the City, and zoned C-2. The property located to the east is developed with a bus sales and service facility, located in the City, and zoned C-2. The property to the south is developed with a warehouse, located in the City, and zoned I-2. The property to the west is developed with a road construction company, located in the City, and zoned I-2.

PROPOSED USE

The applicant intends to rezone the property to operate an office at 1150 Elboc and is proposing to use the warehouse at 1170 Elboc for a metal recycling storage facility for the next 5 years. After the five year lease for the warehouse expires, the owner intends to demolish the warehouse and construct additional office space.

PUBLIC FACILITY ANALYSIS

The City will continue providing 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

The C-2 zoning and Commercial Land Use designation are more consistent with the area to the north and will allow uses more consistent with the goals and objectives of the City of Winter Garden's Comprehensive Plan. City Staff recommends approval of the proposed Ordinances to Rezone the property and change the Future Land Use designation.

MAPS

AERIAL PHOTO

1150 & 1170 Elboc Way



FUTURE LAND USE MAP **1150 & 1170 Elboc Way**



Subject property changed existing Land Use of Industrial to Commercial

ZONING MAP
1150 & 1170 Elboc Way



END OF STAFF REPORT

Subject property changed
from I-2 to C-2

ORDINANCE 13-66

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.83 ± ACRES LOCATED AT 1150 AND 1170 ELBOC WAY ON THE WEST SIDE OF ELBOC WAY SOUTH OF WEST COLONIAL DRIVE FROM CITY I-2 GENERAL INDUSTRIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.83 ± acres of land located at 1150 and 1170 Elboc Way on the west side of Elboc Way south of West Colonial Drive, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from City I-2 General Industrial District to the City’s C-2 Arterial Commercial District zoning classification, therefore; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to C-2 Arterial Commercial District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: *Rezoning.* The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from City I-2 General Industrial District to City C-2 Arterial Commercial District in the City of Winter Garden, Florida.

SECTION 2: *Zoning Map.* The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective upon its adoption.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 25-22-27-8814-00-030 & 25-22-27-8814-00-020

LOTS 2 & 3, IN TYBRENT CENTER , ACCORDING TO THE PLAT THEREOF
RECORDED IN PLAT BOOK 14, PAGES 3 AND 4, PUBLIC RECORDS OF ORANGE
COUNTY, FLORIDA.

ORDINANCE 13-67

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.83 ± ACRES LOCATED AT 1150 AND 1170 ELBOC WAY ON THE WEST SIDE OF ELBOC WAY SOUTH OF WEST COLONIAL DRIVE FROM INDUSTRIAL TO COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 0.83 ± acres of land located at 1150 and 1170 Elboc Way on the west side of Elboc Way south of West Colonial Drive, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from City Industrial to City Commercial; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to Commercial as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* This Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

SECTION III. *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 25-22-27-8814-00-030 & 25-22-27-8814-00-020

LOTS 2 & 3, IN TYBRENT CENTER , ACCORDING TO THE PLAT THEREOF
RECORDED IN PLAT BOOK 14, PAGES 3 AND 4, PUBLIC RECORDS OF ORANGE
COUNTY, FLORIDA.**ATTACHMENT "B"**

FUTURE LAND USE MAP

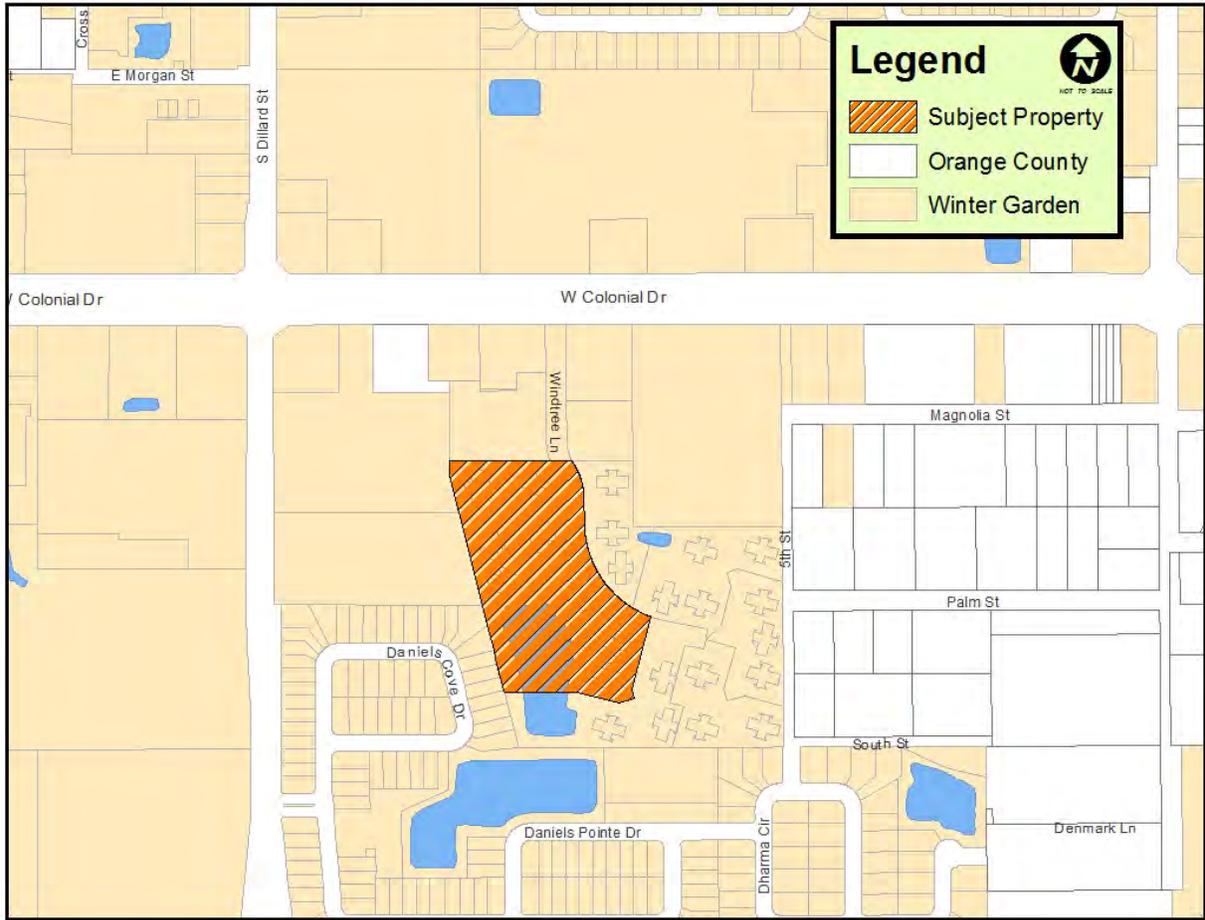
1150 & 1170 Elboc Way



LOCATION MAP

Windtree Gardens Condominiums

VARIANCE FOR POOL FENCE



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

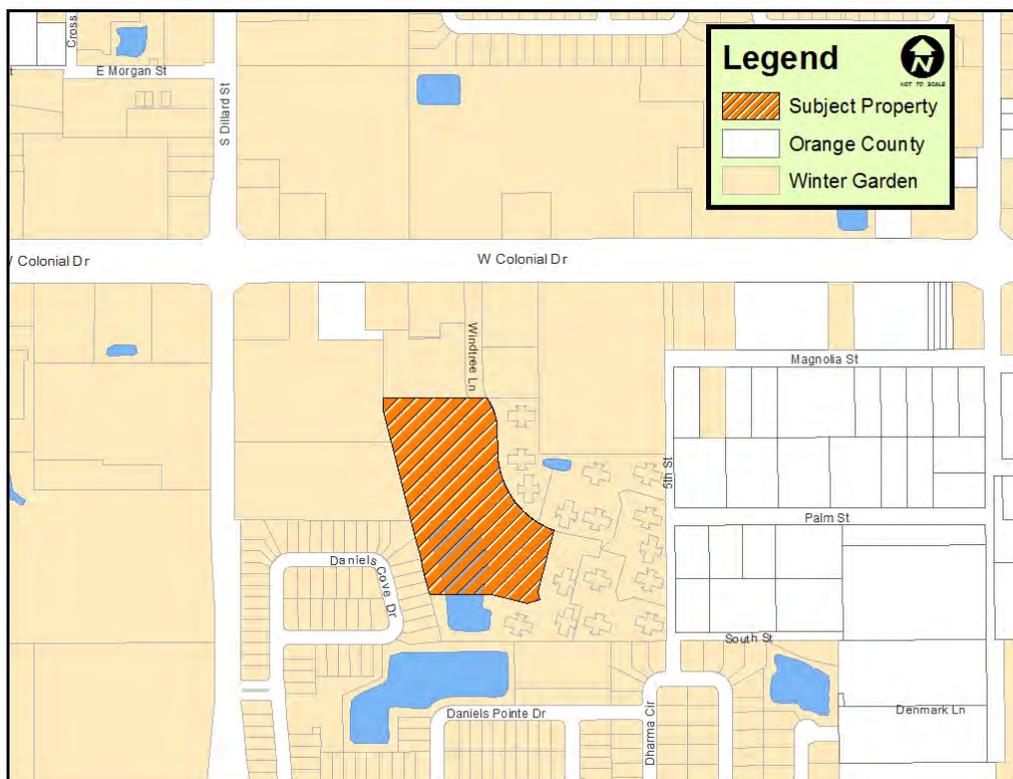
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: OCTOBER 7, 2013
SUBJECT: VARIANCE
13350 West Colonial Drive (1 +/- ACRES)
PARCEL ID # 26-22-27-9361-00-001

APPLICANT: Windtree Gardens Condominiums HOA

INTRODUCTION

The purpose of this report is to evaluate the request for a variance to the maximum allowed fence height for swimming pool property located within the Windtree Gardens Condominium complex in Winter Garden, Florida.

The subject property, located in Wintree Gardens Condominiums is the recreation/pool area for the Condominium complex. The recreation area consists of a 1 ± acre lot that has a swimming pool, clubhouse, tennis court, and is located on the west side of Windtree Lane. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a variance to install an 8 foot tall fence in lieu of the maximum allowed 6 foot tall fence, so they can install an 8 foot tall unclimbable fence around the swimming pool. The subject property carries the zoning designation R-3 (Multi-Family Residential District) and is designated MR (Medium Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property presently consists of a swimming pool, a 2,100 square foot structure, and a tennis court. The remainder of the 1 acre site is open space.

ADJACENT LAND USE AND ZONING

The recreation area is surrounded by the Windtree Gardens Condominiums community. The properties located to the north of Windtree Gardens Condominiums are commercial land with office space and restaurants, zoned C-2 and located in the City. To the south and west of Windtree Gardens Condominiums is a single family neighborhood (Daniels Crossing), zoned PUD and located in the City. The properties to the east of Windtree Gardens Condominiums consist of single family houses, zoned A-1 and located in Orange County.

PROPOSED USE

The recreation area will keep all of its existing buildings, tennis court, and open area. The applicant is requesting to install an 8 foot tall unclimbable chain link fence which has very small openings and is stated to be unclimbable. The reason the HOA wants to install this fence is to prevent people from trespassing and to keep people from climbing the fence to get into the pool area.

CODE REFERENCE

Section 118-1297(a)(1), Section 1297(a)(2), and Section 118-1297(a)(3) of the City Code of Ordinances addresses maximum fence height in the front, side, and rear yards. These sections state in part that the maximum fence height is 4 feet in the front yard and 6 feet in the side and rear yards.”

The applicant is seeking a variance to the maximum fence height to allow the existing 6 foot tall chain link fence to be replaced with an 8 foot tall unclimbable chain link fence. The application for variance does not include any removal of trees on the property or addition of any new impervious surfaces.

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;*

The proposed fence is within the Windtree Gardens Condominium neighborhood and is not visible from any surrounding neighborhoods. The fence is around the pool to prevent people from entering if they do not live there and to protect people from injury. Due to the location of the fence, it should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. 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 to allow an 8 foot tall fence in lieu of the maximum 6 foot tall fence is not out of character with other properties in the same zoning category. Allowing an 8 foot tall unclimbable chain link fence around a swimming pool within a multi-family development is common to help prevent outside people from entering the pool without permission.

- (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 add any new impervious surfaces to the property.

- (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 multi-family residential neighborhoods.

- (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, as the Homeowners Association is requesting the variance to help protect their property and prevent people from trespassing and/or climbing the fence to get into the pool area. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Section 118-1297(a)(1), Section 1297(a)(2), and Section 118-1297(a)(3) to allow an 8 foot tall unclimbable fence to be constructed around the swimming pool area.

NEXT STEP

Apply for a building permit to install the new fence.

ATTACHMENTS

- Aerial Photos
- Site Plan/Plat
- Site Photos

AERIAL PHOTO
13350 West Colonial Drive



SITE PLAN
1275 Westside Drive

**Community Development
 Planning & Zoning**

MAR 27 2013

Received By: _____

Westside Townhomes - Phase 2

SECTION 27, TOWNSHIP 22 SOUTH, RANGE 27 EAST,
 WINTER GARDEN, ORANGE COUNTY, FLORIDA.

DESCRIPTION:

NOTE: This site plan is prepared in accordance with the provisions of the Florida Statutes, Chapter 173, and the rules and regulations of the Florida Department of Community Affairs, Chapter 61G-22.001, F.A.C. The site plan is prepared for the purpose of showing the proposed development and the location of the proposed development on the site. The site plan is prepared for the purpose of showing the proposed development and the location of the proposed development on the site. The site plan is prepared for the purpose of showing the proposed development and the location of the proposed development on the site.

UNPLATTED

GENERAL NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

CURVE DATA

LINE	NO.	START	END	ANGLE	CHORD	DELTA	CHORD
1	1	0+00.00	0+25.00	90.00	25.00	90.00	25.00
2	2	0+25.00	0+50.00	90.00	50.00	90.00	50.00
3	3	0+50.00	0+75.00	90.00	75.00	90.00	75.00
4	4	0+75.00	0+100.00	90.00	100.00	90.00	100.00
5	5	0+100.00	0+125.00	90.00	125.00	90.00	125.00
6	6	0+125.00	0+150.00	90.00	150.00	90.00	150.00
7	7	0+150.00	0+175.00	90.00	175.00	90.00	175.00
8	8	0+175.00	0+200.00	90.00	200.00	90.00	200.00
9	9	0+200.00	0+225.00	90.00	225.00	90.00	225.00
10	10	0+225.00	0+250.00	90.00	250.00	90.00	250.00

CONDORES AND CONSENT TO DEDICATION

STATE OF FLORIDA, COUNTY OF ORANGE, CITY OF WINTER GARDEN, and the Westside Townhomes HOA, Inc. do hereby certify that the above described property is being dedicated to the public use of the City of Winter Garden, Florida, for the purpose of providing for the recreation area shown on the attached site plan. The dedication is made in accordance with the provisions of the Florida Statutes, Chapter 173, and the rules and regulations of the Florida Department of Community Affairs, Chapter 61G-22.001, F.A.C.

CERTIFICATE OF APPROVAL BY MUNICIPALITY

APPROVED: _____
 TITLE: _____
 DATE: _____

CERTIFICATE OF COUNTY CONTROLLER

APPROVED: _____
 TITLE: _____
 DATE: _____

Westside Drive - 1275
VARIANCE
 Westside Townhomes HOA, Inc.
 27-22-27-9233-00-002

Site Photos
1275 Westside Drive







END OF STAFF REPORT