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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 February 3, 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 JANUARY 6, 2020 MEETING**

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

- 3. 13192 W Colonial Drive – Jowers Family Enterprise (Go Smart Auto Sales)**
Parcel ID # 26-22-27-8108-00-100

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, **March 2, 2020 at 6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street.

POSTED: JANUARY 24, 2020

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
JANUARY 6, 2020**

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.

Present: Chairman Will Hawthorne, Vice-Chairman Chris Lee, and Board Members: Steve Ambielli, Joseph Dunn, Jr., Henry Haddock, Mark Hide, and Gabe Kotch

Absent: none

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

2. APPROVAL OF MINUTES

Motion by Gabe Kotch to approve the regular meeting minutes of December 2, 2019. Seconded by Joe Dunn and carried unanimously 7 – 0.

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

3. 15151 E Oakland Ave – Jesus Salvador & Iliana Ramos; ANNEX/FLU AMEND/REZONING

Planner I Karimi 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 0.99 +/- acre property located at 15151 E Oakland Avenue. The property is currently located in un-incorporated Orange County with a zoning classification of A-1, Orange County Low Density Residential Land Use designation, and is developed with a single family residential home. Staff recommends approval of Ordinances 20-09, 20-10, and 20-11 subject to the conditions outlined in the Ordinances.

Board Member Hide inquired if there were plans to develop the parcel. Ms. Karimi replied the applicant plans on keeping the single family home.

Motion by Chris Lee to recommend approval of Ordinances 20-09, 20-10, and 20-11 [for 15151 E Oakland Avenue with Staff Recommendations] (as provided in the agenda packet). Seconded by Mark Hide and carried unanimously 7 – 0.

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

4. 751 S Main Street – Pointon Realty, Inc.

Senior Planner Friedman presented a request for a Special Exception permit for the 0.19 +/- acre property located at 751 S Main Street. The property is developed with a 1,492 square foot single-family residence and is zoned R-NC (Residential-Neighborhood Commercial) with

a Residential Neighborhood Commercial Future Land Use designation. The applicant is proposing to renovate the existing structure and operate a professional Real Estate office. The site plan submitted includes landscaping, parking, and a sidewalk. Staff recommends approval of the Special Exception permit subject to the conditions listed in the Staff Report.

Discussion ensued regarding the uses of the surrounding area and if any objections were received. Mr. Friedman stated the block is zoned R-NC and one neighbor was against the use but they did not attend the meeting.

Chairman Hawthorne inquired if the business changed from a Real Estate office to another use would a Special Exception have to be applied for again. Mr. Friedman clarified this Special Exception only applies to office use and any change of use would require approval.

Motion by Henry Haddock to recommend approval of the Special Exception permit for 751 S Main Street with Staff Recommendations (as provided in the agenda packet). Seconded by Will Hawthorne and carried unanimously 7 – 0.

5. 14035 W Colonial Drive – Winter Garden Swim School

Senior Planner Friedman presented a request for a Special Exception permit for the property located at 14035 W Colonial Drive in the Winter Garden Regional Shopping Center. The property is currently zoned C-2 (Arterial Commercial District) with a Commercial Future Land Use designation. The applicant is proposing to operate a year-round Goldfish Swim School for children ages 4 months to 12 years old in the 8,625 +/- square foot suite formerly occupied by the Orange County Tax Collector. The redevelopment of the space includes construction of an indoor 75' by 25' swimming pool with parental viewing area, changing rooms, showers, offices, and a small retail space. Staff recommends approval of the Special Exception subject to the conditions outlined in the Staff Report.

Discussion ensued regarding the impact of construction on adjacent suites in the shopping center, how the construction would be handled, and if there was adequate parking.

Applicants Gina and Jon Thomas, 230 Cortland Avenue, Winter Park FL, addressed the Board and stated all construction equipment and materials would access the Suite through the large double doors in the back.

Motion by Will Hawthorne to recommend approval [of the Special Exception permit for 14035 W Colonial Drive with Staff Recommendations] (as provided in the agenda packet) to include a condition to restrict all excavation equipment to enter from the rear of the building. (This condition was acceptable to the applicants). Seconded by Chris Lee and carried unanimously 7 – 0.

VARIANCE (PUBLIC HEARING)

6. 111 Regal Place – Jeff Dyal

Board Member Lee recused himself due to an ongoing business relationship with the applicant.

Planner I Karimi presented a request for a variance for the 0.75 +/- acre property located at 111 Regal Place. The applicant is requesting the variance in order to construct a 314 square foot third car garage addition with a front yard setback of 21.4 feet in lieu of the 30 foot minimum required. The property is zoned R-1 with a Low Density Residential Future Land Use designation and is developed with a one-story, 4,108 square foot single family

residence. A letter of no objection has been received from a neighbor. Staff recommends approval subject to the conditions outlined in the Staff Report.

Chairman Hawthorne asked if the new construction would block access to other buildings on the lot. Ms. Karimi stated it would not as there was a 21.4 foot space in front.

Motion by Joe Dunn to recommend approval of the variance for 111 Regal Place [with Staff Recommendations] (as provided in the agenda packet). Seconded by Steve Ambielli and carried 6 – 0 with Chris Lee being recused.

7. 415 Courtlea Creek Drive – Cam Bradford Homes LLC

Planner I Karimi presented a request for a variance for the 0.33 +/- acre property located at 415 Courtlea Creek Drive. The applicant is requesting the variance in order to construct a 1,318 square foot attached 2-car garage with loft and living upper levels and an outdoor kitchen with a 5-foot side setback in lieu of the 10-foot minimum required. The property is zoned R-1 with a Low Density Residential Future Land Use designation and is currently developed with a two-story, 4,518 square foot single family residence. Staff has reviewed the application and recommends approval subject to conditions outlined in the Staff Report.

Board Member Hide inquired if HOA approval had been received. Ms. Karimi replied that it was approved by the HOA and no objections have been received by City Staff. Other properties in the neighborhood have been granted side yard setback variances.

Chairman Hawthorne asked about the height of the addition. Ms. Karimi stated it is a three-story structure containing a living area on the second level and a loft on the third level. The structure will be within the height restrictions for the R-1 zoning.

Applicant, Cam Bradford of 415 Courtlea Creek Drive, clarified the height of the addition will be 34 feet which will be the same as the existing single family home. He stated he has spoken with all four of his neighbors and none had any objections.

Board Member Haddock inquired about one of the conditions in the Staff Report that stated the structure could not contain a kitchen. Ms. Karimi explained the R-1 zoning can only contain one single-family dwelling unit and, if a kitchen and full bath was included in an accessory structure, it would qualify as a second dwelling unit.

Motion by Henry Haddock to recommend approval of the variance for 415 Courtlea Creek Drive with Staff Recommendations (as provided in the agenda packet). Seconded by Gabe Kotch and carried unanimously 7 – 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:57 p.m. to the next meeting scheduled for February 3, 2020 at 6:30 p.m.

ATTEST:

APPROVED:

Recording Secretary Kathleen Rathel

Chairman Will Hawthorne

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

Date: January 24, 2020 **Meeting Date:** February 3, 2020
Subject: 13192 W Colonial Drive (Special Exception Permit)
Project Name: Go Smart Auto Sales
Parcel ID: 26-22-27-8108-00-100
Issue: The applicant is requesting a special exception permit for the property located at 13192 W Colonial Drive

Supplemental Material / Analysis:

Owner / Applicant: Jowers Family Enterprise
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. If approved, this special exception will allow the applicant to operate an automobile sales facility with a temporary modular building (See Staff Report).

Staff Recommendation(s):

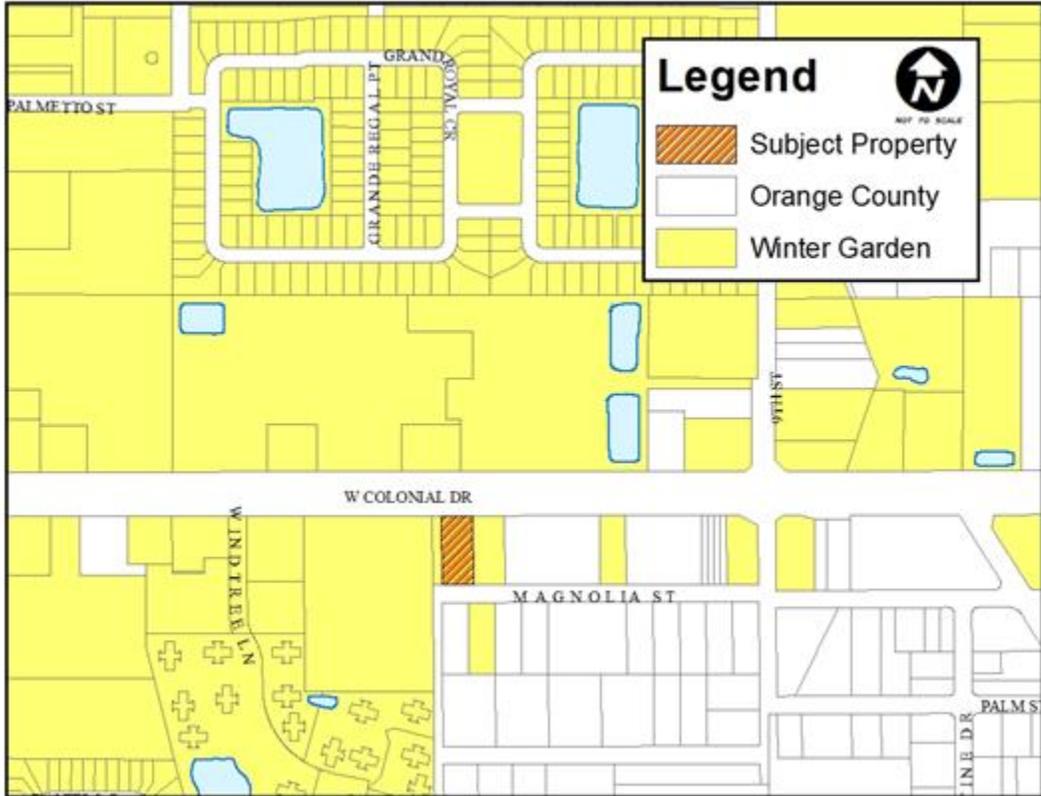
Staff recommends approval of the special exception subject to the condition outlined in the Staff Report.

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

Attachment(s): Location Map
Staff Report

LOCATION MAP

13192 W Colonial Drive



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

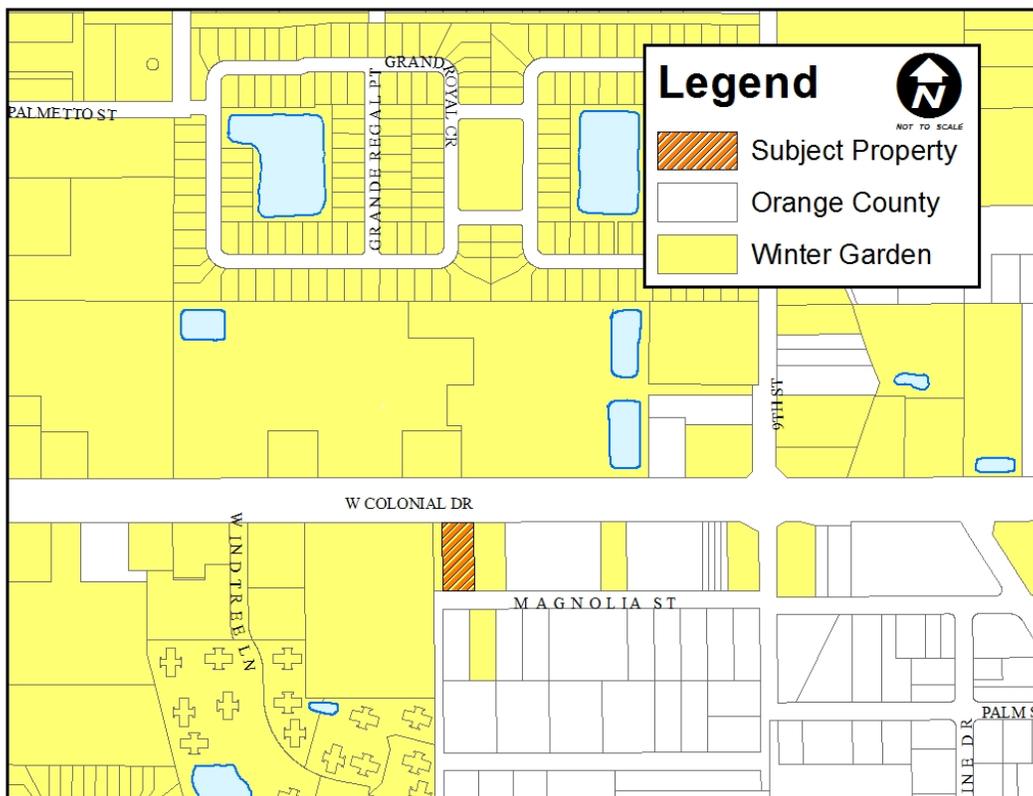
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: SHANE FRIEDMAN, SENIOR PLANNER
DATE: JANUARY 24, 2020
SUBJECT: SPECIAL EXCEPTION PERMIT
13192 W. Colonial Drive (0.58+/- ACRES)
PARCEL ID # 26-22-27-8108-00-100

APPLICANT: JOWERS FAMILY ENTERPRISE

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 southeast corner of West Colonial Drive and 5th Street and is approximately 0.58± acres. 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 to allow an automobile sales facility with a temporary modular building. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation C-2, is designated Commercial on the Future Land Use Map of the Comprehensive Plan, and is located within the West State Road 50 Overlay District.

EXISTING USE

The property contains a 1,536 square foot modular office building that was previously approved (December 5th, 2011) to operate as an automobile sales facility.

ADJACENT LAND USE AND ZONING

The property to the north is zoned C-2 and is a shopping center with retail stores, a church, a medical office, and restaurants. The properties to the south are a lot that is zoned C-2, is a single-family house (office) owned by the same person as the subject property, and located in the City as well as a lot in unincorporated Orange County that is zoned A-1 and has a single-family house. The property to the east is zoned C-2 and operates as Jowers Batteries. The property to the west is zoned C-2 and contains an auto parts store.

PROPOSED USE

The applicant proposes to operate an auto sales facility on the property within a modular building.

ANALYSIS

The subject property was a new and used auto sales facility from 1996 through 2006. The existing property owner purchased the property in 2007 and demolished the dilapidated buildings to clean up the property. After demolishing the buildings, the owner purchased the modular building and had it moved onto this property. The owner has leased this property as an automobile sales facility since.

The December 5th, 2011 Special Exception permit approval allowed auto sales, and the use of a modular building as a sales office, and stated that the Special Exception would expire on January 1, 2014. The Special Exception was extended at the May 7th, 2018 Planning & Zoning Board Meeting allowing the continued use of a modular building and auto sales until January 1, 2020.

The applicant is now requesting another extension of the Special Exception to allow auto sales in a modular building.

SUMMARY

City Staff recommends approval of the proposed Special Exception subject to the following conditions (same as previous conditions):

1. The Special Exception shall expire on January 1, 2022. If the owner/applicant wish to continue the used auto sales facility a new Special Exception will need to be approved.
2. **Replace landscaping to meet following requirements:**
 - a. A Four (4) foot wide landscape buffer shall be installed along the east and north property lines that contains: three (3) Crape Myrtles per 100 linear feet, and thirty-three (33) viburnum or equivalent per 100 linear feet. This landscaping shall be installed along all portions of the property other than where the entrance and exit are located. The hedge shall be a continuous screen with 90% opacity within one year and shall maintained at a minimum height of 36 inches.
3. The building shall be painted an earth tone color with complimentary trim. The use of day-glow or fluorescent colors shall be prohibited.
4. Signs:
 - a. Free-standing signs. Free standing signs are permitted within the commercial corridor with the following provisions.
 - i. Types of signs. Free standing signs shall be limited to multi-tenant ground signs and single tenant ground signs.
 - ii. Maximum number of signs. The number of freestanding signs shall be limited as follows.
 1. Basic allowance. One double faced or single faced sign shall be allowed per parcel.
 2. Additional allowance. Developments with 500 feet of frontage or more on a major arterial road with more than one ingress/egress serving more than one building shall permit one additional sign which shall not exceed 100 square feet in total copy area. The minimum separation for all signs on a parcel shall be at least 200 linear feet. If a building is located on a corner lot with two street facing sides, one sign may be located on each side served by an entryway.
 - b. Single tenant ground sign. The maximum allowable size of the sign is 64 square feet subject to section 118-1512(1)b.2.
 - c. Location. Sign(s) shall be located no closer than ten feet from right-of-way, side or rear property lines. However, in cases of right-of-way acquisition that caused a sign(s) to be relocated, removed and/or rebuilt, the minimum setback may be reduced to five feet from the right-of-way and/or side property lines.
 - d. Additional standards.
 - i. Height. Sign(s) shall be a maximum of 15 feet high and be measured from the finished grade level to the top of the sign face.

- ii. The maximum clearance of the bottom of the sign face of any ground sign shall be two feet from the finished grade level.
 - iii. The maximum size of the background structure of a sign shall not exceed 110 percent of the total square footage of copy area. For example, 50-square-foot of copy area can have 55 square feet of background structure area.
 - iv. Copy area for multi-tenant ground signs. The maximum allowable copy area for any individual tenant on a multi-tenant ground sign shall be determined by Table 2.2.1, and the total maximum allowable copy area for a multi-tenant ground sign shall not to exceed 150 square feet. The allowable copy area for each individual tenant on a multi-tenant ground sign shall be a minimum of 16 square feet and a maximum of 64 square feet. Both single tenant and multi-tenant signs must contain the street address number (the address will not count towards the copy area) of the business or shopping center and:
 - 1. Be displayed in a contrasting color on any business identification sign; and
 - 2. The minimum height of the address must be six inches and the maximum height of the address must be 12 inches.
 - v. Support base. The ground sign base shall be encased or provide external support and meet the following standards.
 - 1. Ground signs shall be of a monument design in an enclosed base possessing a minimum width of two-thirds the width of the sign.
 - 2. If any support, upright, bracing or framework is utilized or proposed to support a ground sign, said support, upright, bracing or framework shall be either:
 - a. Encased in an ornamental shell of stone, brick, ornamental metal or similar and/or compatible materials with the architecture of the building or other site features; or
 - b. Be constructed of an external support structure extending between grade and the base of the copy area that shall not exceed two supports.
 - vi. Base shall not be intended or designed to include messages and shall not include colors, trademarks, or any other decorative design features that are primarily intended to attract attention, rather than be unobtrusive or compatible with the architecture of the building or other site features.
 - vii. A minimum depth of 36 inches of landscaping shall be incorporated around the base to include low growing shrubs and ground cover and/or flowering annual to promote color. The landscaping requirements may also be credited to the required landscaping in division 3, landscape design guidelines.
- e. Building Signs:

- i. The building can have one wall sign with a maximum of 36 square feet and a maximum of 2 feet tall. The length of the sign may occupy up to 50% of the linear feet of the store front the business occupies.
 1. Building signs shall advertise one person, firm, company, corporation or major enterprise occupying the premises.
 2. The sign shall be clearly integrated with the architecture of the building and shall be consistent in design and materials with the architecture of the building. The use of fluorescent colors is prohibited.
 - ii. Signs on vehicles to display price, options, etc. are permitted provided they cannot be read from the road.
 - iii. Window signs. Total area of all window signs shall not exceed 20 percent of the total glass area of the window in which they are placed.
 - iv. Flags, other. Flags include any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device. Standards for flags are as follows:
 1. Only two such flags shall be permitted.
 2. The flags shall not be flown higher than a 35-foot pole, measured from grade.
 3. Only one flag per pole up to six feet by ten feet, or two flags per pole up to four feet by six feet may be flown.
 4. The flag shall extend no closer than ten feet from the edge of any adjacent public right-of-way.
 - v. Grand opening sign. One on-site temporary sign announcing the opening of a newly licensed business, that does not exceed 16 square feet in copy area and that is not displayed for longer than 30 days after the issuance of the occupational tax for the new business shall be allowed.
- f. Illumination. Free standing and building signs shall be permitted to be illuminated in compliance with the following:
- i. Internally illuminated signs shall meet the following standards:
 1. The sign shall be constructed with either: an opaque background and translucent letters and symbols; or, a translucent darker colored background with a lighter contrasting color for the letters and symbols.
 2. The darker background color shall have a luminous transmittance, which does not exceed 15 percent. The lighter lettering or symbols shall have a luminous transmittance, which does not exceed 35 percent.
 3. No internal lighting shall include exposed incandescent or fluorescent bulbs.
 - ii. Externally illuminated signs shall meet the following standards:

1. The lighting of signs must be from the top of the sign and directed downward;
2. The lighting of signs that have a height of eight feet or less may be illuminated from the top of the sign or from the ground.
3. Indirect light sources must be shielded from the view of persons viewing the sign and be further shielded and directed so that the light shines only on the sign and that illumination beyond the copy area is minimized.

g. Prohibited Signs:

- i. No sign, permanent or temporary, shall be erected or placed so that it interferes with a clear sight triangle distance per Florida Department of Transportation (FDOT) design standards.
- ii. Portable signs.
- iii. A-frame, T-framed signs.
- iv. Signs on trailer frames with or without mounted wheels.
- v. Vehicle signs or signs on or attached to vehicles which have a total copy area in excess of ten square feet, when the vehicle is not "regularly used in the conduct of the business" and (a) is visible from a street right-of-way within one hundred feet of the vehicle, and (b) is parked for more than two consecutive hours within one hundred feet of any street right-of-way. A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily for advertising, or for the purpose of advertising.
- vi. Flashing, moving, animated coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, banners, ribbons, streamers, spinners, and other similar types of attention-getting devices except for changeable copy signs when in compliance with the applicable regulations of this chapter.
- vii. Signage used on bus transit shelters within the right-of-way.
- viii. Bench signs.
- ix. Roof sign.
- x. Traffic sign replica.
- xi. Pole signs.
- xii. Pylon signs.
- xiii. Changing sign (automatic).
- xiv. "Stick-in" signs.

5. Parking:

- a. A minimum of one handicap parking space shall be provided on site.
- b. No vehicles can be parked on the grass area.
- c. One (1) customer parking space shall be provided for every five (5) vehicles for sale on the site.

- d. No vehicles can be parked to prevent access to, from, or through the site.
6. Vehicle Maintenance:
- a. No vehicle maintenance is allowed.
7. Outdoor Storage:
- a. No outdoor storage of any materials is allowed.

MAPS/EXHIBITS

AERIAL PHOTO (2016)
13192 W. Colonial Drive



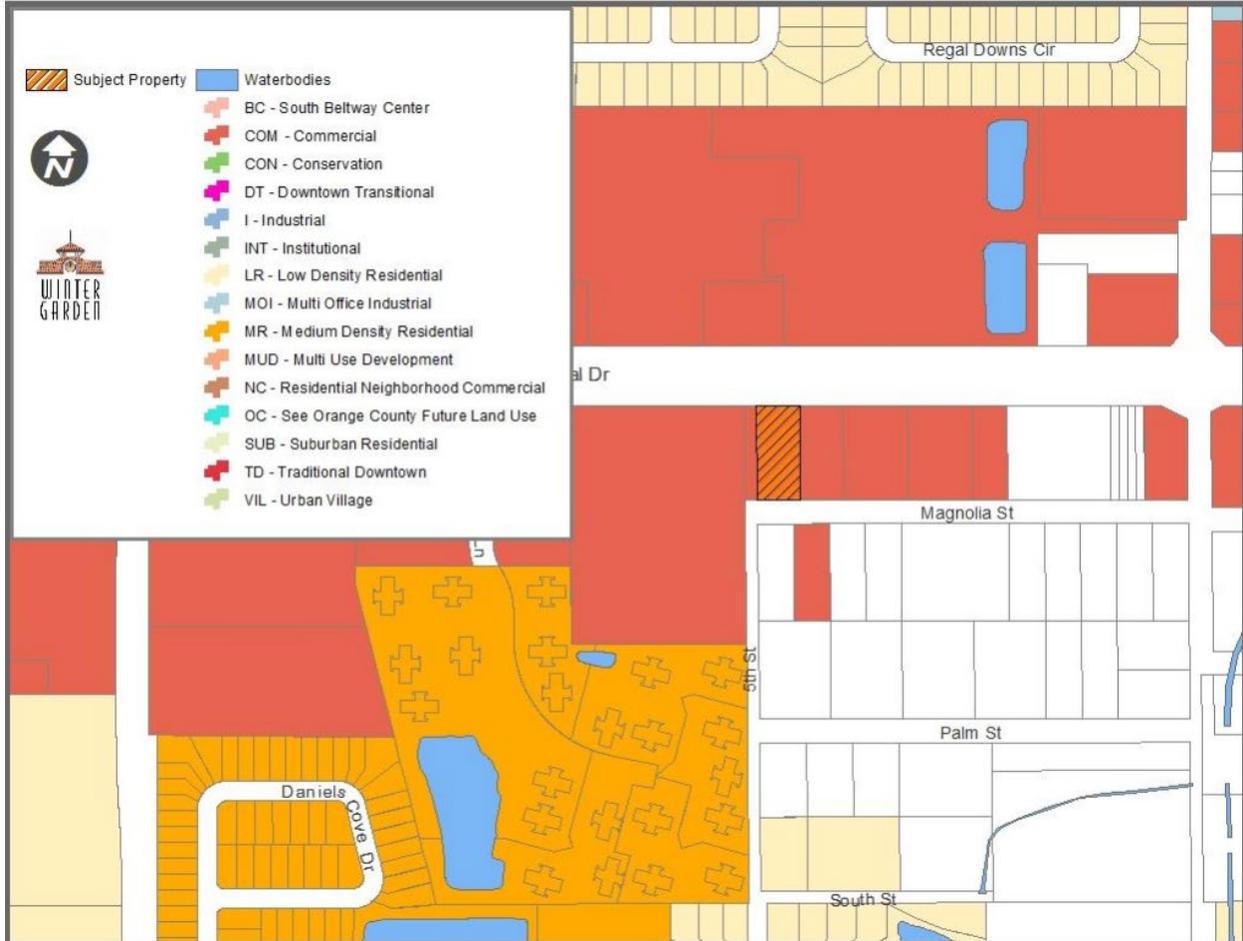
ZONING MAP

13192 W. Colonial Drive



FUTURE LAND USE MAP

13192 W. Colonial Drive



END OF STAFF REPORT