

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
APRIL 03, 2006**

CALL TO ORDER

Motion by Mac McKinney to designate Colin Sharman as Acting Chairman in the absence of Chairman Larry Bedsole and Secretary Tina Aldrich. Seconded by Colin Sharman, the motion carried unanimously 4-0.

Acting Chairman Sharman called the regular meeting of the City of Winter Garden Planning and Zoning Board to order at 6:34 p.m. in City Hall Commission Chamber. The invocation was given following by the Pledge of Allegiance. The roll was called and a quorum was declared present.

ABSENT: Chairman Larry Bedsole, Secretary Tina Aldrich and Board Member Bea Deariso.

PRESENT: Board Members Colin Sharman, Minister Xerxes Snell, Mac McKinney, and Bob Buchanan. Also present were City Manager Mike Bollhoefer, City Planner Mark Cechman, Senior Planner Kelly Randall, Planner Regina McGruder, Planner Brandon Byers, Planning Technician Lauren Simmons and Planning Technician Lorena Blankenship.

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held March 06, 2006

Motion by Bob Buchanan to approve the above minutes. Seconded by Minister Snell, the motion carried unanimously 4-0.

NEW BUSINESS

Variances & Special Exception Permits

2. 216 North Street

City Planner Cechman presented the Board with a request for approval of a 30 foot lot width variance, a 750 square foot lot area variance and a 2.5 foot side setback variance for both sides of property at 216 North Street. He explained that the subject property is a small vacant lot located in the East Winter Garden area, and the variances will allow the construction of a single family home. He also reported that since many of the lots in the East Winter Garden area are smaller than what the zoning code requires, City Staff is currently reviewing the existing zoning in the area to determine if is necessary to make

some changes in the zoning code. City Staff has reviewed the application and recommends approval.

Mac McKinney asked if the subject property was recently split. City Manager Bollhoefer responded negatively and explained that many of the properties located in the East Winter Garden were split up and fragmented many years ago.

George Douglas Laman, 1130 East Plant Street, President of Exclusive Homes, approached the Board to answer questions. Bob Buchanan asked if there were existing homes on the adjacent lots. Mr. Laman responded affirmatively.

Motion by Mac McKinney to approve the Variances. Seconded by Bob Buchanan, the motion carried unanimously 4-0.

3. 230 North Highland

Senior Planner Randall presented the Board with a request for approval of a 28 foot rear yard setback variance and a 4 foot height variance at 230 North Highland to allow the property owner to enclosed an existing patio. City Staff has reviewed the application and recommends approval.

Mac McKinney inquired about the allowable height for accessory structures. Ms. Randall responded that it is 12 feet, and explained that the peak of the proposed roof is 16 feet.

Derek Blakeslee, 230 North Highland Avenue, approached the Board and in response to Mr. McKinney's question, stated that the swimming pool will be located behind the proposed structure, and that they have already submitted the appropriate permits to the Building Department.

Bob Buchanan asked about the size of the alleyway located to the rear of the property. Mr. Blakeslee responded that it is 10 feet wide.

Motion by Bob Buchanan to approve the Variances. Seconded by Minister Snell, the motion carried unanimously 4-0.

4. 141 Timbercreek Pines Circle

Planning Technician Simmons presented the Board with a request for approval of a 7 foot rear yard setback variance at 141 Timbercreek Pines Circle to allow the property owners to build a screened porch with a covered roof. City Staff has reviewed the application and recommends approval.

Motion by Minister Snell to approve the Variance. Seconded by Bob Buchanan, the motion carried unanimously 4-0.

5. **222 North Street**

City Planner Cechman presented the Board with a request for approval of a variance for a 11 foot front yard setback at 222 North Street. He explained that the Planning and Zoning Board granted 7 variances on May 2, 2005 to allow Homes In Partnership to construct a single family home on the lot. Homes In Partnership submitted building permits with the addition of a front porch, the house is now 6 feet closer to the street than what the plans represented. The Building Department stopped the construction and the applicant is now requesting a 11 foot front yard setback variance, instead of the approved 5 foot front yard setback variance. City Planner Cechman provided the Board with photographs of the house under construction and also of the adjacent homes, which illustrates that the building line matches the adjacent house building line. City Staff has reviewed the application and recommends approval.

John Clinger and Toby Best, 235 East 5th Street, Apopka, of Homes In Partnership, approached the Board to answer questions.

Mac McKinney pointed out that according to the letter from the Building Official when the construction was inspected the porch was not there. Mr. Clinger stated that in fact the porch was there. He also explained that it was an honest mistake and when they found it they brought it up to the Building Department. Mr. Clinger also stated that all of the people involved were reprimanded and that they are trying to clean up the mess.

George Douglas Laman, 1130 East Plant Street, Winter Garden, approached the Board and stated that they own the adjacent lot and that they do not have any objections to the requested variance.

Motion by Bob Buchanan to approve the Variance. Seconded by Minister Snell, the motion carried unanimously 4-0.

6. **Calvary Baptist Church - 631 S. Dillard Street – Special Exception Permit**

Planner McGruder presented that Board with a request for approval of a Special Exception Permit that will allow the applicant to have three portable school buildings to be located on the rear of the property for a period of five years.

Joe West, Chairman of the Building Committee at Calvary Baptist Church approached the Board to answer questions.

Acting Chairman Colin Sharman asked if the purpose of the portable classrooms was to expand the school. Mr. West responded affirmatively and stated that the two portable classrooms currently facing Dillard Street will be removed.

Mac McKinney asked if Calvary Baptist Church will be submitting plans for a proposed addition to the building. Mr. West responded that they are designing an addition to the church, but they are not ready to submit the appropriate building permits.

Mac McKinney asked if at the end of the five year period the applicant will need to come back to the Board to request an extension to the Special Exception Permit. Mr. West responded that they hope that at the end of the five year period the facilities will be upgraded to a point that the portable classrooms will not be necessary.

Motion by Minister Snell to approve the Special Exception Permit to allow Calvary Baptist Church to have three portable classrooms for a period of five years. Seconded by Mac McKinney the motion carried unanimously 4-0.

Lot Splits and Rezoning

7. 1645 Markel Drive – Lot Split

Senior Planner Randall presented the Board with a request for approval of a lot split to the rear of property located at 1645 Markel Drive. Ms. Randall explained that this is a very unusual lot, very deep and narrow, and the applicant desires to sell portions of the rear of her lot to adjacent property owners. City Staff has reviewed the application and recommends approval with the condition that the new lots are combined with the existing platted lots.

Motion by Mac McKinney to approve the Lot Split with City Staff conditions (see attached). Seconded by Minister Snell, the motion carried unanimously 4-0.

8. 1500 Daniels Road

City Planner Cechman stated that property located at 1500 Daniels Road is owned by the City and this is a request for approval of small scale comprehensive plan amendment to Commercial, and rezoning to C-2. Mr. Cechman requested the Board to postpone the subject item, since a citizen's concern has been submitted and City Staff would like to review the item and address the citizen's concern.

Mac McKinney inquired about the current use of the property. City Manager Bollhoefer responded that the City purchased the property to be used as a staging area for the

widening of Daniels Road. He added that the City's initial intentions for the property were to use it as a park area, but since its proximity to the bridge over the Turnpike the land does not have the appropriate ingress or egress. City Manager Bollhoefer also explained that since the property will essentially only be accessible through the property to the south, which is already zoned C-2, the City is now considering the rezoning of the subject property to commercial, but there are no immediate plans for development, as the City still needs the property for the construction of Daniels Road. Mr. Bollhoefer also noted that the City's goal was to sell the property and use the funds for the construction

of a park on the south area of the City; however, because of the citizen's concern City Staff would like to review the item.

Motion by Bob Buchanan to postpone the item to the May 01, 2006 Planning and Zoning Board meeting. Seconded by Minister Snell, the motion carried unanimously 4-0.

Final Plats

9. Cobblestone Subdivision

City Planner Cechman presented the Board with a request for approval of the final plat for Cobblestone Subdivision, an 84-unit single family residential gated community. He stated that the property received the appropriate approvals for preliminary plat and construction plans, and it is now requesting approval of the final plat. Mr. Cechman provided the Board with some photographs of the property and stated that City Staff recommends approval with the conditions included in the agenda package. He also provided the Board with a letter of objection from Mr. Ed Lynch.

City Manager Bollhoefer informed the Board that according to the City Code of Ordinances the Board can only disapprove a final plat if the plat deviates from the approved preliminary plat to the extent that such deviation is significant and not consistent with the intent and general lay-out. He added that the Board does not have the authority to deny the subject petition based in any arbitrary or capricious reason. City Manager Bollhoefer explained that if a member decides to deny the subject petition an explanation of the reasons will be necessary and those reasons must match the City Code of Ordinances, Section 110-151, and the Florida Statutes Chapter 177.

Ed Lynch, 660 Home Grove Drive, Winter Garden, approached the Board and stated that he was not familiar with the law mentioned by Mr. Bollhoefer, and stated that he believes the final plat may disagree with the intent of the initial plat. He explained that in his opinion the residential component for the subject property is being approved separately from an apparent commercial component on the corner of Daniels Road and Roper Road. Mr. Lynch spoke in opposition to the commercial portion on the subject property stating that the citizens from the south of the City do not need any more commercial development in the area. He also stated that he spoke to approximately 12 people in his neighborhood and they all stated that they are in opposition to the subject commercial

portion. He requested the Board postpone the item until a City Attorney was present, or deny the subject petition.

City Manager Bollhoefer explained that the commercial portion is not even part of the final plat being presented before the Board at this time. He emphasized again that the only reason a final plat could be denied is if it disagrees with the approved preliminary plat.

Acting Chairman Colin Sharman asked about the date the preliminary plat was approved. City Planner Cechman responded that it was approximately two and a half years ago. He added that the commercial corner went through the comprehensive plan amendment process to amend it to neighborhood commercial, which is a more restrictive commercial category where the City will have more control of the prospective uses.

Acting Chairman Colin Sharman asked if the current zoning on the corner of Daniels Road and Roper Road is R-1. City Planner Cechman responded affirmatively.

Motion by Mac McKinney to approve the Final Plat with City Staff conditions (see attached). Seconded by Bob Buchanan, the motion carried unanimously 4-0.

10. Foxcrest Subdivision – Village 3 at Stone Crest

Planner Byers presented the Board with a request for final plat approval for Foxcrest Subdivision (*Village 3 at Stone Crest*), a 112-unit single family community located on Daniels Road. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

Mac McKinney inquired about the construction of the new portion of Daniels Road. City Manager Bollhoefer responded that the construction will begin around the end of April or the beginning of May 2006.

Motion by Minister Snell to approve the Final Plat with City Staff conditions (see attached). Seconded by Mac McKinney, the motion carried unanimously 4-0.

11. Courtlea Park Subdivision

Planner Byers presented the Board with a request for final plat approval for Courtlea Park, a 43-unit single family subdivision located at Division Street and Ninth Street. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

Mac McKinney inquired about the location of the retention pond. Senior Planner Randall responded that Tract A is the retention area and that there is a drainage easement that runs down from lot 13 through lot 17.

Motion by Bob Buchanan to approve the Final Plat with City Staff conditions (see attached). Seconded by Minister Snell the motion carried unanimously 4-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:25 p.m.

APPROVED:

ATTEST:

Chairman Larry Bedsole

Planning Technician Lorena Blankenship