



For More Information, Contact:

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PLANNING & ZONING BOARD

To: Jerry Carris
James Dunn
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Kent Horsley
Mark Maciel
Mac McKinney
Rohan Ramlackhan

CC: Mike Bollhoefer, City Manager
Dan Langley, City Attorney
Ed Williams, Planning Consultant
Tim Wilson, Community
Development Director
Bill Wharton, Principal Planner
Regina McGruder-Jones, Planner II
Brandon Byers, Planner II

RE: Agenda – January 4, 2010 - 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 December 7, 2009 meeting – Attachment 1

Special Exception Permits & Variances (All Public Hearing)

4. 995 Vineland Road (Holy Trinity Church) – SEP – Attachment 2
5. 1301 E. Bay Street (Bay Street Church of God) - SEP – Attachment 3
6. 1301 E. Bay Street (Bay Street Church of God) Setback Variances – Attachment 4

ADJOURN to a regular Planning and Zoning Board meeting on Monday, February 01, 2010 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.

Note: §286.0105, Florida Statutes, states that if a person decides to appeal any decision by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability, as defined by the ADA, needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the City Clerk's Office at 407-656-4111 extension 2254.

THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 2 (Public Hearing)

Date: December 31, 2009 **Meeting Date:** January 4, 2010

Subject: Holy Trinity Church of God Daycare (995 Vineland Road)

Issue: Request for approval of a special exception permit to allow a 75 maximum enrollment children's day care in conjunction with the proposed new church.

Supplemental Material/Analysis:

Owner/Applicant: Darcy Unroe **Email:** darcy@unroeengineering.com

Zoning: C-2 (permitted as special exception)

FLU: Commercial

Summary: The applicant is requesting approval of a special exception permit (SEP) to allow a 75 maximum enrollment child day care center in conjunction with the proposed 3,780 square foot sanctuary at 995 Vineland Road. The site is approximately 0.86 acres and currently has an old dilapidated building being used for church services. This property is located at the corner of Vineland and Morgan Street. The primary access to the site will be off Vineland Road. The current zoning for the property is C-2, which allow churches as a permitted use and children daycare as a special exception. The adjacent properties to the north and south are zoned C-2, and to the east and west the adjacent properties are zoned R-2.

The applicant is proposing a new 3,780 square foot sanctuary building with 35 parking spaces. Water, sanitary sewer, and reclaimed water utilities shall be constructed at the owner's expense. At this time, approval of a special exception permit does not grant site plan approval. If the SEP is approved by the Planning & Zoning Board, a separate site plan shall be reviewed by City Staff and approved by the City Commission.

The DRC's recommendation for approval of the conceptual plan for the special exception permit included concerns regarding traffic and compatibility of a daycare adjacent to residential zoning district. A traffic impact study was

provided and Staff expects the traffic impact from this project to be at a minimum, therefore creating a minimum traffic impact to the surrounding residential neighborhood. Final review and approval of the traffic study will be conditioned with the site plan for the project.

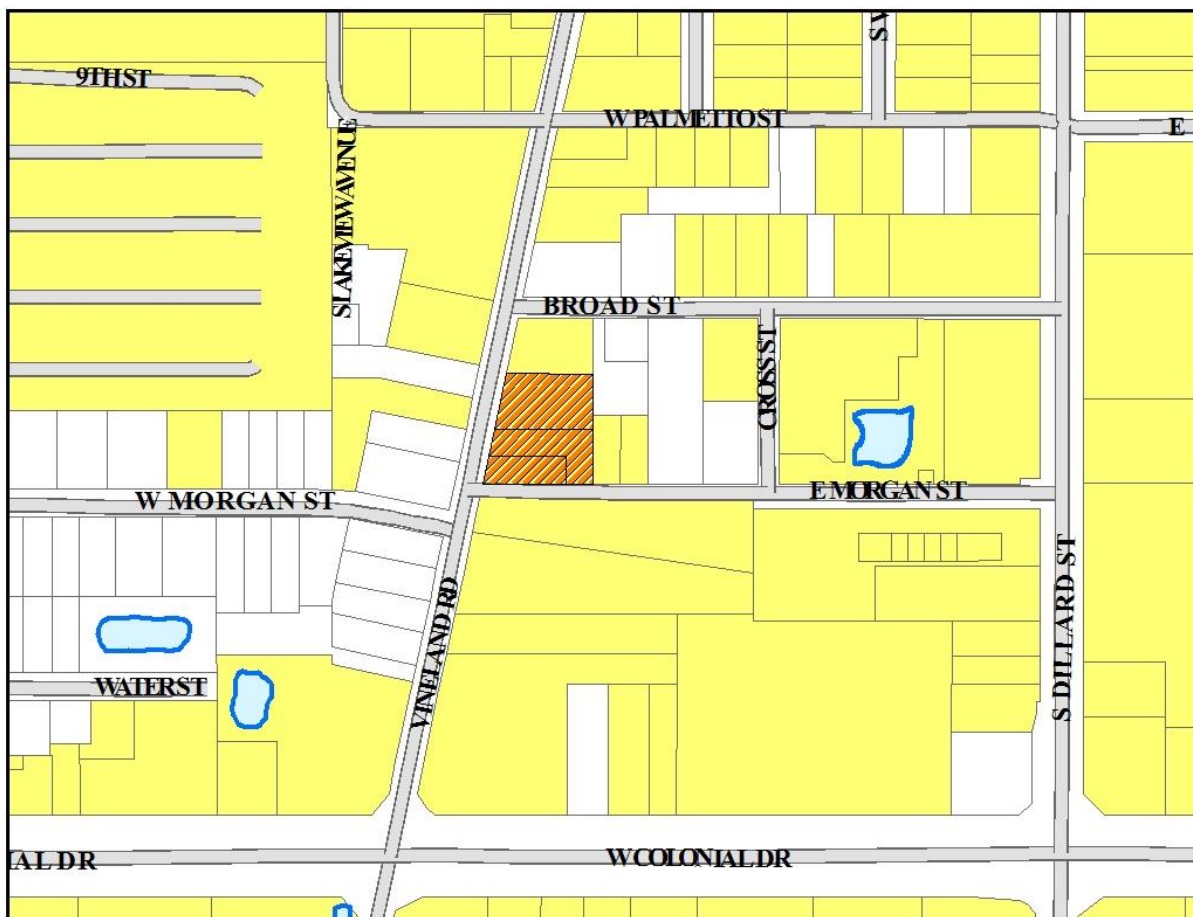
**Staff
Recommendation:**

Staff recommends approval of the Special Exception Permit with the following conditions:

1. Maximum allowed occupancy is 75 children for daycare center.
2. Applicant must receive site plan approval for proposed new 3,780 square foot church and all required infrastructure improvements prior to operation of daycare center.
3. All conditions and requirements per the Development Review Committee's Memo dated November 19, 2009 must be addressed and satisfied.

Next Step: Apply for site plan approval.

995 Vineland Road



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

Date: December 31, 2009 **Meeting Date:** January 4, 2010

Subject: 1301 E. Bay Street & 1360 Edgeway Drive (Bay Street COG) - SEP

Issue: Request for approval of a special exception permit to allow up to 8 temporary portable buildings to be used in conjunction with the existing church and daycare facility.

Supplemental Material/Analysis:

Owner/Applicant: Bay Street Church of God **Fax:** (407) 656-9045

Zoning: R-4

FLU: Low Density Residential

Summary: The applicant is requesting approval of a special exception permit to allow up to 8 temporary portable buildings on site for a period of five (5) years. The portable buildings will be used in conjunction with the existing church and daycare center.

This property was previously located in an enclave surrounded by Orange County prior to annexation into the City of Winter Garden on August 27, 2009. The parcel currently has an existing church and daycare center on site. The proposed portable buildings will be used as additional space for storage, afterschool programs, tutoring and other outreach services already conducted at the existing church and daycare center. At this time the church/daycare center is not proposing any additional students or uses on site.

The applicant will provide any required improvements to portable buildings to meet all building, fire and other code requirements including connecting portable building to City water and utilities.

City staff has reviewed this request and recommends approval of the special exception permit to allow up to 8 temporary portable building to be used with the existing church/school on site. Staff believes the proposed use is consistent with the existing use of property and will provide a minimum impact to the surrounding neighborhood. The

existing church/school currently provides outreach and other services to the neighborhood to help improve the quality of life in the neighborhood and community.

Staff

Recommendation: Staff recommends approval of the Special Exception Permit with the following conditions:

1. The approved Special Exception Permit will expire after five (5) years of the approval date; with an expiration date of January 4, 2015. All portable buildings must be completely removed from site upon expiration of SEP.
2. Applicant must receive small scale site plan approval for proposed portable building and meet all required building, fire and other code requirements including connecting portable building to City water and utilities prior to issuance of Certificate of Occupancy.
3. Applicant must meet the conditions of any and all variances granted to allow the temporary portable buildings.
4. Approval is subject to the following landscape buffers requirements being provided; specific types of trees and shrubs shall be subject to final approval with small scale site plan:
 1. A minimum 5' opaque screen landscape buffer along E. Bay Street
 2. A minimum 10' landscape buffer along Edgeway Drive.
 3. A minimum 5' landscape buffer along Bethune Avenue.

Next Step: Apply for small scale site plan approval.

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

Date: December 31, 2009 **Meeting Date:** January 4, 2010

Subject: 1301 E. Bay Street & 1360 Edgeway Drive (Bay Street COG) –
Portable Buildings Setback Variances

Issue: A request for the following variances: (Please see site plan for SEP)

- 15' front yards setback variance (Edgeway Drive)
- 25' side corner lot setback variance (Bethune Avenue)
- 18' rear yard setback variance (Adjacent to Lot 5)
- 15' rear yard setback variance (Adjacent to lot 8)
- 12' interior side yard setback variance

Supplemental Material/Analysis:

Owner/Applicant: Bay Street Church of God

Zoning: R-4

FLU: Low Density Residential (LR)

Summary: The applicant is requesting the following variances to allow up to 8 temporary portable buildings to be used in conjunction with the existing church/daycare center. The following variances are requested:

- 15' front yards setback variance (Edgeway Drive)
- 25' side corner lot setback variance (Bethune Avenue)
- 18' rear yard setback variance (Adjacent to Lot 5)
- 15' rear yard setback variance (Adjacent to lot 8)
- 12' interior side yard setback variance

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

This property was annexed into the City of Winter Garden on August 27, 2009 because it was located within an enclave surround by Orange County. The church and daycare center use of property previously existed and there were no changes upon annexation. Prior to annexation, the applicant had already purchased the 8 portable buildings and was working with Orange County to meet their code requirements to allow the portables. The City recently rezoned this

area to R-4 zoning to allow smaller buildable lots and setback requirements. In the past, it would require numerous variances for development because of the existing non-conforming lot sizes and character of the neighborhood which has smaller lots. Therefore, Staff believes that the proposed portable buildings will not be out of character with the existing church and daycare use of the property. The applicant will be required to provide landscaping improvements and decorative skirting around the portable buildings to enhance the property. The requested variances should not impact the standard of living or have a negative impact to the adjacent or nearby neighbors. The Planning and Zoning Board has previously approved the allowance of similar temporary portable buildings at other church and school/daycare facilities' within the City.

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

As previously stated the character of the neighborhood has smaller lots to allow redevelopment in the neighborhood. The proposed temporary portable buildings will allow the church/daycare facility to continue to provide community outreach and other services to help improve the neighborhood.

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

Strict compliance with the zoning regulations will not further any legitimate City objective, with landscape improvements to the property, could outweigh any negative effects.

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

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

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

The variances requested are reasonable considering the proposed 8 temporary portable buildings should not significantly impact the adjacent neighbors and will create an opportunity for further outreach services and assistance to help improve the quality of life in the East Winter Garden Neighborhood and Community.

Staff

Recommendation:

Staff recommends approval of the variances for the property located at 1301 E. Bay Street and 1360 Edgeway Drive with the following conditions:

1. The approved Special Exception Permit will expire after five (5) years of the approval date; with an expiration date of January 4, 2015. All portable buildings must be completely removed from site upon expiration of SEP.
2. Applicant must receive small scale site plan approval for proposed portable building and meet all required building, fire and other code requirements including connecting portable building to City water and utilities prior to issuance of Certificate of Occupancy.
3. The applicant must be able to meet the required distance from property lines to buildings, as well as buildings to buildings per Building Code requirements for the three (3) portable building along the western property line. This may require relocation of portables or obtaining additional property to the west of site. If applicant cannot meet this building code separation requirements within 60 days of variance approval; the variances for those specified portables shall become null and void and the applicant must reapply. The City will not issue a building permit for the three (3) portable buildings along the western property line until this criterion is satisfied.
4. Approval is subject to the following landscape buffers requirements being provided; specific types of trees and shrubs shall be subject to final approval with small scale site plan:
 1. A minimum 5' opaque screen landscape buffer along E. Bay Street.
 2. A minimum 10' landscape buffer along Edgeway Drive.
 3. A minimum 5' landscape buffer along Bethune Avenue.

Next Step: Apply for small scale site plan approval.

Bay Street Church of God

