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PLANNING & ZONING BOARD AGENDA

To: Jimmy Dunn – Chairman
Eric Weiss – Vice Chairman
Heather Gantt
H. Gerald Jowers
Mark Maciel
Mac McKinney
Rohan Ramlackhan

Copy to: Mike Bollhoefer
Dan Langley
Kurt Ardaman
Ed Williams
Stephen Pash
Kelly Carson
Nadine Avola

RE: Agenda – **October 6, 2014** - 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 8, 2014 MEETING**
 4. **ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)**
1030 Vineland Road – BBC Family Homes, LLC
Annexation
Parcel ID # 23-22-27-8199-00-140
 5. 203 S Main Street – Tewson, Joy or Ron
Rezoning
Parcel ID # 23-22-27-0644-00-010
 6. **SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**
855 E Plant Street – West Orange Montessori Charter School, LLC
Parcel ID # 14-22-27-1944-00-006
 7. 15304 Tilden Road – Foundation Academy
Parcel ID # 09-23-27-0000-00-009
 8. **VARIANCE (PUBLIC HEARING)**
1808 Delafield Drive – Delguericco, Frank
Parcel ID # 03-23-27-1605-01-150
 9. 15233 Firlight Drive – Villarreal, Regulo
Parcel ID # 04-23-27-0551-01-660
 10. **ADJOURNMENT**
To the next regular Planning and Zoning Board meeting on Monday, November 3, 2014
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 8, 2014**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Chairman Jimmy Dunn 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. A moment of silence was 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 Jimmy Dunn, Vice-Chairman Eric Weiss, and Board Members: Mark Maciel and Mac McKinney

MEMBERS ABSENT:

Heather Gantt (excused), H. Gerald Jowers (excused), and Rohan Ramlackhan (excused)

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Community Development Manager Stephen Pash and Customer Service Rep. Kathy Rathel

3. APPROVAL OF MINUTES

*Motion by Eric Weiss to approve the regular meeting minutes of August 4, 2014.
Seconded by Mark Maciel and carried unanimously 4 - 0.*

ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)

4. 562 Beard Road – Adalee J. Roper Trust (REZONING)

Community Development Manager Pash presented a request for Rezoning for the property located at 562 Beard Road. The applicant is requesting a rezoning of 33.79 +/- acres from R-1 to Planned Unit Development (PUD) for development of 77 single-family homes. The property contains a .71 acre park with a gazebo, outdoor cooking equipment, outdoor fitness equipment and tot lot. The applicant is currently working with the Deerfield Place neighborhood to connect with and privatize the neighborhood but has alternative entrances if Deerfield Place does not approve the proposal. Staff recommends approval of Ordinance 14-26 to rezone the property to PUD.

Ben Shoemaker, Vice-President of KB Homes, 1317 Bel-Air Circle, Orlando FL 32804, had a power point presentation and updated the Board on the traffic issues and the proposed plan options; the first has two entries onto Beard Road and the second has one entry onto Beard Road with the other connecting through to Deerfield Place. Deerfield Place would need a 65% voting approval in order for the two subdivisions to tie together as gated communities. Mr. Shoemaker also discussed the Beard Road improvements along their property boundaries by widening it by 2 feet on either side, adding a ribbon curb, sidewalks and expanding the 'S' curve. The neighbors would get extended asphalt approaches for their driveways from the road widening.

Mohammed Abdallah, traffic and mobility consultant, 1507 Hiawasse Road #212, Orlando FL, showed a presentation and discussed the traffic study. He stated the study showed the primary access points for the High School were from Beulah Road and Roper Road with secondary traffic using Beard Road. He also discussed the peak traffic times, speed of cars using the road and what measures could be taken to slow traffic.

Board Member Weiss asked when KB Homes will choose which option will be used. Community Development Manager Pash stated, if the rezoning is approved, they would know by Preliminary Plat which would be in 30 to 45 days. Mr. Shoemaker believes it will take 3 to 4 months for a vote from Deerfield Place and the agreements for the two separate HOA's.

Motion by Mark Maciel to recommend approval of Ordinance 14-26 for the Rezoning of 562 Beard Road with Staff Recommendations (as provided in the agenda packet). Seconded by Eric Weiss and carried unanimously 4 - 0.

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

5. 1170 Elboc Way –BilGil, LLC / Handy Rentals

Community Development Manager Pash presented a request for a Special Exception Permit to allow small engine repair and equipment maintenance in a C-2 Zoning District for the property located at 1170 Elboc Way. Staff recommends approval of the proposed use subject to the conditions outlined in the Staff Report.

Motion by Eric Weiss to recommend approval of the Special Exception Permit for 1170 Elboc Way with Staff Recommendations (as provided in the agenda packet). Seconded by Mark Maciel and carried unanimously 4 - 0.

VARIANCE (PUBLIC HEARING)

6. 722 Sandy Bar Drive –Meritage Homes

Community Development Manager Pash presented a request for a Variance for the property located at 722 Sandy Bar Drive. The applicant is requesting a 22 foot front yard setback in lieu of the minimum required 25 foot front yard setback to allow a covered open porch to remain on a single family residence. Staff recommends approval of the variance subject to the conditions outlined in the Staff Report.

Discussion ensued regarding the building permit submittal and approved plan review by all departments.

Motion by Mac McKinney to recommend approval of the Variance for 722 Sandy Bar Drive with Staff Recommendations (as provided in the agenda packet). Seconded by Jimmy Dunn and carried unanimously 4 - 0.

7. 1001 Beaconsfield Court – Babington, Adam

Community Development Manager Pash presented a request for a Variance for the property located at 1001 Beaconsfield Court. The property backs up to the golf course cart path as well as Avalon Road. The applicant is requesting a variance to allow an addition to the house which consists of a solid roof screen room to be built at a 5 foot rear yard setback in lieu of the minimum required 10 foot rear yard setback allowed in this PUD. Staff recommends approval subject to the condition that the room never becomes air conditioned space or fully enclosed.

Board Member McKinney asked for clarification on the Staff Report whether it was a rear yard variance or side yard variance. Community Development Manager Pash stated it was a typographical error and should state ‘rear yard setback’. The Applicant must also acquire HOA approval before construction.

Motion by Mark Maciel to recommend approval of the Variance at 1001 Beaconsfield Court with Staff Recommendations (as provided in the agenda packet) with the correction of terminology of 5 foot side rear setback to 5 foot rear setback. Seconded by Eric Weiss and carried unanimously 4 - 0.

8. 1040 N. Fullers Cross Road – Weeks, Selby G.

Community Development Manager Pash presented a request for two Variances for the property located at 1040 N. Fullers Cross Road. The applicant is requesting one variance to allow a new dock to be constructed 112 feet in length from the normal high water elevation in lieu of the maximum length of 100 feet from the normal high water elevation. The applicant is also seeking a variance to allow the new dock to be built at 16.7 feet above the normal high water elevation in lieu of the maximum allowed height of 13 feet above the normal high water elevation. Staff recommends approval subject to the condition that no additions can ever be made to the dock.

Board Member Weiss asked for clarification on the addition condition. Community Development Manager Pash stated the dock could not be added onto or extended.

Motion by Eric Weiss to recommend approval of the Variance at 1040 N. Fullers Cross Road with Staff Recommendations (as provided in the agenda packet). Seconded by Jimmy Dunn and carried unanimously 4 - 0.

APPEAL (PUBLIC HEARING)

9. 13848 Tilden Road, Suite 192 – Casablanca Cigar Co, LLC / Cave Inn BBQ

Community Development Manager Pash presented an Appeal to an Administrative Interpretation for the property located at 13848 Tilden Road, Suite 192. The denial was for a request to expand the existing sidewalk café’s fenced in area and add 50 additional outdoor seats for Cave Inn BBQ. The applicant informed staff a full liquor license was applied for

and the State Department denied the application because there were not enough seats. In order to accommodate the State requirements, the applicant submitted a request to expand the previously approved sidewalk café to total 75 seats outside. Staff determined the denial based upon the noise and activities that could occur from the additional seating and the close proximity to the adjoining neighborhood. Staff recommends the Board uphold the Administrative Interpretation and deny the request to expand the sidewalk cafe.

Discussion ensued regarding the noise factor and proximity to the adjoining neighborhood and if there were any other options to help protect the neighborhood from additional noise from adding seats outside. The City installed landscaping along the 6' wall to help buffer the neighborhood from the entire commercial development. Also discussed were sufficient parking spaces and the exact location of the café expansion.

Alan "Buzz" Klavans of 8113 Key West Dove Street, Winter Garden FL 34787, thanked the Board and stated he has been in business at this location for 1 ½ years and that his business is limited to a small time frame from 7:00 pm to 9:30 pm. He currently has a beer/wine license and applied for a full liquor license but was informed he needed an additional 50 seats. Mr. Klavans stated he would limit his hours so no one is outside after 9:30 pm, because he wants to be a good neighbor and would go out of his way to keep the noise down. His busy time is when all other businesses are closed so the parking is not an issue.

Ona Brantley of 3543 Turningwind Lane, Winter Garden FL 34787, is a homeowner and was also speaking for another neighbor, Marcus Smith, who was out of town. Ms. Brantley voiced concerns on privacy and noise.

Bill Hobbs of 3549 Turningwind Lane, Winter Garden FL 34787, is a homeowner directly behind the restaurant. His concerns are the noise and the privacy. The bar could potentially be open until 2:00 am which would directly affect his quality of life, his investment and his family. An ordinance for the PCD stated a non-permitted use was a bar and a full liquor license would make Cave Inn BBQ a bar and destroy their quality of life. The building elevation was raised 5 feet with the neighborhood having a 6 foot wall so the wall does nothing to provide screening. Mr. Hobbs asked the Board to not approve the expansion.

Tom Alec of 3432 Tempest Way, Winter Garden FL 34787, is a Board Member of Windward Cay Homeowners Association and a homeowner. The residents were told the commercial building was going to be one-story but a two-story was constructed. The building should be 30 feet away and is only 25 feet. The green space for parking in the middle is for a future professional office building which will need parking spaces. Winter Garden Ordinance Section 62-229: Size of the Sidewalk Café area, and Section 62-230 (16) states the business cannot combine his seats inside and outside to receive a liquor license. Mr. Alec stated the Board cannot approve the action.

Rob Hensley of 13927 Zephermoor Lane, Winter Garden FL 34787, is a member of the Windward Cay HOA Board. His property does not back up to the property [13848 Tilden Road]. He echoes all that has been said and states when he moved in all that was present was a Walgreens and physician offices. The 5 foot raised elevation has affected the runoff into their community and the 6 foot wall was insufficient. He stated the contractor was able to get a 25 foot setback vs the standard setback of 100 feet for commercial properties. Mr. Hensley also stated that it is the decision of the applicant to run the music up or seat people outside but there is no control for the neighborhood over those decisions. There are 66 homes in

their subdivision and they are trying to keep the property values up. Mr. Hensley asked the Board to not allow the expansion of the café.

Bob Brantley of 3543 Turningwind Lane voiced concerns regarding the noise and food. He stated the two-story building acts as a reflecting board for sound into their neighborhood. The food attracts birds and wildlife to the area and to the garbage cans.

The applicant, Alan Klavans, spoke again stating he would do what was in the best interest of the neighborhood and would put his intentions in writing. He is asking for the full liquor license to increase business and would add a fence or landscaping to help with privacy.

Discussion ensued regarding any other options for the noise, privacy and parking issues. City Attorney Ardaman read a provision in the City code (Section 62-230(16)) which states that outdoor seating cannot be used in calculating seating for the liquor license.

Motion by Mark Maciel to recommend upholding the Administrative Interpretation denial of the sidewalk café expansion for 13848 Tilden Road, Suite 192 with Staff Recommendations (as provided in the agenda packet). Seconded by Mac McKinney and carried unanimously 4 - 0.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:50 pm.

ATTEST:

APPROVED:

Customer Service Rep. Kathleen Rathel

Chairman Jimmy Dunn

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4 (Public Hearing)

DATE: September 30, 2014 **MEETING DATE:** October 6, 2014

SUBJECT: 1030 Vineland Road (ANNEXATION, FLU, ZONING)
PROJECT NAME 1030 Vineland Road
PARCEL ID# 23-22-27-8199-00-140

ISSUE: The applicant is requesting Annexation, Future Lands Use designation, and Zoning on property located at 1030 Vineland Road.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: BBC FAMILY HOMES, LLC

CURRENT ZONING: R-2 (Orange County)

PROPOSED ZONING: R-NC

CURRENT FLU: Low Medium Density (Orange County)

PROPOSED FLU: Residential Neighborhood Commercial (City)

SUMMARY:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.24 ± acre enclave located on the west side of Vineland Road, south of West Morgan Street and north of West Colonial Drive. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Residential Neighborhood Commercial, and initial Zoning of R-NC. (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 14-39, Ordinance 14-40, and Ordinance 14-41.

NEXT STEP(S):

A public meeting for the first reading of the ordinances is scheduled for the City Commission on Thursday, October 9, 2014.

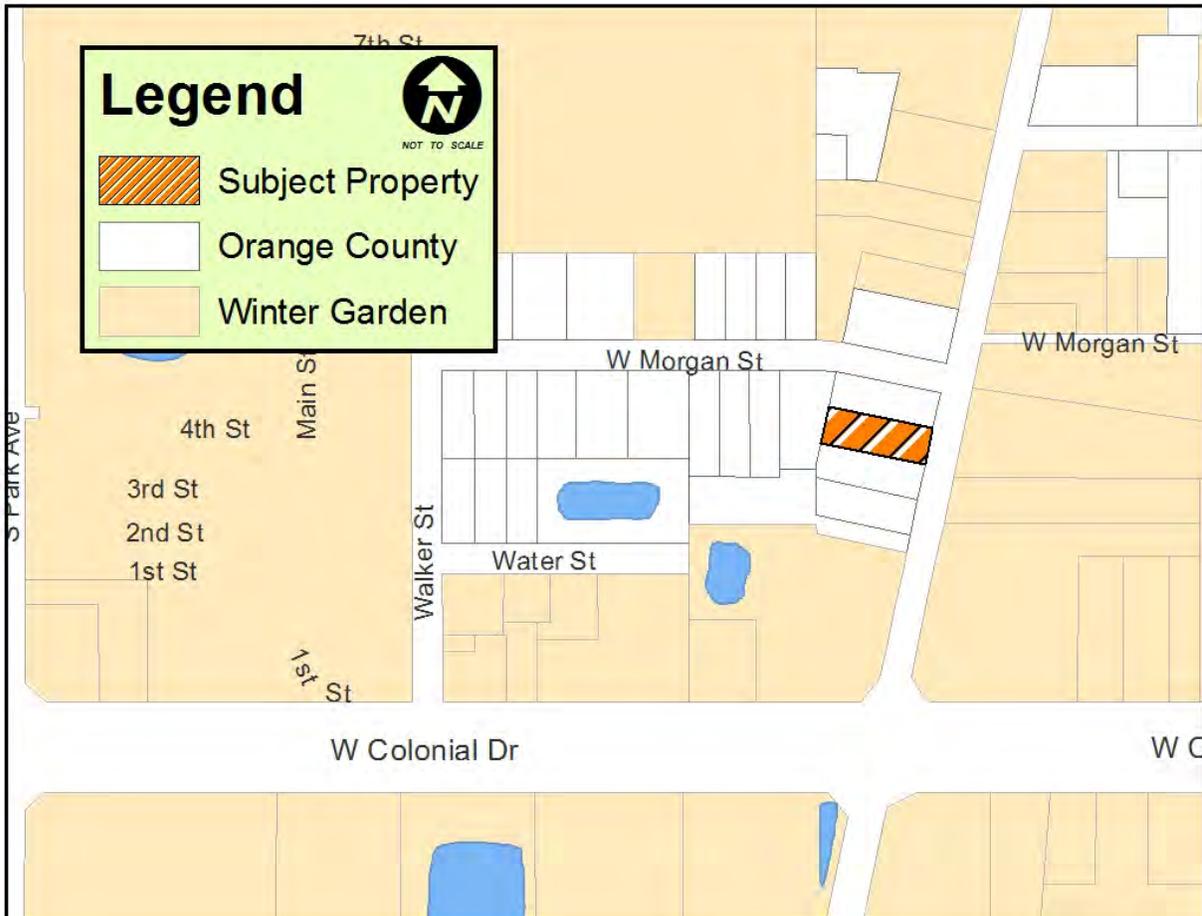
ATTACHMENT(S):

Location Map
Staff Report
Ordinance 14-39
Ordinance 14-40
Ordinance 14-41

LOCATION MAP

1030 Vineland Road

ANNEXATION, FLU AMENDMENT, ZONING



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

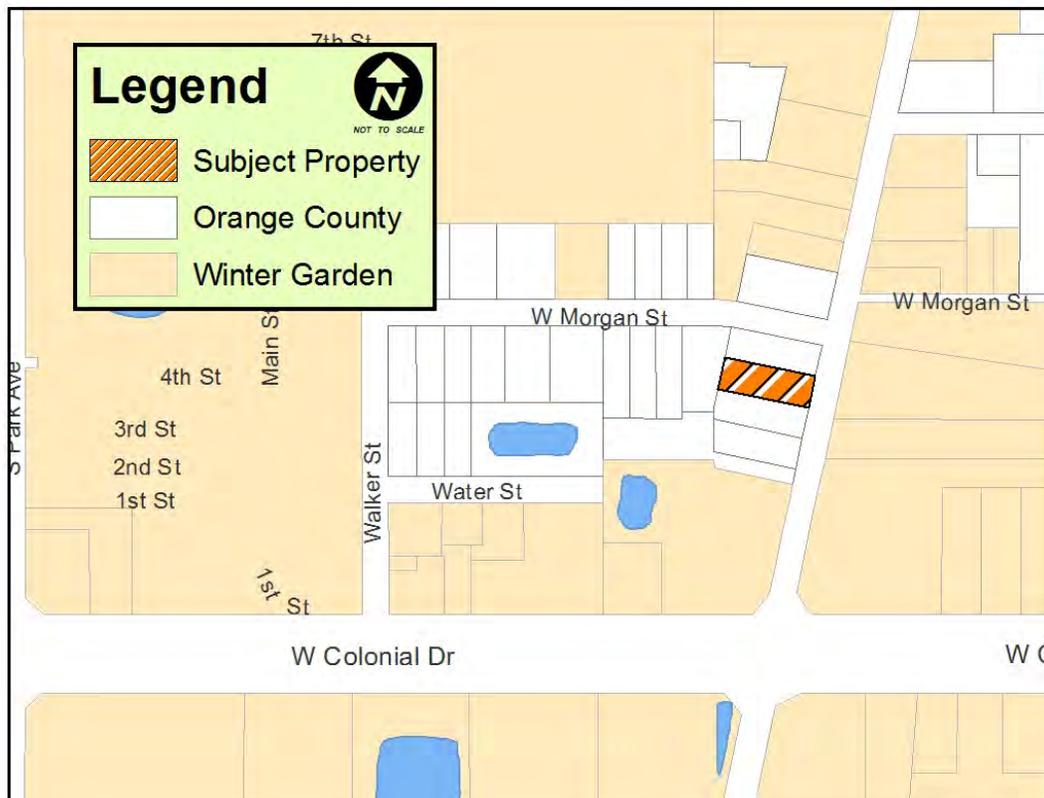
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT MANAGER
DATE: SEPTEMBER 30, 2014
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
1030 VINELAND ROAD (0.24 +/- ACRES)
PARCEL ID #: 23-22-27-8199-00-140
APPLICANT: BBC FAMILY HOMES, LLC

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 1030 Vineland Road and is approximately 0.24 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The property is currently zoned R-2 in Orange County and carries a Future Land Use designation of Low Medium Density Residential. The existing zoning and land use allow single-family detached and attached dwellings.

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 Residential Neighborhood Commercial, and initial zoning of R-NC. This zoning and land use is consistent with the surrounding area.

Properties designated with the Residential-Neighborhood Commercial land use category are required to be developed at a floor area ratio not greater than 0.35. Gross residential density shall be not greater than 6 dwelling units per acre. All uses shall have a maximum height of 35 feet. This designation shall provide for permitted low density residential uses and neighborhood commercial and professional uses. The mix should have a minimum of 80% residential uses. Uses should be located on collector and minor arterial streets close to low density residential areas. The zoning classifications that are consistent with the Residential Neighborhood Commercial classification is RNC 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 and used as a single-family house.

ADJACENT LAND USE AND ZONING

The properties located to the north, south, and west are developed as single-family homes, located in Orange County with R-2 zoning. The property located to the east is developed with an auto service company, zoned C-2 and located in the City.

PROPOSED USE

The applicant intends to annex the property, continue using the single-family home, and later convert the home into an office. Converting the house into an office can be done through Special Exception process.

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

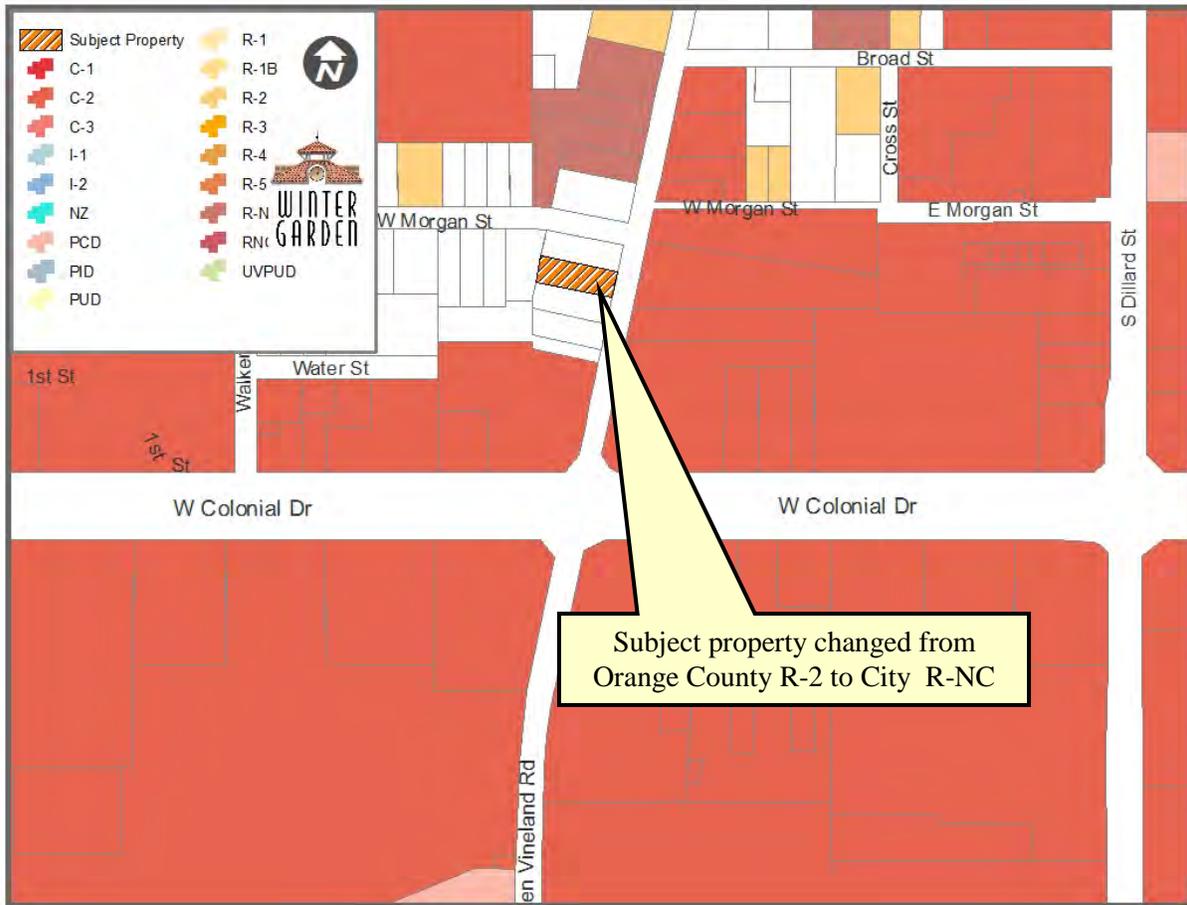
1030 Vineland Road



FUTURE LAND USE MAP 1030 Vineland Road



ZONING MAP
950 Vineland Road



END OF STAFF REPORT

ORDINANCE 14-39

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.24 ± ACRES LOCATED AT 1030 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD SOUTH OF WEST MORGAN STREET AND NORTH OF WEST COLONIAL DRIVE INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.24 ± acres located at 1030 Vineland Road on the west side of Vineland Road, south of West Morgan Street and north of West Colonial Drive and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT “A” and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have

over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *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.

SECTION 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2014.

SECOND READING AND PUBLIC HEARING: _____, 2014.

ADOPTED this _____ day of _____, 2014, 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#: 23-22-27-8199-00-140

Lot 14, SOUTHERN BOULEVARD subdivision, according to the map or plat thereof, as recorded in Plat Book J, Page 13, public records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Northeast corner of Lot 13 of said SOUTHERN BOULEVARD subdivision; thence South 12°01'16" West 60.00 feet to the Northeast corner of Lot 14 of said SOUTHERN BOULEVARD subdivision and the POINT OF BEGINNING; thence South 12°01'16" West 60.00 feet to the Southeast corner of said Lot 14; thence North 78°05'56" West 175.00 feet to the Southwest corner of said Lot 14; thence North 12°01'16" East 60.00 feet to the Northwest corner of said Lot 14; thence South 78°05'56" East 175.00 feet to the POINT OF BEGINNING.

Containing 0.241 acres, more or less

ORDINANCE 14-40

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 0.24 ± ACRES LOCATED AT 1030 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD SOUTH OF WEST MORGAN STREET AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD 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 0.24 ± acres of land located at 1030 Vineland Road on the west side of Vineland Road south of West Morgan Street and north 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 Orange County Low Medium Density to City Residential Neighborhood 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 City Residential Neighborhood Commercial as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 14-39, 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: _____, 2014.

SECOND READING AND PUBLIC HEARING: _____, 2014.

ADOPTED this _____ day of _____, 2014, 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#: 23-22-27-8199-00-140

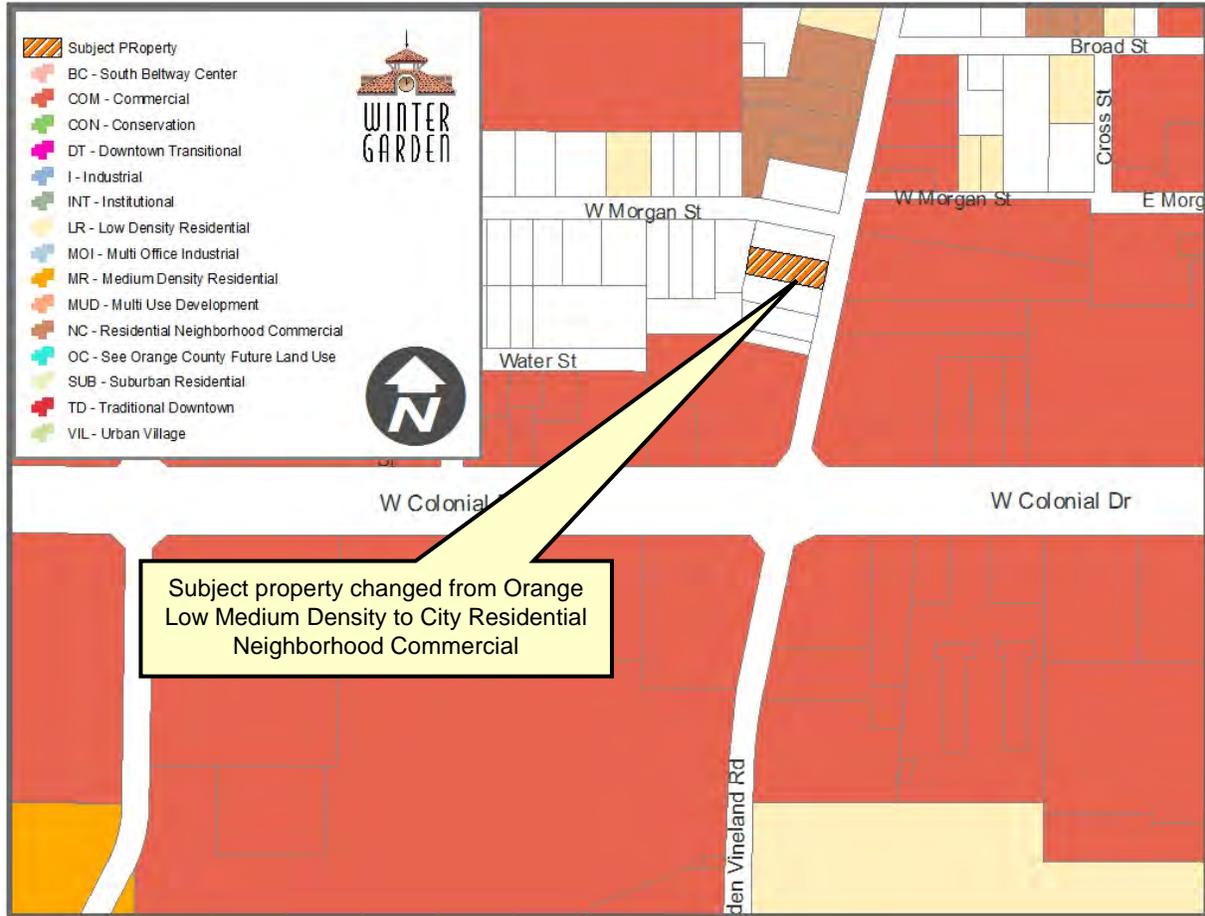
Lot 14, SOUTHERN BOULEVARD subdivision, according to the map or plat thereof, as recorded in Plat Book J, Page 13, public records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Northeast corner of Lot 13 of said SOUTHERN BOULEVARD subdivision; thence South 12°01'16" West 60.00 feet to the Northeast corner of Lot 14 of said SOUTHERN BOULEVARD subdivision and the POINT OF BEGINNING; thence South 12°01'16" West 60.00 feet to the Southeast corner of said Lot 14; thence North 78°05'56" West 175.00 feet to the Southwest corner of said Lot 14; thence North 12°01'16" East 60.00 feet to the Northwest corner of said Lot 14; thence South 78°05'56" East 175.00 feet to the POINT OF BEGINNING.

Containing 0.241 acres, more or less

ATTACHMENT "B"

FUTURE LAND USE MAP

1030 Vineland Road



ORDINANCE 14-41

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 1030 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD SOUTH OF WEST MORGAN STREET AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.24 ± acres of land located at 1030 Vineland Road on the west side of Vineland Road south of West Morgan Street and north of West Colonial Drive, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City’s RN-C Residential Neighborhood 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 RN-C Residential Neighborhood 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 Orange County R-2 Residential District to City RN-C Residential Neighborhood 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 simultaneously upon the effective date of Ordinance 14-40 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2014.

SECOND READING AND PUBLIC HEARING: _____, 2014.

ADOPTED this _____ day of _____, 2014, 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#: 23-22-27-8199-00-140

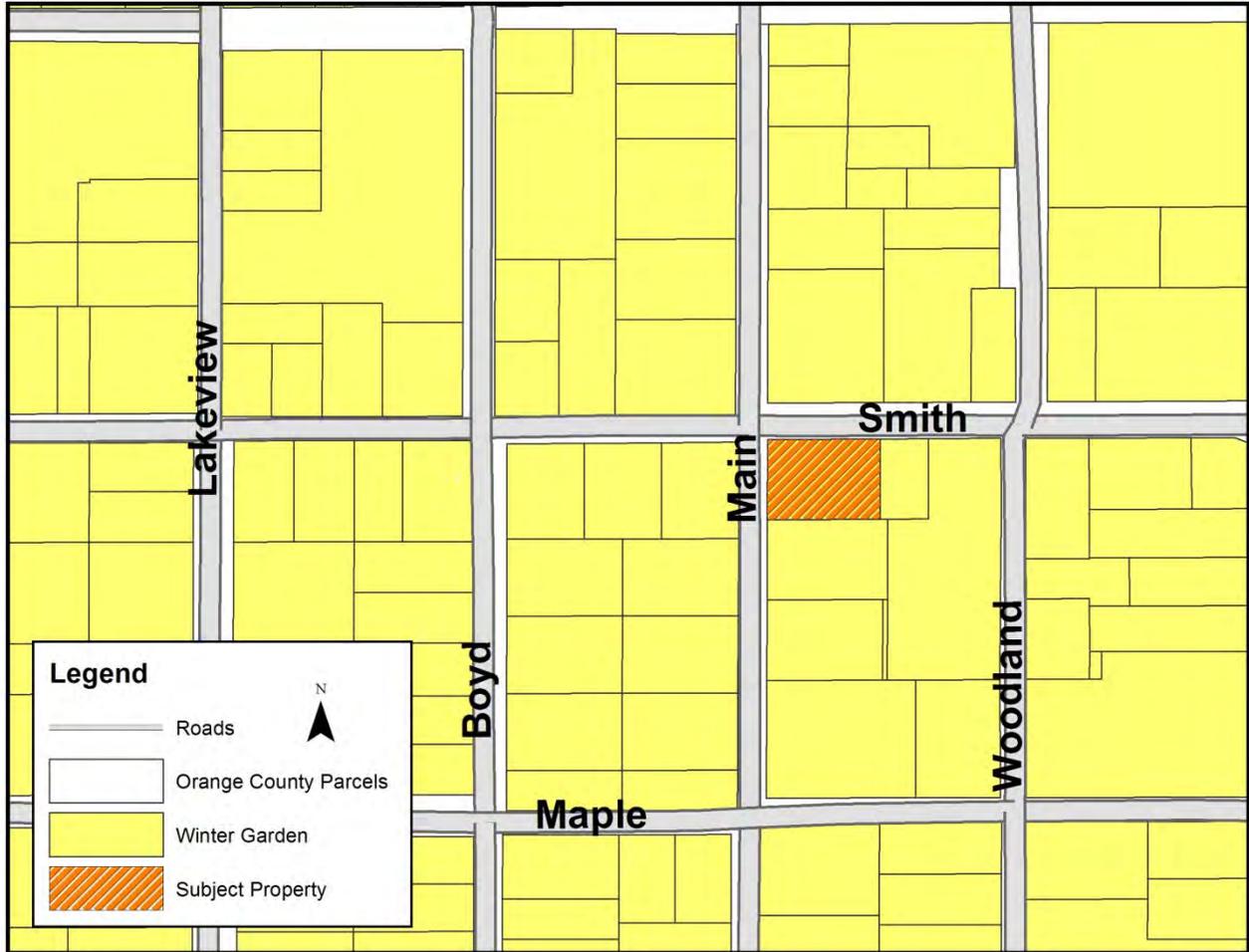
Lot 14, SOUTHERN BOULEVARD subdivision, according to the map or plat thereof, as recorded in Plat Book J, Page 13, public records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Northeast corner of Lot 13 of said SOUTHERN BOULEVARD subdivision; thence South 12°01'16" West 60.00 feet to the Northeast corner of Lot 14 of said SOUTHERN BOULEVARD subdivision and the POINT OF BEGINNING; thence South 12°01'16" West 60.00 feet to the Southeast corner of said Lot 14; thence North 78°05'56" West 175.00 feet to the Southwest corner of said Lot 14; thence North 12°01'16" East 60.00 feet to the Northwest corner of said Lot 14; thence South 78°05'56" East 175.00 feet to the POINT OF BEGINNING.

Containing 0.241 acres, more or less

LOCATION MAP

203 S Main Street

REZONING



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

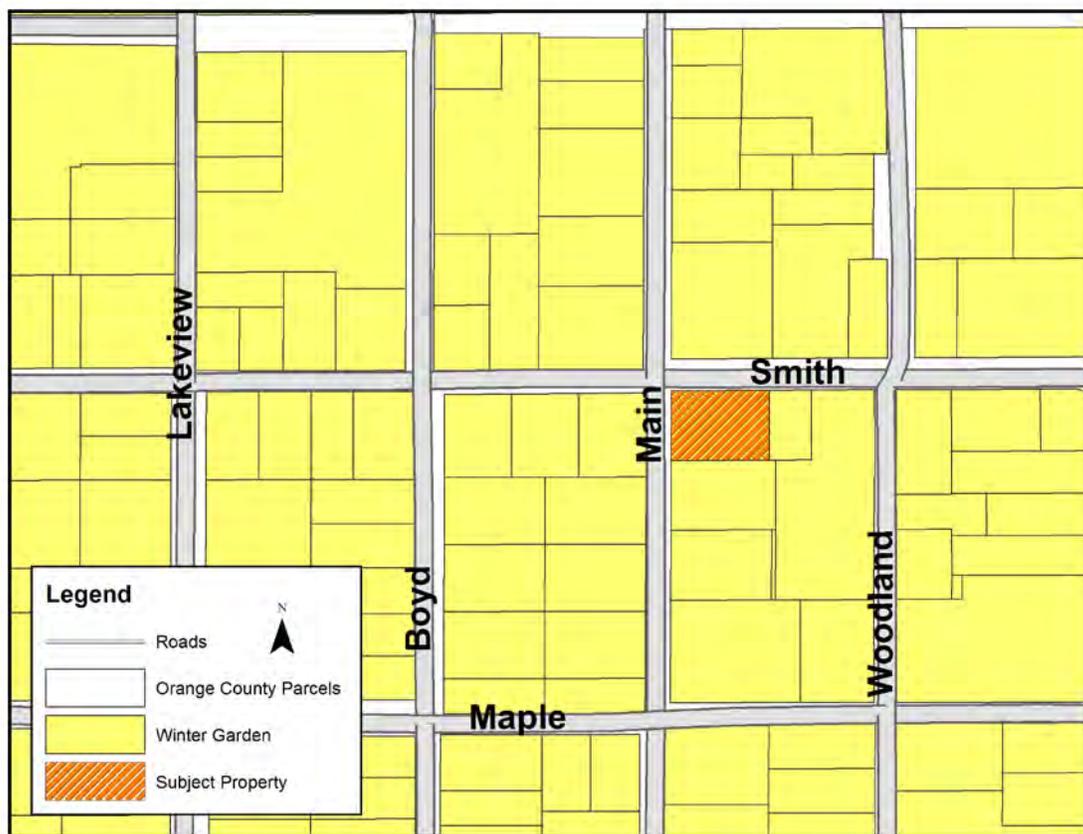
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: SEPTEMBER 25, 2014
SUBJECT: REZONING (R-2 to R-NC)
203 S MAIN STREET (0.32 +/- ACRES)
PARCEL ID #: 23-22-27-0644-00-010
APPLICANT: Joy & Ron Tewson

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 203 S Main Street and is approximately 0.32 ± acres. The map below depicts the subject property within the City's jurisdictional limits:



The property is located within the City of Winter Garden jurisdictional limits, is zoned R-2 Residential District, and has a Future Land Use Designation of NC Residential Neighborhood Commercial. The applicant is now requesting to rezone the property to R-NC Residential-Neighborhood Commercial District, which is consistent with the existing NC Residential-Neighborhood Commercial FLU designation.

EXISTING USE

The subject property contains several residential structures. The main 2,100-square-foot single-story building on the site was constructed in 1916, and it was later converted from a single-family residential house to a two-unit building. One additional housing unit- a 900-square-foot guest house built in 1918- is located in the rear yard. A 400-square-foot carport structure is also located in the rear yard adjacent to E Smith Street; it's attached to the guest house. The owner currently rents out all three housing units. The property is located just outside the Winter Garden Historic Downtown District.

ADJACENT LAND USE AND ZONING

The property located to the north of the subject property is zoned C-1 (Central Commercial District) and is located within the City of Winter Garden municipal limits. Although it's within a commercial zoning district, the parcel is currently both developed and used as a residential property. This property is also located within the Historic Downtown District. The properties to the east, west, and south of the subject property are all zoned R-2 (Residential District) and are located within the City of Winter Garden municipal limits. The property to the west is contains a duplex building, and the property to the east contains a single-family house. The property to the south contains several residential structures including a duplex, a detached residential unit, and various accessory structures.

PROPOSED USE

If the zoning application is approved, the applicant is planning to put the property on the market. Several individuals have expressed interest in retrofitting the property to accommodate low intensity commercial uses such as offices and small neighborhood retail establishments, which are allowed by the R-NC Zoning District through the Special Exception Permit process. Currently, the property has not received approvals for any non-residential uses.

STAFF ANALYSIS

The property is largely consistent with the Comprehensive Plan Policy for Residential-Neighborhood Commercial Properties. According to Policy 1-1.2.6:

Residential-Neighborhood Commercial. Properties designated with the Residential-Neighborhood Commercial land use category are required to be developed at a floor area ratio not greater than 0.35. Gross residential density shall be not greater than 6 dwelling units per acre. All uses shall have a maximum height of 35 feet. This designation shall provide for permitted low density residential uses and neighborhood commercial and

professional uses. The mix should have a minimum of 80% residential uses. Uses should be located on collector and minor arterial streets close to low density residential areas. The zoning classifications that are consistent with the Residential Neighborhood Commercial classification is RNC and INT.

The subject property is developed with a floor area ratio that is less than 0.35. It's also located on a collector road; Main Street is considered a collector from Smith Street south to where it intersects with Vineland Road. No building on the site exceeds 35 feet in height and the entire property is currently used residentially. In addition, the proposed R-NC zoning designation is consistent with the Residential-Neighborhood Commercial FLU list of permitted zoning classifications. The only portion of the policy with which the property does not comply is the maximum allowed gross residential density of six dwelling units per acre- the property exceeds this density as it currently contains three dwelling units on a $0.32 \pm$ acre parcel of land. However, if the current plans for the parcel materialize and the property is retrofitted to accommodate neighborhood commercial uses, it will no longer contain a number of dwelling units in excess of what's permitted by Policy 1-1.2.6.

Although the property is located outside a designated Activity Center as defined on Future Land Use Map 1.3 in the Comprehensive Plan, the subject parcel is still situated in a highly visible, well-trafficked corner directly adjacent to Downtown. The property is located at corner of Smith Street and Main Street, which are two corridors that are positioned to experience even greater volumes of vehicular and pedestrian traffic in the near future. Main Street has been identified in the Comprehensive Plan as a Residential-Neighborhood Commercial corridor, spanning from the subject property south on Main Street, continuing after Main transitions into Vineland Road towards State Route 50. Several properties along this corridor have recently rezoned from Residential to Residential-Neighborhood Commercial, and this trend is anticipated to continue as the City's growth stimulates a greater mixture of uses in these FLU designated areas.

Smith Street, which runs east-west along the southern limits of the Historic Downtown District, is another corridor poised to experience an increase in traffic volumes and a growth of mixed-uses. Smith has been identified as the main collector road for the new municipal parking garage. In anticipation of the garage, the City has also identified key road improvements for Smith Street including construction of new sidewalks and the possible development of a roundabout at the corner of Smith and Dillard. These improvements will only increase Smith's viability as a main vehicular and pedestrian access route to Downtown locations- both existing and those slated for future development such as the Plant Street Market and the former Planning Department site. Additionally, Smith Street has been identified as the main corridor for the new Winter Garden Arts District. The creation of the Arts District includes the development of a new program whereby residential properties along Smith Street have the option of converting a portion of their dwelling units to retail gallery spaces for live-in artists.

Because both Smith Street and Main Street have begun the transition into more highly-trafficked, mixed-use corridors, the subject property's proposed residential-neighborhood commercial zoning would be consistent with the changing character of the district.

PUBLIC FACILITY ANALYSIS

The City will continue providing garbage collection, police protection, City utilities, and all other

services regularly provided to City of Winter Garden residents. 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 Ordinance on the basis that:

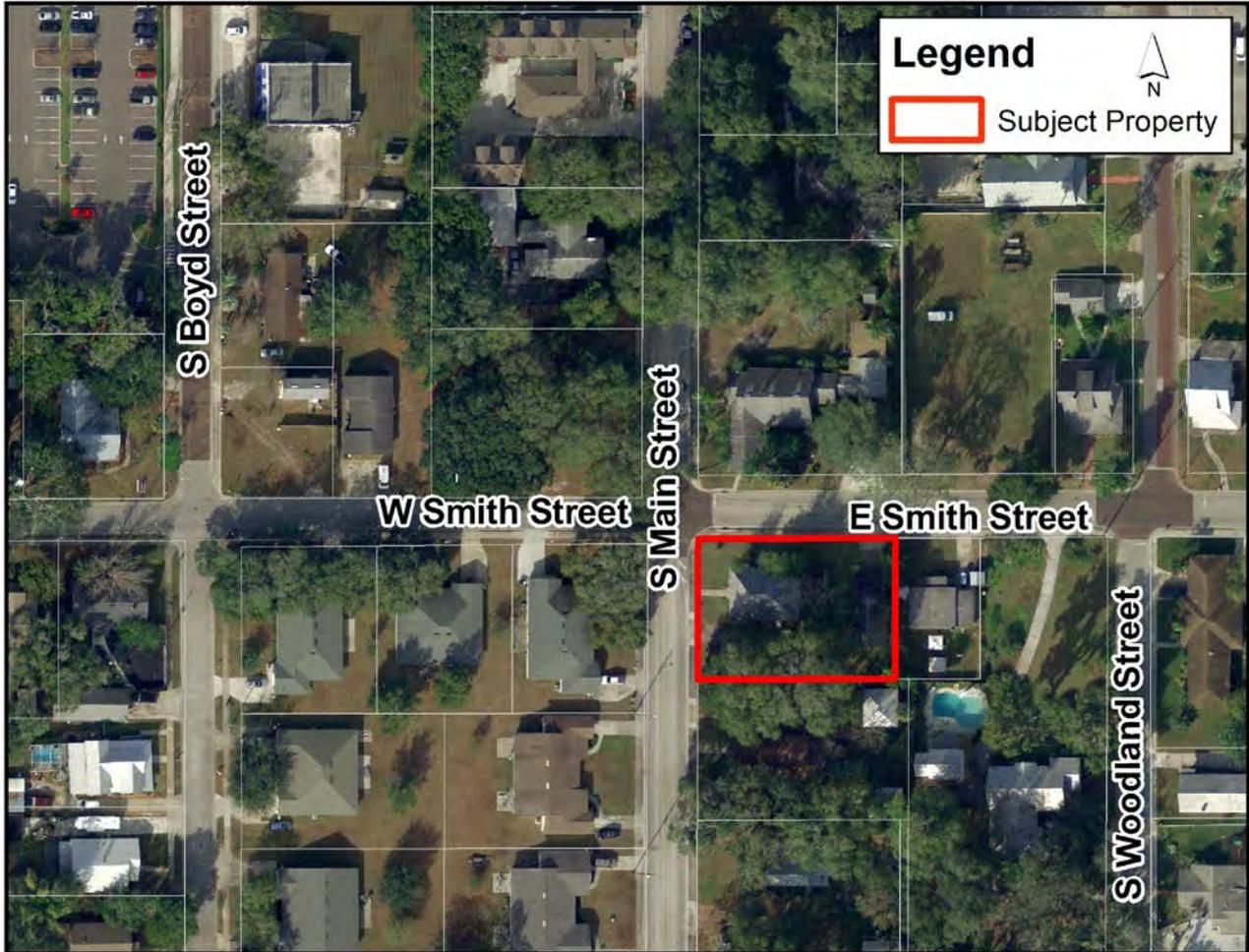
1. It is consistent with the existing Future Land Use designation.
2. It is consistent with the policies of the Comprehensive Plan.
3. It is consistent and compatible with adjacent development.
4. It is consistent and compatible with the character of the Smith Street and Main Street corridors.
5. It can meet all concurrency requirements of the City.

Staff would therefore recommend approval subject to the following condition:

1. After rezoning, any proposed commercial uses on the property will need to procure a Special Exception Permit approval from the Planning & Zoning Board prior to start of operations. Conditions of approval will include any required commercial upgrades to the site or building, as well as all necessary buffering from surrounding residential properties.

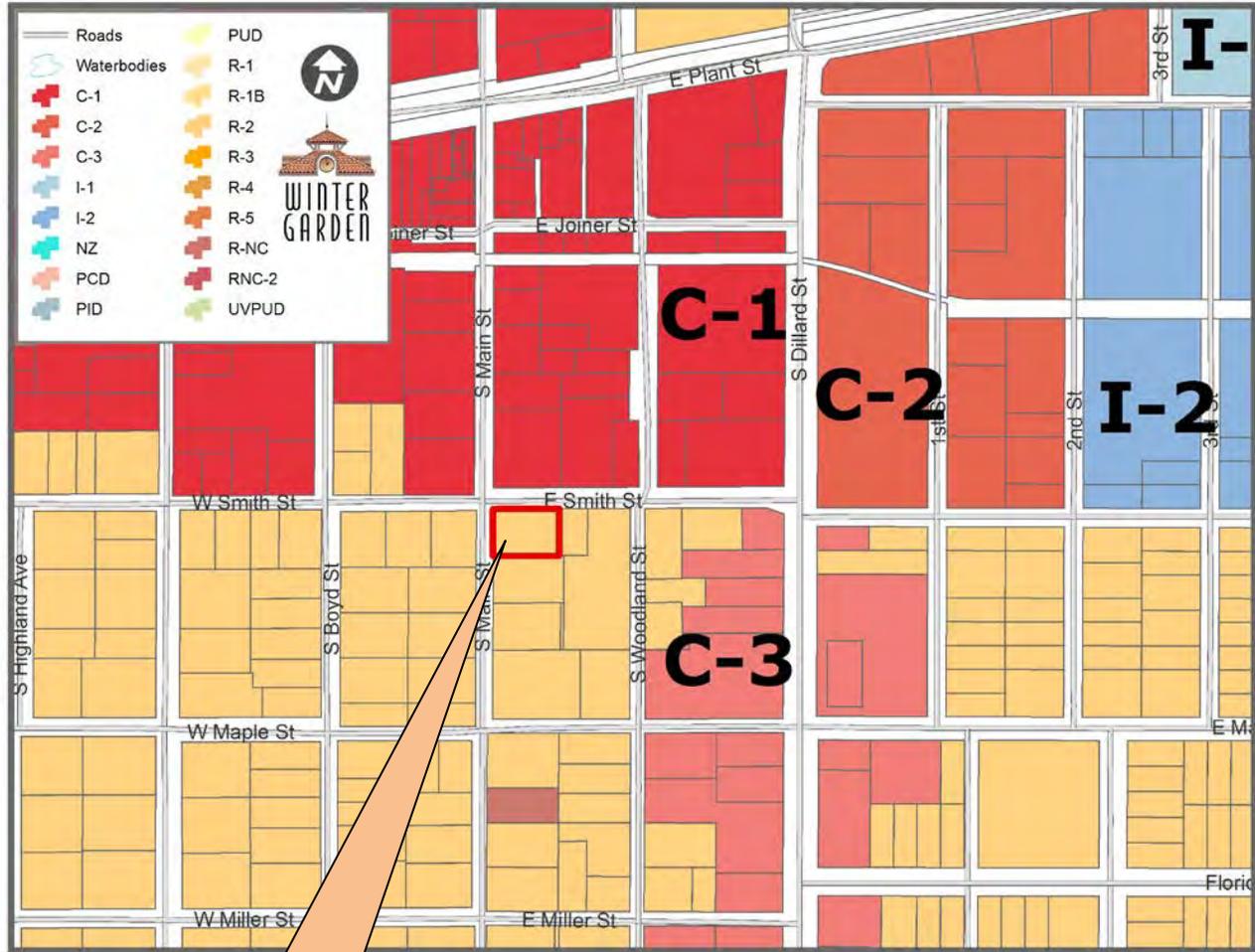
AERIAL PHOTO

203 S Main Street



ZONING MAP

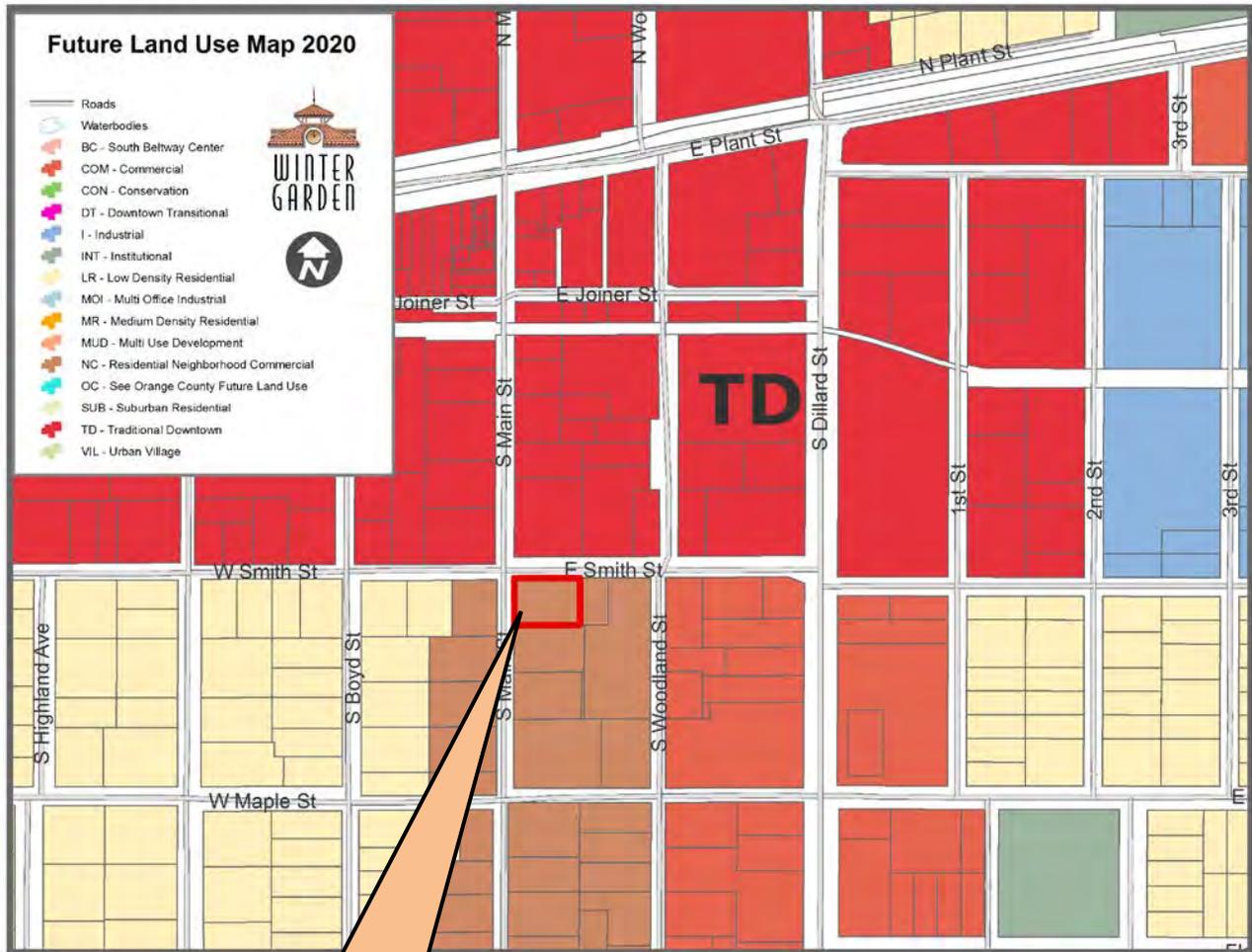
203 S MAIN STREET



**Subject property change
from City R-2 to R-NC**

FUTURE LAND USE MAP

203 S Main Street



**Subject property existing
NC Residential
Neighborhood Commercial
FLU**

END OF STAFF REPORT

ORDINANCE 14-38

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.32 +/- ACRES OF REAL PROPERTY GENERALLY LOCATED AT 203 SOUTH MAIN STREET AT THE SOUTHEAST CORNER OF SOUTH MAIN STREET AND EAST SMITH STREET FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL-NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.32 ± acres of land located at 203 South Main Street at the southeast corner of South Main Street and East Smith Street and legally described in ATTACHMENT “A” of this ordinance has petitioned the City to rezone said property from City R-2 Residential District to City R-NC Residential-Neighborhood 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 R-NC Residential-Neighborhood 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 in ATTACHMENT “A,” is hereby rezoned from City R-2 Residential District to City R-NC Residential-Neighborhood 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 adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2014.

SECOND READING AND PUBLIC HEARING: _____, 2014.

ADOPTED this _____ day of _____, 2014, 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 # 23-22-27-0644-00-010

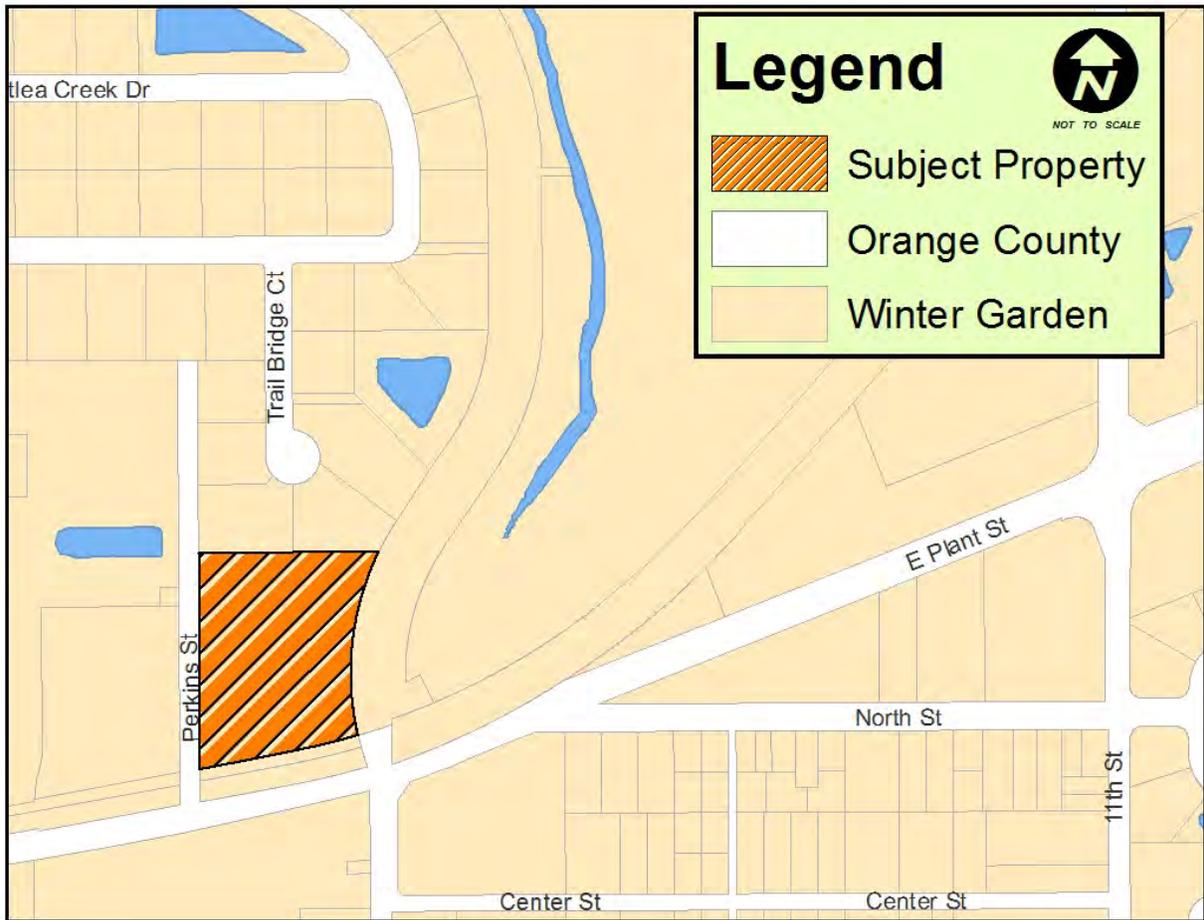
LOT 1, (LESS THE EAST 10') ANNIE L. BERRY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 129, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO, BEGINNING AT SOUTHWEST CORNER OF SAID LOT 1, OF ANNIE L. BERRY'S SUBDIVISION, RUN S 7', THENCE E 140' THENCE N 7', THENCE WEST 140' TO THE POINT OF BEGINNING, BEING 7' JUST SOUTH OF AND ADJACENT TO SAID LOT 1 OF ANNIE L. BERRY'S SUBDIVISION.

LOCATION MAP

855 E Plant Street

SPECIAL EXCEPTION PERMIT



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, COMMUNITY DEVELOPMENT MANAGER
DATE: SEPTEMBER 30, 2014
SUBJECT: SPECIAL EXCEPTION PERMIT
855 East Plant Street (School)
PARCEL ID # 14-22-27-1944-00-006

APPLICANT: West Orange Montessori Charter School, LLC

INTRODUCTION

The purpose of this report is to evaluate the proposed special exception permit for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 855 East Plant Street. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant applied for a Special Exception to operate a charter school on the property in 2011 and the original approval required the school to submit for a new Special Exception Permit so the impact could be reviewed again in the future. This application is to allow the existing charter school to remain on the property. The subject property is located within the City of Winter Garden municipal limits, 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 two buildings, one of which is 23,200 square feet and the other building is 10,900 square feet. The school is located in a portion of both buildings and there are other commercial uses in each building. Some of the other uses in the buildings are a hair salon, office uses, and a church. The school has a playground area for the smaller children on their property (southeast corner) and a larger fenced in play area on the property immediately east which is owned by the City of Winter Garden and leased to the school.

The original Special Exception approved the school to operate with a maximum of 345 students that would be grades kindergarten through eighth. The school started with grades kindergarten through second with 108 students and has continued to add a grade each year. The school currently has 206 students in grades kindergarten through fifth and would like to continue adding an additional grade each year until they reach eighth grade (2017 – 2018 school year). When they reach eighth grade, they will also reach the maximum number of students allowed by the Special Exception as well as the charter they have approved through the State.

As stated previously, the original approval was for a specific time period (3 years). There was also a condition that they submit a traffic study to determine the impact of the school traffic on Plant Street; however, staff has determined that with the widening of Plant Street the impact has been reduced and a traffic study is no longer needed.

The school has been working with city staff for the last year to find a new location where they can build a new school or purchase an existing building to operate the school. They are continuing the search for a new location or building and are requesting this Special Exception to continue operating at the existing facility for the next few years.

ADJACENT LAND USE AND ZONING

The properties located to the north are developed with single-family homes, zoned R-1, and located in the City of Winter Garden. The property to the east is a vacant lot which is owned by the City and zoned R-1. The property to the south is vacant land owned by the City and zoned C-2. The property to the west is developed with the Orange County Library and zoned R-1.

SUMMARY

City Staff recommends approval of the proposed special exception permit to allow the charter school to continue operating at 855 East Plant Street with the following conditions:

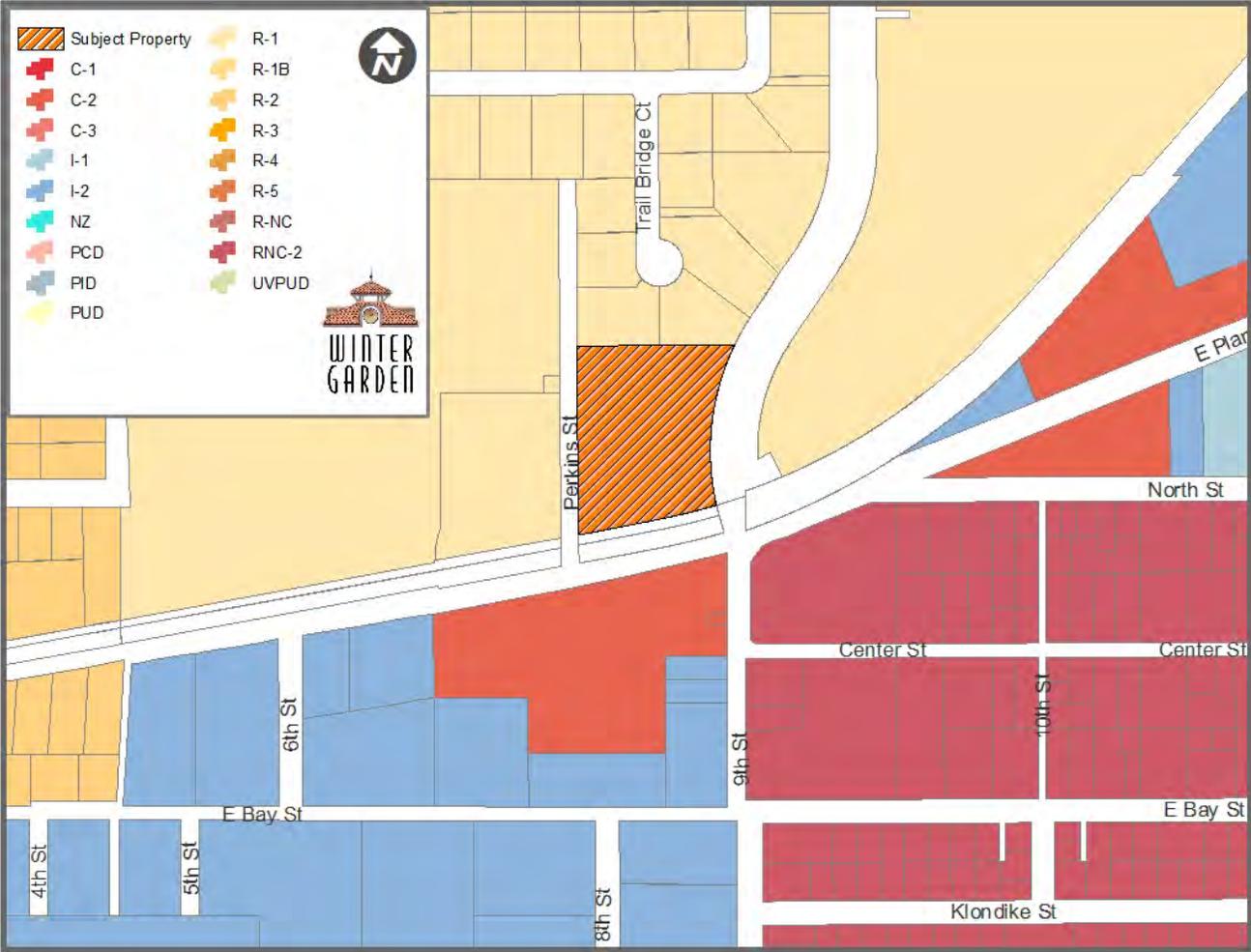
1. The Special Exception is approved for another three (3) years. Prior to the fourth year (2017 – 2018 school year) a new Special Exception shall be applied for and approved by the Planning and Zoning Board in order for the school to continue operating at 855 East Plant Street.

2. The maximum number of students shall not exceed 345. Any proposed increase in student enrollment shall require a new Special Exception Permit.
3. This Special Exception Permit is specific to the West Orange Montessori Charter School, LLC and cannot be transferred to another school.

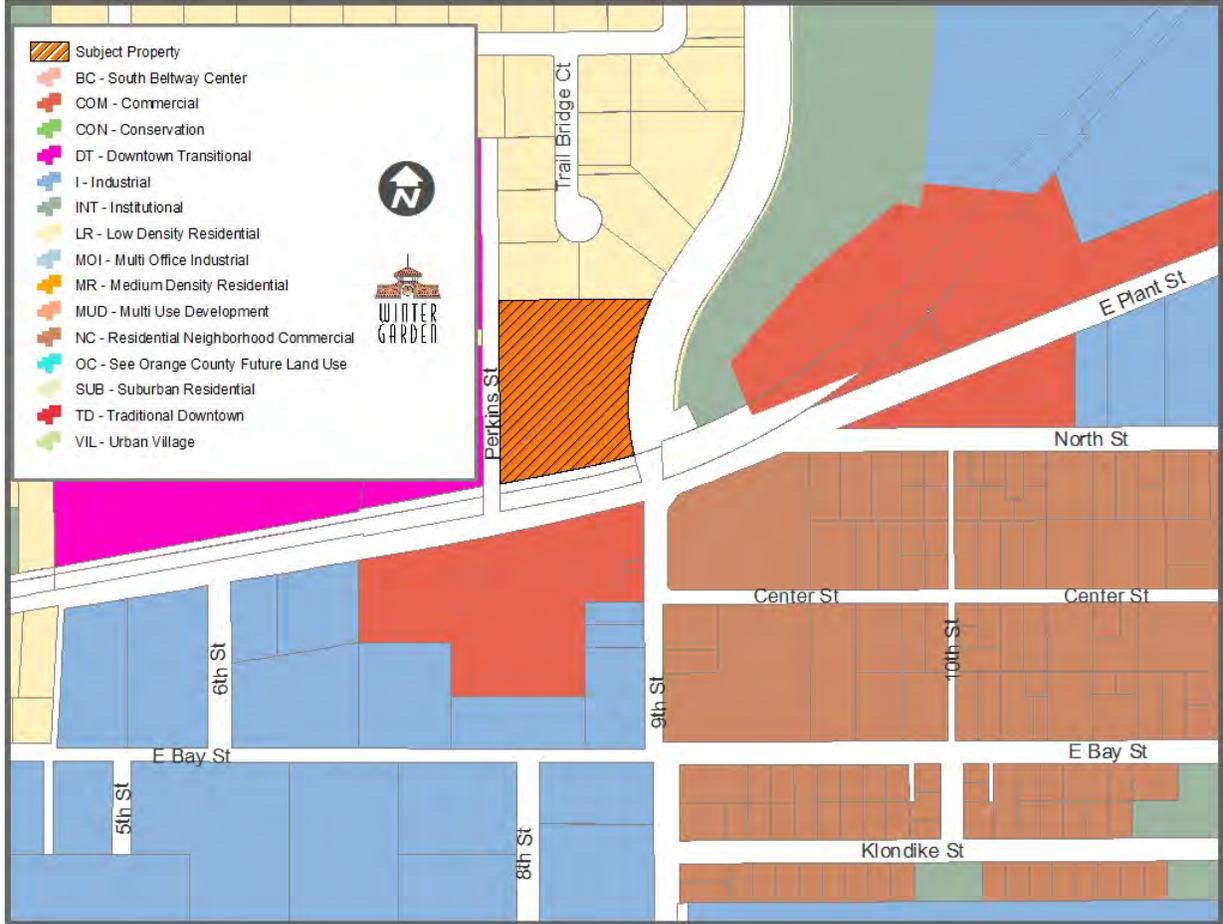
Aerial Map
855 East Plant Street



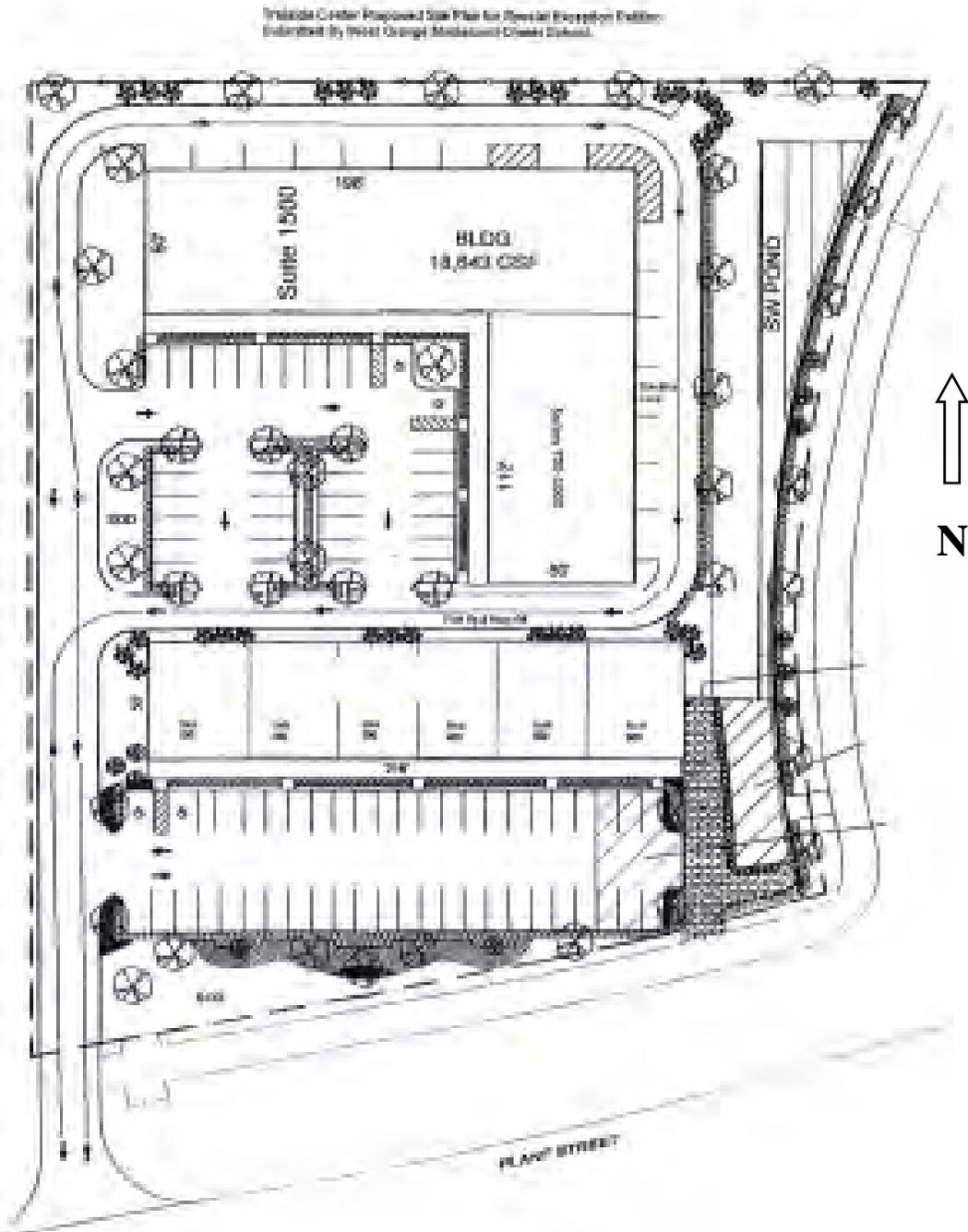
Zoning Map
855 East Plant Street



Future Land Use Map
855 East Plant Street



SITE PLAN
855 East Plant Street

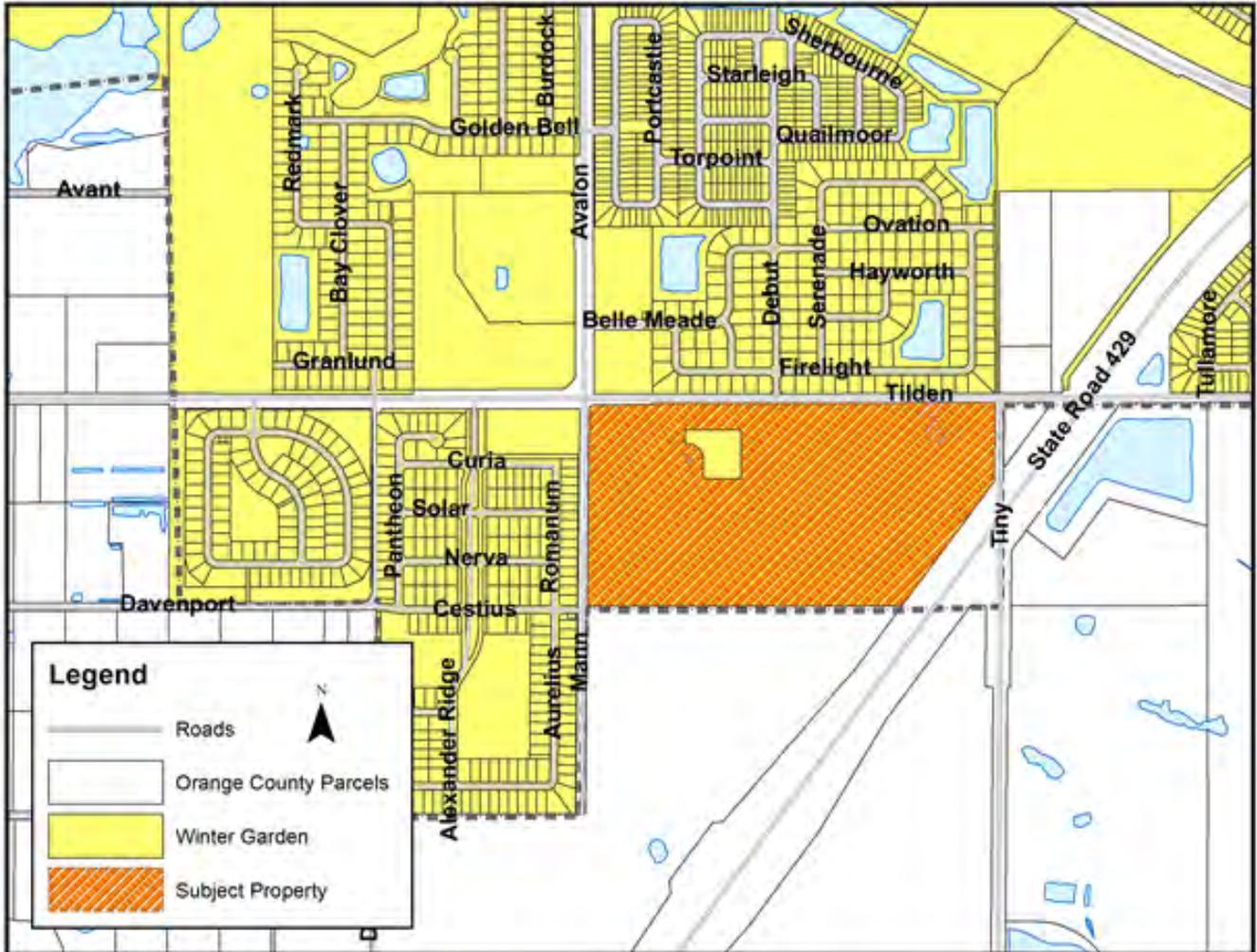


END OF STAFF REPORT

LOCATION MAP

15304 Tilden Road

SPECIAL EXCEPTION PERMIT



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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STAFF REPORT

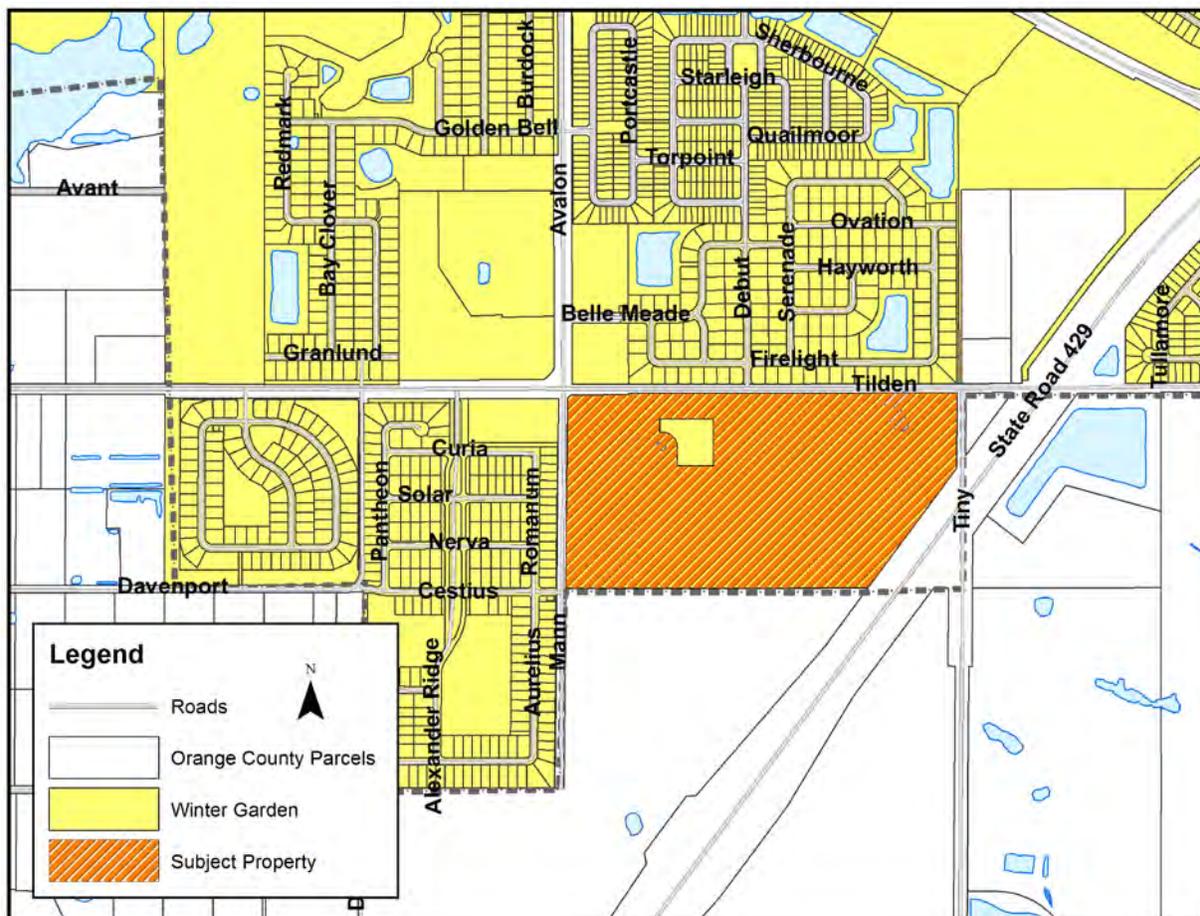
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: SEPTEMBER 30, 2014
SUBJECT: SPECIAL EXCEPTION PERMIT
15304 Tilden Road (School Expansion)
PARCEL ID # 09-23-27-0000-00-009

APPLICANT: Foundation Academy // David Buckles

INTRODUCTION

The purpose of this report is to evaluate the proposed special exception permit for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 15304 Tilden Road. 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 for the expansion of an existing school facility. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation R-1, and is designated SUB – Suburban Residential on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

Foundation Academy is a private religious school affiliated with the First Baptist Church of Winter Garden. The 69.8 acre subject property contains the Academy's South Campus. This campus accommodates an enrollment of approximately 320 middle and high school students as well as 33 full and part time faculty members and staff.

Phase I of the South Campus was completed in 2008. The subject property currently features an education building, a technology building, a gymnasium, a series of parking lots, athletic facilities, and a courtyard.

The applicant is proposing to locate four temporary modular buildings on site to provide the additional space needed for classrooms and other school programs. Two 35' x 60' modular units will house the band and choir programs, and two 24' x 36' units will provide additional classroom space to accommodate the Academy's anticipated growth for the 2015-16 school year. These classroom buildings will be located on site for a maximum of three years; the applicant anticipates this will give the organization enough time to raise funds, permit, and construct permanent facilities. In addition, the modular buildings will need to pass all inspections by the Building Department before occupancy.

ADJACENT LAND USE AND ZONING

The property located to the west of the subject property is the Alexander Ridge Subdivision, which contains single-family homes. It's zoned PUD and is within the City of Winter Garden Municipal Limits.

The property to the north of the subject property is also a single-family subdivision: Belle Meade I & II. It's zoned PUD and is within the City of Winter Garden Municipal Limits. There is also a vacant PCD-zoned commercial property to the north of the subject property, located within City limits.

South of the subject property are several large utility parcels owned and operated by Orange County. They are zoned A-1 and are located in Unincorporated Orange County.

There are several State of Florida parcels located to the east of the subject property. These parcels are owned and operated by the Orlando/Orange County Expressway Authority in conjunction with the adjacent segment of the 429 Western Beltway. They are zoned A-1 and are located in Unincorporated Orange County.

Internal to the property there is an R-1 zoned parcel owned and operated by the City of Winter Garden. This property is within the City of Winter Garden Municipal Limits.

STAFF ANALYSIS

Policy 1-1.2.2 in the Winter Garden Comprehensive Plan and the Code of Ordinances Section 118-

304 permits private schools with conventional curriculums to operate on properties with the Suburban Residential Land Use Designation and R-1 zoning designation via Special Exception. Foundation Academy received a Special Exception Permit on January 9th, 2006 by the Winter Garden Planning & Zoning Board allowing the school to operate on the subject property with a maximum enrollment of 800 students. The new temporary buildings will not place an undue burden on existing roads, nor will they reduce reasonable enjoyment of the adjacent property owners' properties.

SUMMARY

City Staff recommends approval of the proposed special exception permit to allow for an expansion of the existing school facilities at 15304 Tilden Road on the basis that the development is consistent with the property's Future Land Use designation and Zoning District, it will not permit a type or intensity of development that is premature, it will not significantly increase the vehicular traffic in adjacent neighborhoods, and it will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties.

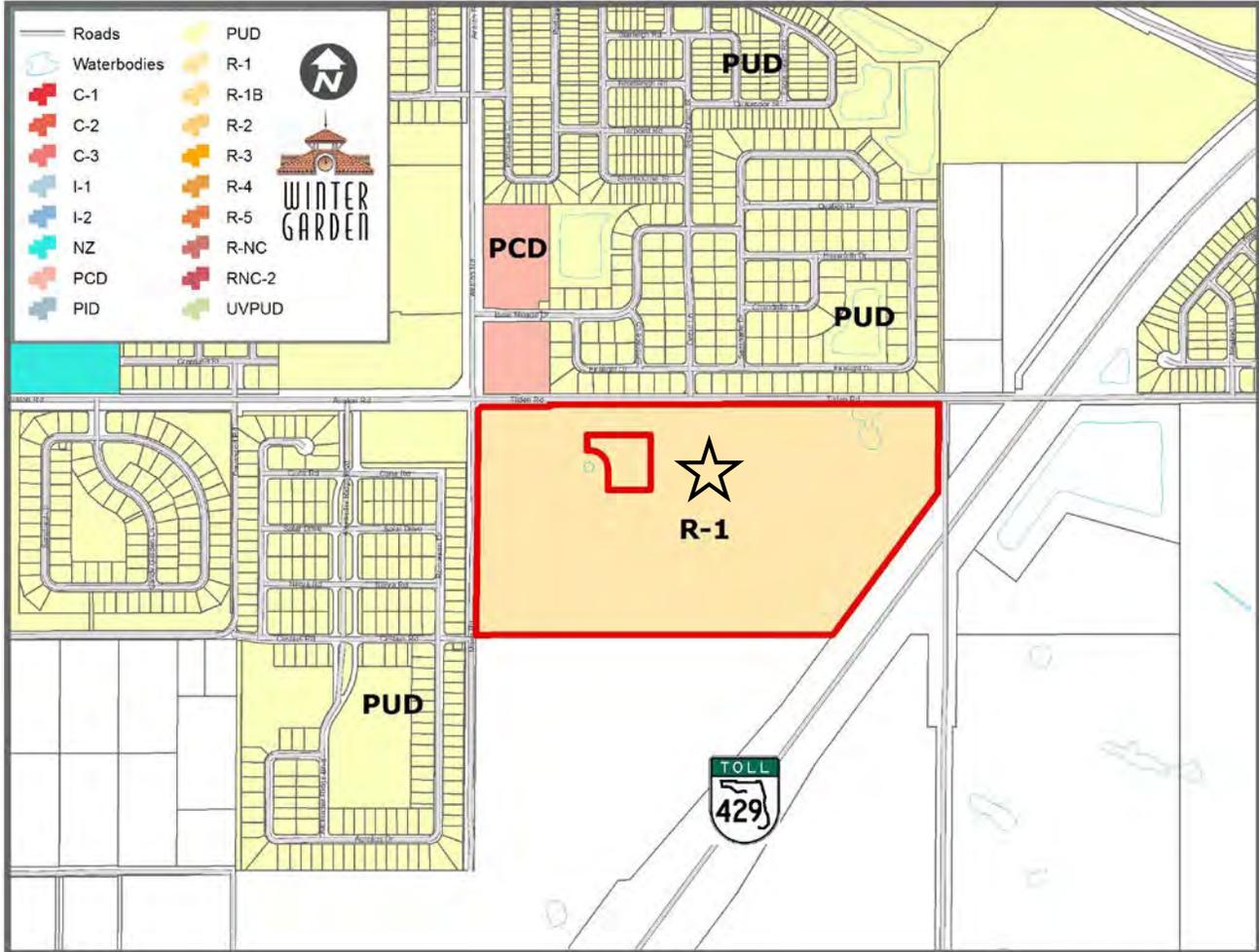
Therefore, City Staff recommends approval with the following conditions:

1. The temporary classroom buildings are permitted to be located in the area shown on the site plan for a maximum of three years. After the three year temporary period, these buildings must be removed and the site restored to its original condition. If Foundation Academy wishes to continue their expanded operations on this site after the three year period, they must apply for site plan approval to construct permanent buildings.
2. All necessary permits must be obtained prior to beginning any construction on or alterations to the site.
3. The existing drainage patterns are to be maintained. All drainage to accommodate the proposed structures and other new impervious surfaces shall be installed to function correctly and any damage to existing drainage shall be repaired and maintained by the property owner.
4. The temporary modular classroom buildings must pass inspection by the Building Department prior to occupancy.

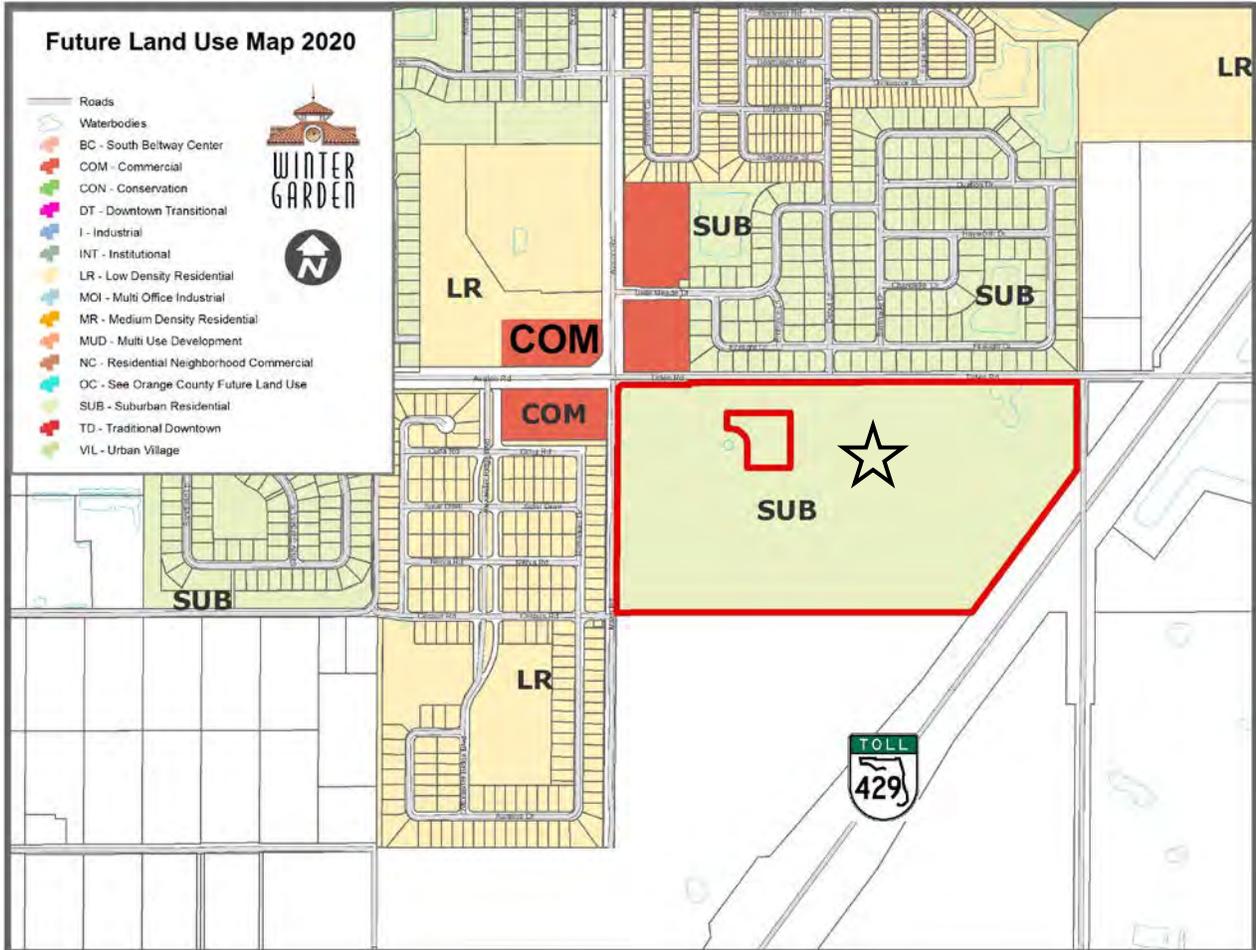
Aerial Map
15304 Tilden Road



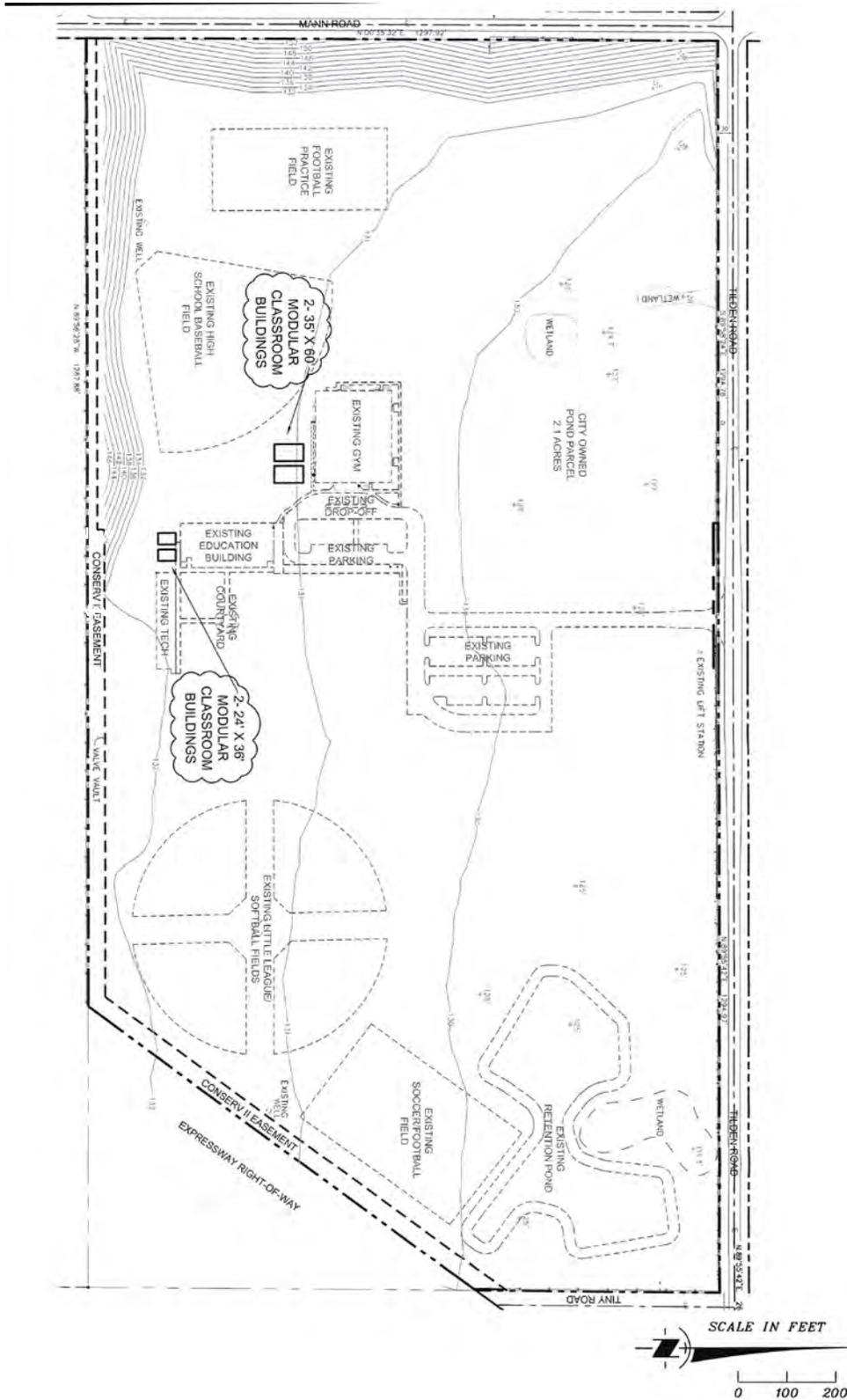
Zoning Map
15304 Tilden Road



Future Land Use Map
15304 Tilden Road



Proposed Site Plan
15304 Tilden Road

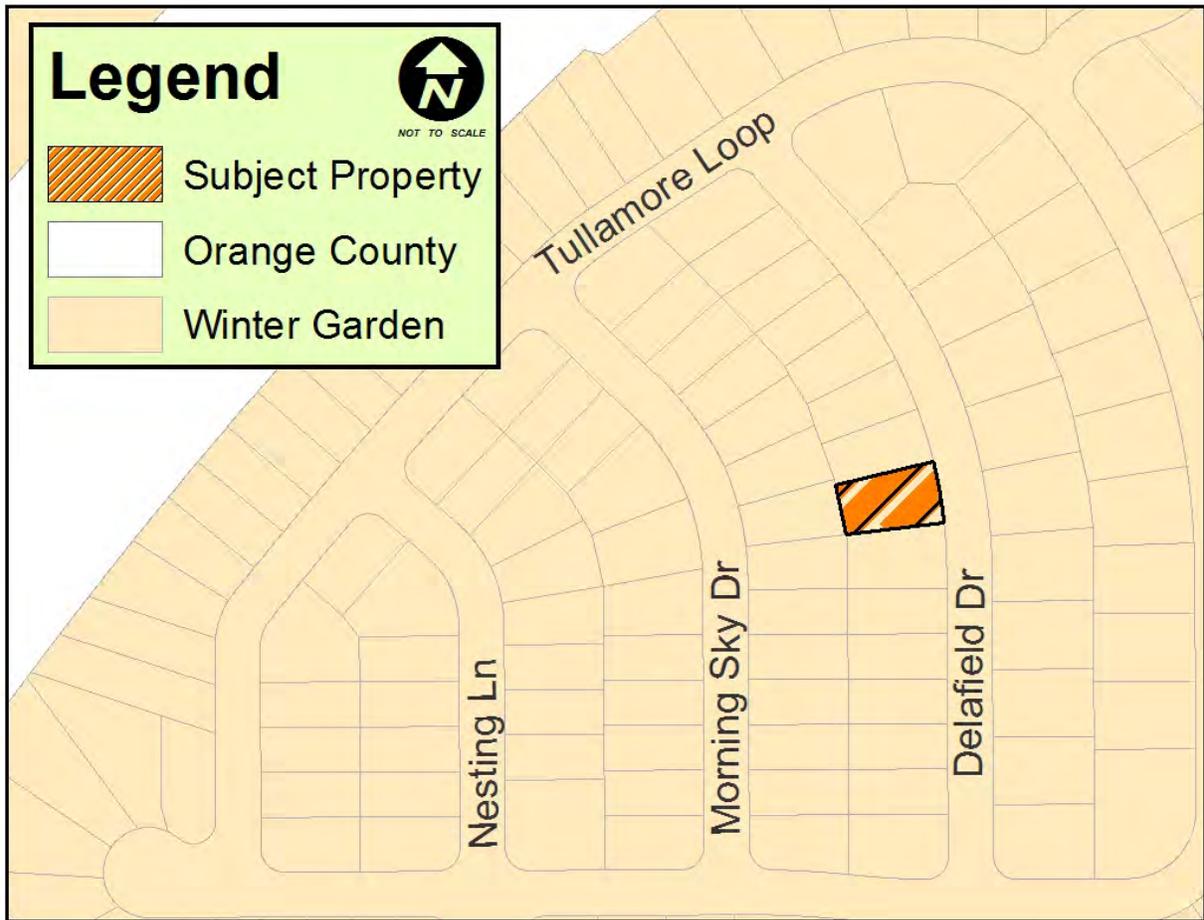


END OF STAFF REPORT

LOCATION MAP

1808 Delafield Drive

VARIANCE



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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STAFF REPORT

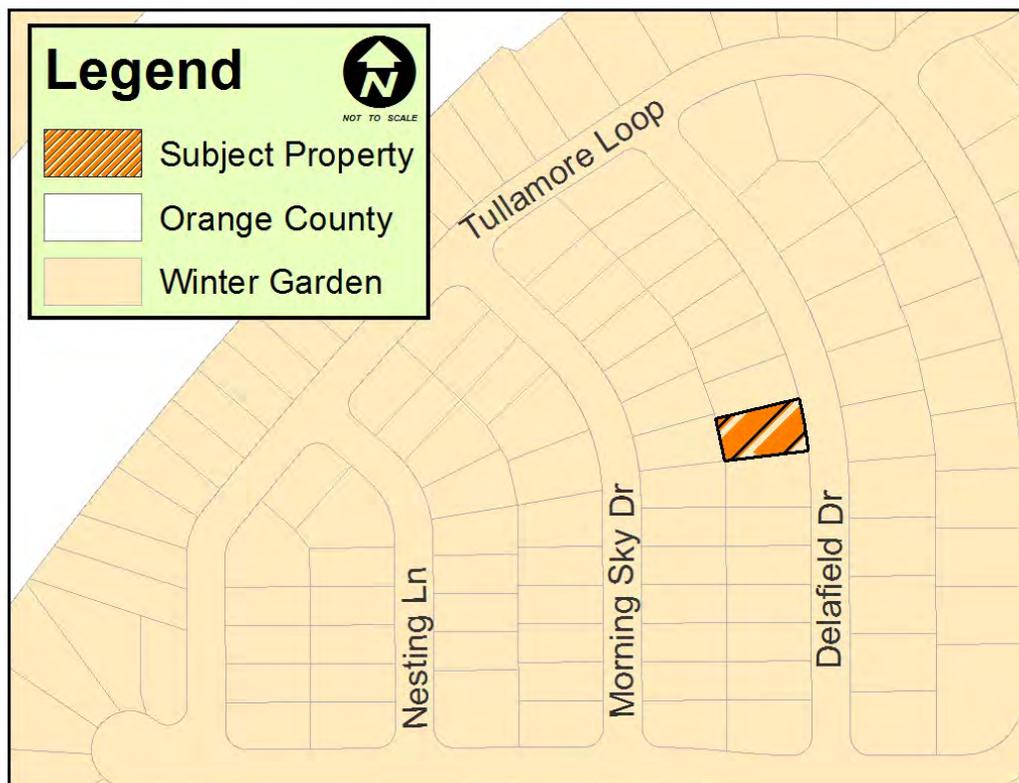
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT MANAGER
DATE: SEPTEMBER 29, 2014
SUBJECT: VARIANCE
1808 Delafield Drive (0.16+/- ACRES)
PARCEL ID # 03-23-27-1605-01-150

APPLICANT: Superior Aluminum / Frank Delguericco

INTRODUCTION

The purpose of this report is to evaluate the request of a 4 foot rear yard setback variance to allow construction of an addition to the house which consists of a screen room with a solid roof located 16 feet from the rear property line.

The subject property, located at 1808 Delafield Drive is approximately a 0.16 ± acre lot located on the west side of Delafield Drive. 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 Section 118-308(1)c. to allow an addition to the house which consists of a solid roof screen room to be built at a 16 foot rear yard setback in lieu of the minimum required 20 foot rear yard setback (as allowed by the Planned Unit Development). The subject property carries the zoning designation PUD (Planned Unit Development 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 2,227 square foot single family home.

ADJACENT LAND USE AND ZONING

The property is located in the middle of the Emerald Ridge subdivision and the surrounding properties are developed with single-family homes with PUD zoning designation.

PROPOSED USE

The applicant is requesting a variance to the rear yard setback to allow construction of a new covered screen room.

CODE REFERENCE

Sec. 118-308 (1)c. of the City Code of Ordinances addresses setbacks for the R-1 zoning district and states that the rear yard setback is 20% of the lot depth. However, the PUD Ordinance allows homes to have a 20 foot rear yard setback.

The applicant is seeking a variance to the minimum required rear yard setback of 20 feet to allow an addition to the home to be located 16 feet from the rear property.

CODE REQUIREMENTS /CRITERIA

Code Requirements/Criteria:

Section 118-131 of the City Code relates to the review criteria states that, "A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue." The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

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

Construction of the proposed structure 16 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the property owner directly behind the subject site has a similar setback. Additionally, there were no comments received from any of the surrounding property owners regarding the requested variance.

(b) *The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*

The requested variance allowing a 16 foot rear yard setback in lieu of the required 20 foot setback is reasonable use of the property. The property to the west has a screen room similar to the proposed structure and it is located at a similar setback. Allowing a screen room at this setback is not out of character with other screen rooms in the neighborhood.

(c) *In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easement and does not exceed the maximum impervious surface ratio for PUD zoning.

(d) *The granting of the variances is consistent with the city's comprehensive plan; and*

The variance is consistent with the provisions of the City's Comprehensive Plan relating to single family residential neighborhood character.

(e) *The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

The variance requested is the minimum variance that will make reasonable use of the land. Denying this variance does not benefit the property owner or the City.

SUMMARY

Staff recommends approval of the variance to Section 118-308 (1) c. to allow a screen room addition to be built at a 16 foot rear yard setback in lieu of the minimum required 20 foot rear yard setback with the following conditions:

1. The room cannot be fully enclosed or become air conditioned space.
2. A letter of approval from the HOA shall be provided with the building permit application

ATTACHMENTS

- Aerial Photos
- Site Photos

AERIAL PHOTO
1808 Delafield Drive



SITE PHOTOS
1808 Delafield Drive

View of proposed location of addition (looking north)



View of proposed location of addition (looking northwest)



SITE PHOTOS
1808 Delafield Drive

View of property to the west with similar setback and structure

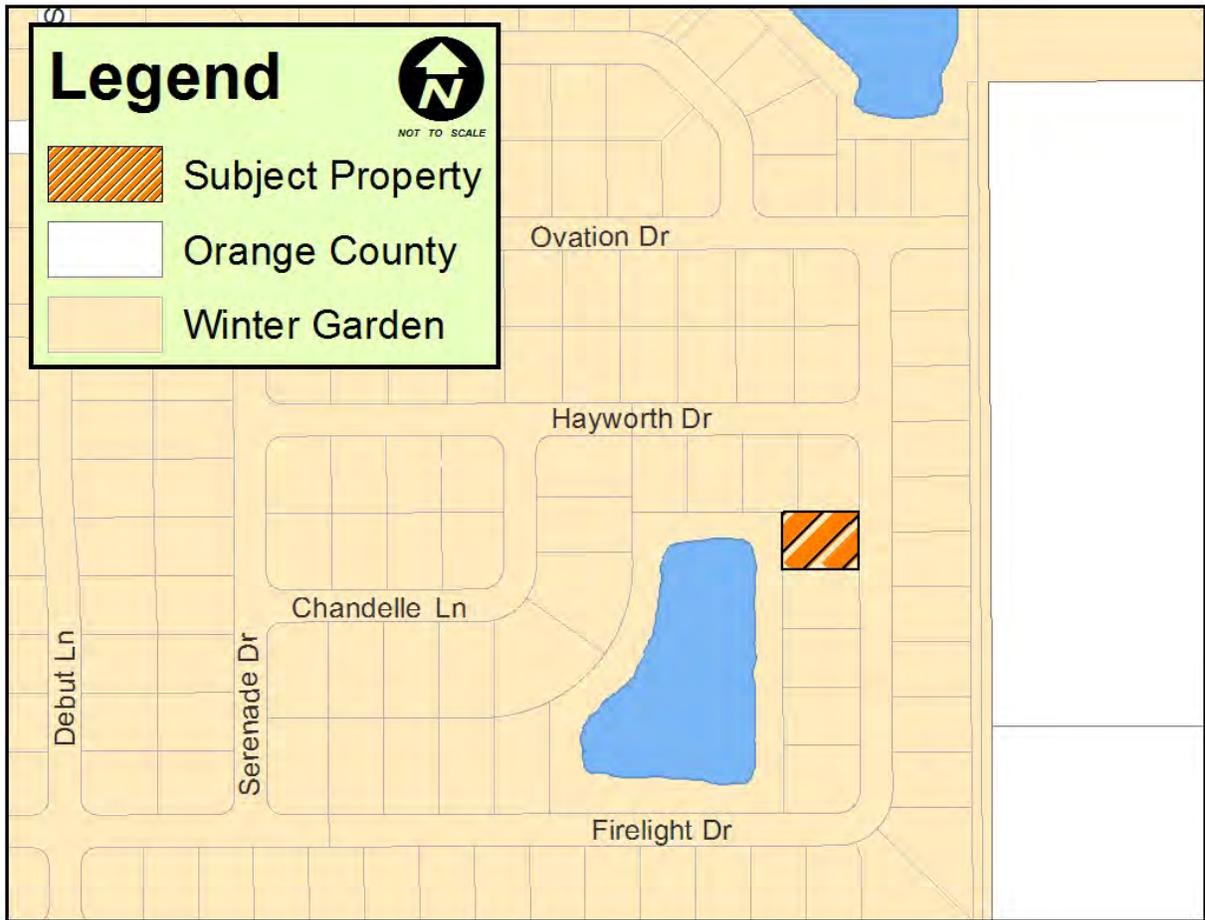


END OF STAFF REPORT

LOCATION MAP

15233 Firelight Drive

VARIANCE



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

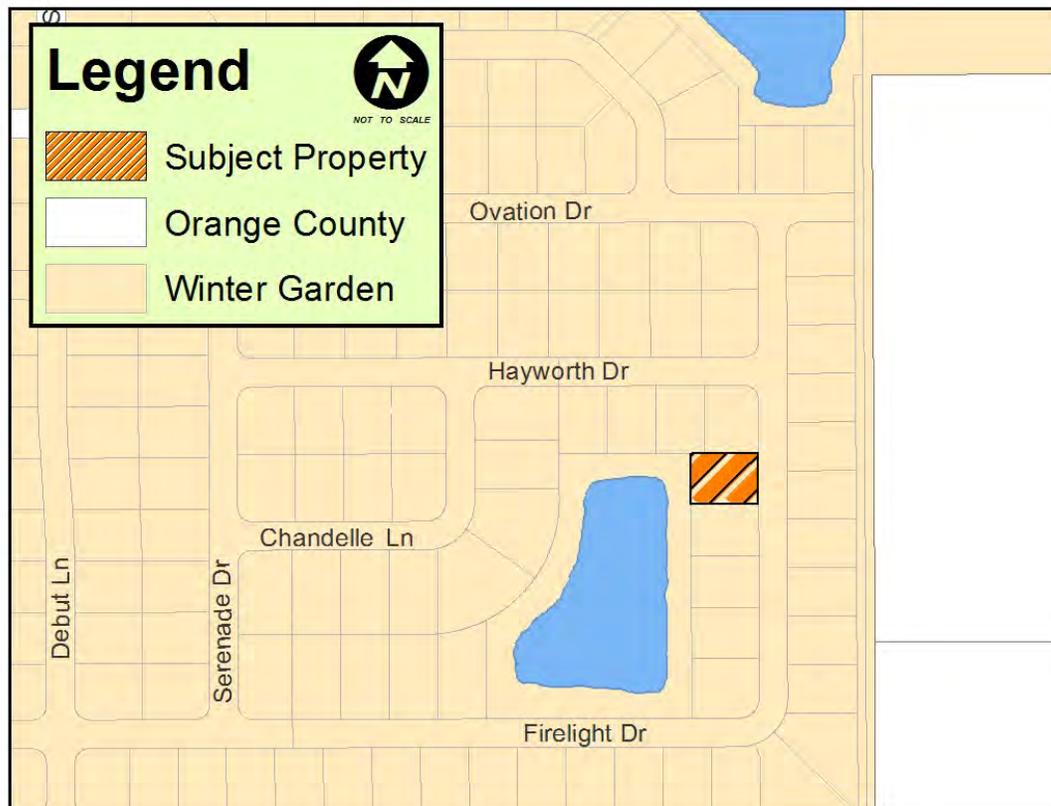
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT MANAGER
DATE: SEPTEMBER 30, 2014
SUBJECT: VARIANCE
15233 Firelight Drive (0.24+/- ACRES)
PARCEL ID # 04-23-27-0551-01-660

APPLICANT: Regulo Villarreal

INTRODUCTION

The purpose of this report is to evaluate the request of a 3 foot rear yard setback variance to allow construction of an addition to the house which consists of a screen room with a solid roof located 22 feet from the rear property line.

The subject property, located at 15233 Firelight Drive is approximately a 0.24 ± acre lot located on the west side of Firelight Drive. 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 Section 118-308(1)c. to allow an addition to the house which consists of a solid roof screen room to be built at a 22 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback (as allowed by the Planned Unit Development). The subject property carries the zoning designation PUD (Planned Unit Development District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property presently consists of a 3,028 square foot single family home.

ADJACENT LAND USE AND ZONING

The property is located in the middle of the Belle Meade subdivision and surrounded by single-family homes with PUD zoning designation.

PROPOSED USE

The applicant is requesting a variance to the rear yard setback to allow construction of a new covered screen room.

CODE REFERENCE

Sec. 118-308 (1)c. of the City Code of Ordinances addresses setbacks for the R-1 zoning district and states that the rear yard setback is 20% of the lot depth. However, the PUD Ordinance allows homes that are located along the golf course in Stoneybrook West to have a 10 foot rear yard setback.

The applicant is seeking a variance to the minimum required rear yard setback of 25 feet to allow an addition to the home to be located 22 feet from the rear property.

CODE REQUIREMENTS /CRITERIA

Code Requirements/Criteria:

Section 118-131 of the City Code relates to the review criteria states that, "A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue." The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

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

Construction of the proposed structure 22 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the subject property backs up to a retention pond. Additionally, there were no

comments received from any of the surrounding property owners regarding the requested variance.

(b) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;

The requested variance allowing a 22 foot rear yard setback in lieu of the required 25 foot setback is reasonable use of the property. The property to the north has a swimming pool and screen room located approximately 5 feet from the rear property line (allowed for pool screens). Allowing a screen room at this setback is not out of character with other screen rooms in the neighborhood.

(c) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easement and does not exceed the maximum impervious surface ratio for PUD zoning.

(d) The granting of the variances is consistent with the city's comprehensive plan; and

The variance is consistent with the provisions of the City's Comprehensive Plan relating to single family residential neighborhood character.

(e) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.

The variance requested is the minimum variance that will make reasonable use of the land. Denying this variance does not benefit the property owner or the City.

SUMMARY

Staff recommends approval of the variance to Section 118-308 (1) c. to allow a screen room addition to be built at a 22 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback with the following condition:

1. A letter of approval from the HOA shall be provided with the building permit application.

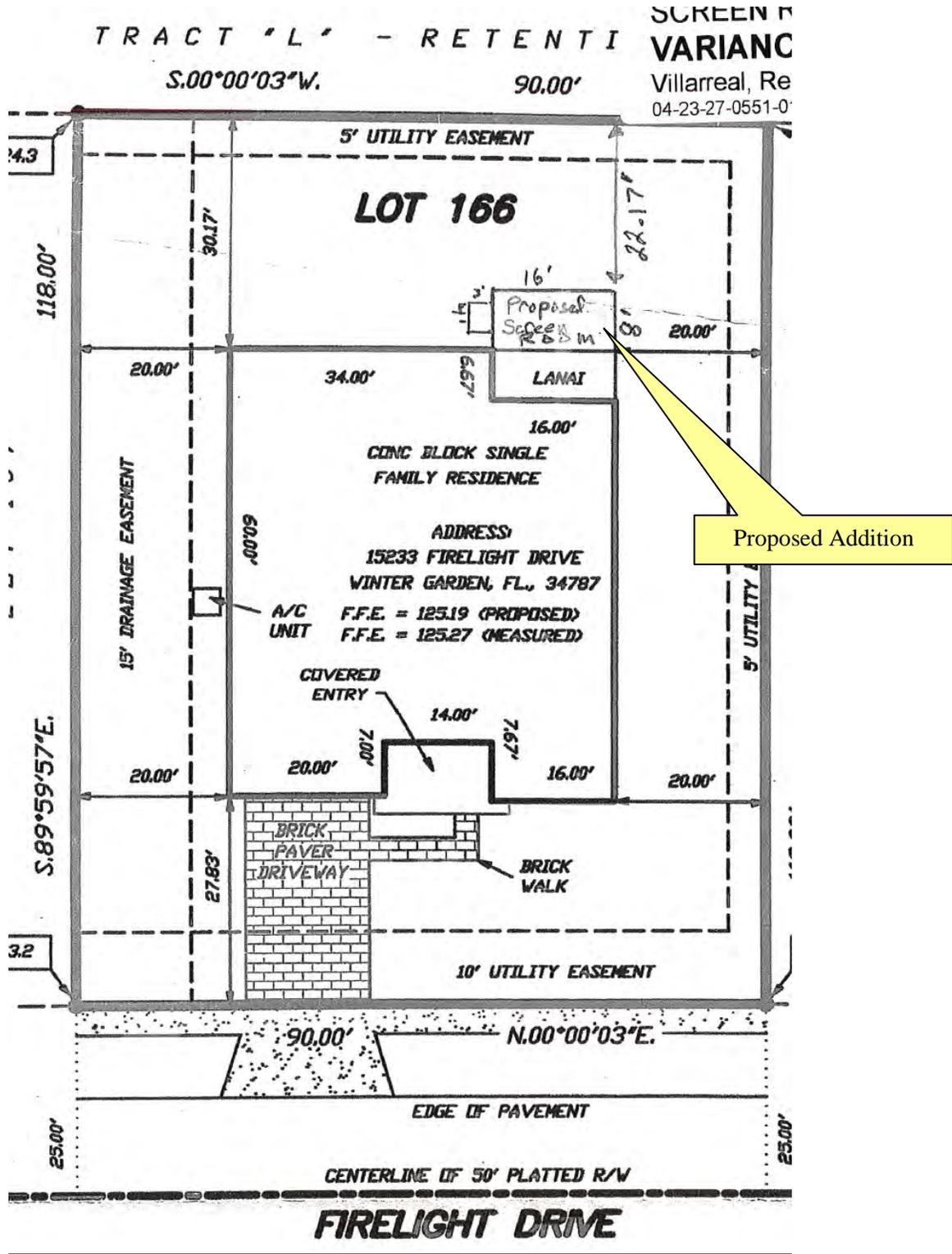
ATTACHMENTS

- Aerial Photos
- Site Photos

AERIAL PHOTO
15233 Firelight Drive



SITE PLAN
15233 Firelight Drive



SITE PHOTOS
15233 Firelight Drive

View of proposed location of addition (looking north)



View of proposed location of addition (looking south)



SITE PHOTOS
15233 Firelight Drive

View of back yard from golf cart path (looking southwest)



View along north property line (looking west)



SITE PHOTOS
15233 Firelight Drive

View of pond directly behind subject property



END OF STAFF REPORT