



For More Information, Contact:

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PLANNING & ZONING BOARD AGENDA

BOARD MEMBERS

Will Hawthorne, Chairman
Steve Ambielli Joseph Dunn, Jr
Henry Haddock Mark Hide
Gabriel Kotch Chris Lee, Vice Chair

OTHER ATTENDEES

Mike Bollhoefer, City Manager Stephen Pash, Community Dev. Director
Dan Langley, City Attorney Kelly Carson, Urban Designer
Kurt Ardaman, City Attorney Shane Friedman, Senior Planner
Ed Williams, Planning Consultant Soraya Karimi, Planner I

Agenda for January 6, 2020 at 6:30 PM

City Hall Commission Chambers
300 West Plant Street, Winter Garden

-
1. **CALL TO ORDER**
Determination of Quorum, Moment of Silence and Pledge of Allegiance

2. **APPROVAL OF MINUTES FROM THE DECEMBER 2, 2019 MEETING**

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

3. 15151 E Oakland Avenue – Jesus Salvador & Iliana Ramos **ANNEX/FLU AMEND/REZONE**
Parcel ID # 21-22-27-0000-00-088

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

4. 751 S Main Street – Pointon Realty, Inc.
Parcel ID # 23-22-27-0832-02-060
5. 14035 W Colonial Drive – Winter Garden Swim School
Parcel ID # 22-22-27-9386-01-000

VARIANCE (PUBLIC HEARING)

6. 111 Regal Place – Jeff Dyal
Parcel ID # 14-22-27-5353-00-010
7. 415 Courtlea Creek Drive – Cam Bradford Homes LLC
Parcel ID # 14-22-27-1944-00-650

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, **February 3, 2020** at **6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street.

POSTED: DECEMBER 31, 2019

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTES 286.0105: ANY PERSON WHO DESIRES TO APPEAL ANY DECISION AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THIS PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED, WHICH SUCH WRITTEN RECORD IS NOT PROVIDED BY THE CITY OF WINTER GARDEN.

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTE 286.26: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT KATHY RATHEL, 300 WEST PLANT STREET, WINTER GARDEN, FL 34787, (407) 656-4111, EXT 5149 - 48 HOURS IN ADVANCE OF THE MEETING.



DRAFT

**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
DECEMBER 2, 2019**

1. CALL TO ORDER

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.

Quorum was declared present and two new Board Members were introduced.

Present: Chairman Will Hawthorne and Board Members: Henry Haddock, Gabe Kotch, Chris Lee, and new Board Members Joe Dunn Jr and Mark Hide

Absent: Steve Ambielli (excused)

Staff Present: City Attorney Richard Geller, Community Development Director Steve Pash, Urban Designer Kelly Carson, Senior Planner Shane Friedman, Planner I Soraya Karimi, and recording secretary Kathleen Rathel

Chairman Hawthorne stated the Board needed nominations and an election for a Vice-Chair and opened the meeting for any nominations. Chairman Hawthorne nominated Chris Lee who accepted.

Motion by Will Hawthorne to nominate Chris Lee for Vice-Chair. Seconded by Gabe Kotch and carried unanimously 6 – 0.

2. APPROVAL OF MINUTES

Motion by Chris Lee to approve the regular meeting minutes of November 4, 2019. Seconded by Henry Haddock and carried unanimously 6 – 0.

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

3. 15155 E Oakland Ave – Jesus Ramos; ANNEX/FLU AMEND/REZONING

Community Development Director Pash presented a request for voluntary annexation, amendment to the Future Land Use Map to designate the property as City Low Density Residential, and assigning the zoning designation of R-1 for the 1.16 +/- acre property located at 15155 E Oakland Avenue. The property is currently located in Un-incorporated Orange County with a zoning classification of A-1 and a Low Density Residential Land Use designation. The applicant recently purchased the property and proposes to develop the property with a single family residential home. Staff recommends approval of Ordinances 20-01, 20-02, and 20-03.

Community Development Director Pash clarified on the cover page that the next step would be the first reading at the City Commission Meeting scheduled for December 12, 2019 with the second reading and adoption on January 9, 2020.

Board Member Haddock inquired if the applicant had the option to develop with multiple homes. Mr. Pash stated it would have to be brought back for approval.

Motion by Chris Lee to recommend approval for 15155 E Oakland Avenue, Ordinances 20-01, 20-02, and 20-03, with Staff Recommendations (as provided in the agenda packet). Seconded by Mark Hide and carried unanimously 6 – 0.

4. 541 Winter Garden Vineland Rd – New Horizons Christian Church (Sonata West MOB II); FLU AMEND/REZONING

Senior Planner Friedman presented a request to change the Future Land Use and rezone the 5.51 +/- acre property located at 541 Winter Garden Vineland Road. The undeveloped property is currently zoned R-1 with a Future Land Use designation of Low Density Residential. The applicant is requesting to amend the Future Land Use Designation to Commercial and a rezone the property to PCD (Planned Commercial Development) in order to develop two 2-story medical office buildings on the southern portion and a Church on the northern portion. The improvements will also consist of stormwater ponds, parking, and landscaping. Staff recommends approval of Ordinances 20-07 and 20-08 subject to the conditions outlined in the Ordinances.

Chairman Hawthorne inquired if this lot connected to the adjacent lots. Mr. Friedman stated there would be connectivity to the two other properties to the east.

Board Member Lee asked if the existing Sonata building was two or three story. Mr. Friedman clarified there was a two-story Sonata building on Roper Road and a three-story located near the pond.

Board Member Haddock questioned the traffic issues and what improvements were proposed. Mr. Friedman stated there was a planned traffic light for that intersection. A community meeting was held on October 23, 2019.

Motion by Chris Lee to recommend approval of the Future Land Use and Rezoning for 541 Winter Garden Vineland Road, Ordinances 20-07 and 20-08, with Staff Recommendations (as provided in the agenda packet). Seconded by Joe Dunn and carried unanimously 6 – 0.

5. 646 E Plant Street – WG Plant LLC; FLU AMEND/CAPUD REZONING

Urban Designer Carson presented a request to change the Future Land Use and rezone the 0.41 +/- acre property located at 646 E Plant Street. The property is currently zoned I-2 (Industrial) with an Industrial Future Land Use designation. The applicant is requesting a Future Land Use Designation of Commercial and a zoning of CAPUD (Character Area Planned Unit Development) to permit redevelopment to include demolishing a portion of the existing warehouse building, renovating the remaining interior of the building, and constructing a new addition along E Plant Street. The development includes a parking lot, courtyard areas, and pedestrian improvements consistent with the City's requirements for East Plant Street Character Area Overlay. Staff recommends approval of Ordinances 20-05 and 20-06 with one change to Ordinance 20-06. Under Staff Conditions comment 10 stated a minimum 5-foot wide sidewalk - this should be amended to clarify that, along E. Plant Street, the sidewalk should be a minimum of 12-feet wide to be consistent with the character area.

Clarification that the addition would be constructed on the Plant Street side.

Urban Designer Carson displayed the proposed elevation for the site and stated a community meeting was held November 6, 2019.

Motion by Will Hawthorne to recommend approval of Ordinances 20-05 and 20-06 with Staff Recommendations (as provided in the agenda packet) to include the sidewalk change. Seconded by Henry Haddock and carried unanimously 6 – 0.

6. 12301 W Colonial Drive – Peoples Plaza LLC; PCD ZONING AMENDMENT

Urban Designer Carson presented a request to amend the original PCD (Planned Commercial Development) Ord 00-78 for the 8.25 +/- acre property located at 12301 W Colonial Drive. The applicant is requesting to repeal Ord 00-78, which included regulations specific to a project that was never developed, and replace with Ord 20-04 to redevelop the parcel. The proposed redevelopment includes demolishing all the remaining buildings on the property and constructing a number of new commercial buildings that include a gas station on the corner, two hotels in the back portion, and other commercial uses yet to be determined. Staff recommends approval of Ordinance 20-04.

Chairman Hawthorne asked how the setbacks compared to the existing. Ms. Carson replied the setbacks are very similar along State Route 50. The new development also includes a large stormwater tract to shield the development to the north.

Motion by Gabe Kotch to recommend approval of the PCD Amendment for 12301 W Colonial Drive [Ordinance 20-04] with Staff Recommendations (as provided in the agenda packet). Seconded by Chris Lee and carried unanimously 6 – 0.

PRELIMINARY PLAT / FINAL PLAT / LOT SPLIT

7. 15500 W Colonial Dr – TOV13 LLC/SD Partnership LOC (Tucker Oaks Commercial); LOT SPLIT

Urban Designer Carson presented a lot split request for the property located at 15500 W Colonial Drive. The property was recently zoned to PCD (Planned Commercial Development) and has a commercial Future Land Use designation. The applicant is requesting to split the lot into two parcels in order to allow a proposed two story office building to proceed with development on the western parcel. The remainder of the eastern parcel will be platted or go through a condo replating process at a later date. Staff has reviewed the application and recommends approval of the Lot Split subject to conditions outlined in the Staff Report.

Motion by Chris Lee to recommend approval of the lot split for 15500 W Colonial Drive. Seconded by Will Hawthorne and carried unanimously 6 – 0.

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

8. 3600 Winter Garden Vineland Road – The Seyer Group (Walgreens/LabCorp)

Community Development Director Pash stated the applicant was in attendance and requested this project be tabled to the January 6, 2020 Planning & Zoning Board Meeting to discuss issues with the owner.

Motion by Henry Haddock to table the Special Exception [for 3600 Winter Garden Vineland Road] to the January 6, 2020 Planning & Zoning Board Meeting. Seconded by Mark Hide and carried unanimously 6 – 0.

9. 1380 E Story Road and 703 & 803 Carter Rd – Manheim Orlando parking lot expansion

Senior Planner Friedman presented a request for a Special Exception permit for the 40.68 +/- acre property, located at 1380 E Story Road and 703 & 803 Carter Road, to allow outside storage and expansion of the existing paved parking area. The property has a zoning of I-2

(General Industrial) with a Future Land Use designation of MOI (Multi-Office Industrial) and is currently being used as automobile storage/parking for Manheim Auto Auction. Currently only about 10 acres are paved in the northern portion of the project area and the applicant is requesting to extend the parking area to the rest of the property. The expansion would allow for 2,519 parking spaces, improvements to the stormwater pond, adding lighting and landscape buffers, and a six-foot stucco screen wall along Carter Road. Staff recommends approval of the Special Exception subject to the following conditions: 1) the Special Exception permit is only for the outside storage and associated improvements as provided by the Site Plan, and 2) the applicant shall contribute their Fair-Share to the off-site improvements to include a traffic light and turn lanes. The amount will be included in a Fair-Share Agreement that must be agreed upon before site plan approval.

There was clarification that the traffic light would be located at Story Road and Carter Road and the stucco wall would be located on Carter Road only.

Ben Buckner, Facilities Manager for Manheim Orlando, clarified the existing concrete barriers would be removed when the wall was installed up to the guard rails.

Senior Planner Friedman clarified the stucco wall would be four-foot tall with an additional two-feet of decorative wrought iron.

Motion by Henry Haddock to recommend approval of the Special Exception for 1380 E Story Road with Staff Recommendations (as provided in the agenda packet).

City Attorney Geller asked to have added a finding that it meets the requirements of Section 118 of the City Code.

Amended Motion by Henry Haddock to include 703 & 803 Carter Rd and a finding that it meets Section 118 of the Code. Seconded by Gabe Kotch and carried unanimously 6 – 0.

***8. 3600 Winter Garden Vineland Road – The Seyer Group (Walgreens/LabCorp)**

Community Development Director Pash stated the applicant returned and asked to have this item brought back before the Board and move forward.

Motion by Gabe Kotch to un-table the Special Exception permit for 3600 Winter Garden Vineland Road. Seconded by Mark Hide and carried unanimously 6 – 0.

Community Development Director Pash presented a request for a Special Exception permit to allow a LabCorp facility to open and operate a service area/office inside an existing Walgreen's located at 3600 Winter Garden Vineland Road. The LabCorp is proposed to be approximately 323 square feet of the 16,000 plus square foot building. Staff recommends approval of the Special Exception subject to the following conditions; 1) LabCorp is limited to a maximum of 6 patients per hour, 2) LabCorp obtains a Business Tax License and Certificate of Occupancy, and 3) LabCorp shall pay all required Road Impact Fees.

Kim Binkley Seyer, of the Seyer Group, addressed the Board. She stated this location is for simple blood draws, urine tests, monthly drug testing, etc., and would probably have two employees. The more complex tests would be done at main LabCorp facilities. They are trying to have all patients schedule appointments in advance to cut down on wait times.

Motion by Mark Hide to recommend approval of the Special Exception for 3600 Winter Garden Vineland Road with Staff Recommendations (as provided in the agenda packet).

Chairman Hawthorne asked if anything changes does this item come back to the Board or is it handled by Staff. Mr. Pash stated it would come back to the Board unless the Board added a condition allowing Staff review/changes.

Motion seconded by Chris Lee and carried unanimously 6 – 0.

VARIANCE (PUBLIC HEARING)

10. 42 W Vining Street – Vonda Kay & Michael Odgen; VARIANCE RENEWAL

Urban Designer Carson presented a request to extend the expiration date for the variances previously approved on November 5, 2018 for the property located at 42 W Vining Street. The variances approved would allow a 672 square foot detached garage to be constructed with an 8-foot side yard setback in lieu of the 10-foot minimum required and a 5-foot rear yard setback in lieu of the 30-foot minimum required, and a height of 18 feet in lieu of the 12-foot maximum. Code allows variances to be renewed for a second year subject to the approval by the Planning & Zoning Board. Staff recommends approval of the extension of the variances subject to the previously approved conditions outlined in the Staff Report.

Motion by Will Hawthorne to recommend approval of the Variances renewal for 42 W Vining Street. Seconded by Gabe Kotch and carried unanimously 6 – 0.

11. 856 E Bay Street – West Orange Habitat for Humanity Inc

Urban Designer Carson presented a variance request for the 0.09 +/- acre property located at 856 E Bay Street. The property is zoned RNC-2 (Residential/Neighborhood Commercial-2), has a Future Land Use designation of Residential Neighborhood Commercial, and is currently vacant. The applicant is requesting a variance to construct a new single family home at a 14-foot rear yard setback in lieu of the 20-foot minimum required. Staff has worked extensively with the applicant, including ensuring the proposed home design is in-line with the vision of the recently adopted East Winter Garden plan, and recommends approval of the variance subject to the conditions outlined in the Staff Report.

Chairman Hawthorne noted many neighboring homes have similar setbacks. He also inquired if the front porch could be enclosed. Ms. Carson stated the front porch would need to remain open.

Motion by Chris Lee to recommend approval of the Variance request for 856 E Bay Street with Staff Recommendations (as provided in the agenda packet).

City Attorney Geller asked to have added a finding that the criteria of 118-131 are met.

Amended Motion by Chris Lee to recommend approval of the Variance request for 856 E Bay Street with Staff Recommendations (as provided in the agenda packet) to include a finding that the criteria for the variance are met. Seconded by Will Hawthorne and carried unanimously 6 – 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:20 p.m. to the next meeting scheduled for January 6, 2020.

ATTEST:

APPROVED:

Recording Secretary Kathleen Rathel

Chairman Will Hawthorne

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 3
(Public Hearing)

Date: December 31, 2019 **Meeting Date:** January 6, 2020
Subject: 15151 E. Oakland Avenue (Annex-Rezone-FLUA)
Project Name: 15151 E. Oakland Avenue
Parcel ID: 21-22-27-0000-00-088
Issue: The applicant is requesting annexation into the City, amendment of the Future Land Use Map, and assigned zoning.

Supplemental Material / Analysis:

Owner / Applicant: Jesus F. Salvador & Iliana Ramos
Current Zoning: A-1
Proposed Zoning: R-1
Current FLU: LDR Orange County Low Density Residential
Proposed FLU: LR City Low Density Residential

Summary: The applicant is requesting annexation into the city, amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as City Low Density Residential, and assigned zoning designation of R-1.

Staff Recommendation(s):

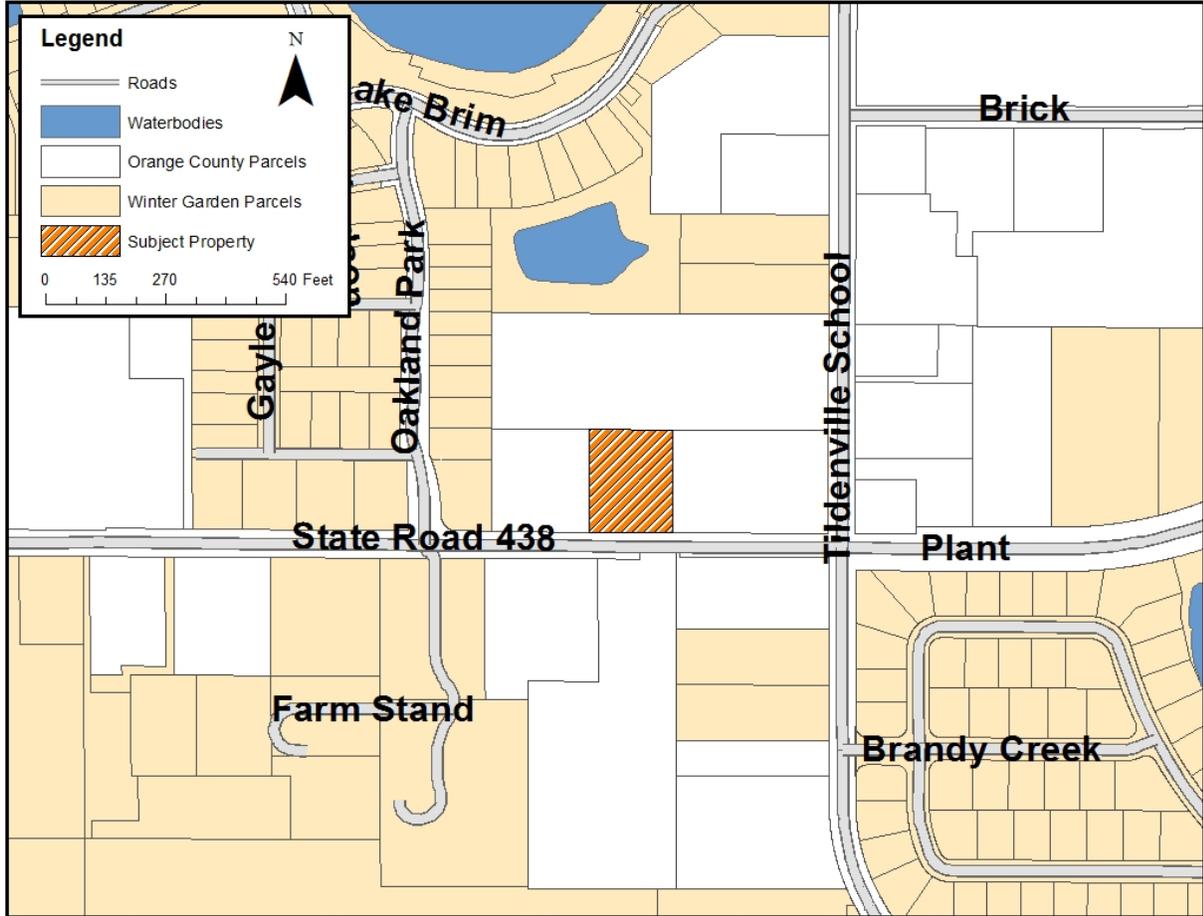
Staff recommends approval of the annexation, rezoning, and Future Land Use Amendment subject to the condition outlined in the Staff Report.

Next Step(s): Follow all City regulations and apply for permits.

Attachment(s): Location Map
Staff Report
Ordinances 20-09, 20-10, and 20-11

LOCATION MAP

15151 E. Oakland Avenue



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

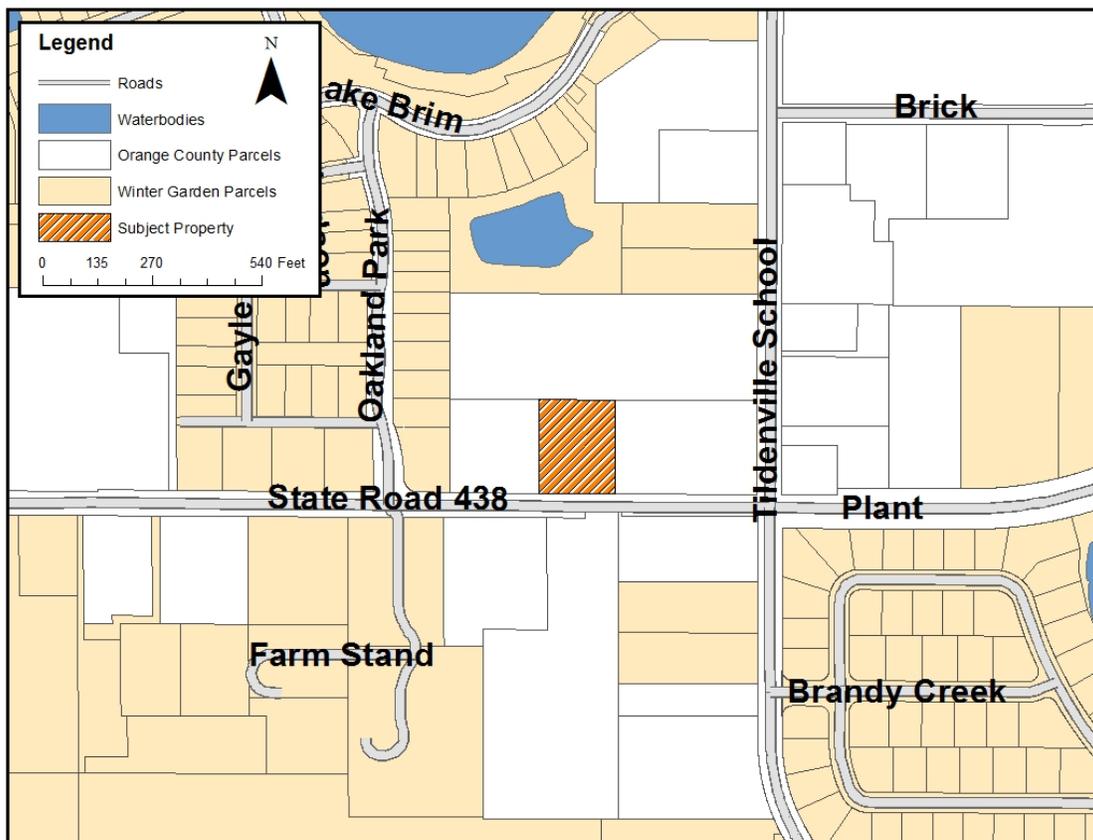
TO: PLANNING AND ZONING BOARD
PREPARED BY: Soraya Karimi, Planner I
DATE: January 6, 2020
SUBJECT: ANNEXATION – FLU—ZONING
15151 E. Oakland Ave (0.99 +/- ACRES)
PARCEL ID # 21-22-27-0000-00-088

APPLICANT: Jesus F. Salvador & Iliana Ramos

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 15151 E. Oakland Avenue, is approximately 0.99 ± acres. The map below depicts the proximity of the subject property to the City of Winter Garden municipal limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as City Low Density Residential, and assigned zoning designation of R-1.

In accordance with the City's Comprehensive Plan, Properties designated with the Low Density Residential land use category are required to be developed at a gross residential density no greater than 6 dwelling units per acre and will be identified on the Future Land Use Map only in areas that are either similar in nature (i.e. have the same type of density of existing neighborhoods) or where environmental factors require low residential densities. Factors in determining this land use category included proximity to natural resources and urban services, availability of public facilities, and the characteristics of nearby existing and future neighborhoods. Churches and schools may be allowed via a Special Exception Permit. The zoning classifications that are consistent with the Low Density Residential classification are PUD, R-1A, R-1B, R-1, R-4, and R-5.

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 property located at 15151 E. Oakland Avenue is currently developed with a single family residence. The gross land area is 0.99 +/- acres.

ADJACENT LAND USE AND ZONING

The property to the west of the subject property is owned by the applicants, and is currently undergoing an annexation into the city, rezoning from County A-1 to City R-1, and amendment to the Future Land Use Map to Low Density Residential. The property to the north of the subject property is unincorporated County land, zoned A-1. The properties to the south of the subject property are beyond SR 438 E. Oakland Avenue and are unincorporated County single family residential, zoned A-1. The property to the east of the subject property is zoned County A-1 and is single family residential.

PROPOSED USE

The applicants are requesting to annex 0.99 ± acres of the subject property into the City in order to develop the property with a single family residential home.

PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, 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.

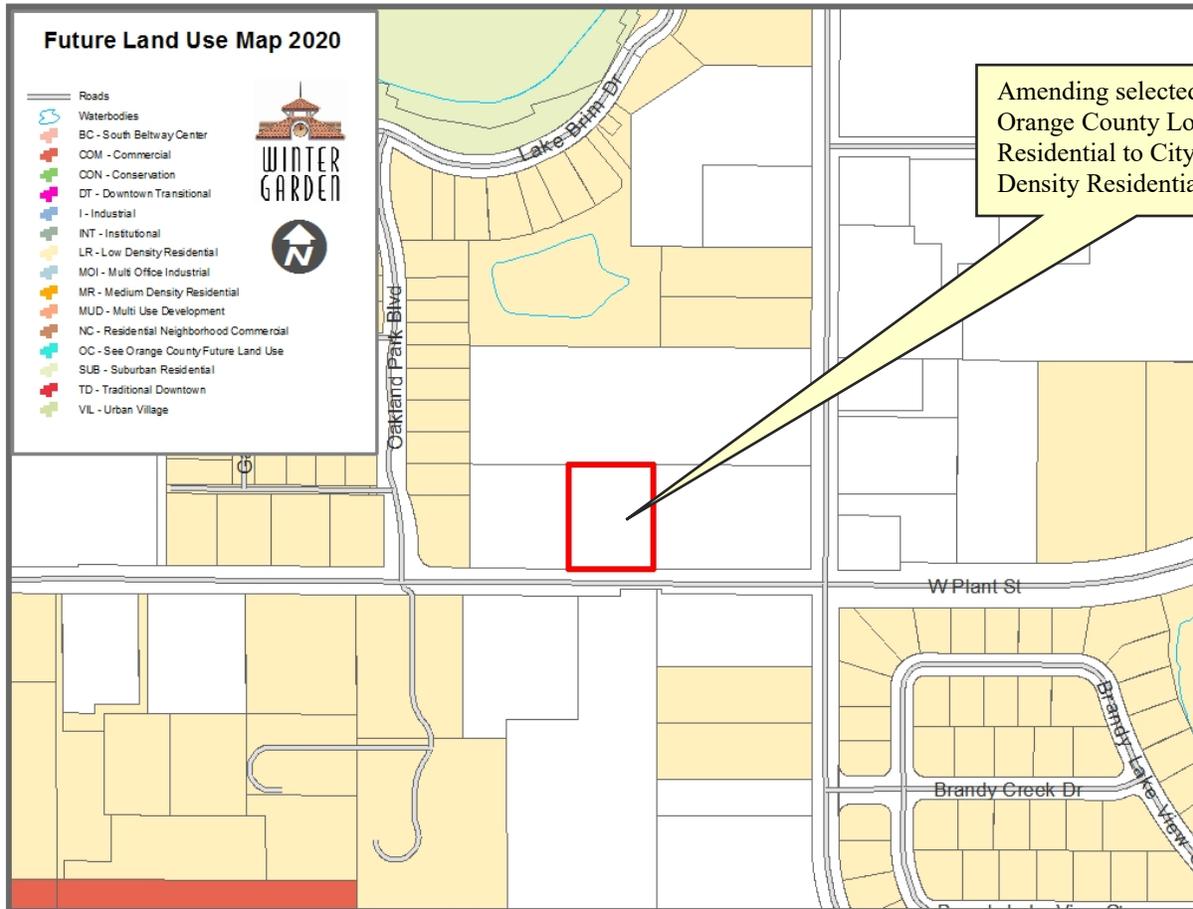
SUMMARY

Annexation will provide a more efficient delivery of services to the properties and further the goals and objectives of the City of Winter Garden’s Comprehensive Plan.
City Staff recommends approval of Ordinances 20-09, 20-10, and 20-11.

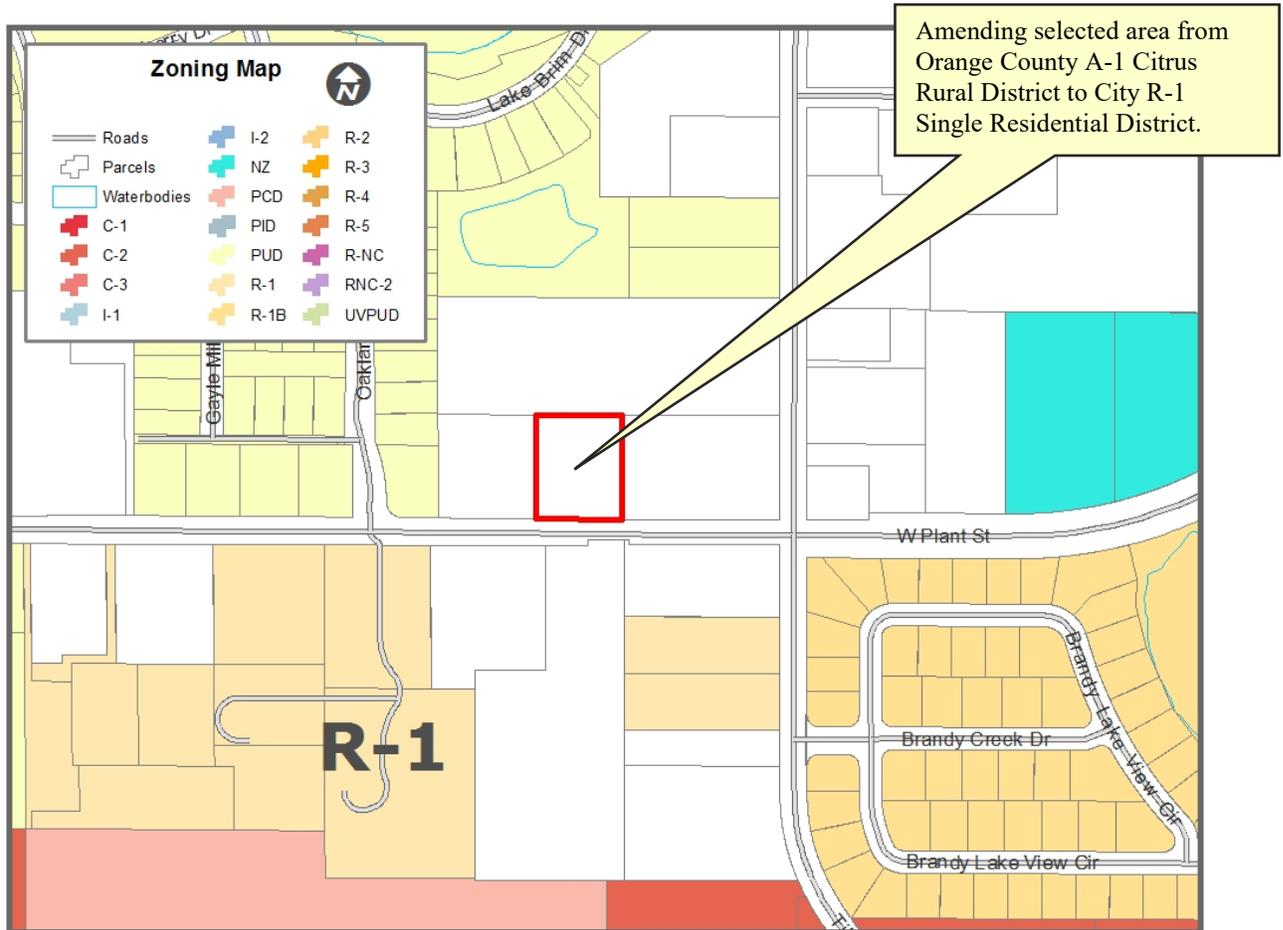
AERIAL PHOTO
15151 E. Oakland Avenue



Future Land Use Map 15151 E. Oakland Avenue



Zoning Map
15151 E. Oakland Avenue



END OF STAFF REPORT

ORDINANCE 20-09

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.99 ± ACRES LOCATED AT 15151 E. OAKLAND AVENUE; NORTH OF STATE ROAD 438 E. OAKLAND AVENUE, WEST OF TILDENVILLE SCHOOL ROAD, AND EAST OF OAKLAND PARK BLVD; 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 0.99 ± acres located at 15151 E. Oakland Avenue; north of State Road 438 E. Oakland Avenue, west of Tildenville School Road, and east of Oakland Park Blvd 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 II of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section II 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 I: *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 II: *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 in ATTACHMENT "B" shall be annexed into the City of Winter Garden, Florida.

SECTION III: *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 IV: *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 V: *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 VI: *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 VII: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2020.

SECOND READING AND PUBLIC HEARING: _____, 2020.

ADOPTED this _____ day of _____, 2020, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

ANGELA GRIMMAGE, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

Parcel ID # 21-22-27-0000-00-088

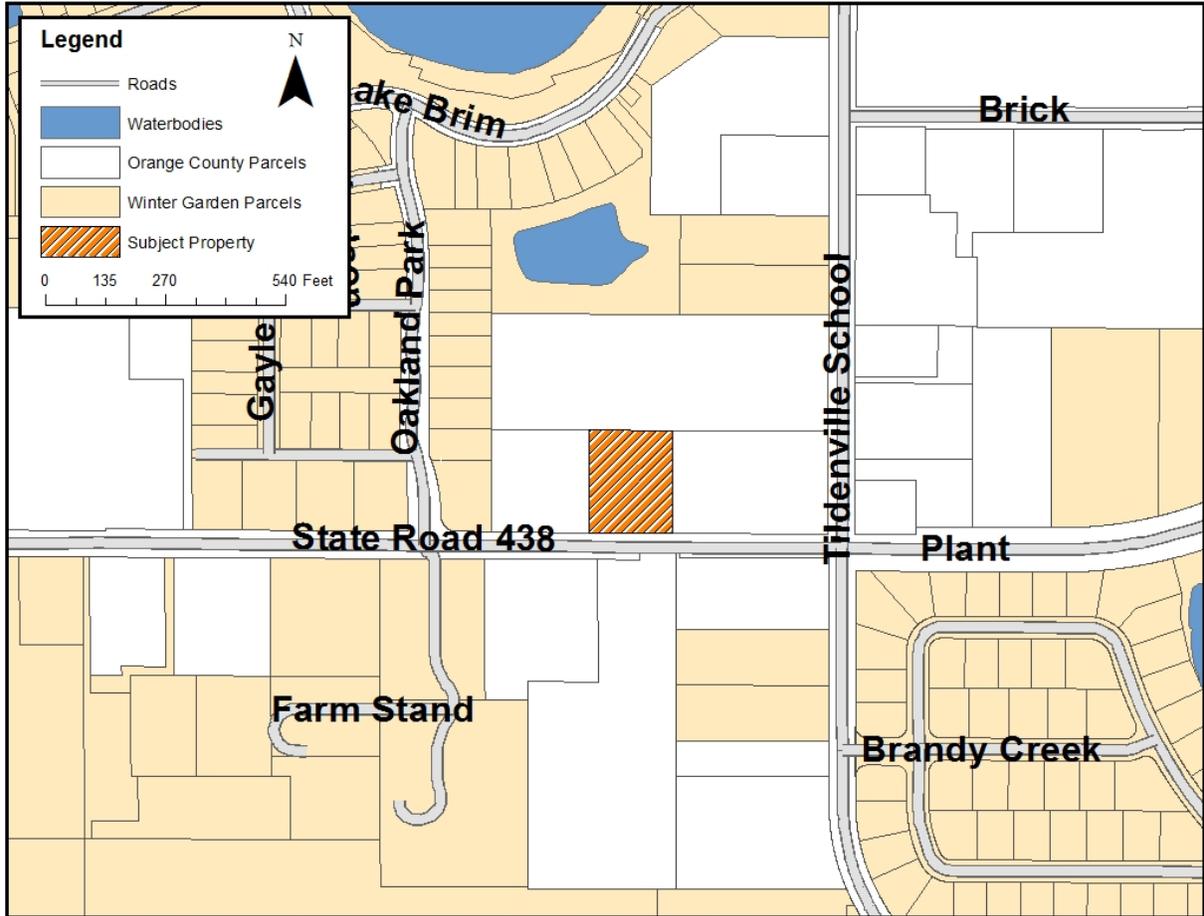
A parcel of land being a Portion of the Northeast 1/4 of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

Commence at the Southeast Corner of the Northeast 1/4 of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida, thence run 324.00 feet West and 30.00 feet North to the intersection of the North Right-of-way line of State Road 438 and the West Right-of-way line of State Road 545; thence along the North Right-of-way line of State Road 438, South 89°56'47" West, a distance of 348.89 feet to a point, said point being the POINT OF BEGINNING of the herein described property; thence continue along said North Right-of-way line, South 89°56'47" West, a distance of 187.89 feet to a point; thence departing said North Right-of-way line, along a line parallel to the West Right-of-way line of State Road 545, North 00°12'25" West, a distance of 231.00 feet to a point; thence along a line parallel with the North Right-of-way line of State Road 438, North 89°56'47" East, a distance of 187.89 feet to a point; thence along a line parallel to the West Right-of-way line of State Road 545, South 00°12'25" East, a distance of 231.00 feet to the above described POINT OF BEGINNING.

ATTACHMENT "B"

LOCATION MAP

E. Oakland Avenue



ORDINANCE 20-10

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 0.99 ± ACRES OF LAND LOCATED AT E. OAKLAND AVENUE; NORTH OF STATE ROAD 438 E. OAKLAND AVENUE, WEST OF TILDENVILLE SCHOOL ROAD, AND EAST OF OAKLAND PARK BLVD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; 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 0.99 ± acres of land located at 15151 E. Oakland Avenue; north of State Road 438 E. Oakland Avenue, west of Tildenville School Road, and east of Oakland Park Blvd, 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 Density Residential to City Low Density Residential; 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 Low Density Residential 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 20-09, 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: _____, 2020.

SECOND READING AND PUBLIC HEARING: _____, 2020.

ADOPTED this _____ day of _____, 2020, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

ANGELA GRIMMAGE, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

Parcel ID # 21-22-27-0000-00-088

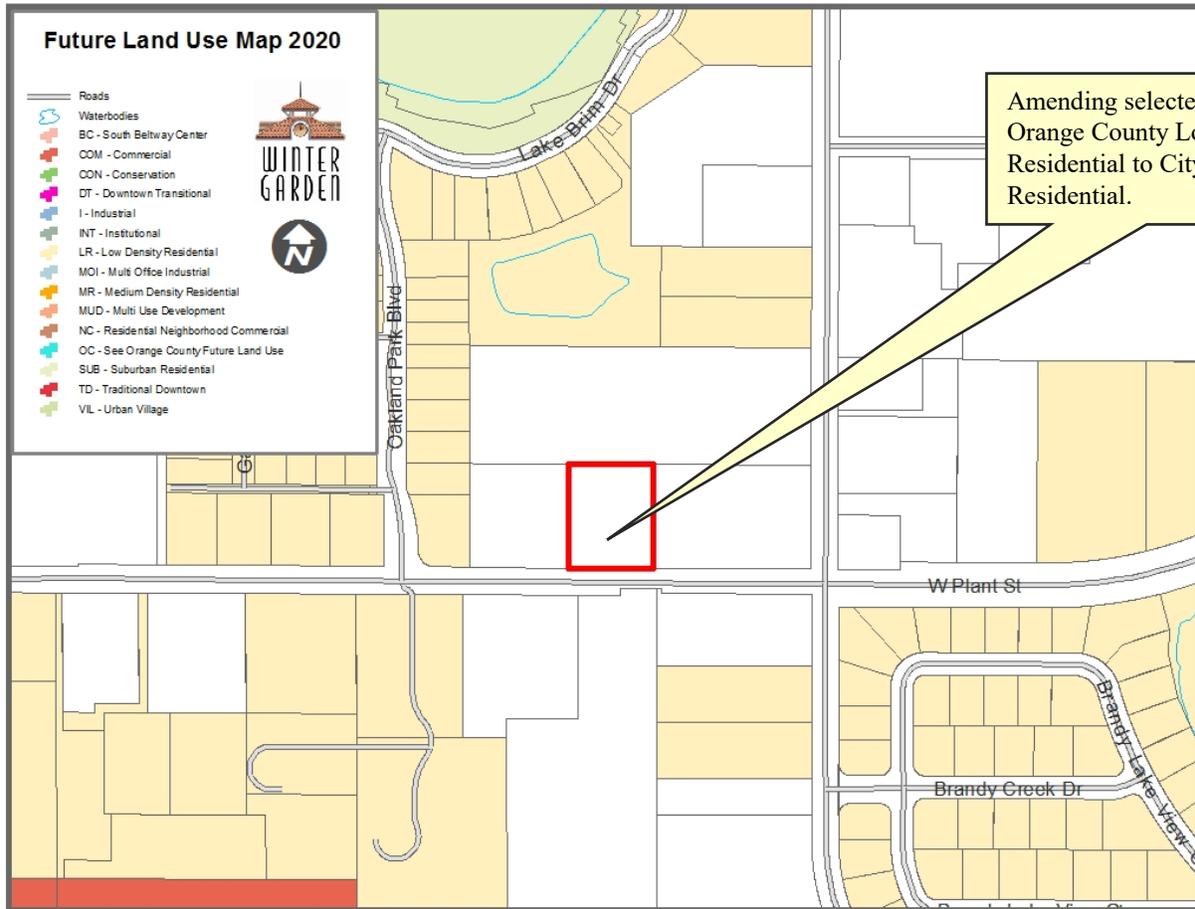
A parcel of land being a Portion of the Northeast 1/4 of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

Commence at the Southeast Corner of the Northeast 1/4 of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida, thence run 324.00 feet West and 30.00 feet North to the intersection of the North Right-of-way line of State Road 438 and the West Right-of-way line of State Road 545; thence along the North Right-of-way line of State Road 438, South 89°56'47" West, a distance of 348.89 feet to a point, said point being the POINT OF BEGINNING of the herein described property; thence continue along said North Right-of-way line, South 89°56'47" West, a distance of 187.89 feet to a point; thence departing said North Right-of-way line, along a line parallel to the West Right-of-way line of State Road 545, North 00°12'25" West, a distance of 231.00 feet to a point; thence along a line parallel with the North Right-of-way line of State Road 438, North 89°56'47" East, a distance of 187.89 feet to a point; thence along a line parallel to the West Right-of-way line of State Road 545, South 00°12'25" East, a distance of 231.00 feet to the above described POINT OF BEGINNING.

ATTACHMENT "B"

FUTURE LAND USE MAP

15151 E. Oakland Avenue



ORDINANCE 20-11

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.99 ± ACRES LOCATED AT 15151 E. OAKLAND AVENUE; NORTH OF STATE ROAD 438 E. OAKLAND AVENUE, WEST OF TILDENVILLE SCHOOL ROAD, AND EAST OF OAKLAND PARK BLVD; FROM ORANGE COUNTY A-1 CITRUS RURAL DISTRICT TO CITY R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as approximately 0.99 ± acres located at 15151 E. Oakland Avenue; north of State Road 438 E. Oakland Avenue, west of Tildenville School Road, and east of Oakland Park Blvd, and legally described in Section I of this ordinance has petitioned the City to rezone said property from Orange County A-1 Citrus Rural District to the City's R-1 Single Family Residential 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-1 Single Family Residential 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 I: *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 A-1 Citrus Rural District to City R-1 Single Family Residential District in the City of Winter Garden, Florida.

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

SECTION IV: Effective Date. This Ordinance shall become effective simultaneously upon the effective date of Ordinance 20-10 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: _____, 2020.

SECOND READING AND PUBLIC HEARING: _____, 2020.

ADOPTED this _____ day of _____, 2020, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

ANGLEA GRIMMAGE, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

Parcel ID # 21-22-27-0000-00-088

A parcel of land being a Portion of the Northeast 1/4 of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

Commence at the Southeast Corner of the Northeast 1/4 of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida, thence run 324.00 feet West and 30.00 feet North to the intersection of the North Right-of-way line of State Road 438 and the West Right-of-way line of State Road 545; thence along the North Right-of-way line of State Road 438, South 89°56'47" West, a distance of 348.89 feet to a point, said point being the POINT OF BEGINNING of the herein described property; thence continue along said North Right-of-way line, South 89°56'47" West, a distance of 187.89 feet to a point; thence departing said North Right-of-way line, along a line parallel to the West Right-of-way line of State Road 545, North 00°12'25" West, a distance of 231.00 feet to a point; thence along a line parallel with the North Right-of-way line of State Road 438, North 89°56'47" East, a distance of 187.89 feet to a point; thence along a line parallel to the West Right-of-way line of State Road 545, South 00°12'25" East, a distance of 231.00 feet to the above described POINT OF BEGINNING.

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 4
(Public Hearing)

Date: December 30, 2019 **Meeting Date:** January 6, 2020
Subject: 751 S Main Street (Special Exception Permit)
Project Name: Pointon Realty Office
Parcel ID: 23-22-27-0832-02-060
Issue: The applicant is requesting a special exception permit for the property located at 751 S Main Street.

Supplemental Material / Analysis:

Owner / Applicant: Andrea Pointon // Pointon Realty, Inc.
Current Zoning: R-NC
Proposed Zoning: N/A
Current FLU: NC Residential Neighborhood Commercial
Proposed FLU: N/A

Summary: The applicant is requesting a Special Exception Permit in order to operate a professional office in the R-NC Zoning District.

Staff Recommendation(s):

Staff recommends approval of the special exception permit subject to the condition(s) outlined in the Staff Report.

Next Step(s): Follow all City regulations and apply for building permits.

Attachment(s): Location Map
Staff Report

LOCATION MAP

751 S Main Street



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: SHANE FRIEDMAN, SENIOR PLANNER
DATE: JANUARY 6, 2020
SUBJECT: SPECIAL EXCEPTION PERMIT
751 S Main St (0.19+/- ACRES)
PARCEL ID # 23-22-27-0832-02-060

APPLICANT: POINTON REALTY, INC // ANDREA POINTON

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 the northeast corner of S Main Street and E Palmetto Street and is approximately 0.19 ± acres in size. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



The applicant is requesting a Special Exception Permit in order to operate a professional office in the R-NC Zoning District. The subject property is located within the City of Winter Garden's municipal limits, carries the zoning designation of R-NC Residential-Neighborhood Commercial District, and is designated Residential- Neighborhood Commercial (NC) on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property is developed with a 1,492 sq ft single-family home built in 1953.

ADJACENT LAND USE AND ZONING

The properties to the south of the subject property are developed with single-family residences, are zoned R-2, and are within the City of Winter Garden's Municipal limits. The properties to the north, east, and west are also developed with single-family residences and have R-NC zoning.

PROPOSED USE

The applicant is requesting to renovate the existing structure and convert it from a single-family home into a real estate office.

ANALYSIS

The entire Main Street corridor from E Palmetto Street to Smith Street has the NC (Residential Neighborhood Commercial) Future Land Use designation and features a mix of single-family residential, duplex, personal services, and offices uses. The proposed use is within the character of R-NC zoning district.

Sec. 118-488. - Special exceptions.

In the R-NC Residential-Neighborhood Commercial district, the uses permitted as special exceptions pursuant to section 118-97 are as follows:

- (9) All uses permitted in the C-4 neighborhood commercial district and subject to dimensional requirements of that zone.

....

Sec. 118-677. - Principal permitted uses and structures.

Permitted principal uses and structures in the C-4 neighborhood commercial district are as follows:

- (4) Professional offices, studios and personal service establishments of a similar nature.

Converting a home into an office is consistent with the surrounding area. The applicant will also be required to submit for Site Plan review and bring the building into compliance with commercial and ADA standards.

SUMMARY

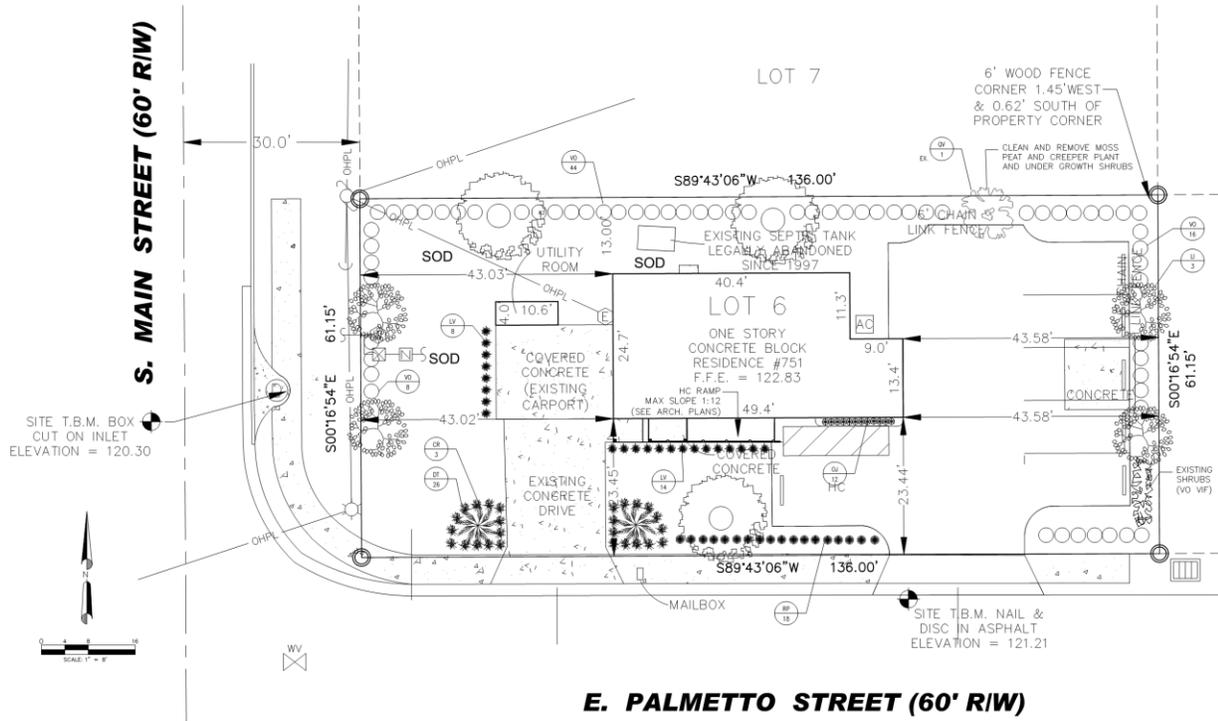
City Staff recommends approval of the proposed special exception subject to the following conditions(s):

1. No outdoor displays or storage of any vehicles (including personal, company, or fleet), merchandise, or other materials is permitted at this location.
2. If any changes are proposed for the site, the applicant is required to receive Site Plan Approval from the Development Review Committee (DRC).
3. The applicant is required to pull all required permits to bring the building up to commercial building code standards, as necessary.
4. The applicant is required to install new landscaping as shown on the attached landscape plan exhibit. If the landscape maintenance activities involve removing existing trees, a tree removal permit is required.
5. All signage must follow Chapter 102 of City's Code of Ordinances. The property will be considered a residential property for the purposes of City sign regulations.
6. Road impact fee true-ups for the change of use will be required.

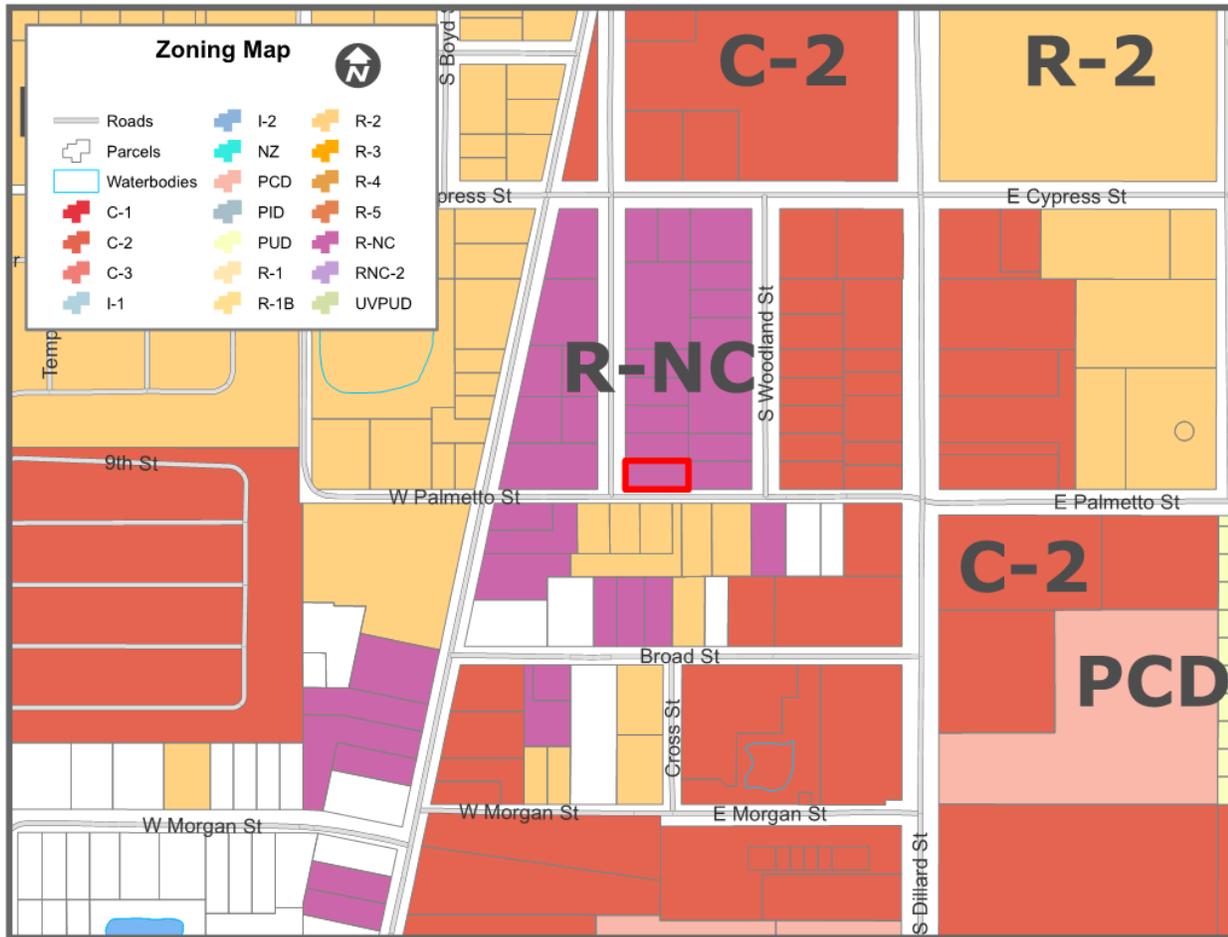
AERIAL PHOTO
751 S Main St



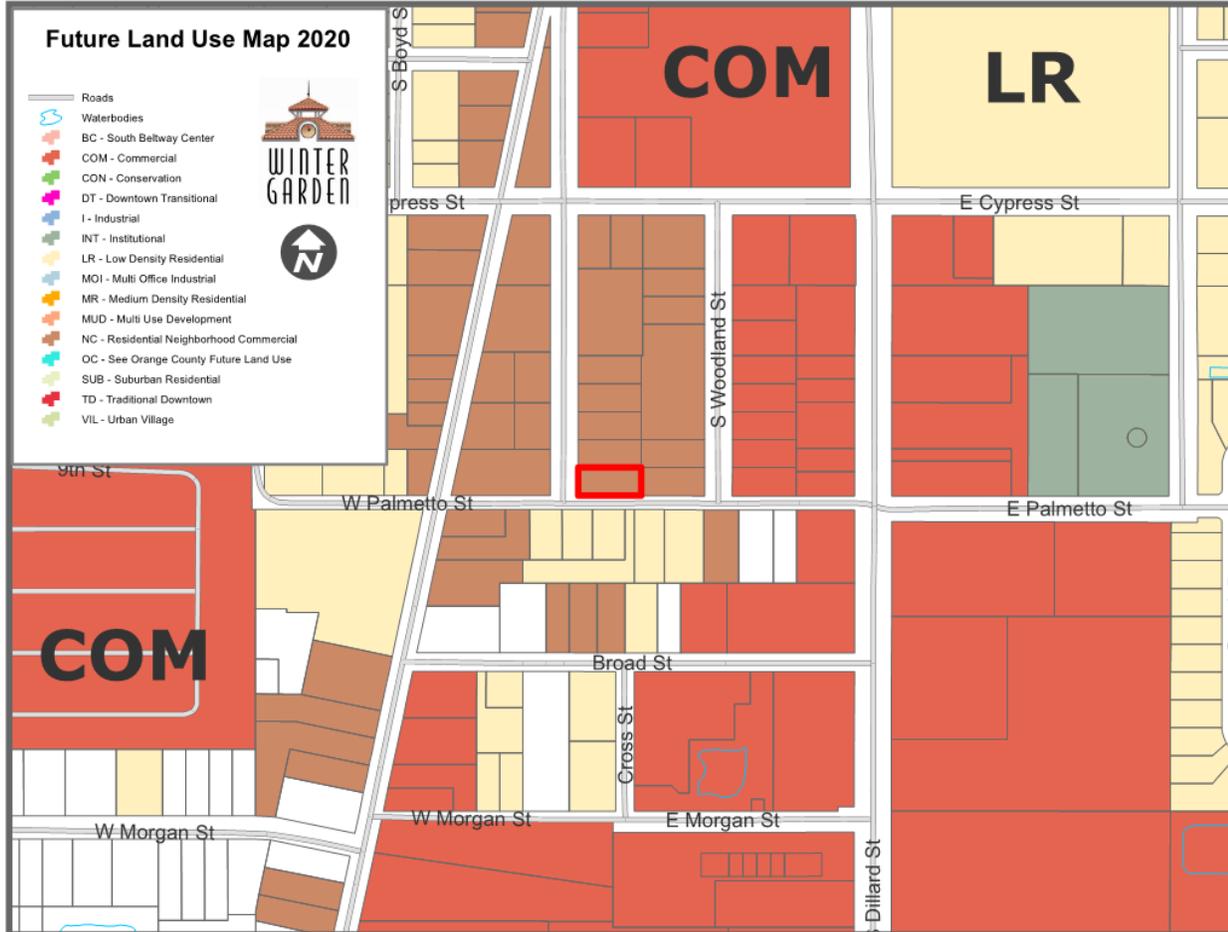
SITE PLAN
751 S Main St



ZONING MAP
751 S Main St



FUTURE LAND USE MAP
751 S Main St



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 5
(Public Hearing)

Date: December 30, 2019 **Meeting Date:** January 6, 2020
Subject: 14035 W Colonial Drive (Special Exception Permit)
Project Name: Goldfish Swim School
Parcel ID: 22-22-27-9386-01-000
Issue: The applicant is requesting a special exception permit for the property located at 14035 W Colonial Drive.

Supplemental Material / Analysis:

Owner / Applicant: Winter Garden Swim School, LLC // Gina Jacobs Thomas
Current Zoning: C-2
Proposed Zoning: N/A
Current FLU: COM Commercial
Proposed FLU: N/A

Summary: The applicant is requesting a Special Exception Permit in order to operate a children's swim school in the C-2 zoning district.

Staff Recommendation(s):

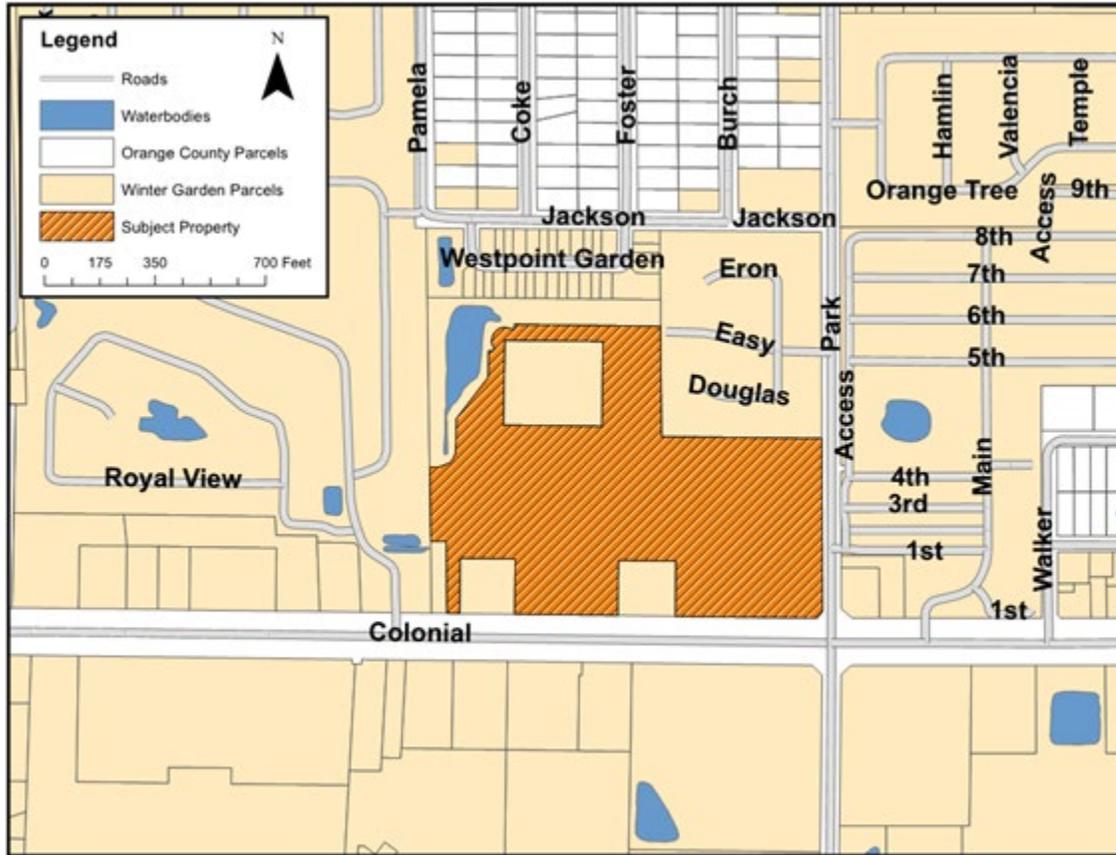
Staff recommends approval of the special exception permit subject to the condition(s) outlined in the Staff Report.

Next Step(s): Follow all City regulations and apply for building permits.

Attachment(s): Location Map
Staff Report

LOCATION MAP

14035 W Colonial Drive



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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STAFF REPORT

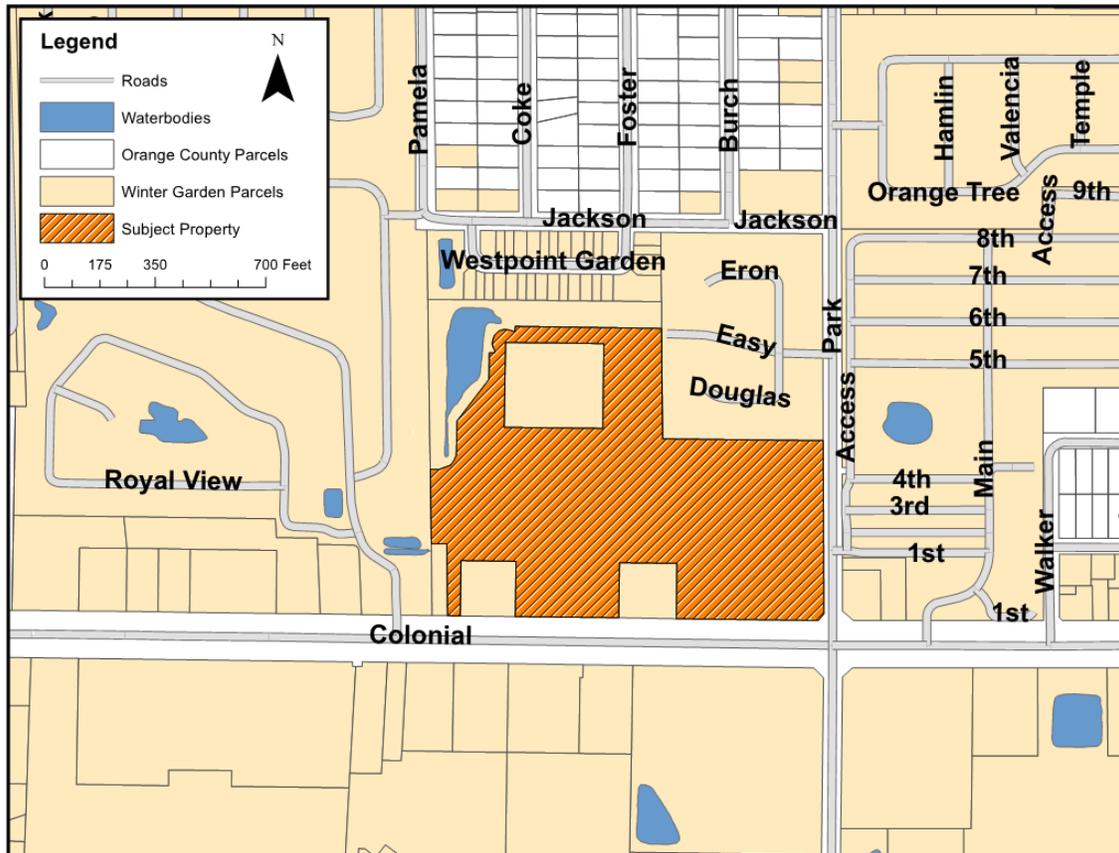
TO: PLANNING AND ZONING BOARD
PREPARED BY: SHANE FRIEDMAN, SENIOR PLANNER
DATE: January 6, 2020
SUBJECT: SPECIAL EXCEPTION PERMIT
14035 W Colonial Drive (17.01 ±ACRES)
PARCEL ID # 22-22-27-9386-01-000

APPLICANT: Winter Garden Swim School, LLC // Gina Jacobs Thomas

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 14035 W Colonial Drive. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



The applicant is requesting a Special Exception Permit in order to operate a children's swim school in the Winter Garden Regional Shopping Center. The property has a Future Land Use designation of Commercial (COM) and is zoned C-2 Arterial Commercial District.

CURRENT USE

The property is a developed with a single-story commercial building and contains multiple commercial tenants including Aldi Food Market, Harbor Freight Tools, and Mosaic Church. The commercial suite that will be occupied by the swim school is 8,625 square feet. This location was formerly occupied by the Orange County Tax Collector.

ADJACENT LAND USE AND ZONING

The suite is located in the Winter Garden Regional Shopping Center and is surrounded by commercial suites within the commercial development. The Winter Garden Regional Shopping Center is 17 ± acres with Hyde Park mobile home community located to the west which is zoned R-2 (Residential District), Westpoint Townhomes and Town Homes of Winter Garden to the north which are zoned R-3 (Residential District) and the Winter Garden RV Resort park to the east which is zoned C-2 (Arterial Commercial District). All adjacent properties are within the City's municipal limits.

PROPOSED USE

The applicant is requesting to operate a Goldfish Swim School. The swim school provides year-round swim instruction to children ages 4 months to 12 years-old. The swim school will also offer a location for birthday parties and in-house swim competitions. This will require the construction of an indoor 75' x 25' swimming pool, parental viewing area, changing rooms, showers, offices, small retail space, and associated mechanical and storage areas.

ANALYSIS

A children's indoor swim school is not a defined use within the C-2 (Arterial Commercial) zoning district. Due to the unique use, and potential impacts, Staff thought it would be best to consider this use through a Special Exception.

Sec. 118-579. - Special exceptions.

In the C-2 arterial commercial district, the uses permitted as special exceptions pursuant to section 118-97 are as follows:

- (7) Other uses which the planning and zoning board determines are of the type and intensity of activity similar to and compatible with the permitted uses in the C-2 district.

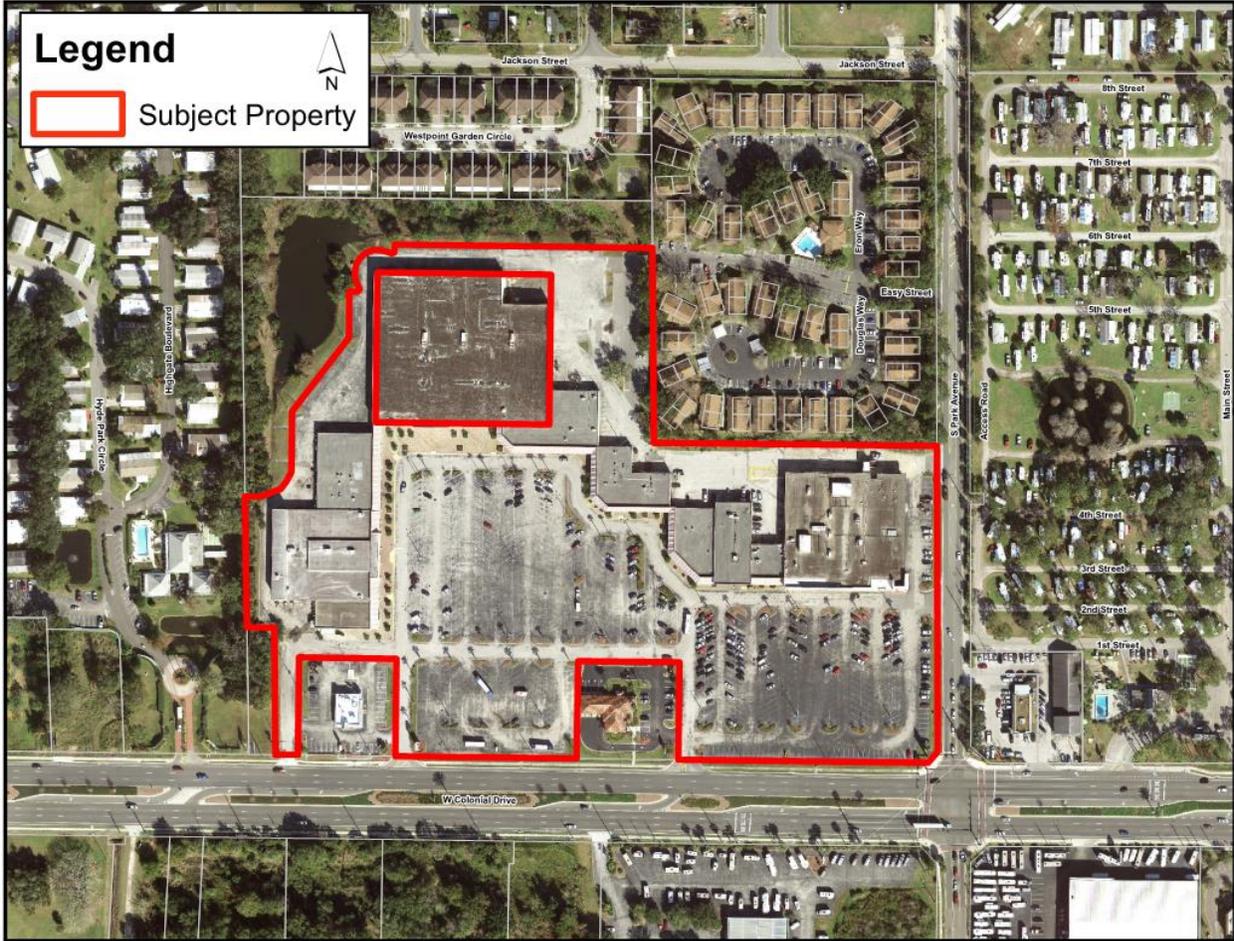
Based on the information provided by the applicant the proposed swim school should not create any negative impacts on the surrounding development. The use will operate similar to other facilities that have been considered through the Special Exception process. The business will not have large events and pool capacity will be determined by the State Department of Health.

SUMMARY

City Staff recommends approval of the proposed special exception subject to the following conditions(s):

- 1) Any expansion in square footage, addition of another pool, or expansion into another suite will require a new special exception review.
- 2) Swim meets and competitions are limited to in-house members at this location. At no time are swim meets and competitions involving outside businesses, clubs, or teams allowed at this facility.

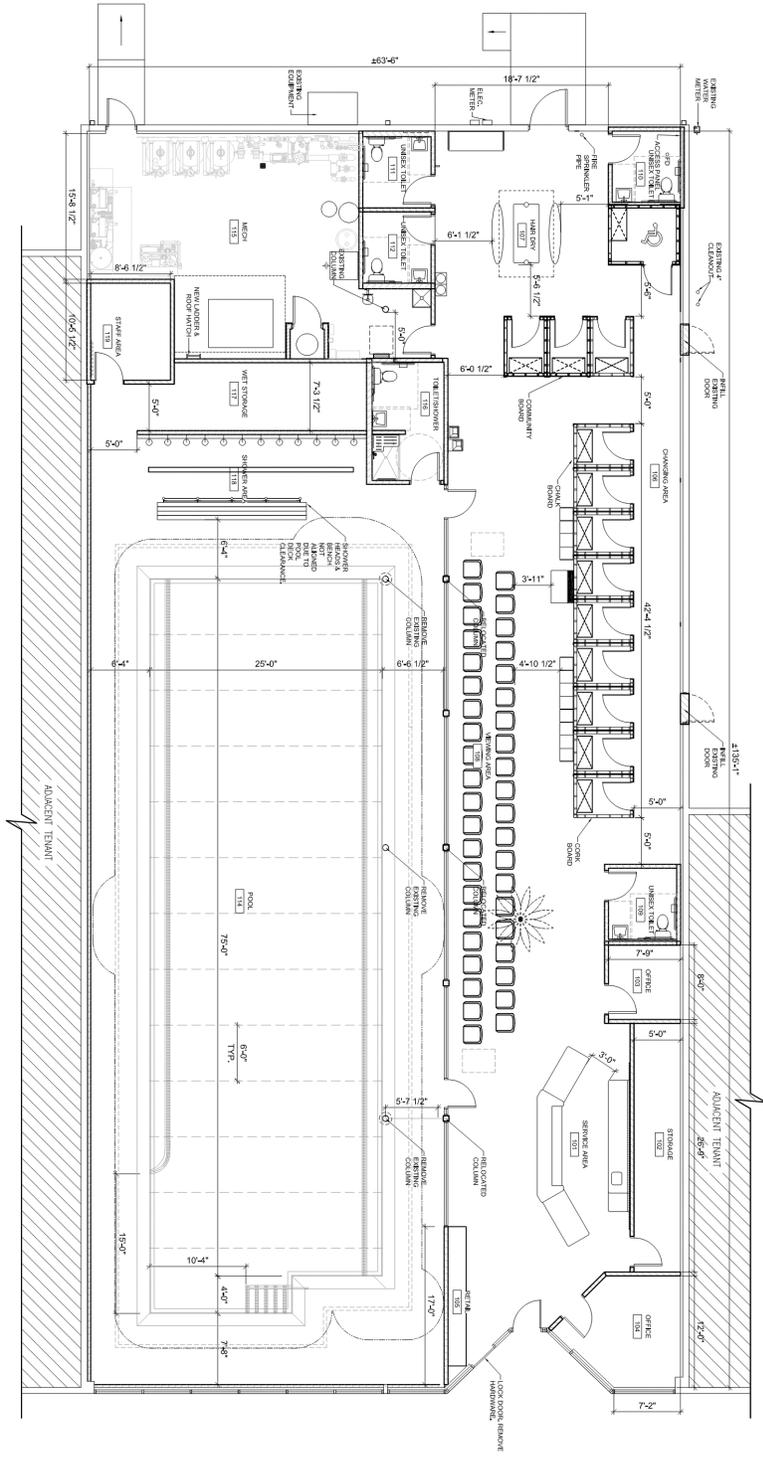
AERIAL PHOTO
14035 W Colonial Drive



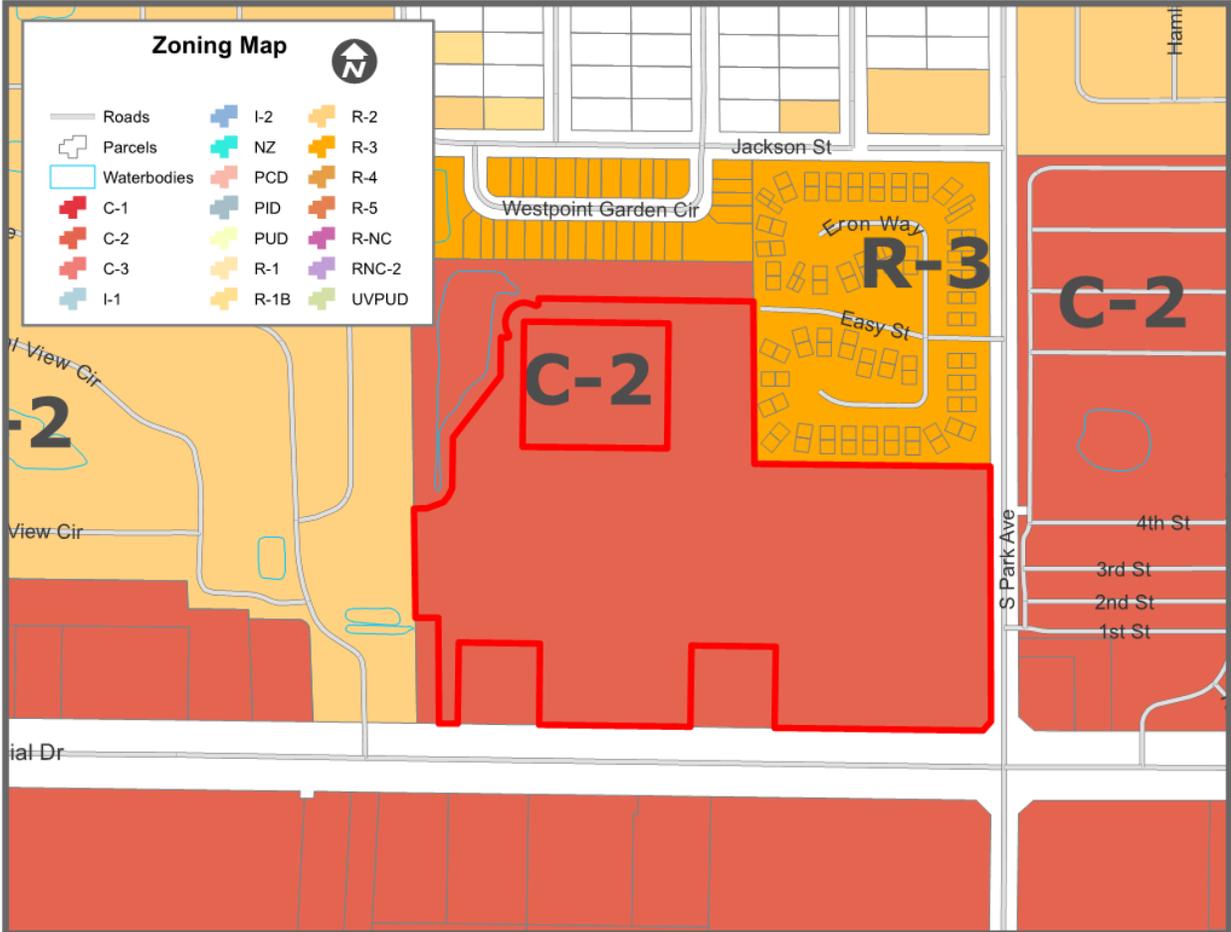
SHOPPING CENTER SITE PLAN
14035 W Colonial Drive



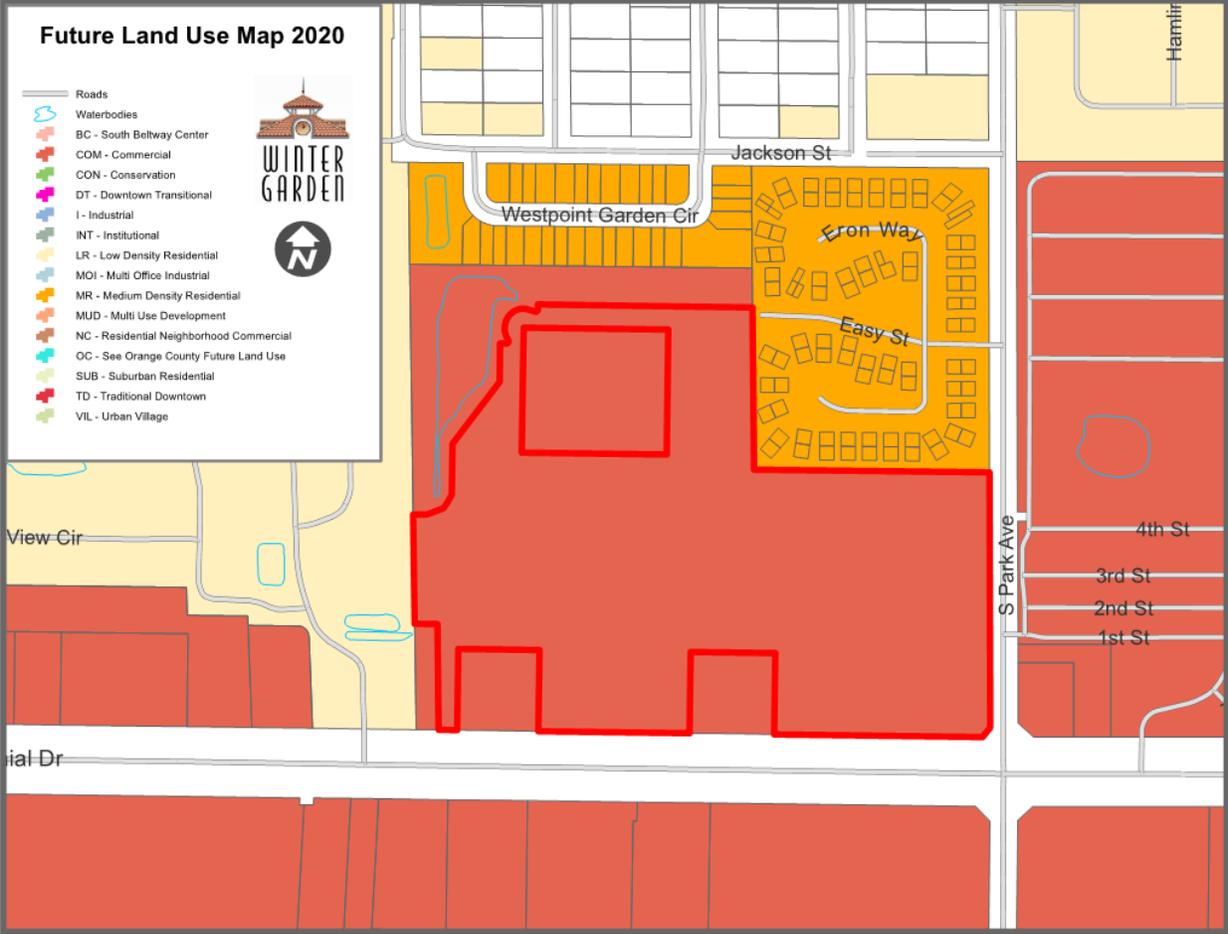
Swim School Floor Plan
14035 W Colonial Drive



ZONING MAP
14035 W Colonial Drive



FUTURE LAND USE MAP
14035 W Colonial Drive



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 6
(Public Hearing)

Date: December 31, 2019 **Meeting Date:** January 6, 2020
Subject: 111 Regal Place (Variance)
Project Name: 111 Regal Place
Parcel ID: 14-22-27-5353-00-010
Issue: The applicant is requesting a variance for the property located at 111 Regal Place.

Supplemental Material / Analysis:

Owner / Applicant: Jeff Dyal
Current Zoning: R-1
Proposed Zoning: N/A
Current FLU: LR Low Density Residential
Proposed FLU: N/A

Summary: The applicant is requesting a variance to Winter Garden Code of Ordinances Section 118-308(1)(a) for a 0.75 acre property located at 111 Regal Place. If approved, this variance will allow a front yard setback of 21.4 feet, in lieu of the required 30 feet, in order to build a 314 square foot third car garage addition (See Staff Report).

Staff Recommendation(s):

Staff recommends approval of the variance subject to the condition outlined in the Staff Report.

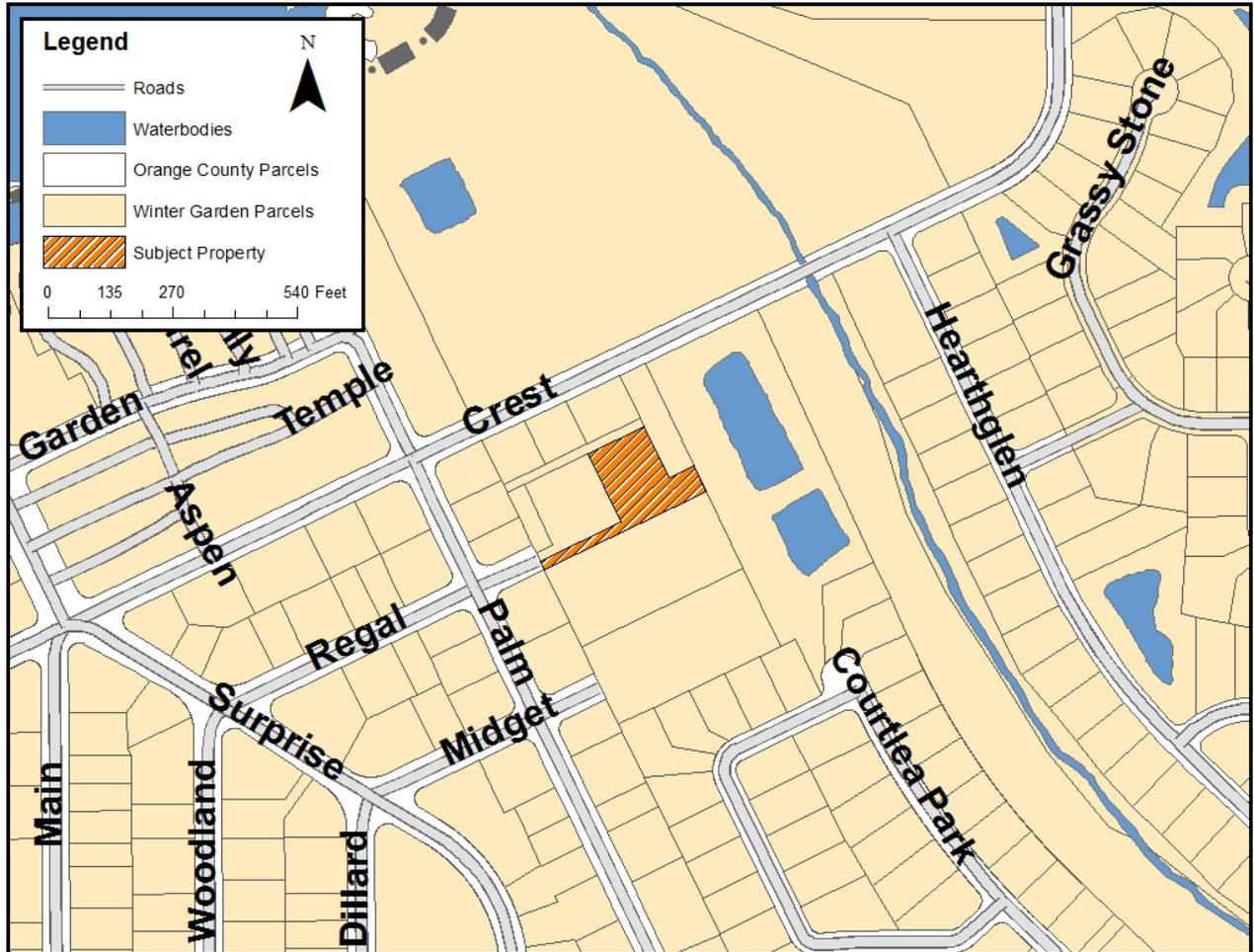
Next Step(s): Follow all City regulations and apply for building permits.

Attachment(s): Location Map
Staff Report

LOCATION MAP

111 Regal Place

Building Variance



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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STAFF REPORT

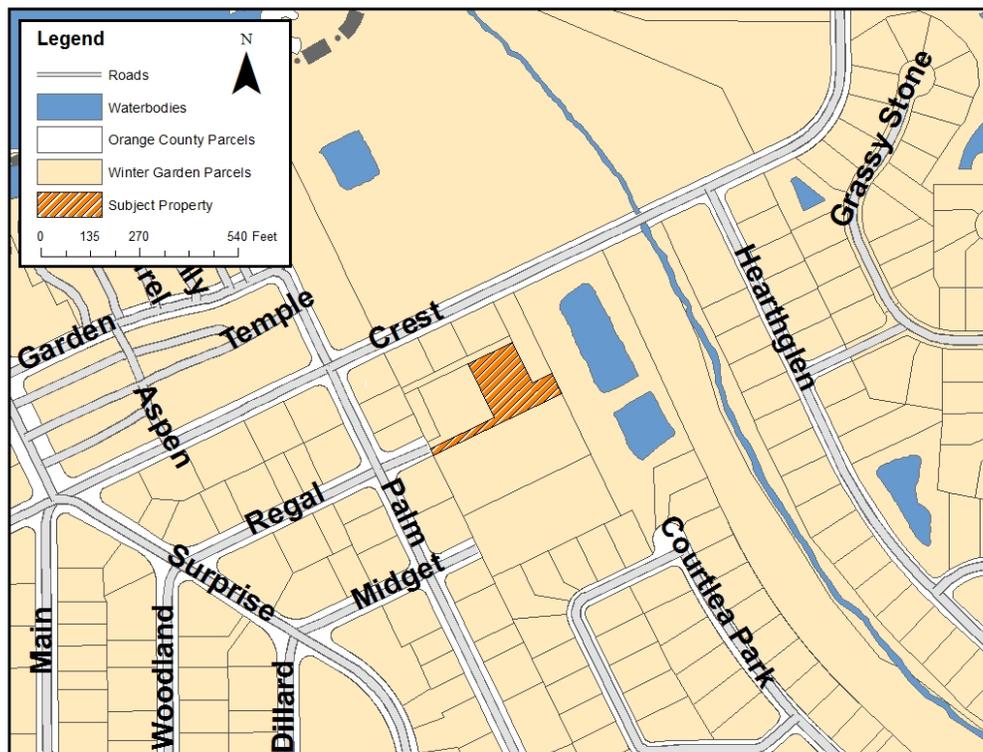
TO: PLANNING AND ZONING BOARD
PREPARED BY: Soraya Karimi, Planner I
DATE: January 6th, 2020
SUBJECT: VARIANCE
111 Regal Place (0.75 +/- ACRES)
PARCEL ID #14-22-27-5353-00-010

APPLICANT: Jeff Dyal

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 111 Regal Place in Winter Garden, Florida. The request is to allow a 314 square foot third car garage addition to be constructed with a front yard setback of 21.4 feet in lieu of the required thirty (30) foot front yard setback.

The subject property, located at 111 Regal Place, is an approximately 0.75 ± acre lot. 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 R-1 (Single Family Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The property contains a one-story, 4108 square foot single-family residence that was built in 1992. The property also contains a 2000 square foot deck and pool, 468 square foot car port, 980 square foot covered patio, and 600 square foot shed.

ADJACENT LAND USE AND ZONING

The properties to the north of the subject property are vacant residential and single family residential, zoned R-1 and located within the City of Winter Garden municipal limits. The property to the east of the subject property is a vacant tract owned by the Courtlea Park, zoned R-1 and located within the City of Winter Garden municipal limits. The property to the south of the subject property is vacant residential, zoned R-1. The properties to the east of the subject property are single family residential, zoned R-1 and located within the City of Winter Garden municipal limits.

PROPOSED USE

The applicant is requesting the variance to allow the construction of an attached 314 square foot third car garage. The proposed building would be located approximately 21.4' from the western (front) property line. The project also entails the addition of a 625 square foot second story living addition above the existing garage, a 73 square foot entry addition, and a 32 square foot first floor living addition. The total square footage of all additions to be made to the home is 1044 square feet. The property owners have plans to renovate the house to include architectural features such as board and batten siding, metal roof accents, and smooth stucco. The proposed additions to the house will have these features as well.

CODE REFERENCE

Sec. 118-308(1)(b). of the City Code of Ordinances addresses minimum yard requirements for single-family dwellings in the R-1 Zoning District. This section states,

In the R-1 residential district, the minimum yard requirements are as follows:

- (1) Single-family.*
 - a. Front: 30 feet.*

The applicant is seeking a variance to the minimum front yard requirements.

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 the third car garage addition to be built with an approximate 21.4' front setback should not cause a negative impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The lot is a flag lot, such that on the western lot front there is a long, narrow portion approximately 192.75 feet in length that provides access to the right-of-way. Because of this lot configuration, there is only some visibility of the house from the right of way. The proposed addition will not be visible from the right of way. The property has ample tree coverage that hides visibility of the property, so adjacent property owners will be affected very little if this variance is granted. One of the property owner's neighbors has submitted a letter to Staff stating that the variance "will not have any effect" on them and that they "are not opposed to it at all." In the event that community members are able to see the home, the proposed additions will include architectural features that ensure they will be a benefit to the surrounding community, such as board and batten siding, metal roof accents, and smooth stucco.

- (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 proposed variance will allow reasonable use of the property. The third car garage will enable greater use of the land on the property. A third car garage addition would be customarily incidental and subordinate to the principal structure on the property, and as such it is in character with properties in R-1 zoning. A variance to a nearby property has been granted under similar circumstances—on 10/02/2017, a variance was granted to 415 N. Woodland Street to allow a carport to be built with a 7 foot front yard setback in lieu of the minimum required 30 foot front yard setback.

- (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. If the applicant were to shrink the dimensions of the proposed third car garage to accommodate a greater front yard setback, the use and functionality of the proposed third car garage will be impeded and diminished. Denying this application benefits neither the property owner nor the City.

- (4) *The granting of the variance is consistent with the city's comprehensive plan; and*
The variances are 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 variances requested are the minimum variances that will make reasonable use of the

land. The proposed garage location will ensure the applicant will achieve the most beneficial configuration of the proposed structures on the property.

SUMMARY AND STAFF RECOMMENDATION

City Staff recommends approval of variance to Section 118-308 (1)(a) to allow the construction of a 314 square foot third car garage with an 21.4 foot front yard setback in lieu of the minimum required thirty (30) foot front yard setback, with the following conditions:

- 1) The garage building architecture shall be consistent and compatible with the style of the primary structure.
- 2) The lot shall adhere to all other code requirements for development in the R-1 zoning district including setbacks, impervious surface ratios, etc.

NEXT STEPS

Follow all City regulations and apply for building permits.

ATTACHMENTS

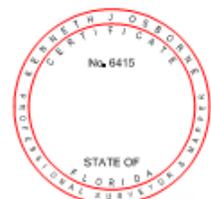
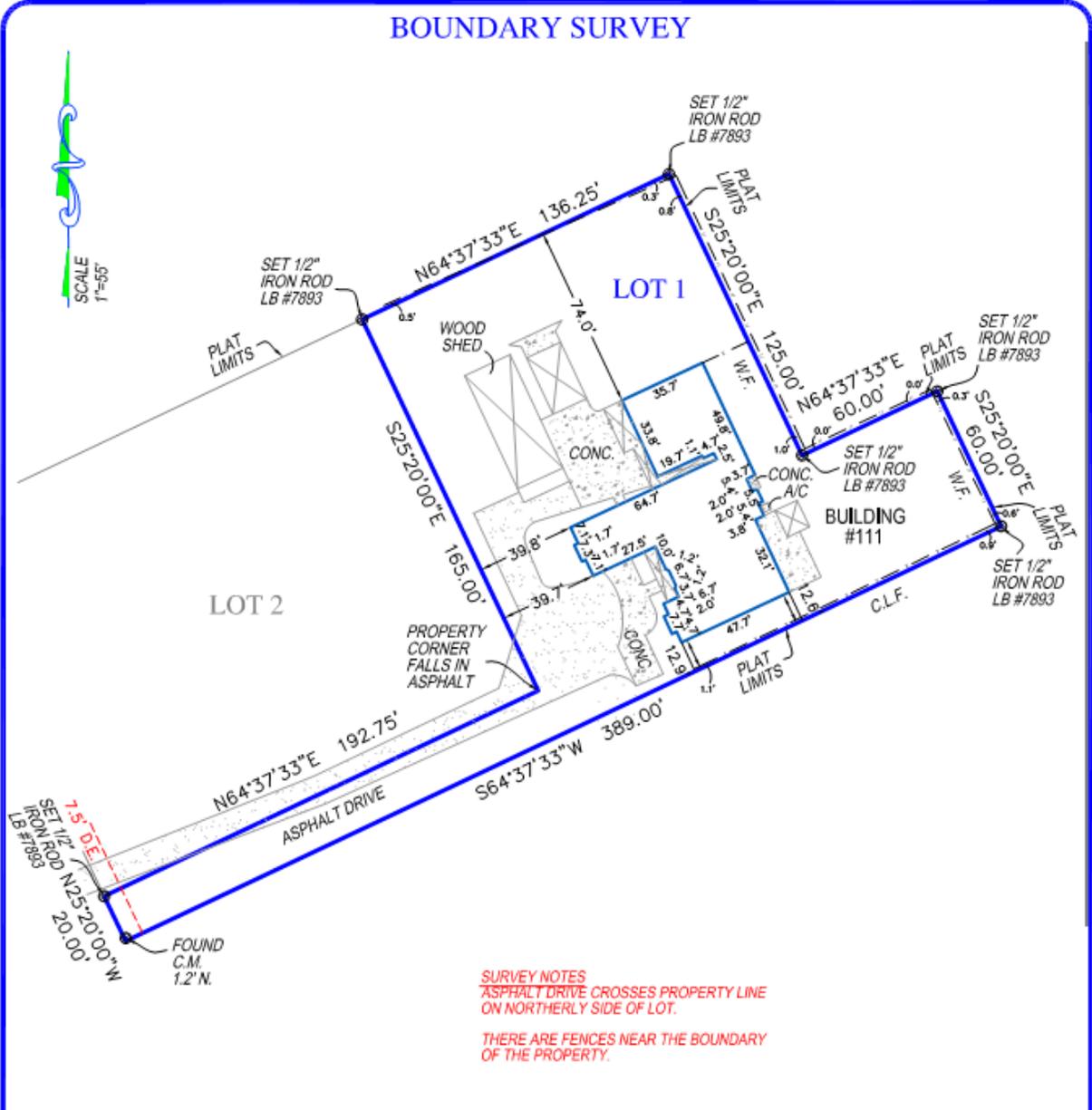
- Aerial Photo
- Survey
- Proposed Site Plan
- Proposed Garage Elevation
- Proposed Floor Plan
- Site Photos

AERIAL PHOTO
111 Regal Place



SURVEY
111 Regal Place

BOUNDARY SURVEY



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

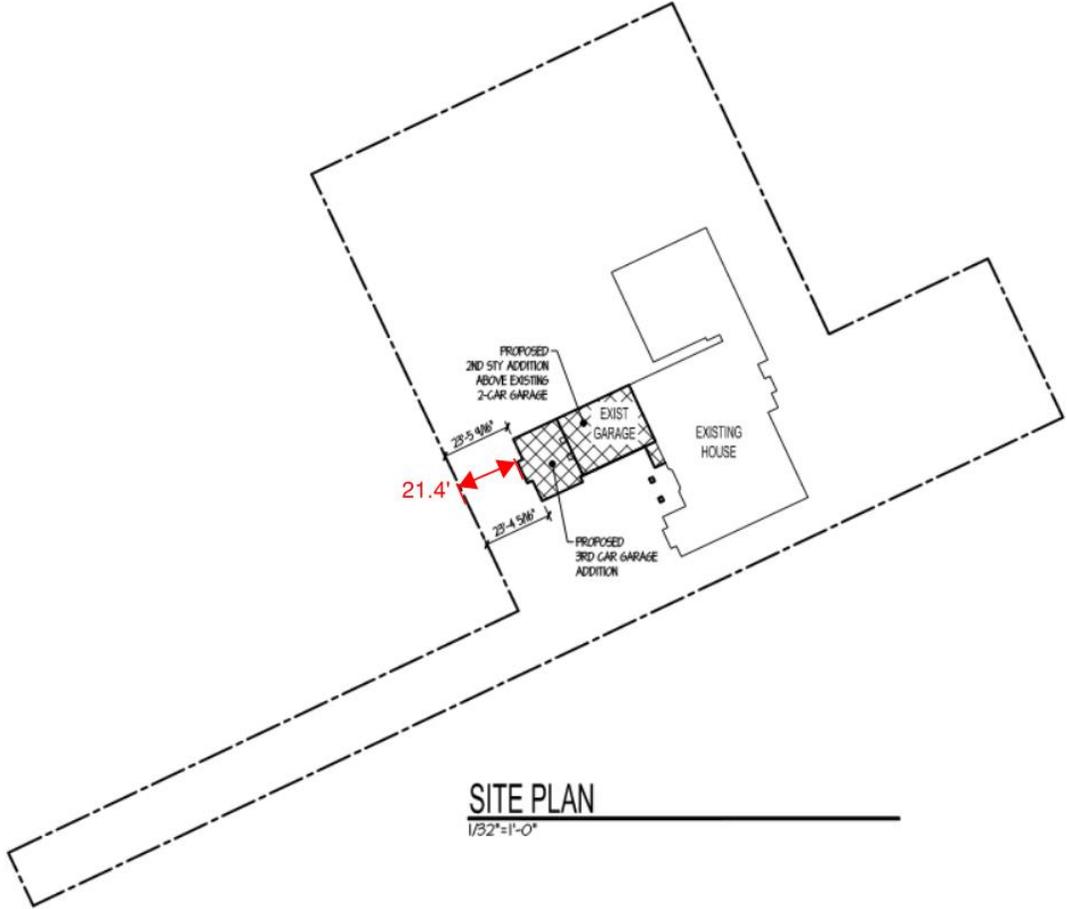
Kenneth J. Osborne

(SIGNED) **KENNETH J. OSBORNE**
 PROFESSIONAL SURVEYOR AND MAPPER #6415



TARGET SURVEYING, LLC
 LB #7893
 SERVING FLORIDA
 6250 N. MILITARY TRAIL, SUITE 102
 WEST PALM BEACH, FL 33407
 PHONE (561) 640-4800
 STATEWIDE PHONE (800) 226-4807
 STATEWIDE FACSIMILE (800) 741-0578
 WEBSITE: <http://targetsurveying.net>

PROPOSED SITE PLAN
111 Regal Place



SITE PHOTOS
111 Regal Place



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 7
(Public Hearing)

Date: December 31, 2019 **Meeting Date:** January 6, 2020
Subject: 415 Courtlea Creek Drive (Variance)
Project Name: 415 Courtlea Creek Drive
Parcel ID: 14-22-27-1944-00-650
Issue: The applicant is requesting a variance for the property located at 415 Courtlea Creek Drive.

Supplemental Material / Analysis:

Owner / Applicant: Cameron Bradford Homes LLC
Current Zoning: R-1
Proposed Zoning: N/A
Current FLU: LR Low Density Residential
Proposed FLU: N/A

Summary: The applicant is requesting a variance to Winter Garden Code of Ordinances Section 118-308(1)(b) for a 0.33 acre property located at 415 Courtlea Creek Drive. If approved, this variance will allow a side yard setback of 5 feet, in lieu of the required 10 feet, in order to build a 1,318 square foot attached 2-car garage addition (See Staff Report).

Staff Recommendation(s):

Staff recommends approval of the variance subject to the condition outlined in the Staff Report.

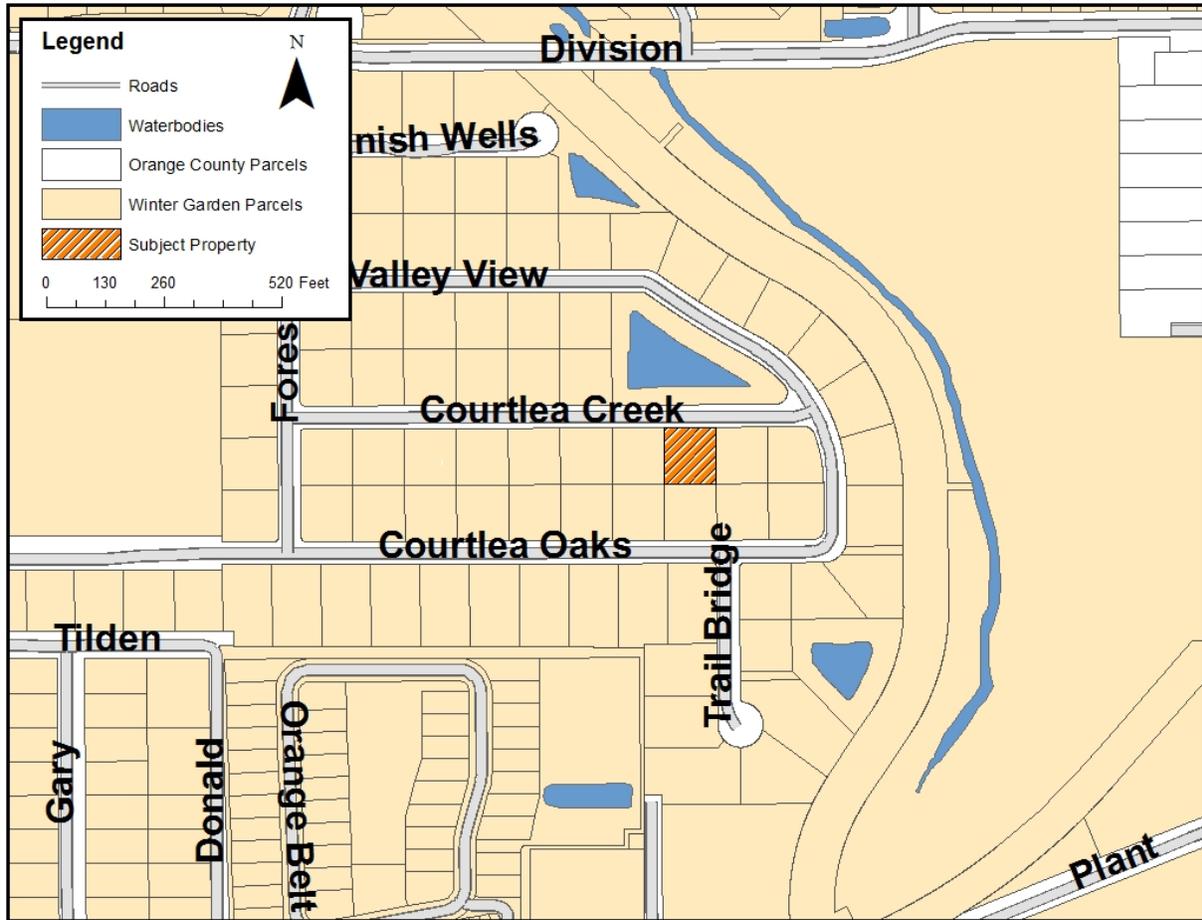
Next Step(s): Follow all City regulations and apply for building permits.

Attachment(s): Location Map
Staff Report

LOCATION MAP

415 Courtlea Creek Drive

Building Variance



CITY OF WINTER GARDEN
PLANNING & ZONING DIVISION

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

STAFF REPORT

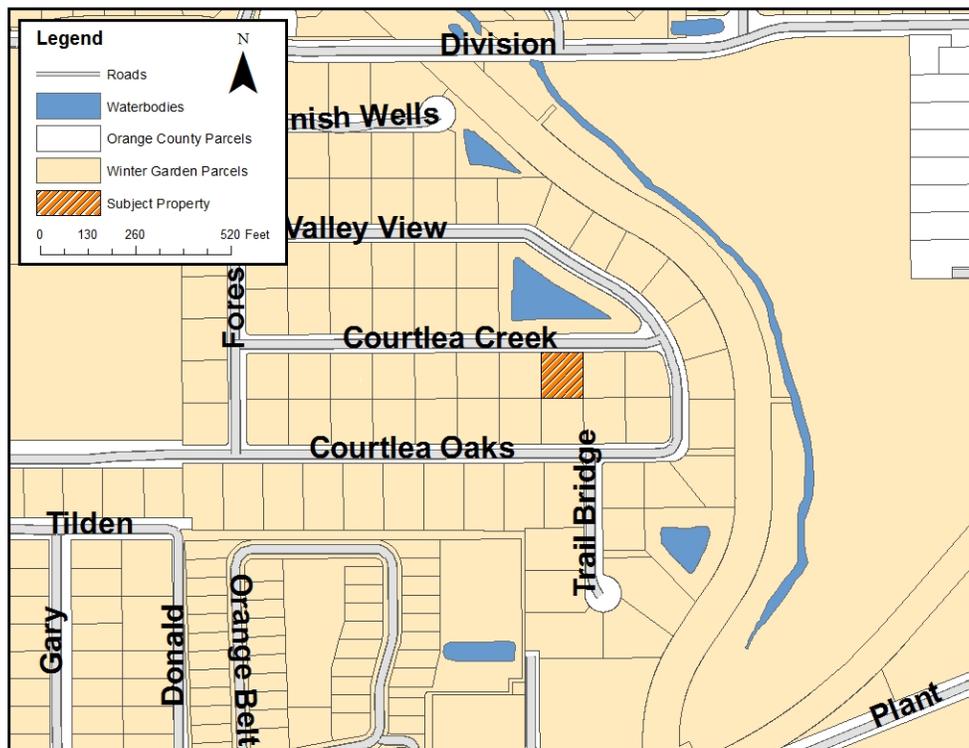
TO: PLANNING AND ZONING BOARD
PREPARED BY: Soraya Karimi, Planner I
DATE: January 6, 2020
SUBJECT: VARIANCE
415 Courtlea Creek Drive (0.33 +/- ACRES)
PARCEL ID # 14-22-27-1944-00-650

APPLICANT: Cameron Bradford Homes LLC

INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 415 Courtlea Creek Drive in Winter Garden, Florida. The request is to allow a 1,318 square foot attached 2-car garage building, with loft and living upper levels and an outdoor kitchen, to be constructed with a five (5) foot side setback in lieu of the required ten (10) foot side setback.

The subject property, located at 415 Courtlea Creek Drive, is an approximately 0.33 ± acre lot. 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 R-1 (Single Family Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The property contains a two-story, 4,518 square foot single-family residence that was built in 2004. The property also contains a 1,650 square foot pool and brick deck in the rear yard.

ADJACENT LAND USE AND ZONING

The properties to the south, east and west of the subject property are developed with single-family residences, are zoned R-1, and are within the Courtlea Oaks subdivision and the City of Winter Garden's Municipal limits. The properties to the north of the subject property are a retention area tract and single-family residences, all of which are zoned R-1 and are within the City of Winter Garden's Municipal limits.

PROPOSED USE

The applicant is requesting the variance to allow the construction of a 1,318 square foot attached 2-car garage, with loft and living upper levels and an outdoor kitchen, in the side and rear yards. The proposed building would be located 5' from the western (side) property line. The architectural style of the proposed building would be consistent with the mediterranean revival style home, with features such as decorative corbels under the eaves, door and window surrounds, and a window sill.

CODE REFERENCE

Sec. 118-308(1)(b). of the City Code of Ordinances addresses minimum yard requirements for single-family dwellings in the R-1 Zoning District. This section states,

In the R-1 residential district, the minimum yard requirements are as follows:

(1) Single-family.

...
b. Side: ten feet.

The applicant is seeking a variance to the minimum side yard requirements.

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 the attached garage building to be built with a 5' side setback should not cause a negative impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The applicant states that there is a fence between neighboring lots which screens visibility of the back yard, so the sight line impact to rear and side neighbors is reduced or negligible. The applicant also states that the neighbors have been notified of the proposed variance and that they have no objections. However, no written letters of approval from the neighbors have been received by staff. The proposed additions will include architectural features that ensure they will be a benefit to the surrounding community, such as decorative corbels under the eaves, door and window surrounds, and a window sill.

- (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 proposed variance will allow reasonable use of the property. The proposed building would act as a garage, loft, living space, and outdoor kitchen, all of which exemplify reasonable use of the property. The proposed additions are in character with other properties in R-1 zoning. Moreover, the applicant states that other similar additions have been added to homes in their community. Variances have been granted to other properties in the Courtlea Oaks subdivision under similar circumstances—on 07/07/2014, a variance was granted to 319 Courtea Oaks Blvd to allow a variance to the side yard setback for a pool bathroom and covered porch addition. Similarly, a variance was granted to 208 Trail Bridge Court on 03/03/2014 to allow a garage addition with variance to the side yard setback.

- (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. If the applicant were to shrink the dimensions of the proposed building to accommodate a greater side yard setback, the use and functionality of the proposed building will be impeded and diminished. The applicant states that granting the variance would increase the value of the property and generate additional property taxes. This would serve as a benefit to the current property owner, future property owners, and the surrounding community.

- (4) *The granting of the variance is consistent with the city's comprehensive plan; and*
The variances are 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 variances requested are the minimum variances that will make reasonable use of the land. The proposed garage location will ensure the applicant will achieve the most beneficial configuration of the proposed structures on the property. Denying this variance will benefit neither the property owner nor the the City.

SUMMARY AND STAFF RECOMMENDATION

City Staff recommends approval of variance to Section 118-308 (1)(b) to allow a 1,318 square foot garage building, with loft and living upper levels and an outdoor kitchen, to be constructed with an five (5) foot side yard setback in lieu of the minimum required ten (10) foot side yard setback, with the following conditions:

- 1) The loft and living upper levels of the garage may not include a kitchen, or otherwise become a second dwelling unit.
- 2) The garage building architecture shall be consistent and compatible with the style of the primary structure.
- 3) The lot shall adhere to all other code requirements for development in the R-1 zoning district including setbacks, impervious surface ratios, etc.

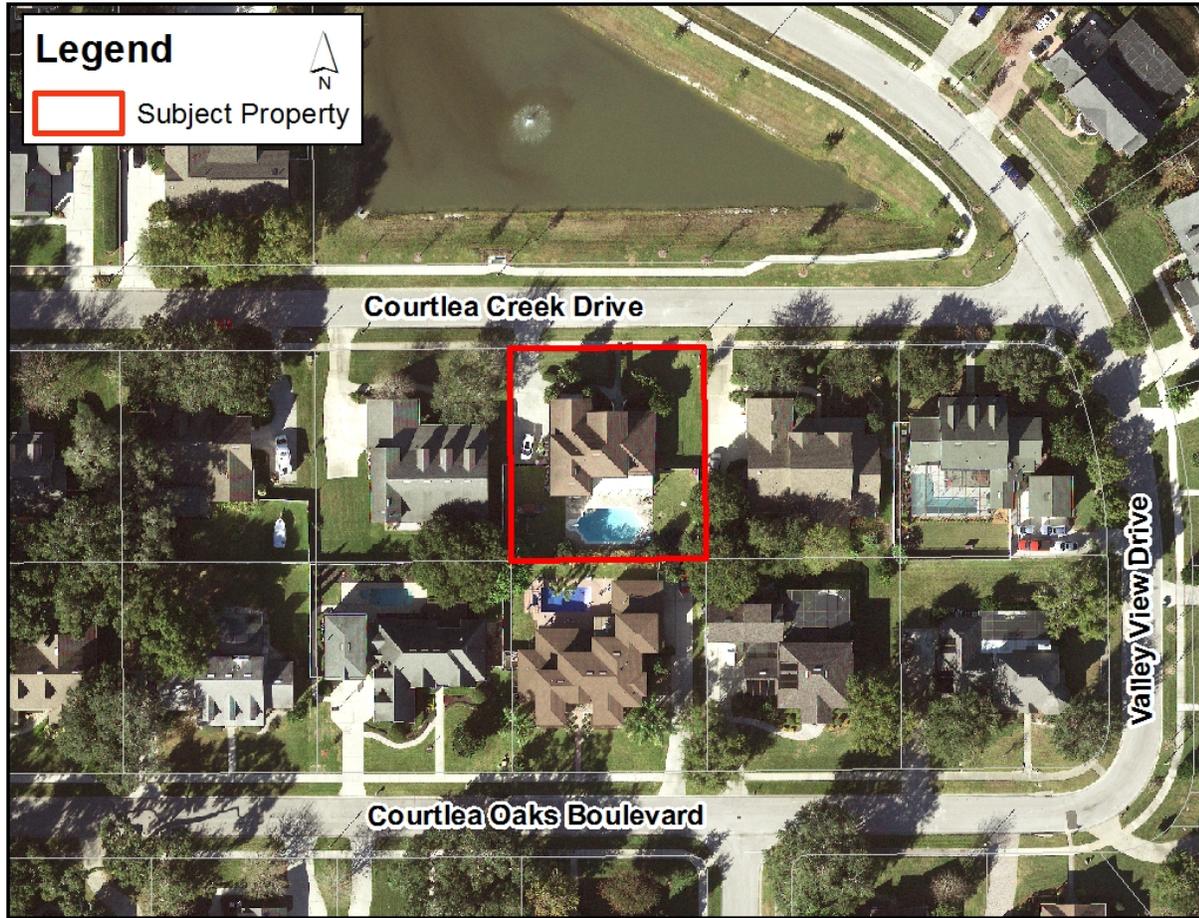
NEXT STEPS

Follow all City regulations and apply for building permits.

ATTACHMENTS

- Aerial Photo
- Survey
- Proposed Site Plan
- Proposed Garage Elevation & Floor Plan
- Proposed Front Rendering
- Site Photos

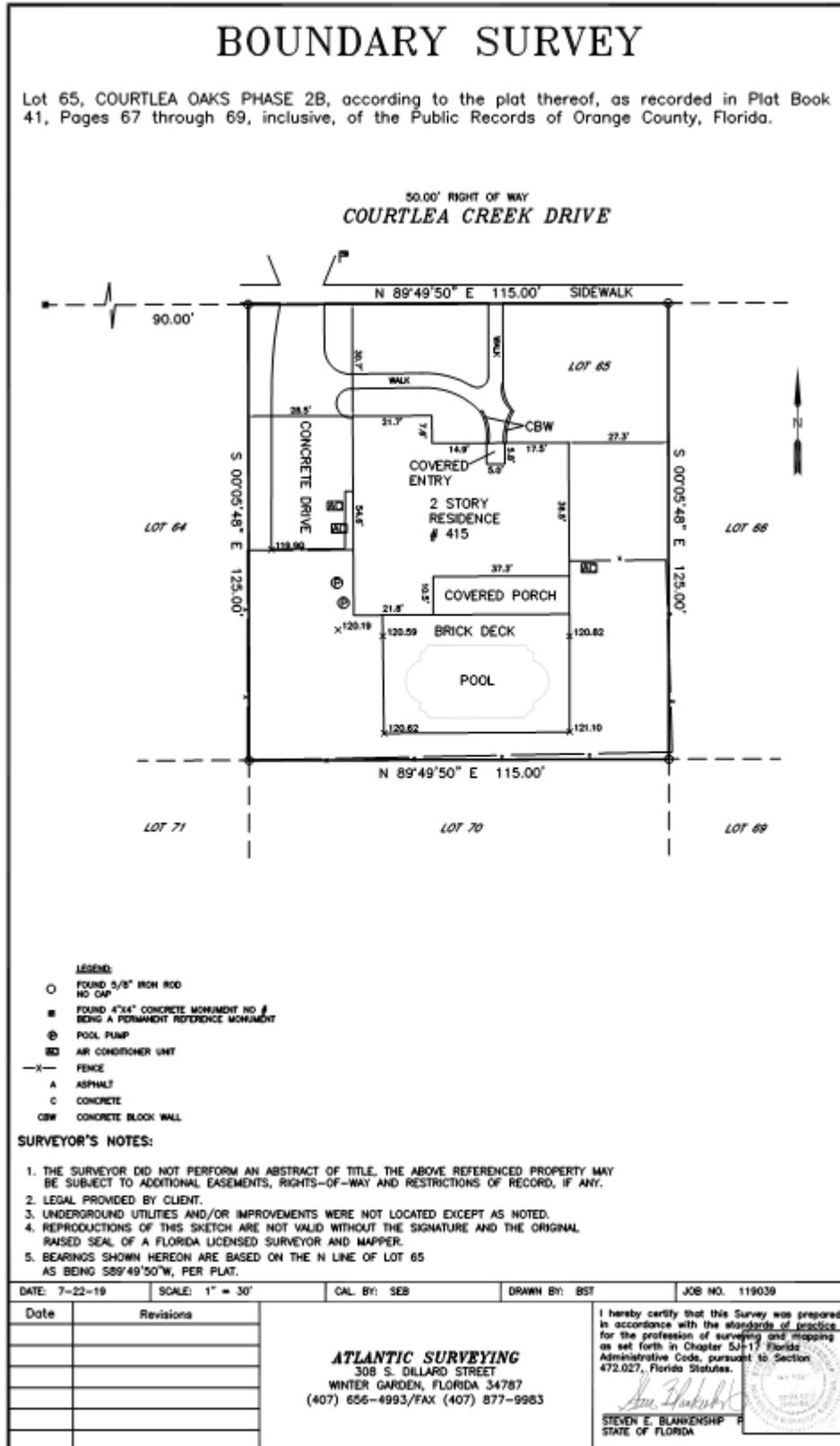
AERIAL PHOTO
415 Courtlea Creek Drive



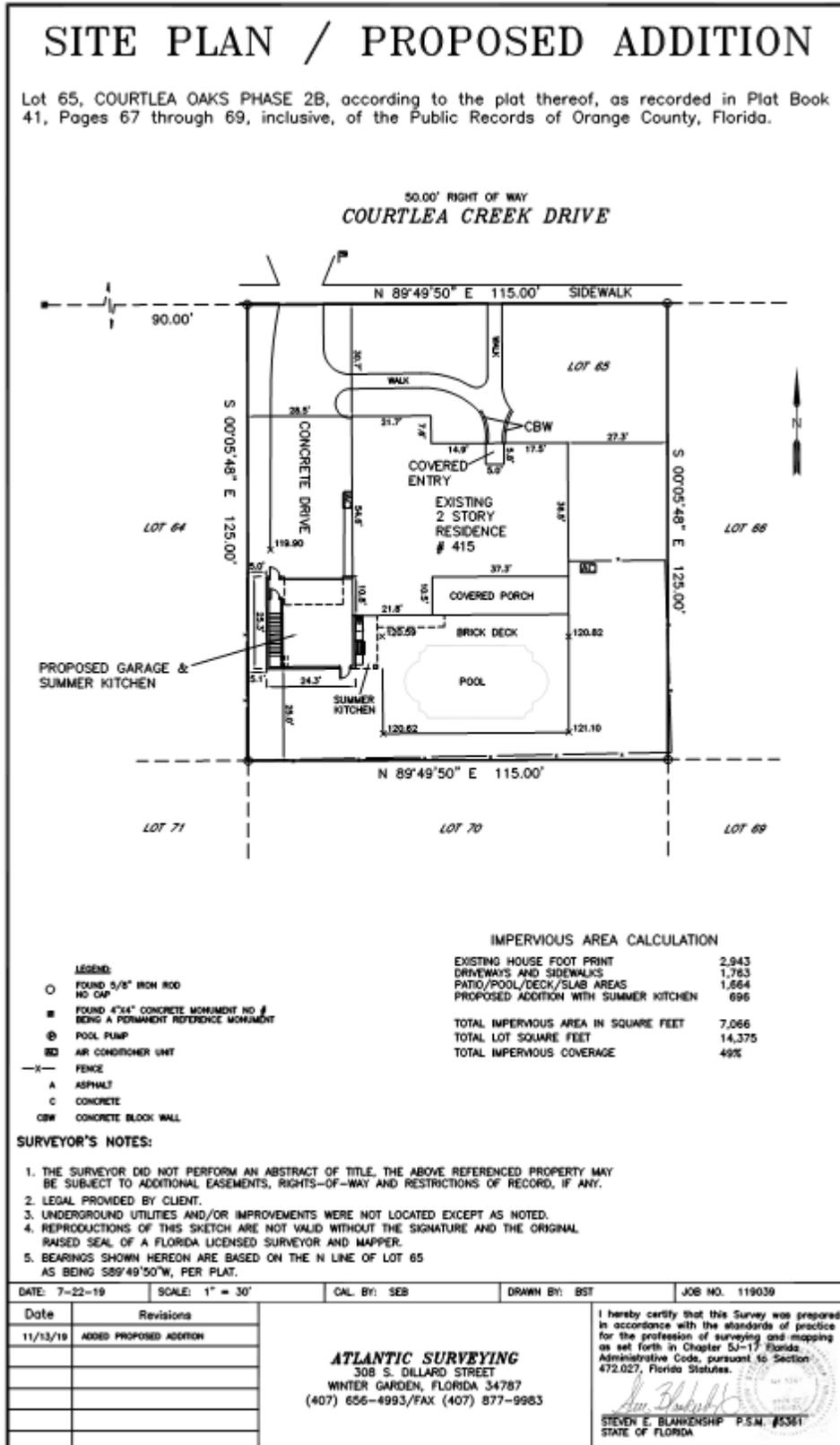
SURVEY
415 Courtlea Creek Drive

BOUNDARY SURVEY

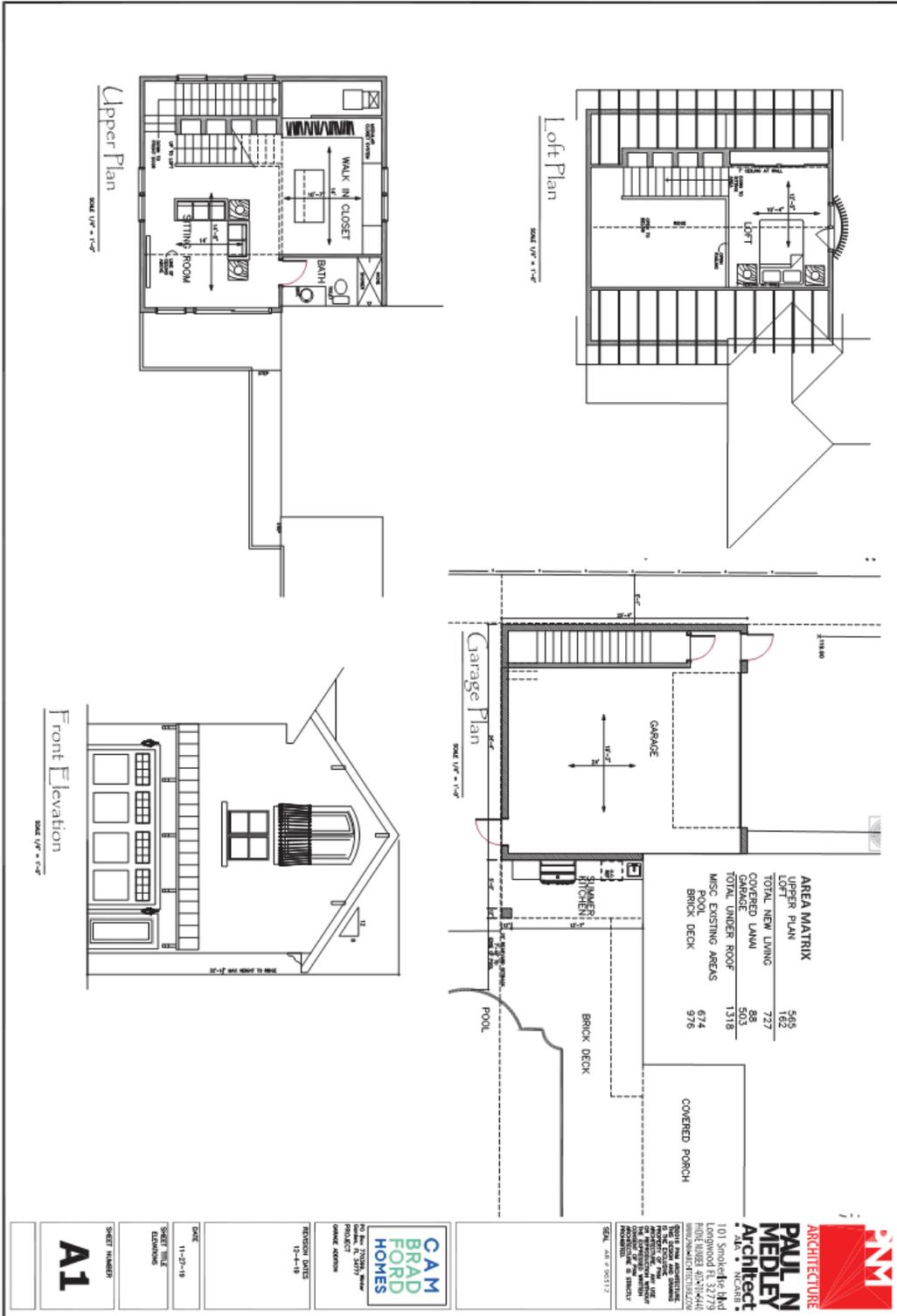
Lot 65, COURTLEA OAKS PHASE 2B, according to the plat thereof, as recorded in Plat Book 41, Pages 67 through 69, inclusive, of the Public Records of Orange County, Florida.

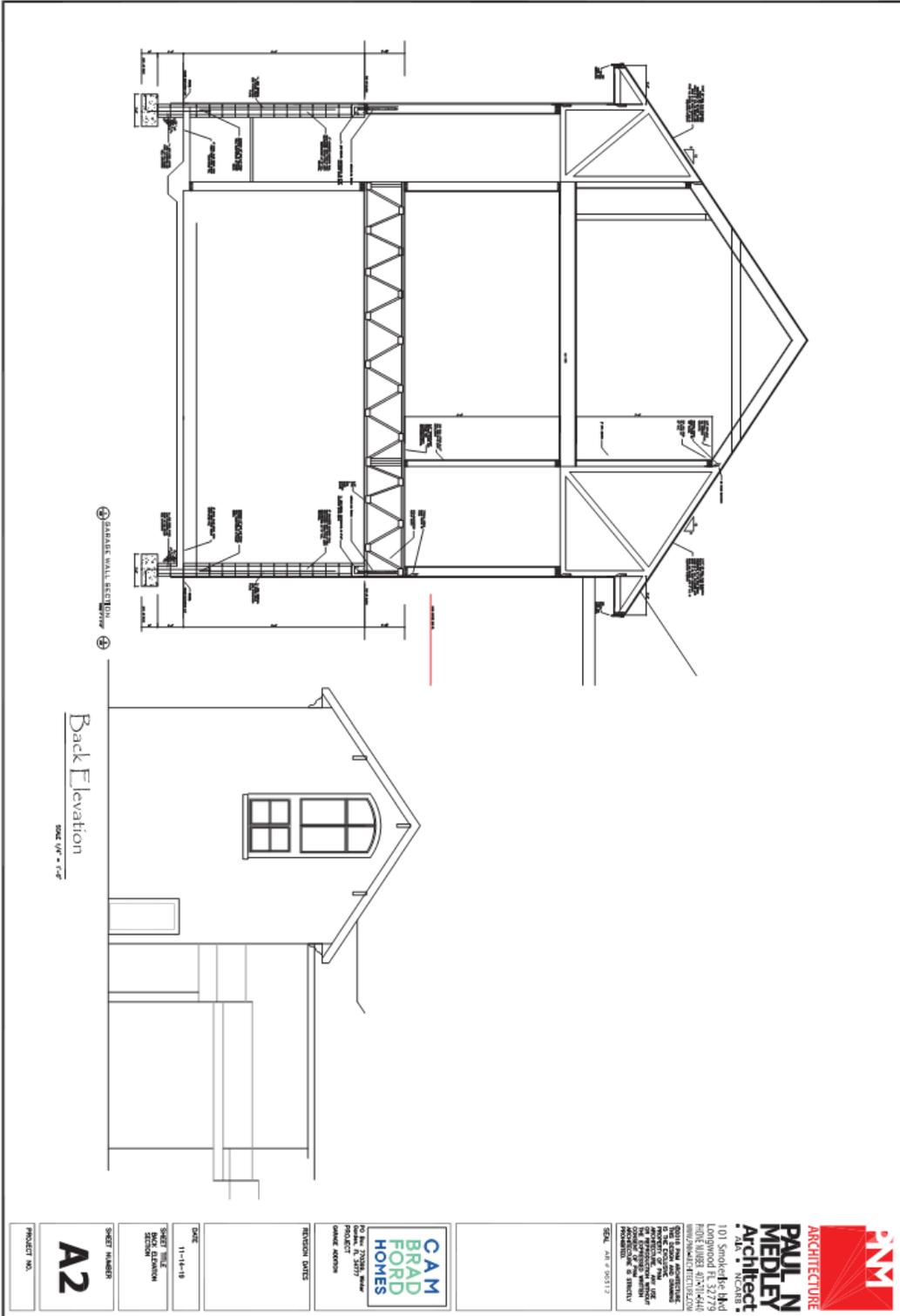


PROPOSED SITE PLAN
415 Courtlea Creek Drive



**PROPOSED GARAGE ELEVATION
 & FLOOR PLAN
 415 Courtlea Creek Drive**





PROPOSED FRONT RENDERING
415 Courtlea Creek Drive



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SITE PHOTOS
415 Courtlea Creek Drive



END OF STAFF REPORT