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**PLANNING & ZONING BOARD AGENDA**

To: Eric Weiss – Chairman  
Will Hawthorne – Vice Chairman  
Mark DeFuso  
Heather Gantt  
Gerald Jowers  
David Kassander  
Mark Maciel

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

RE: Agenda – **April 6, 2015 at 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 MARCH 2, 2015 MEETING**

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

4. 360 W Story Road (Jesus Manuel Sanchez) **AZFA TABLED TO MAY 4, 2015 MEETING**  
Parcel ID #22-22-27-1084-02-040
5. 553 W Plant Street – (Auto Electric of Winter Garden, Inc.) **Rezoning**  
Parcel ID #22-22-27-0000-00-055

**SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

6. 1450 Daniels Road – (Church of Christ of West Orange)  
Parcel ID #26-22-27-0000-00-014
7. 404 Lakeview Road – (CBC Winter Park LLC/Golden Pond)  
Parcel ID #22-22-27-0000-00-010

**VARIANCE (PUBLIC HEARING)**

8. 1011 & 1099 Pineloch Industrial Drive – (Southern Fruit Groves, LLC/84 Lumber)  
Parcel ID #13-22-27-6762-00-010 & -020

**ADJOURN** to the next regular Planning and Zoning Board meeting on Monday, **May 4, 2015 at 6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, 1<sup>st</sup> floor.



**PLANNING AND ZONING BOARD  
REGULAR MEETING MINUTES  
MARCH 2, 2015**

**1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION**

Chairman Eric Weiss 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 Eric Weiss, Vice-Chairman Will Hawthorne, and Board Members: Mark DeFuso, Heather Gantt, Gerald Jowers, David Kassander, and Mark Maciel

**MEMBERS ABSENT:**

none

**STAFF PRESENT:**

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Community Development Manager Steve Pash, Planner II Kelly Carson, and CSR Kathleen Rathel

**3. APPROVAL OF MINUTES**

*Motion by Gerald Jowers to approve the regular meeting minutes of February 2, 2015 and seconded by David Kassander. Motion carried unanimously 7 - 0.*

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

**4. 447 & 483 South Street – Lott Property (ANNEXATION, ZONING and FLU)**

Planner II Carson presented a request for Annexation, Zoning and Future Land Use Amendment for two parcels located at 447 and 483 South Street. The 1.493+/- subject property is owned by the same person and is located at the northwest corner of 5<sup>th</sup> Street and South Street with each parcel being developed with a Single Family Residence. The applicant is requesting Annexation into the City, initial zoning of R-1, and amend the Future Land Use designation to Low Density Residential. Staff has reviewed the application and recommends approval of Ordinances 15-22, 15-23, 15-24, 15-25, 15-26, and 15-27.

Board Member Weiss questioned when the City discusses when to increase personnel or equipment for providing services to our increasing City size. Planner II Carson answered that these matters are discussed during development review for each new project.

Board Member Kassander asked if Winter Garden has to get approval from Orange County to annex unincorporated properties. Planner II Carson stated that as long as the properties are located within our JPA boundary and contiguous with another parcel they can be annexed.

*Motion by Mark DeFuso to recommend approval of Ordinances 15-22, 15-23, 15-24, 15-25, 15-26 and 15-27 (with Staff Recommendations as provided in the agenda packet) and seconded by Mark Maciel. Motion carried unanimously 7 - 0.*

**SPECIAL EXCEPTION (PUBLIC HEARING)**

**5. 426 W. Plant Street – Plant Street Market**

Community Development Manager Pash presented a request for a Special Exception Permit for the property located at 426 W. Plant Street. The applicant is requesting the Special Exception which is required by Section 102-61(c)3 of the code to allow a roof sign. Staff has reviewed the code requirements and recommends approval subject to the conditions:

1. The sign cannot be lighted at any time by internal lighting, back lighting or any type of spot lights.
2. Amend the plans so the sign meets the maximum height of 23.125 feet.

Discussion ensued regarding the location of the sign which will be on the south side of the building facing Smith Street, the sign lighting, and the sign helping to hide the mechanics on the roof.

*Motion by Gerald Jowers to approve [the Special Exception Permit for 426 W Plant Street] and seconded by Will Hawthorne. Motion carried unanimously 6 – 0 with Mark DeFuso abstaining.*

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:47 pm.

**ATTEST:**

**APPROVED:**

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Customer Service Rep. Kathleen Rathel

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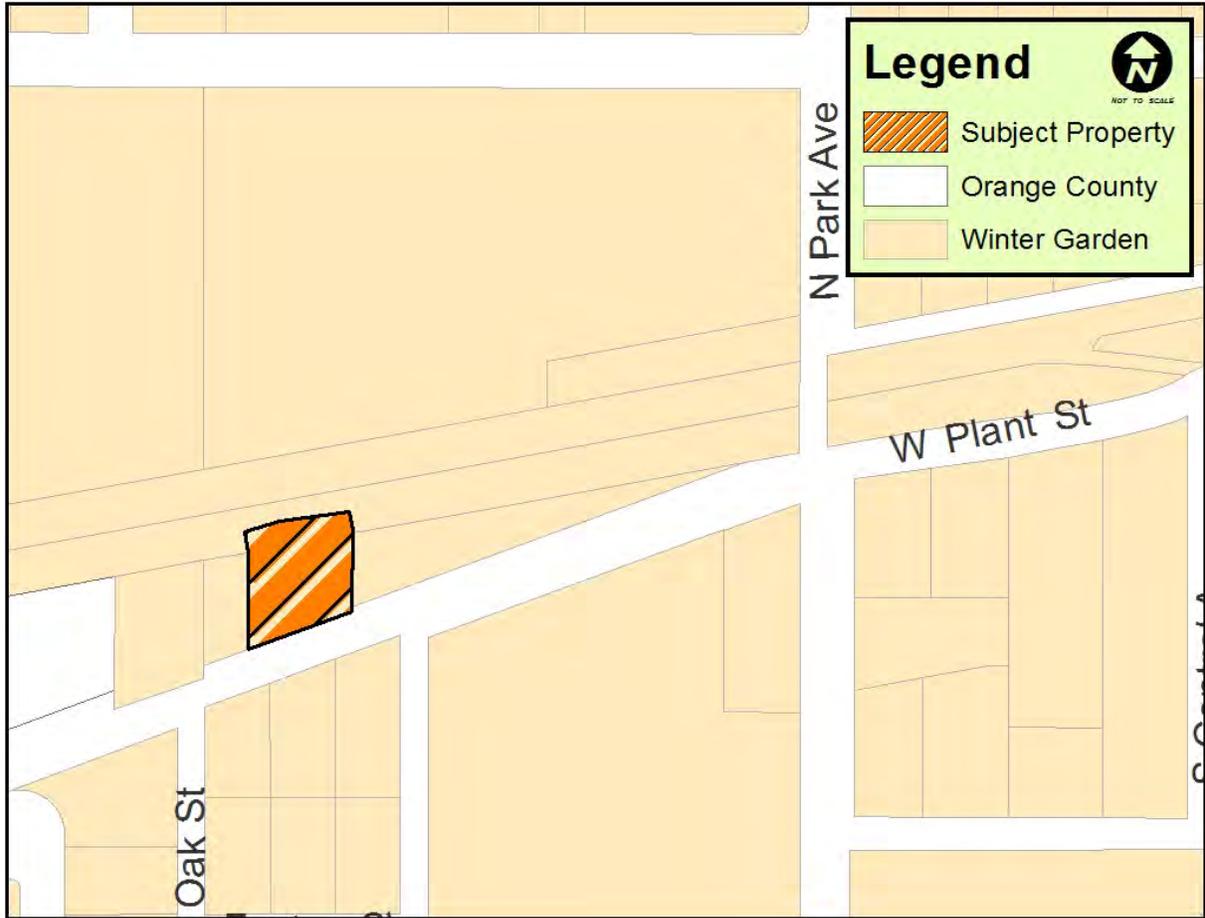
Chairman Eric Weiss



# LOCATION MAP

553 W Plant Street

REZONING



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

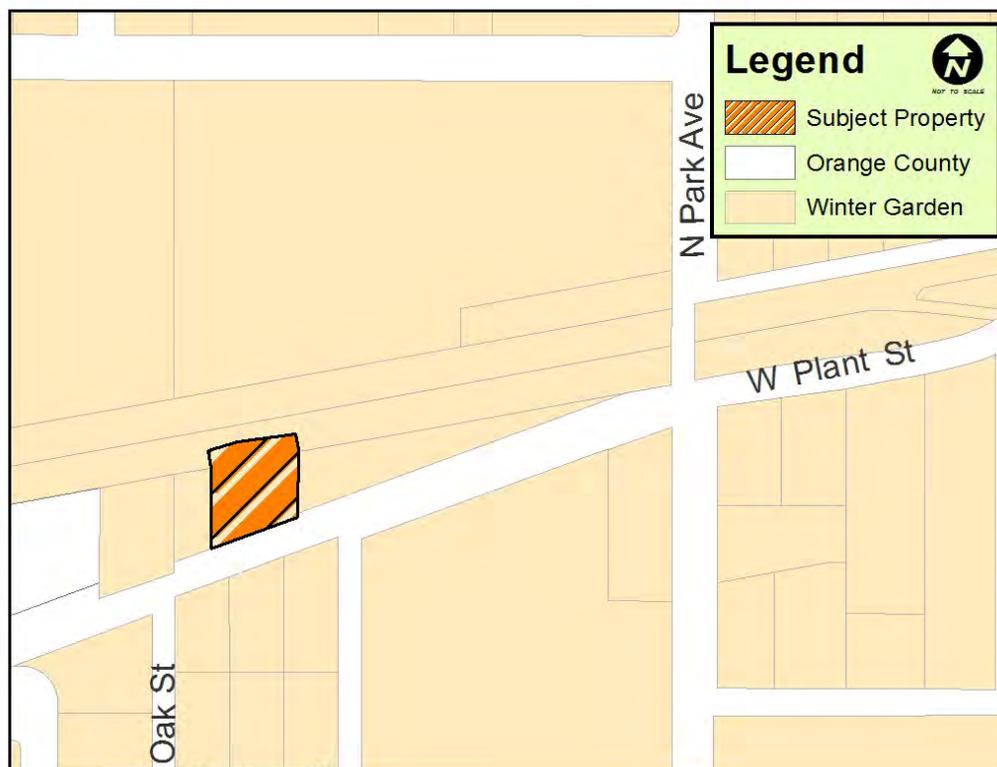
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT MANAGER  
**DATE:** APRIL 6, 2015  
**SUBJECT:** REZONING  
**553 W. Plant Street (AUTO ELECTRIC)**  
**PARCEL ID # 22-22-27-0000-00-055**

**APPLICANT:** Auto Electric of Winter Garden, Inc.

### INTRODUCTION

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

The subject property, located at 553 West Plant Street, is approximately 0.33 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting to rezone the 0.33 ± acre property which is located within the City of Winter Garden and carries a Future Land Use Designation of C (Commercial) on the Future Land Use Map of the City's Comprehensive Plan from R-NC (Residential Neighborhood Commercial District) to C-1 (Central Commercial District).

### **EXISTING USE**

The subject property contains a 4,260 square foot building built in 1947 and used as an auto repair shop.

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

The properties located to the north of the subject property are developed with an apartment complex, zoned R-2, and located in the City of Winter Garden. The property located to the east of the subject property has a 4,676 square foot commercial building, is zoned RN-C, and located in the City of Winter Garden. The property to the west of the subject property has an 800 square foot commercial building, is zoned R-NC, and is in the City of Winter Garden. The properties to the south of the subject property are developed with single-family homes, zoned R-2, and located in the City of Winter Garden.

### **PROPOSED USE**

The owner is planning to keep the existing use for now and sell the property sometime in the near future.

### **SUMMARY**

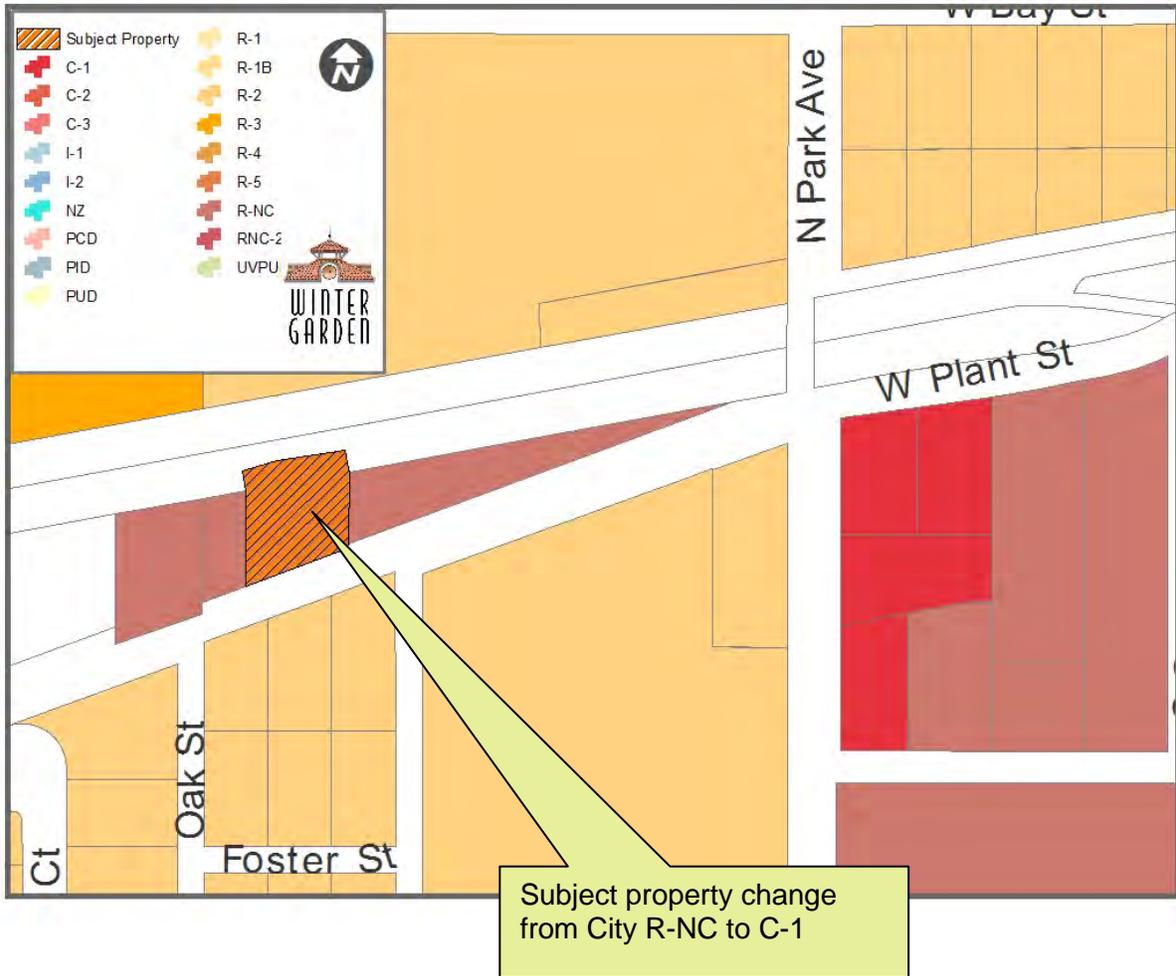
Staff recommends approval of Ordinance 15-29 to rezone the subject property from R-NC to C-1, which is consistent with the City's Comprehensive Plan and surrounding properties.

MAPS

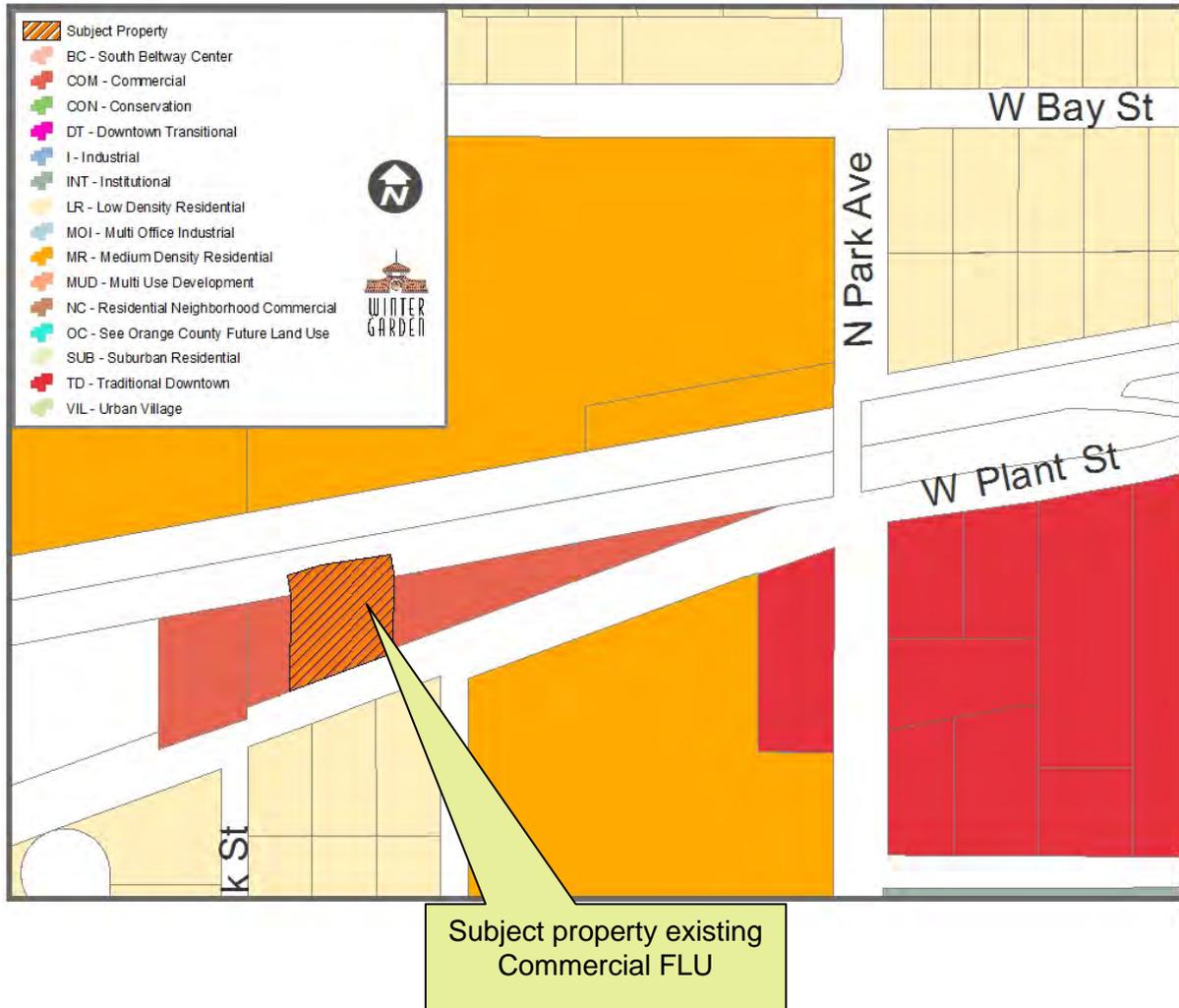
**AERIAL PHOTO**  
**553 W. Plant Street**



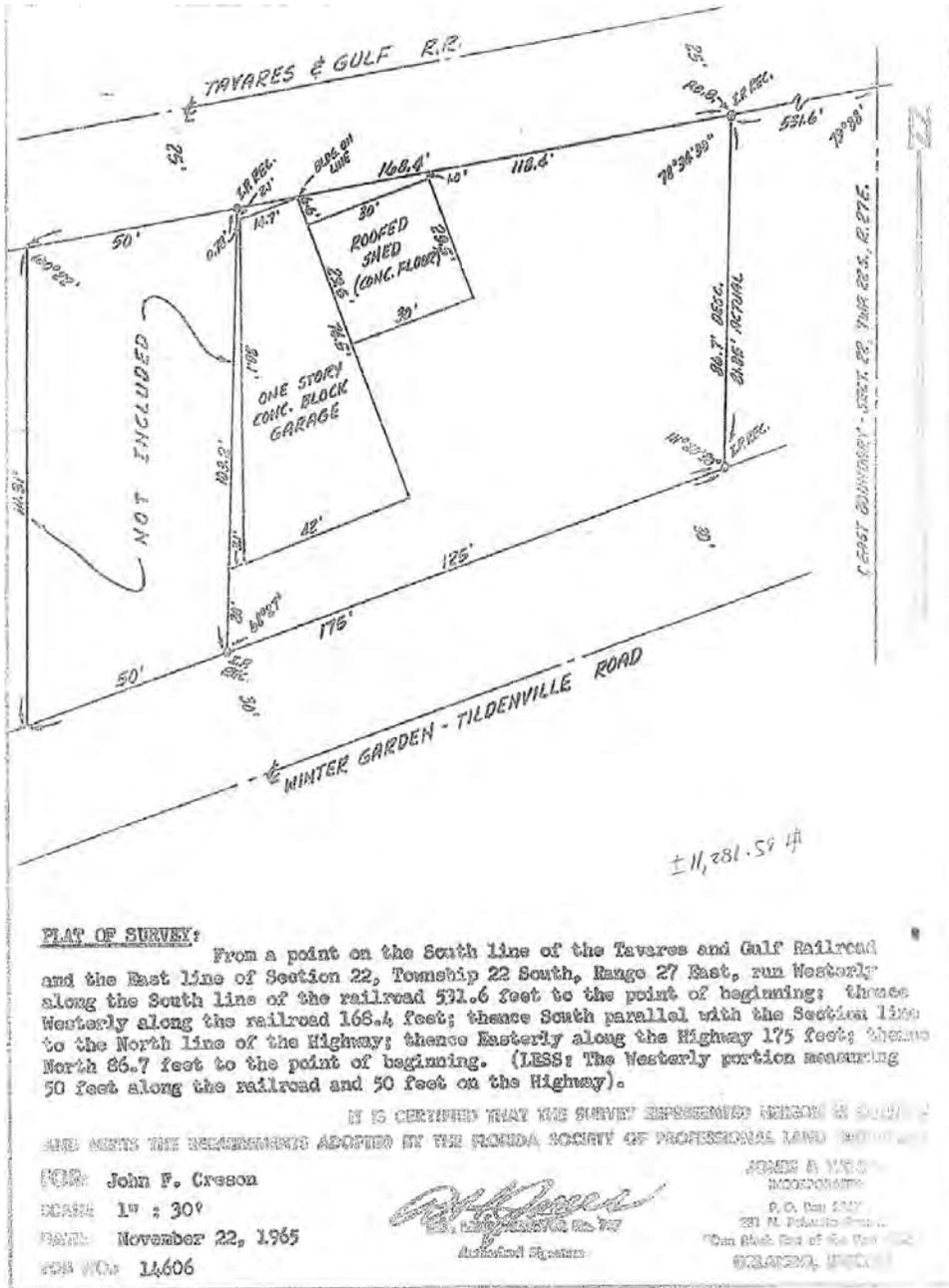
**ZONING MAP**  
**553 W. Plant Street**



**FUTURE LAND USE MAP**  
**553 W. Plant Street**



**SURVEY**  
**553 W. PLANT STREET**



**END OF STAFF REPORT**

ORDINANCE 15-29

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.316 ± ACRES LOCATED AT 553 WEST PLANT STREET GENERALLY LOCATED ON THE NORTH SIDE OF WEST PLANT STREET WEST OF BRAY STREET AND EAST OF OAK STREET FROM CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT TO CITY C-1 CENTRAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as 0.316 ± acres located at 553 West Plant Street on the north side of West Plant Street west of Bray Street and east of Oak Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from R-NC Residential Neighborhood Commercial to C-1 Central 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-1 Central 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 R-NC Residential Neighborhood Commercial District to C-1 Central 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:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the City Commission of the City of

Winter Garden, Florida.

**APPROVED:**

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JOHN REES, Mayor/Commissioner

**ATTEST:**

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KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

PARCEL ID#: 22-22-27-0000-00-055

DESCRIPTION:

Commence at the Southeast corner of the Northeast 1/4 of Section 22, Township 22 S, Range 27 E, Orange County, Florida; thence run N 00°02'50" E along the East line of said Northeast 1/4, 2238.13 feet to the Southerly right of way line of former Tavares and Gulf Railroad; thence run S 79°42'34" W along said Southerly right of way line, 531.60 feet to the Point of Beginning; thence N 10°17'26" W 24.27 feet; thence S 81°55'06" W 78.06 feet; thence S 73°15'41" W 40.66 feet; thence S 10°17'28" E 22.71 feet to aforesaid Southerly right of way line; thence S 01°15'43" W 103.23 feet to the Northerly right of way line of West Plant Street; thence N 69°52'06" E along said Northerly right of way line, 125.00 feet; thence N 00°59'36" E 81.35 feet to the Point of Beginning.

Containing 0.316 acres, more or less.

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 6 (Public Hearing)**

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**DATE:** April 2, 2015 **MEETING DATE:** April 6, 2015

**SUBJECT:** 1450 Daniels Road  
(SPECIAL EXCEPTION PERMIT)  
**PROJECT NAME** Church of Christ of West Orange Sign  
**PARCEL ID#** 26-22-27-0000-00-014

**ISSUE:** The applicant is requesting a Special Exception Permit to allow an electronic message center to be constructed on the property located at 1450 Daniels Road.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Church of Christ of West Orange

**CURRENT ZONING:** R-2 Residential District

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Low Density Residential

**PROPOSED FLU:** N/A

**SUMMARY:**

The applicant is requesting a Special Exception Permit to allow an electronic message center to be installed within the structural frame of an existing sign in an R-2 Zoning District. The R-2 Zoning district allows electronic message centers through Special Exception if the applicant meets the Special Exception requirements.

**STAFF RECOMMENDATION(S):**

City Staff recommends approval of the proposed electronic message center subject to the conditions outlined in the Staff Report (see attached).

**NEXT STEP(S):**

Obtain a sign permit.

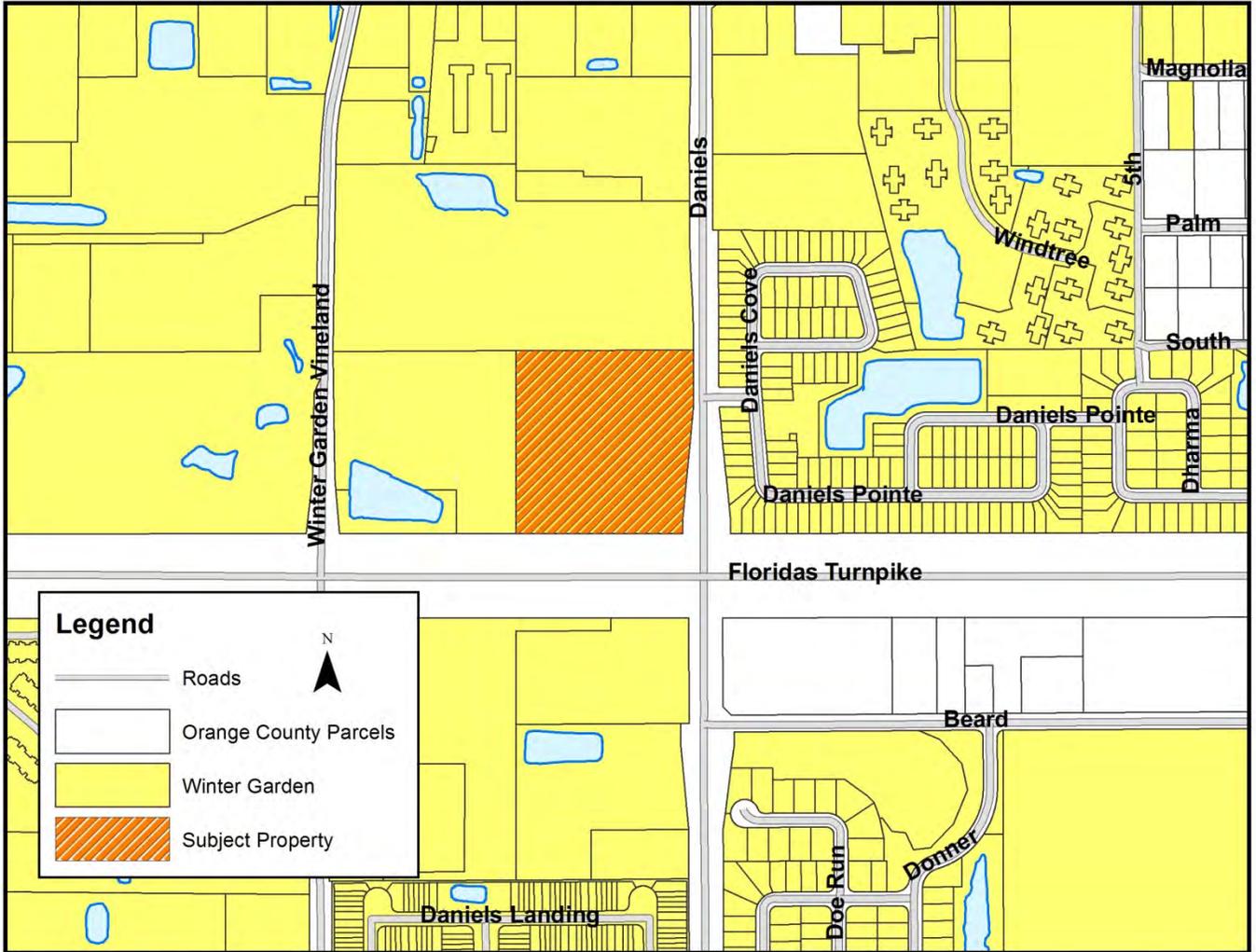
**ATTACHMENT(S):**

Location Map  
Staff Report

# LOCATION MAP

1450 Daniels Road

## SPECIAL EXCEPTION PERMIT



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

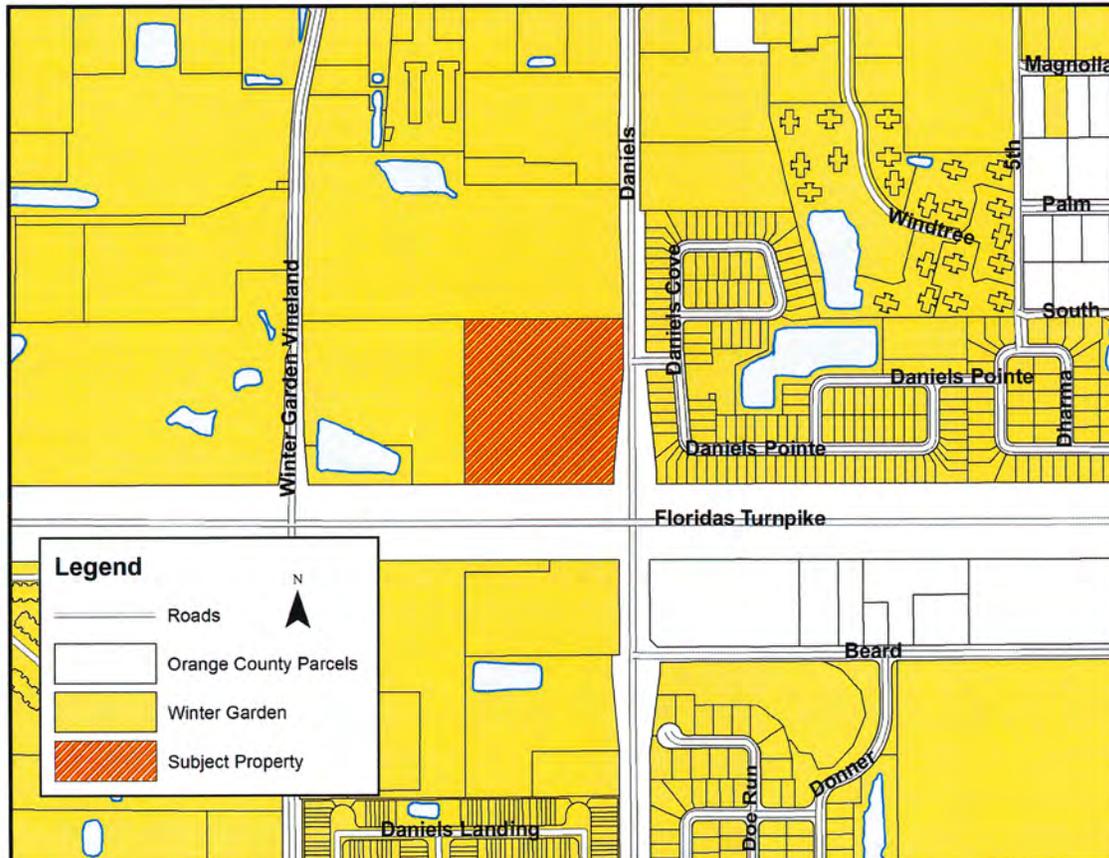
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, PLANNER II  
**DATE:** APRIL 1, 2015  
**SUBJECT:** SPECIAL EXCEPTION PERMIT  
**1450 Daniels Road (Electronic message center sign)**  
**PARCEL ID # 26-22-27-0000-00-014**

**APPLICANT:** Church of Christ of West Orange

### 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 1450 Daniels 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 the construction of a sign with an electronic message center. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation R-2, and is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

### **EXISTING/PROPOSED USE**

The property currently contains two large structures: one approx. 13,500 sf building built in 1969 used as office/classroom space and one approx. 33,300 sf building constructed in 1998 used for church services and administration. Both of these buildings are owned and operated by the Church of Christ of West Orange. The majority of the site is currently being used to support the Church of Christ of West Orange's religious services, administration, classes, events, and other church-related functions. The Applied Behavior Center for Autism was recently granted a Special Exception Permit to utilize approximately 2,000 square feet of space within the existing 13,500 sf building to provide applied behavior analysis therapy to children with autism and related disabilities. Also located on site is a modular office building operated by Matthew's Hope, which is a nonprofit organization that offers financial resources, medical assistance, food, and other support services to members of the community who are homeless or on the cusp of homelessness. They were recently granted a Special Exception Permit to locate two temporary used modular buildings on site to support a preschool, which will largely accommodate children of families served by Matthew's Hope.

The applicant proposes to alter their existing monument sign, removing an existing changeable letters sign and replacing it with an electronic message center as well as a static sign listing service times and church information. The main structure of the sign will not be altered.

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

The property located to the west is, like the subject property, owned by the Church of Christ. It's zoned R-2 and is within the City of Winter Garden Municipal Limits. It contains a road connecting an internal church drive to Winter Garden Vineland Road. This property also has a small area of land used as a community garden by the Matthew's Hope organization.

The property located to the north of the subject property is also being used by a religious organization: the Resurrection Catholic Church. It contains three church facility buildings and one warehouse/storage building. This property is zoned C-2 and is within the City of Winter Garden Municipal Limits.

The property located to the east of the subject property is the Daniels Crossing Subdivision, which contains single-family houses. This property is zoned PUD and is within the City of Winter Garden Municipal Limits.

One of the properties located to the south of the subject property, across the Florida Turnpike, is owned and operated by the City of Winter Garden and contains a water processing facility. This property is zoned R-1 and is within the City of Winter Garden Municipal limits. Also located to the south of the subject property is a small segment of a larger commercial property, containing the Winter Garden Professional Center. This property has been developed to support a mix of uses (United Cerebral Palsy School, various office & retail businesses, etc.). It's zoned PCD and is within the City of Winter Garden Municipal Limits.

## **SUMMARY**

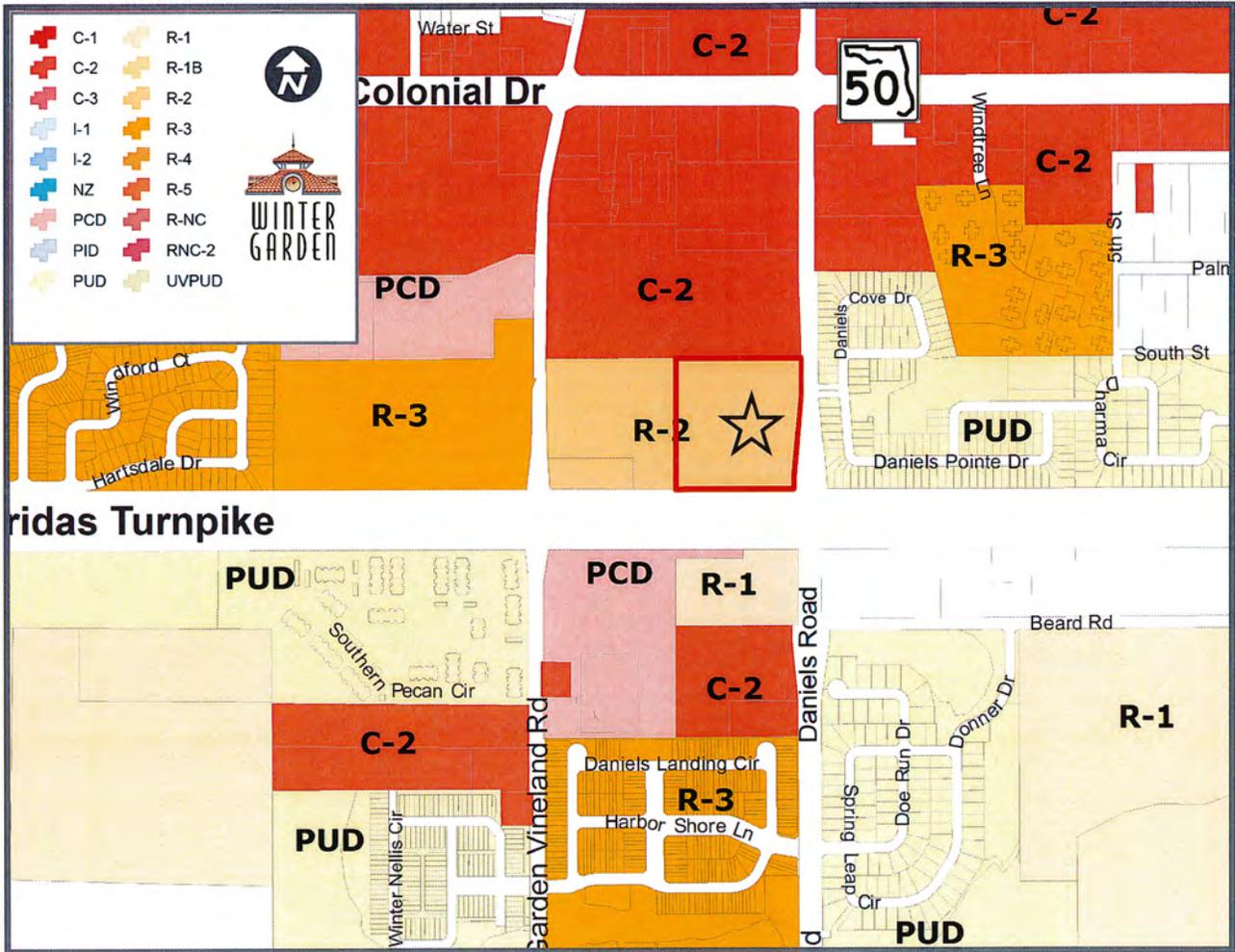
City Staff recommends approval of the proposed special exception permit to allow an electronic message center at 1450 Daniels Road with the following conditions:

1. The electronic message center must comply with the regulations for electronic message centers in residential districts, Winter Garden Code of Ordinances section 102-126 (f):
  - 1) All electronic message centers shall be equipped with technology that automatically dims the electronic message center according to the ambient light conditions.
  - 2) All electronic message centers shall be limited to a maximum illuminance of 0.3 foot candles at a distance of 25 feet from the face of the sign.
  - 3) All transitions from one frame to another frame on an electronic message center shall be achieved by one of the following modes of message transition: Fade or dissolve.
  - 4) Each frame on an electronic message center shall be displayed for not less than ten seconds before beginning transition to another frame.
2. Per Code, white is the only color of light which is permitted in residential zones.
3. When the sign permit is submitted, the entire sign- existing plus electronic- must comply with current City Code regulations, including for the overall size of the sign.

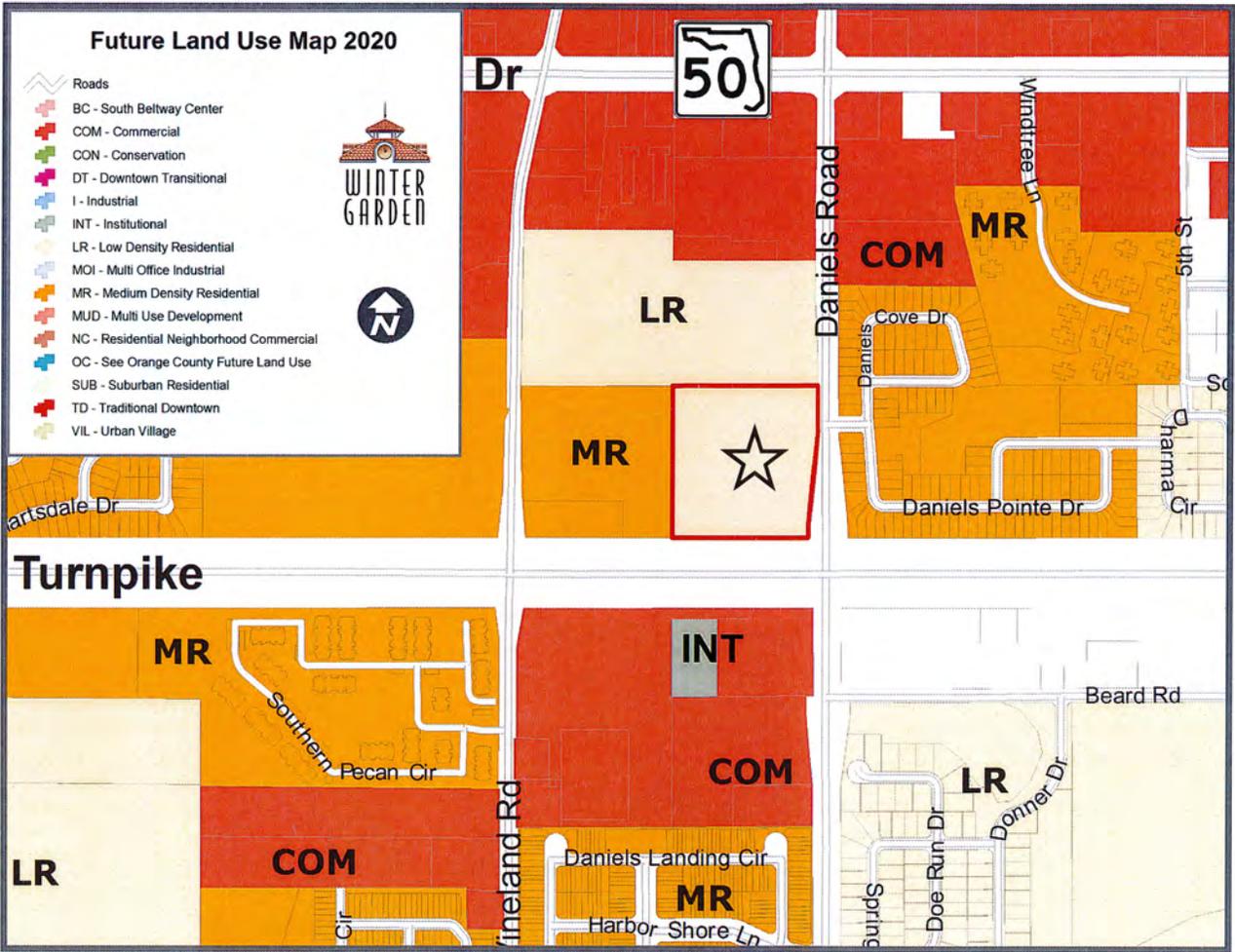
**Aerial Map**  
**1450 Daniels Road**



**Zoning Map**  
**1450 Daniels Road**



**Future Land Use Map**  
**1450 Daniels Road**



**Proposed Sign**  
**1450 Daniels Road**



Final Copy TBD

**Existing Sign**  
**1450 Daniels Road**



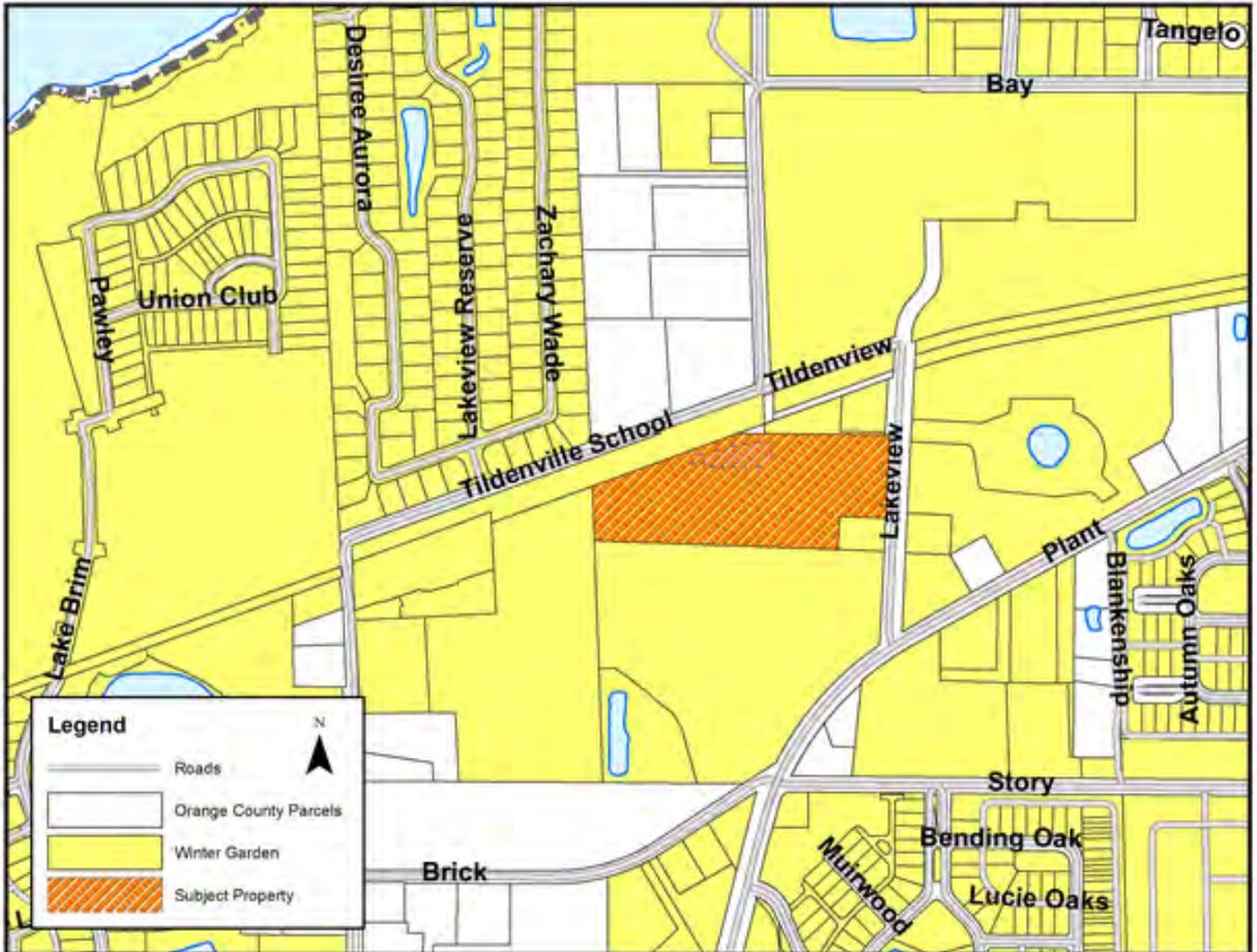
**END OF STAFF REPORT**



# LOCATION MAP

404 Lakeview Road

SPECIAL EXCEPTION PERMIT



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

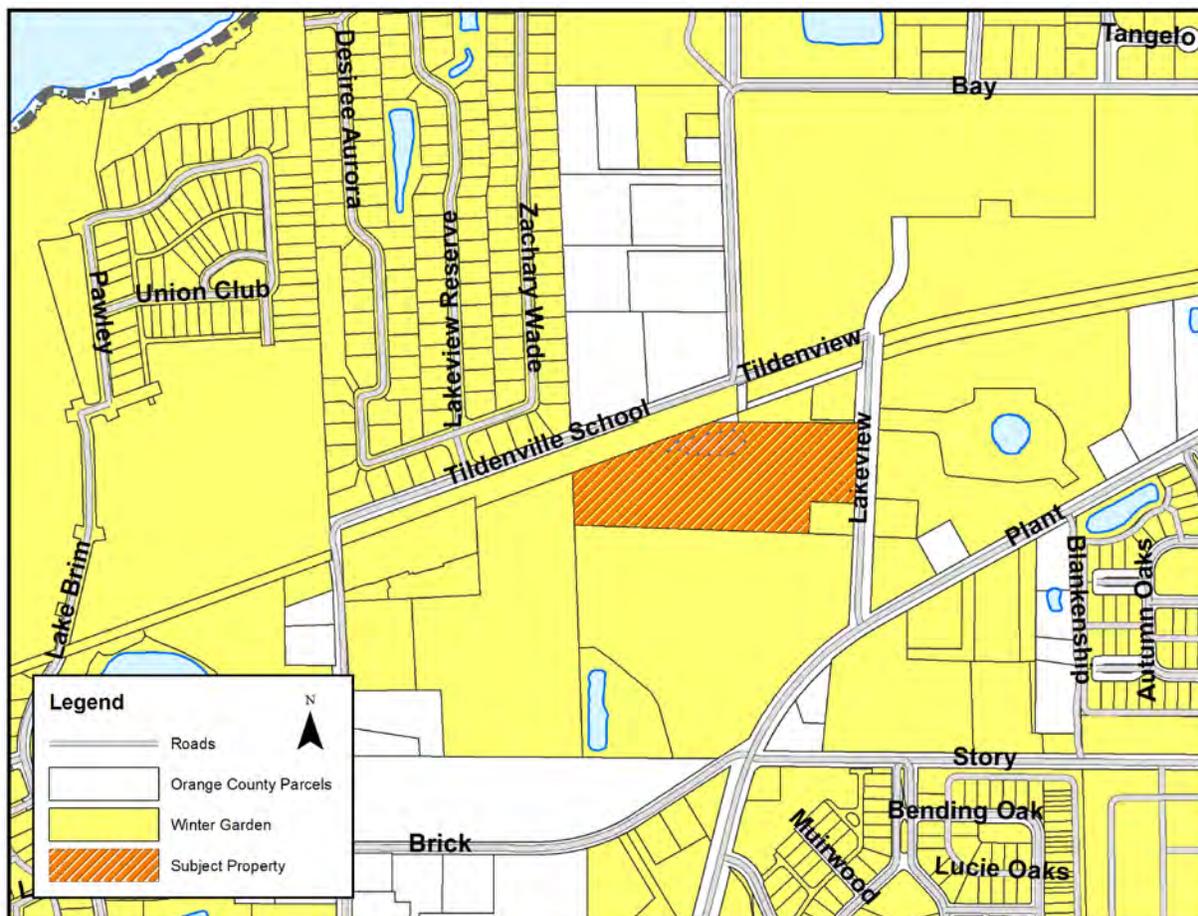
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, PLANNER II  
**DATE:** APRIL 1, 2015  
**SUBJECT:** SPECIAL EXCEPTION PERMIT  
**404 Lakeview Road (2-Story Independent Living Facility)**  
**PARCEL ID # 22-22-27-0000-00-010**

**APPLICANT:** Golden Pond Communities // Medpro Contractors 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 404 Lakeview Avenue. 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 the construction of a two-story independent living retirement facility on the property. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation R-2, and is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

This proposal is a modification of a previous version that was presented in front of the Planning and Zoning Board in February of 2015. Based on the feedback received at that meeting and from a Community Meeting that was held in February, the applicant revised the application to reduce the building size from three stories to two stories and shift the location of the building west, farther away from the residential structures on the property to the north.

### **EXISTING/PROPOSED USE**

The site currently contains five buildings, four of which were constructed in 1999-2000. The property was granted its original Special Exception Permit by the Planning & Zoning Board in June of 1998 allowing them to build an assisted living facility. The approval permitted an independent living and memory care use on the property to provide residents with a “continuum of care in a home-like setting” with the condition that no general residential use was allowed. A master site plan showing a six-building campus and associated infrastructure was approved in 1998, and four of the six proposed buildings were constructed shortly after.

In 2007, Golden Pond Communities revised their site plan slightly and received approval to construct the two additional buildings on the site. One of these buildings, a single story 18-unit facility located on the south side of the property featuring nearly identical colonial architecture as the other four buildings, was built in 2008. The second building, which was approved to be a two-story 30 unit / 60 bed independent living facility, was put on hold due to the economy.

The applicant is now seeking approval to complete the final phase of construction, The proposal is for a two story independent living facility, which is the same number of stories as the building that was previously approved in 2008. The building will be a maximum of 30’ in height from the finished floor elevation and will feature an architectural style that is consistent with the other five buildings on site. The applicant is currently proposing a maximum of 22 dwelling units per floor (44 units total).

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

The properties located to the north of the subject property include two single family residential parcels that are under the same ownership containing two detached single family residential dwellings and a pool that spans the central property boundary. These properties are zoned R-1 and are within the City of Winter Garden’s municipal limits. Also to the north of the subject property boundary is a small vacant triangular parcel that is zoned A-1 and is located in Unincorporated Orange County. A portion of the West Orange trail also spans a section of the subject property’s northern boundary, which is owned by the City.

The property to the west of the subject property is an undeveloped piece of land containing dense vegetation. This property is zoned R-1 and is within the City of Winter Garden’s municipal limits.

There are two properties located to the east of the subject property. One of these parcels contains a single family residential structure, is zoned R-1, and is located within the City of Winter Garden’s municipal limits. The other property features orange groves, several supporting

modular agricultural structures, and a manufactured home. This property is also zoned R-1 and is within the City of Winter Garden's municipal limits.

There are also two properties located to the south of the subject property. One of these parcels contains a single family residential structure, is zoned R-1, and is located within the City of Winter Garden's municipal limits. The other parcel is owned and operated by the Garden Cathedral Church of God and contains the main church sanctuary building, several other smaller church-related facilities and a daycare, and features large open spaces. This property is zoned R-2 and is within the City of Winter Garden's municipal limits.

### **SUMMARY**

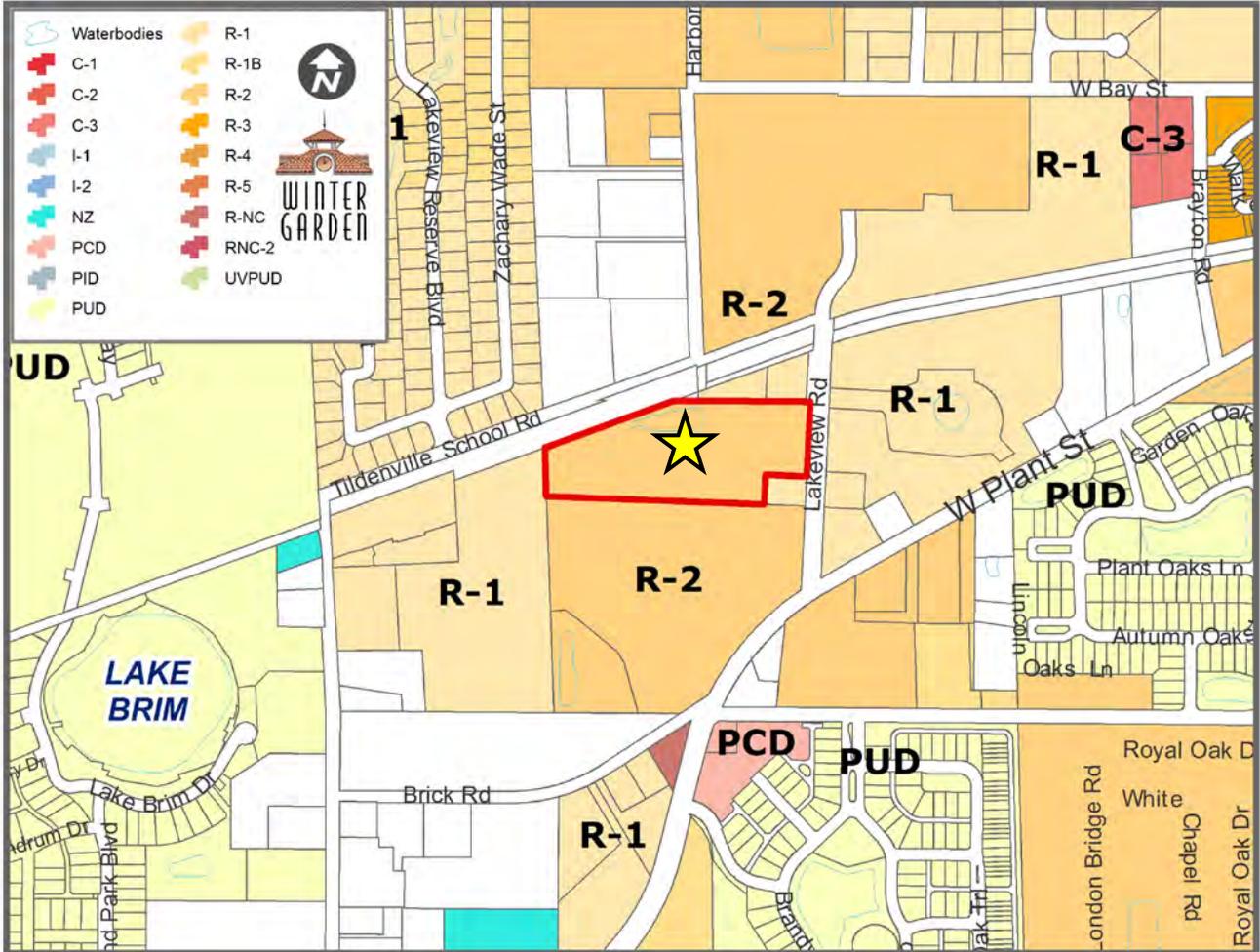
City Staff recommends approval of the proposed special exception permit to allow the construction of a two story independent living facility at 404 Lakeview Road with the following conditions:

1. A full site plan review is required. DRC will review the site plan for compliance with all development regulations including, but not limited to, setbacks, impervious surface maximums, parking, ingress/egress, circulation, landscape and buffering, utility and public service infrastructure, stormwater, fire safety, architectural design, lighting, signage, transportation impacts, and conformance to all other City standards, specifications, and Code of Ordinances.
2. As was stated in the property's original Special Exception Permit, no general residential use that is not tied to aspects of assisted living is permitted: i.e., the building can never be converted to apartments for rental by the general public.
3. The applicant will comply with all state ALF regulations and procure all state approvals.
4. A traffic study will be required if the number of proposed units exceeds those that were approved previously (30 units).

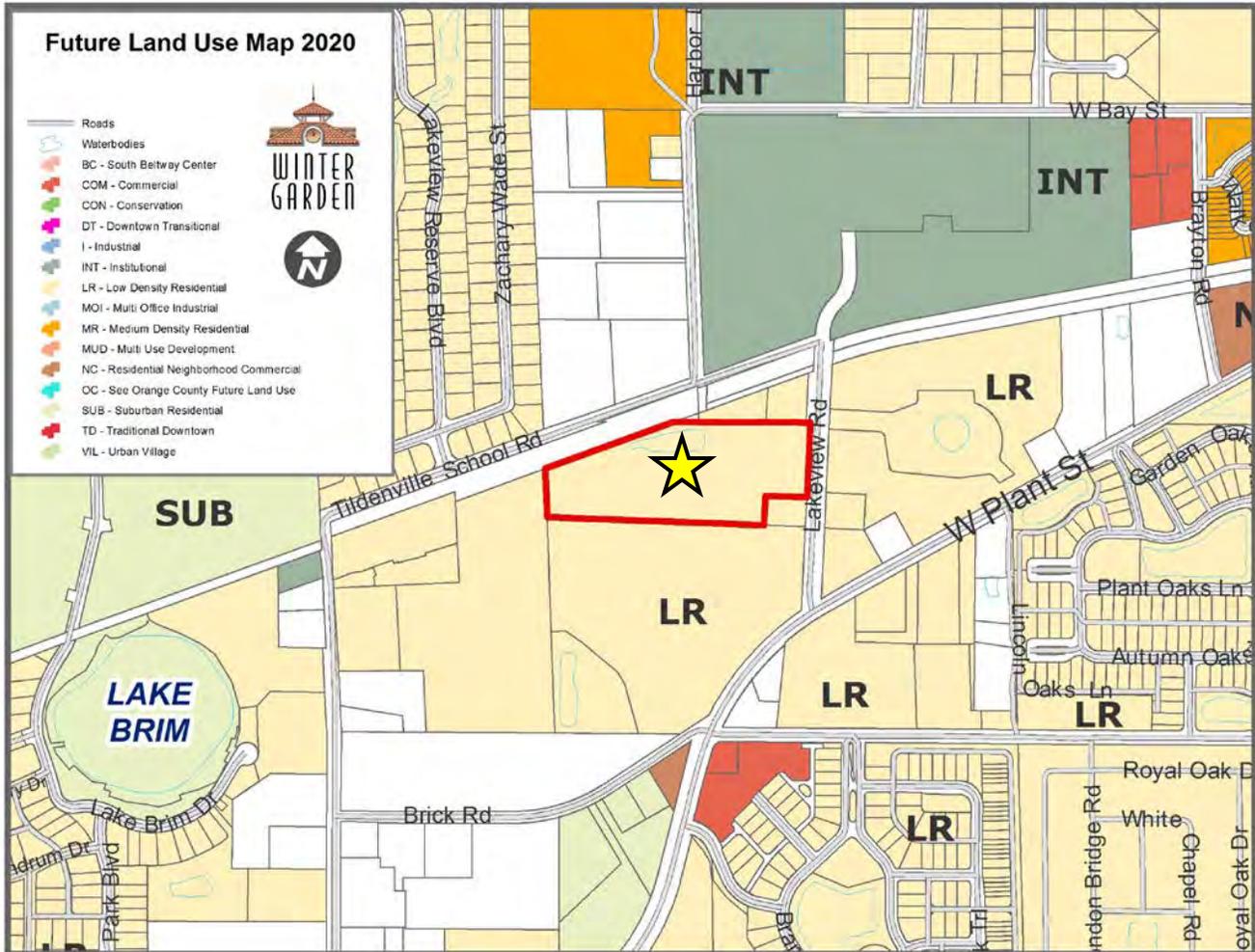
**AERIAL PHOTO**  
**404 Lakeview Road**



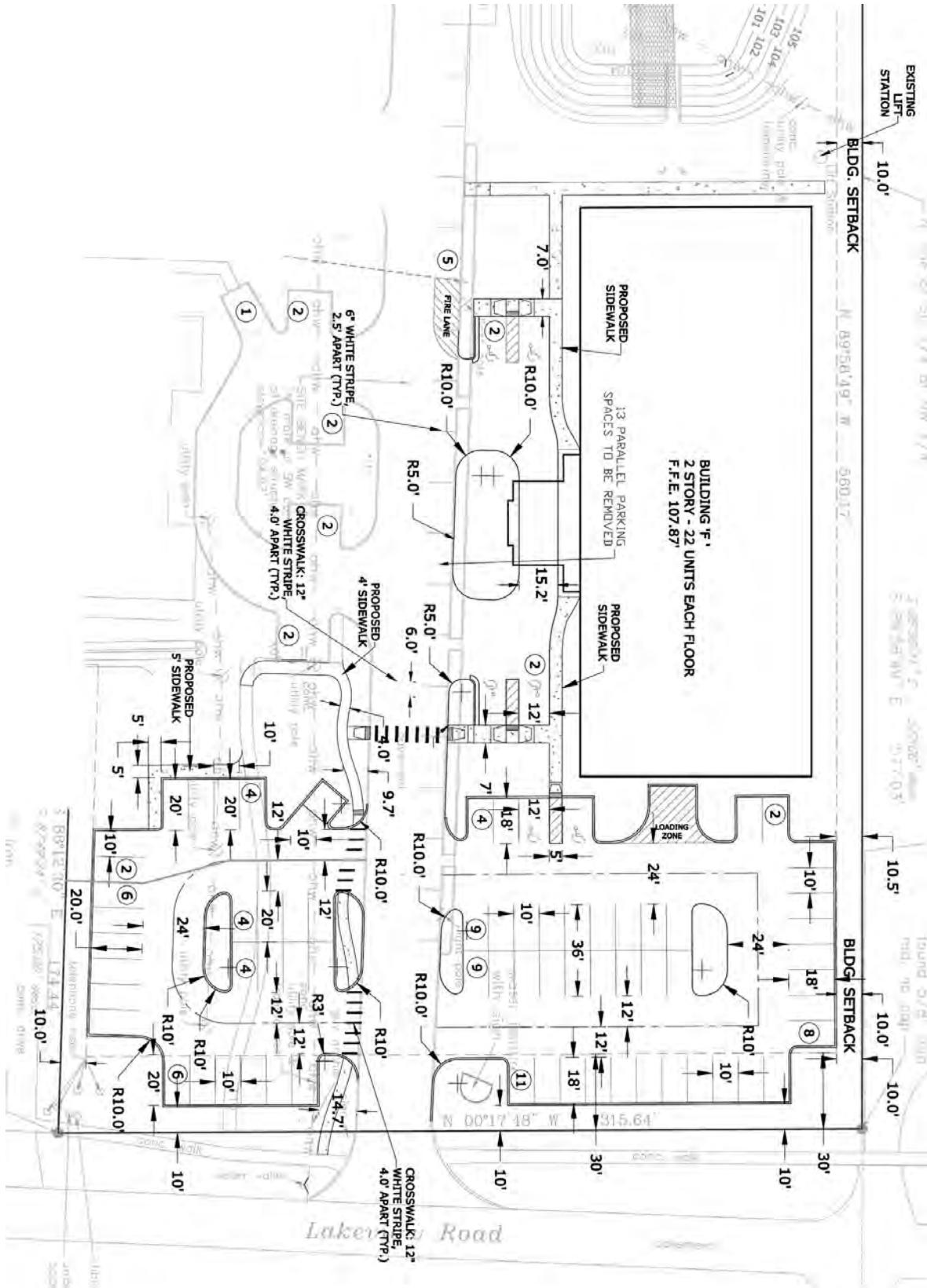
**ZONING MAP**  
**404 Lakeview Road**



## FUTURE LAND USE MAP 404 Lakeview Road

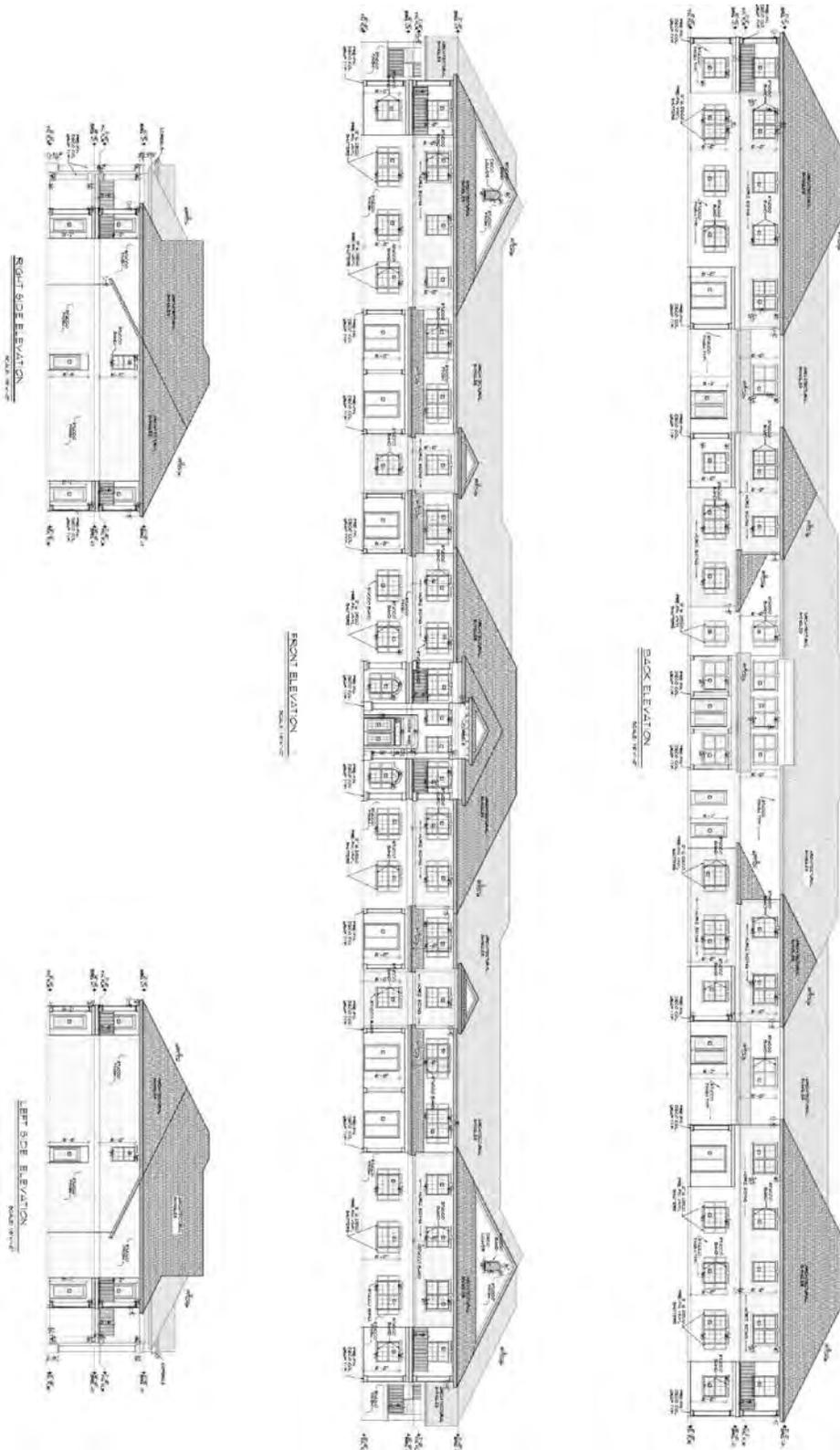


**PROPOSED SITE PLAN**  
404 Lakeview Road



## PROPOSED ARCHITECTURAL STYLE 404 Lakeview Road

*Note: This is not the actual proposed elevation, just an exhibit to show proposed architectural style.*



**SITE PHOTOS**  
**404 Lakeview Road**



**NEARBY PROPERTIES**  
**404 Lakeview Road**



**1001 W Plant St**



**1061 Tildenville School Road**



**1200 W Bay St.**

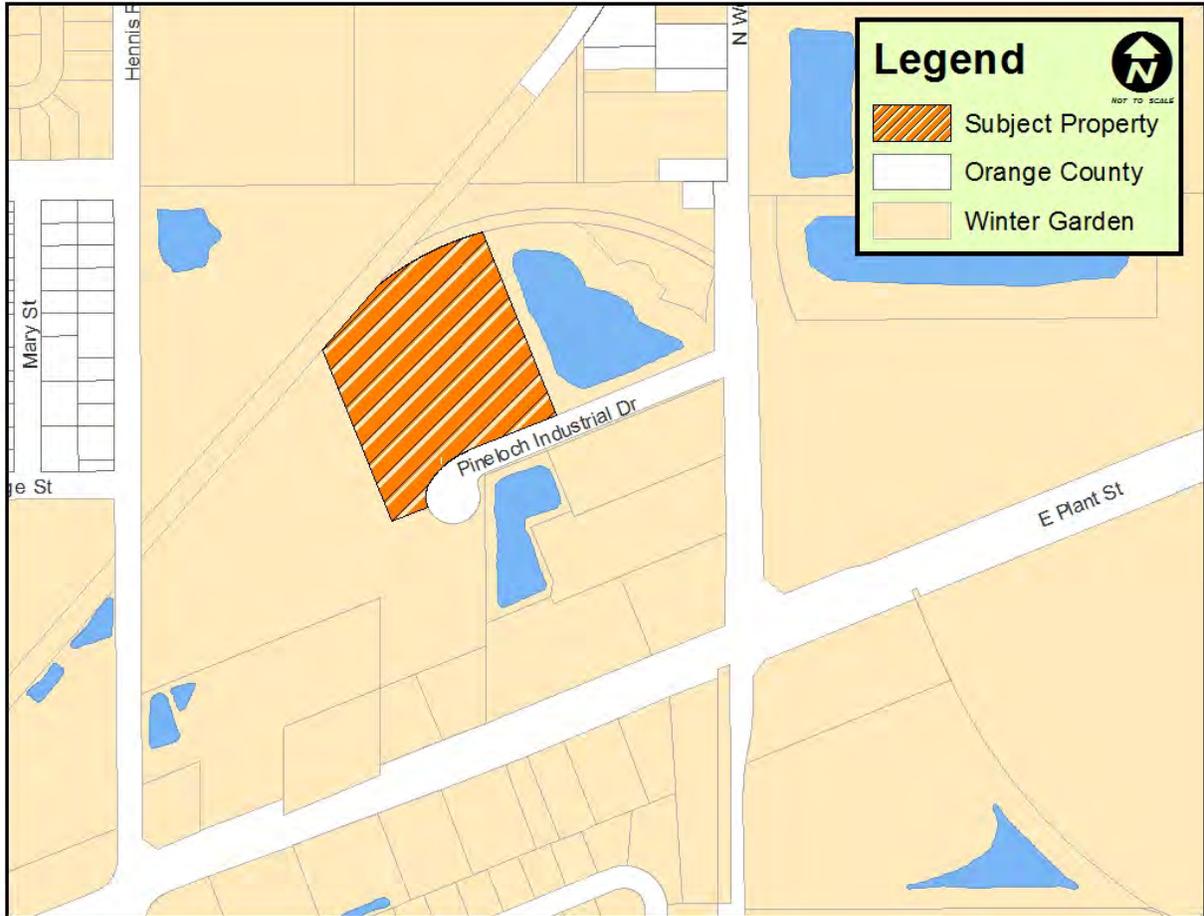
**END OF STAFF REPORT**



# LOCATION MAP

1011 & 1099 PINELOCH INDUSTRIAL 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:** APRIL 6, 2015  
**SUBJECT:** VARIANCE  
**1011 & 1099 PINELOCH INDUSTRIAL DRIVE (11.4+/- ACRES)**  
**PARCEL ID # 13-22-27-6762-00-010**  
**PARCEL ID # 13-22-27-6762-00-020**

**APPLICANT:** 84 Lumber Company

### INTRODUCTION

The purpose of this report is to evaluate the request for a variance to the maximum allowed fence height in the front yard for property located at 1011 and 1099 Pineloch Industrial Drive in Winter Garden, Florida. The request is to allow a 6 foot tall chain link fence in the front yard in lieu of the maximum allowed 3 foot tall fence. If approved, this variance will allow a 6 foot tall chain link fence in the front yard of the new lumber yard.

The subject property, located at 1011 and 1099 Pineloch Industrial Drive, is an approximately 11.4 ± acre lot in the Pineloch Industrial Park. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation I-2 (General Industrial District) and is designated I (Industrial) on the Future Land Use Map of the City's Comprehensive Plan.

### **EXISTING USE**

The subject property is currently vacant and in the process of going through Site Plan Review to construct a 30,000 square foot warehouse and a parking lot.

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

The property to the north contains a concrete plant, is zoned I-2 (General Industrial District), and has a future land use designation of I (Industrial). The property to the south of the subject property is developed with a car repair shop, zoned C-2 (Arterial Commercial District), and has a future land use designation of C (Commercial). The property to the east contains a pond for the Pinloch Industrial Park, is zoned I-2 (General Industrial District), and has a future land use designation of I (Industrial). The property to the west contains another part of the 84 Lumber site with 55,962 square feet of warehouses, is zoned I-2 (General Industrial District), and has a future land use designation of I (Industrial).

### **PROPOSED USE**

The applicant has submitted for a Site Plan to develop the property with a new 30,000 square foot warehouse to expand the lumber yard. The site plan contained a 6 foot tall fence proposed around the property and a variance is required to build the 6 foot tall fence in the front yard. The proposed fence also contains 3 rows of barbed wire (1 foot), which is allowed in the I-2 Zoning District.

### **CODE REFERENCE**

**Sec. 118-1297 (a) (1)** of the City Code of Ordinances addresses maximum fence heights and materials. This section states in part that chain link fences are not allowed and that the maximum allowed height in front yards is 3 feet.

The applicant is seeking a variance to the maximum allowed fence height to allow a 6 foot tall chain link fence in the front yard.

### **CODE REQUIREMENTS / CRITERIA**

#### **Code Requirements/Criteria:**

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

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

Allowing a 6 foot tall chain link fence in the front yard of the proposed development should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The proposed fence is consistent with other properties in industrial districts

and the entire cul-de-sac is developed as 84 Lumber.

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

The requested variance allowing a 6 foot tall chain link fence in the front yard in lieu of the maximum allowed 3 foot tall fence will allow reasonable use of the property. As stated previously there are other properties in industrial areas, which were constructed prior to the adoption of the most current fence requirements and have 6 foot tall chain link fences in the front yard.

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

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request is consistent with adjacent properties and it complies with all other setbacks and development regulations of the Winter Garden Code of Ordinances.

- (4) *The granting of the variance is consistent with the city's comprehensive plan; and*  
The variance is consistent with the provisions of the City's Comprehensive Plan relating to industrial development.

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

The variance requested is the minimum variance that will make reasonable use of the land. The proposed fence height and material will not negatively impact the neighbors and is consistent with fences on other properties in industrial areas. 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) to allow a 6 foot tall chain link fence in the front yard in lieu of the maximum allowed fence height of 3 feet in the front yard with the following conditions:

1. Banner signs cannot be used as permanent signage. All signs shall meet the requirements of Chapter 102 of the City Code.

## **NEXT STEP**

Apply for the appropriate Building Permits.

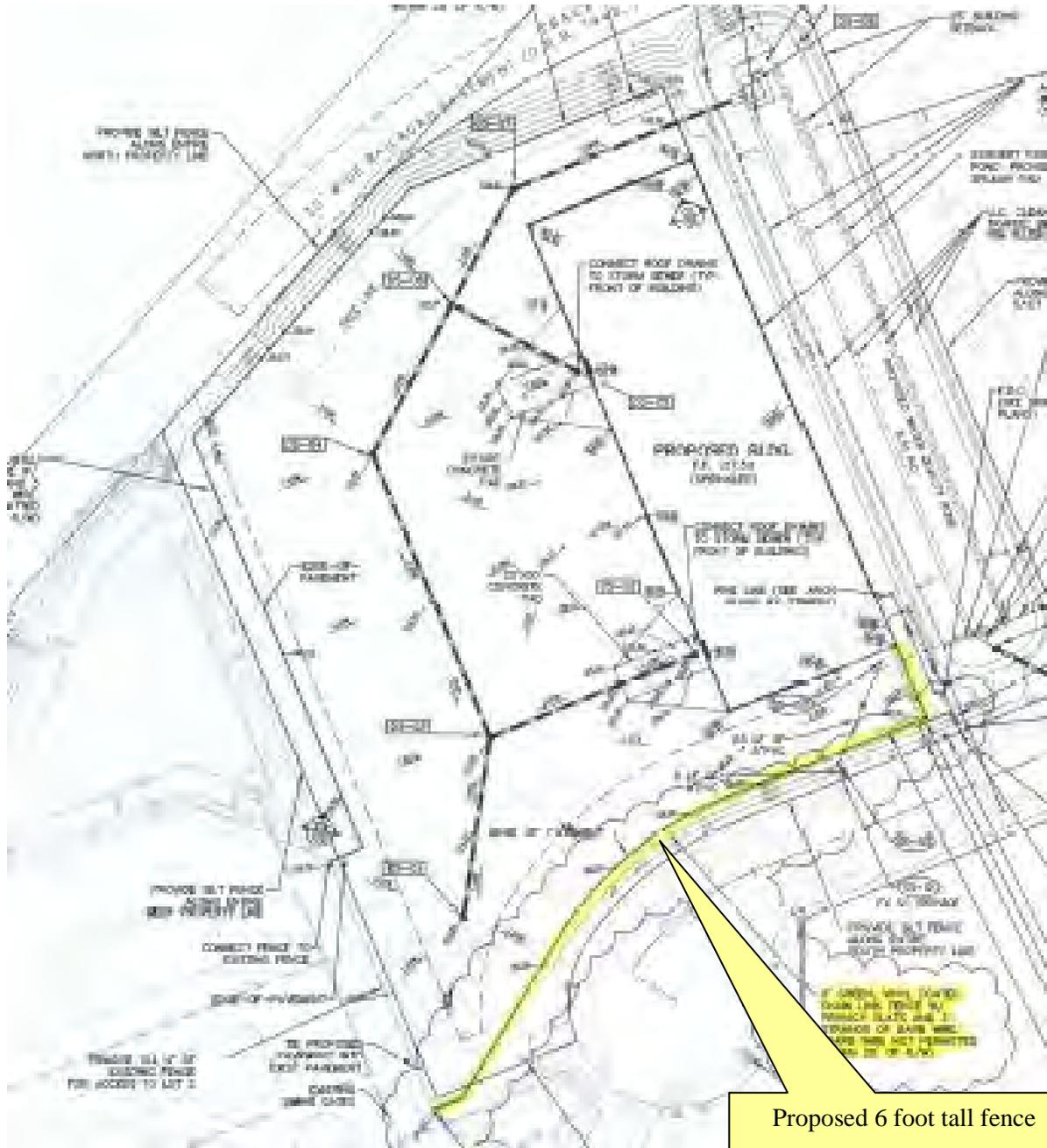
## **ATTACHMENTS**

- Aerial Photo
- Survey (Site Plan)
- Site Photos

**AERIAL PHOTO**  
**1011 & 1099 Pineloch Industrial Drive**



**SITE PLAN**  
**1011 & 1099 Pineloch Industrial Drive**



**SITE PHOTOS**  
**1011 & 1099 Pineloch Industrial Drive**

**Subject property (existing facility)**



**View looking at location of proposed development**



**SITE PHOTOS**  
**1011 & 1099 Pineloch Industrial Drive**

**View looking at location of proposed development (just past pond)**



**Properties to the north**



**Property to the south**



**END OF STAFF REPORT**