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PLANNING & ZONING BOARD AGENDA

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

Copy to: Mike Bollhoefer
Dan Langley
Kurt Ardaman
Ed Williams
Stephen Pash
Kelly Carson
Jessica Frye

RE: Agenda – **February 1, 2016 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 JANUARY 4, 2016 MEETING**

PRELIMINARY PLAT / FINAL PLAT / LOT SPLIT

4. 801 S Dillard Street – Winter Garden Park LLC, Lakeside Realty – **LOT SPLIT**
TABLED TO THE MARCH 7, 2016 MEETING
Parcel ID #12-22-27-6496-21-001
5. Lake Brim Drive (Tract F-1) – Tim & Mary Keating and Saul & Ann Grimes – **LOT SPLIT**
Parcel ID #21-22-27-6091-06-001

VARIANCE (PUBLIC HEARING)

6. 938 Copenhagen Way – Brian Caravella / Dulando Screen & Awning Inc
Parcel ID #25-22-27-8283-00-560

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, **March 7, 2016** at **6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.



**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
JANUARY 4, 2016**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Chairman Will Hawthorne 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 Will Hawthorne, Vice-Chairman David Kassander, and Board Members: Mark DeFuso (arrived at 6:32 pm), Heather Gantt, Gerald Jowers, and Mark Maciel

MEMBERS ABSENT:

Chris Lee (excused)

STAFF PRESENT:

City Attorney Kurt Ardaman, Planning Consultant Ed Williams, Community Development Director Steve Pash, Planner II Kelly Carson, and recording secretary Kathleen Rathel

3. APPROVAL OF MINUTES

Motion by Gerald Jowers to approve the regular meeting minutes of December 7, 2015 and seconded by Mark Maciel. Motion carried unanimously 5 - 0.

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

4. 1401 W. Plant Street – Christopher & Caitlin Gonzales (REZONING)

(Mark DeFuso arrived at 6:32)

Planner Carson presented a request for Rezoning of a 4.54 +/- acre lot located at 1401 W. Plant Street. The property is located on the north side of West Plant Street, east of Tildenville School Road and south of Brick Road. The property was annexed into the City in January of 2014 but was not rezoned to a City of Winter Garden zoning designation as it was being considered for a residential Planned Unit Development. The current owners are requesting a zoning of R-1 after which they will pursue a Lot Split to build a single family residence on each lot. Staff has reviewed the application and recommends approval of Ordinance 16-18 and subject to the conditions listed in the Staff Report.

Chairman Hawthorne asked if there was a minimum size the lot could be split into. Planner Carson replied it was 10,000 square feet minimum.

Motion by David Kassander to recommend approval of the Rezoning and Ordinance 16-18 [with Staff Recommendations] (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 6 - 0.

VARIANCE (PUBLIC HEARING)

5. 714 Parkmont Place – Indramattie & Hemdat Sawh / Ryan Homes

Community Development Director Pash presented a Variance request for the property located at 714 Parkmont Place located within the Covington Chase Subdivision. The home was used as a model home for Ryan Homes for the last 5 years. The new owner is requesting a 1.5 foot variance to allow the existing house to remain at a 6 foot side yard setback in lieu of the minimum required 7.5 foot side yard setback. When the home was built in 2010 the plot plans submitted showed it meeting the proper setbacks but it was staked in the wrong location by the surveyor. Staff has reviewed the application and recommends approval of the variance subject to the conditions listed in the Staff Report.

Motion by Gerald Jowers to recommend approval of the Variance for 714 Parkmont Place [with Staff Recommendations] (as provided in the agenda packet) and seconded by Heather Gantt. Motion carried unanimously 6 - 0.

6. 12105 W. Colonial Drive – Baer’s Furniture / McNeill Signs, Inc.

Community Development Director Pash presented a Variance request for the property located at 12105 W. Colonial Drive for Baer’s Furniture. The property is located on the north side of West Colonial Drive at the eastern boundary of the city limits by the 429 Western Beltway. The applicant is requesting a Variance to Chapter 102 of the City Code to allow a sign on a façade that does not front onto a public right-of-way. Staff has reviewed the application and recommends approval subject to the conditions of the Staff Report.

Discussion ensued regarding if the sign would be lighted and which direction it would face. Mr. Pash explained that the building permit submitted did not show any lighting and the sign would be located on the North side of the building facing the 429 exit ramp.

A motion was made by Gerald Jowers to recommend approval of the Variance but the public hearing had not been announced so the motion was withdrawn.

Lisa Snider with McNeill Signs, 555 S. Dixie Hwy E, Pompano Beach FL 33060, addressed the Board on behalf of Baer’s stating Baer’s would like the sign illuminated. The sign would be translucent day/night vinyl and internally illuminated white at night.

Discussion ensued as to why Staff recommended against having the sign lighted. Mr. Pash explained that the Code does not allow signs on the back of buildings. Discussion ensued regarding the neighbor to the north and how they would be impacted. Board Member DeFuso suggested having the sign turn off at closing. There was discussion regarding the sign being visible from the 429, type of illumination, and following the ‘Dark Sky’ mandate.

Motion by David Kassander to recommend approval of the Variance with Staff Recommendations (as provided in the agenda packet) with the conditions modified to allow the sign to be internally lit but be turned off during non-business hours. Motion was seconded by Mark DeFuso and carried unanimously 6 - 0.

VARIANCE EXTENSION

7. 224 S. Boyd Street – Tory Parish

Planner Carson presented a request for a 1-year extension to the expiration date of a Variance for the property located at 224 S. Boyd Street. The Board approved a Variance on January 5, 2015, to allow a 22' front yard setback in lieu of the 30' minimum required front yard setback to permit the construction of a single family residence with a covered front porch. Staff has reviewed and recommends approval of the Variance extension with the conditions outlined in the Staff Report.

Motion by Heather Gantt to recommend approval of the Variance extension at 224 S. Boyd Street with Staff Recommendations (as provided in the agenda packet) and seconded by Mark Maciel. Motion carried unanimously 6 - 0.

OTHER MATTERS

Jason Gage of City Point Holdings LLC requested to be put on the agenda and allowed to speak to the Board.

Chairman Hawthorne asked if his request was related to a specific application or to a records request. Mr. Gage replied it was for a pending rezoning application.

Chairman Hawthorne stated it would not be appropriate to hear comments before the item was presented properly to the Board.

Mr. Pash stated Mr. Gage's request was received the previous week and he responded to the request stating it would be on the February 1, 2016 Planning & Zoning agenda to allow time to follow proper procedure for advertising requirements.

City Attorney Ardaman clarified that the request is for Comp Plan and Rezoning which would make it Quasi-Judicial and Discretionary so proper procedure had to be followed.

Mr. Gage wanted to talk to the Board for better clarification as far as what needed to be done.

Chairman Hawthorne again stated that the Board cannot speak with applicants until the item is presented and in a public forum.

City Attorney Ardaman stated the due process requires applications be dealt with by Staff, Staff makes recommendations to the Board, and if the applicant is not happy with the recommendations then they can appeal to the Board.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:59 pm.

ATTEST:

APPROVED:

Recording Secretary Kathleen Rathel

Chairman Will Hawthorne

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4 (Public Hearing)

DATE: January 29, 2016 **MEETING DATE:** February 1, 2016

SUBJECT: 801 S Dillard Street (Lot Split)
PROJECT NAME Medical Office Building Lot Split
PARCEL ID# 12-22-27-6496-21-001

ISSUE: The applicants are requesting to split the lot located at 801 South Dillard Street.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Lakeside Realty (Winter Garden Park, LLC)

CURRENT ZONING: C-2

PROPOSED ZONING: N/A

CURRENT FLU: Commercial

PROPOSED FLU: N/A

SUMMARY:

The applicant requests lot split approval to divide the existing 2.81 acre commercial lot into two commercial parcels. The western parcel will continue to feature the existing bank with associated site development. No development for the eastern parcel is proposed at this time, but the applicant may submit an application for site plan approval to build medical offices in the future.

STAFF RECOMMENDATION(S):

Staff recommends this item be tabled until the Planning & Zoning Board meeting on March 7, 2016.

NEXT STEP(S):

ATTACHMENT(S):

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 5 (Public Hearing)

DATE: January 28, 2016 **MEETING DATE:** February 1, 2016

SUBJECT: Tract F-1 Lake Brim Drive (Lot Split)
PROJECT NAME Oakland Park Ph.1A1B
PARCEL ID# 21-22-27-6091-06-001

ISSUE: The applicants are requesting to split the lot located at Tract F-1 Lake Brim Drive.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Tim & Mary Keating/ Saul and Ann Grimes

CURRENT ZONING: Oakland Park PUD

PROPOSED ZONING: N/A

CURRENT FLU: Low Density Residential

PROPOSED FLU: N/A

SUMMARY:

Applicants have asked to split Tract F-1 which sits between the applicant's residences. The property was originally part of the Oakland Park Subdivision and was slated for future residential development within the community.

STAFF RECOMMENDATION(S):

Approval, subject to the conditions presented in the DRC memorandum dated 1/19/2016

NEXT STEP(S):

File the lot split with the Orange County Property Appraiser's Office and the Office of Public Records

ATTACHMENT(S):

Location Map
Staff Report
DRC Condition Memo

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: JESSICA FRYE, PLANNER I
DATE: JANUARY 25, 2016
SUBJECT: LOT SPLIT
LAKE BRIM DRIVE, TRACT F-1
PARCEL ID # 21-22-27-6091-06-001

APPLICANT: Timothy & Mary Keating/ Saul & Ann Grimes

INTRODUCTION

The purpose of this report is to evaluate the proposed lot split for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan. The subject property is located on the west side of Tildenville School Road north of W. Plant Street and south of Brick Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



CURRENT USE AND ZONING

The subject property is zoned PUD and is designated Low Density Residential on the Future Land Use Map of the City of Winter Garden's Comprehensive Plan. The subject property is currently undeveloped.

CODE REFERENCE

Sec. 110-96. Proposed subdivision of existing lot.

- (a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of complying with division 3 of this article, the subdivider may conform to the procedural requirements set out in this division or he may comply with the procedure for subdivision or resubdivision contained in this chapter at the applicant's option. This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.
- (b) A subdivider shall apply to the city manager on an application form, promulgated by the director of planning, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum criteria:
 - (1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.
 - (2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.
 - (3) A listing of the names and addresses of the record owners abutting subject property.
 - (4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements thereon.
- (c) Lot split procedure. Once the application is determined to be complete, the city staff shall review the request for compliance with the code (e.g. compliance with lot dimensions requirements, setbacks for existing buildings etc.).

Upon review by the city staff, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the planning and

zoning board at its next regular meeting or session, following action by the city staff, for approval or disapproval. The planning and zoning board may take the following actions:

- (1) Approve the application as recommended by the city staff.
- (2) Approve the application, deleting or supplementing the conditions and restrictions of the city staff.
- (3) Approve the application, adding conditions and restrictions as determined by the planning and zoning board.
- (4) Disapprove the application.

The planning and zoning board shall have the option to take such action as it deems necessary and proper upon one hearing.

SUMMARY

Tract F-1 was part of the Oakland Park Planned Unit Development and platted as future development within the subdivision. The proposed use for the tract was to add additional single family residences. The Oakland Park PUD allows for higher density with strict architectural guidelines. The applicants purchased the tract and have decided to split the lot creating two parcels that are 111.50' wide with a depth of approximately 333.38'. The property will retain the same zoning and any future development is subject to the zoning requirements laid out in the PUD. The applicants have not indicated any desire to develop the new lots or combine them to their existing lots.

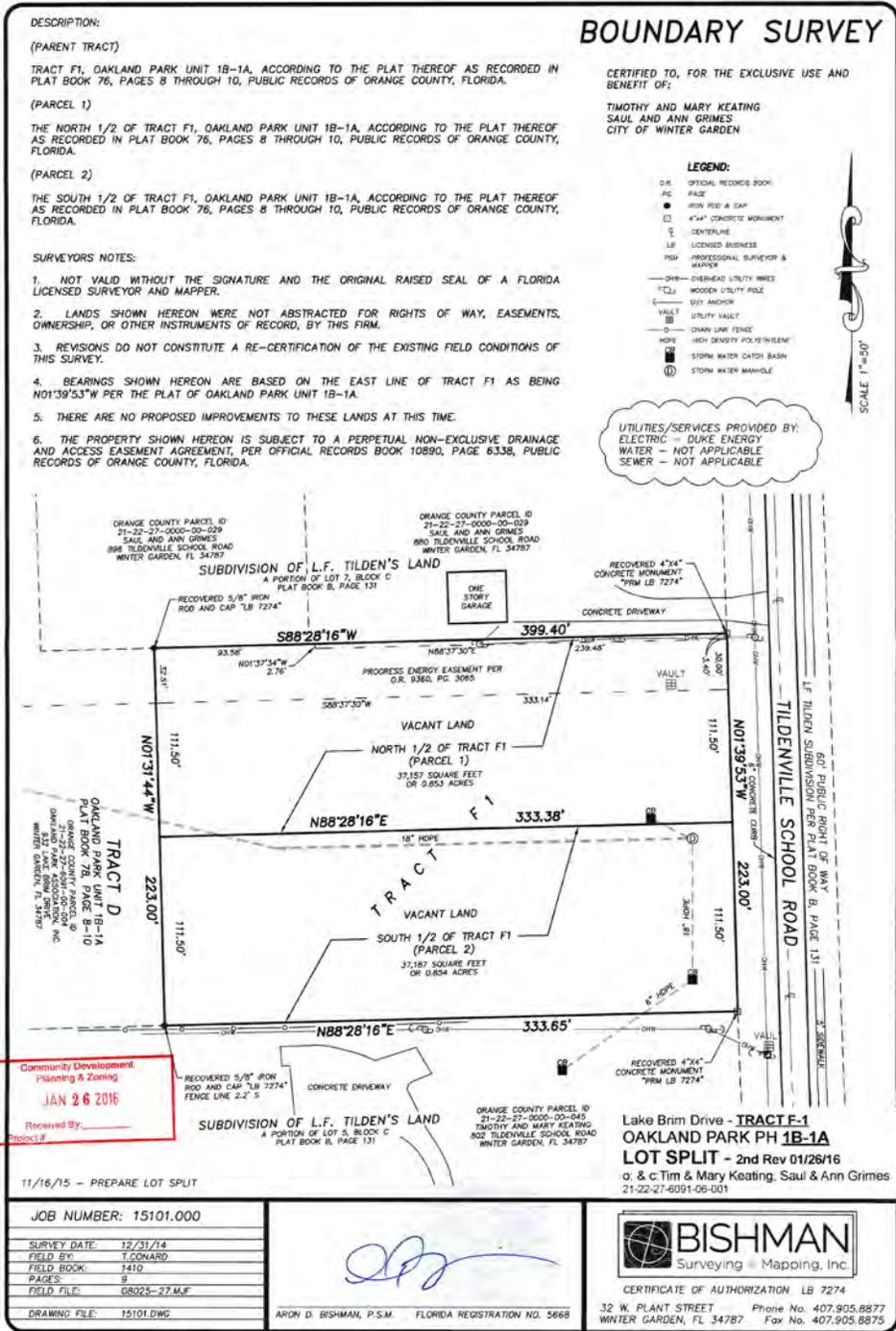
STAFF RECOMMENDATION

Staff recommends approval of the requested lot split subject to the conditions presented in the DRC Memorandum dated 1/19/2016.

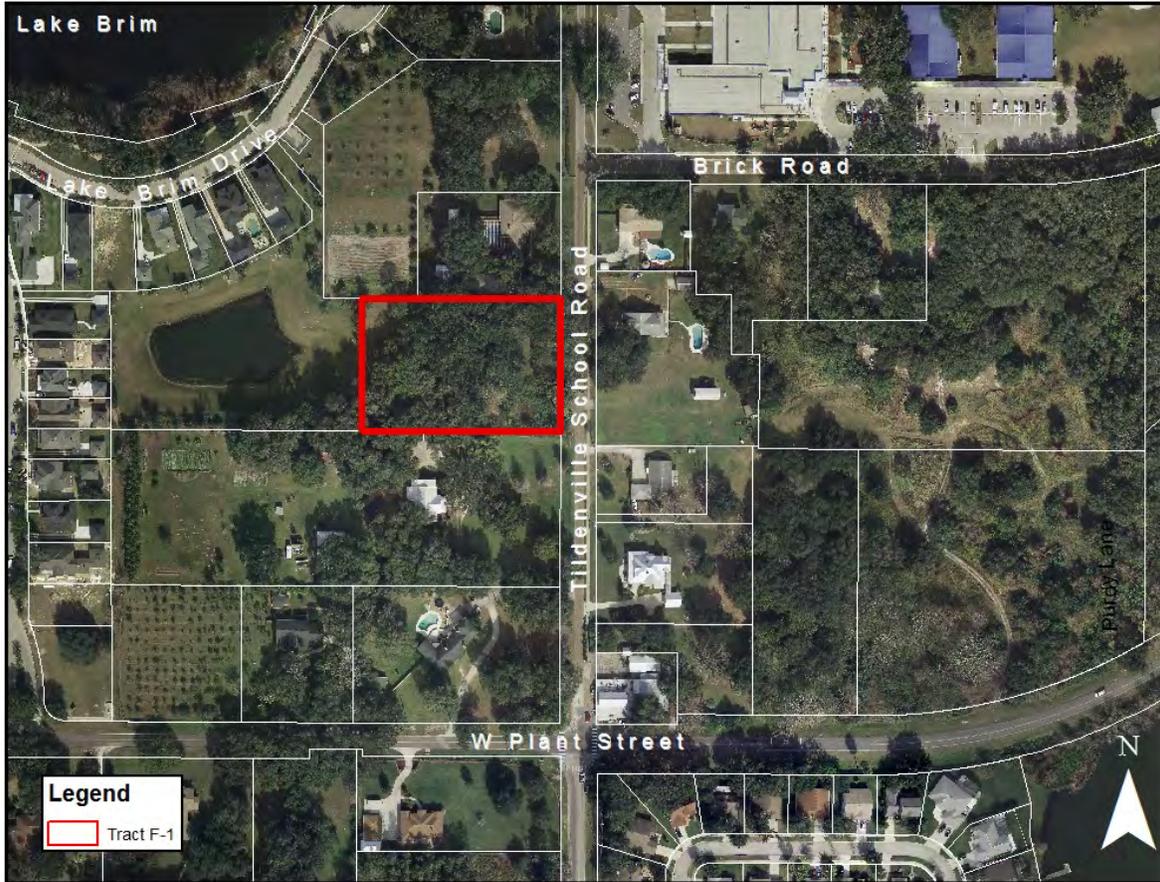
NEXT STEP

If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

BOUNDARY SURVEY Tract F-1, Lake Brim Drive



AERIAL PHOTO
Tract F-1, Lake Brim Drive



END OF STAFF REPORT

CITY OF WINTER GARDEN

DEVELOPMENT REVIEW COMMITTEE

300 West Plant Street - Winter Garden, Florida 34787-3011
(407) 656-4111 - FAX (407) 877-2363

MEMORANDUM

TO: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
FROM: DEVELOPMENT REVIEW COMMITTEE
DATE: JANUARY 19, 2016
SUBJECT: REVIEW OF LOT SPLIT – OAKLAND PARK PHASE 1B-1A, TRACT F-1

Pursuant to your request, we have reviewed the revised information for lot split received 1/19/16 for compliance with the City's site and stormwater requirements. This was submitted in response to our comments dated 12/29/15 and DRC meeting of 1/06/16.

ENGINEERING

We recommend approval subject to approval by all other departments, and the following conditions and comments:

1. This parcel is a part of the Oakland Park PUD and shall meet all requirements contained therein.
2. Easements for drainage and utilities between the two parcels may be required at the time of site or building plan approval.

STANDARD GENERAL CONDITIONS

3. All provisions of ADA and Florida Accessibility Code shall be met.
4. All construction shall conform to City of Winter Garden Standards, Specifications and Ordinances.
5. The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.
6. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The applicant should note that if approval is granted, the City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City will not be responsible and any corrective measures required will be the responsibility of the Owner. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
7. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
8. Approval by the Planning & Zoning Board (Lot Split) and City Staff (site plan) will be required prior to issuance of site or building permit(s).

9. Five foot wide concrete sidewalks required adjacent to all public rights-of-way pursuant to Code.
10. After final plan approval, a preconstruction meeting may be required prior to any commencement of construction. If required, the applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of 2.25% of the cost of all site improvements shall be paid prior to issuance of the site or building permit.

Please review this information and contact our office if you have any questions. Thank you.

END OF MEMORANDUM

LOCATION MAP

938 Copenhagen Way

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: JESSICA FRYE, PLANNER I
DATE: JANUARY 28, 2016
SUBJECT: VARIANCE
938 COPENHAGEN WAY (0.126 +/- ACRES)
PARCEL ID # 25-22-27-8283-00-560

APPLICANT: Brian Caravella

INTRODUCTION

The purpose of this report is to evaluate the request for a rear yard setback variance for the property located at 938 Copenhagen Way in Winter Garden, Florida. The request is for an 18' rear yard setback in lieu of the minimum required 20' rear yard setback. If approved, this variance will allow the construction of a screen room with a solid aluminum roof.

The subject property, located on Copenhagen Way, is approximately 0.126 ± acre lot in the Sterling Pointe Subdivision. 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 PUD (Ord. 00-15) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently developed with a single family residence.

ADJACENT LAND USE AND ZONING

The properties immediately adjacent to the subject property are zoned PUD (ord. 00-15) within the Sterling Pointe Subdivision and are within the City of Winter Garden Municipal limits.

PROPOSED PROJECT

The applicant is proposing to build a new screen room with a solid aluminum roof over an existing concrete slab. The addition will be approximately 200 square feet.

CODE REFERENCE

The Sterling Point Planned Unit Development, Ordinance 00-15, addresses the rear yard setback as 20'.

The applicant is seeking a variance to the minimum required rear yard setback of 20' to allow an addition to the home to be located at 18' from the rear property line.

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;

The proposed screen room with a solid aluminum roof 18' from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The owner has received approval from the Home Owners Association of the Sterling Pointe Subdivision. Several of the properties within the neighborhood feature structures that exceed the rear yard setbacks permitted in the PUD zoning district. In 2004, the property located at 854 Copenhagen Way received a permit with a rear yard setback of 17'. In 2007, the property located at 1046 Copenhagen Way was approved with a 19' rear yard setback according to permit number 07-1404. The property located at 1403 Alborg Ct. received a variance in December of 2014 to allow for a 15' rear yard setback. Several other properties in the subdivision have patios along the rear that may exceed the 20' rear yard setback, however, due to the age of the permits, they are no longer kept by the City.

- (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 an 18' rear yard setback in lieu of the minimum required 20' rear yard setback to construct a screen room with a solid aluminum roof will allow reasonable use of the property. The proposed structure is not out of character because many of the homes have the same or similar rear yard setbacks. Furthermore, granting this variance will not change the low density residential character of the neighborhood.

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

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easements, does not exceed the maximum impervious surface allowed for the PUD zoned properties (65%), and meets all other 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 low density residential neighborhood character.

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

The variance requested is the minimum variance that will make reasonable use of the land. The proposed screen room with solid aluminum roof will not negatively impact the neighbors and is consistent with rear yard setbacks enjoyed by many other property owners within Sterling Pointe. Denying this variance does not benefit the property owner or the City.

SUMMARY

Staff recommends approval of the variance to the PUD (ord. 00-15) to allow a screen room addition to be built at an 18' rear yard setback in lieu of the minimum required 20' rear yard setback with the following condition:

1. The room cannot be fully enclosed or become an air conditioned space.

NEXT STEP

Obtain building permits.

ATTACHMENTS

- Aerial Photo
- Proposed Site Plan
- Site Photos

AERIAL PHOTO
938 Copenhagen Way



SITE PHOTOS
938 Copenhagen Way





END OF STAFF REPORT