

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
FEBRUARY 5, 2007**

CALL TO ORDER

Acting Chairwoman Bea Deariso called the regular meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in City Hall Commission Chamber. The invocation was given followed by the Pledge of Allegiance. The roll was called and a quorum was declared present.

PRESENT: Acting Chairwoman Bea Deariso, Board Members Bob Buchanan, Jerry Carris, and Mac McKinney. Also present were Assistant City Attorney Dan Langley, City Manager Mike Bollhoefer, Economic Development Director Shelly Weidenhamer, Planning Director Edward Williams, Planner Regina McGruder, Planner Brandon Byers, and Planning Technician Leontyne James

ABSENT: Chairman Larry Bedsole, Secretary Tina Aldrich and Board Member Minister Xerxes Snell

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held December 04, 2006, with a correction in the fourth paragraph on page two, changing “Bert Daniels, 433 N. Main Street” to “Merv Daniels”.

Motion by Jerry Carris to approve the above minutes as amended. Seconded by Bob Buchanan, the motion carried unanimously 4-0.

Variances and Special Exception Permits

2. 140 Faulkner Street

Planner Byers presented the Board with a request for 140 Faulkner Street for approval of a 15 foot 5 inch rear setback variance that will allow the property owners to construct a 10’ X 23’ enclosed screen porch on the rear of the existing family home.

Motion by Jerry Carris to approve the Variance. Seconded by Mac McKinney, the motion carried unanimously 4-0.

3. 1500 E. Plant Street Barb Wire Fence SEP

Planner Byers presented the board with a request for 1500 E. Plant Street (also known as Strates Shows, Inc.) for approval of a Special Exception Permit to allow the owner to install barb wire fencing on his property. Mr. Byers explained that the City Code requires a special exception permit for barb wire fencing if a property is located in the C-2 zoning district, is visible from a residential zoned district and is also within 20' of a public road. The property meets all the requirements of the Code and would need a special exception permit. City Staff has reviewed the application and recommends approval with the condition that once the agriculture use has ceased, the applicant removes the barb wire fence.

Mac McKinney inquired if the adjoining property directly to the east of 1500 E. Plant Street currently has fencing. Planner Byers responded affirmatively.

Discussion concerning the placement of the barb wire fence along the residential area near Basin Street and Dunbar Avenue followed.

George Weston, general manager of Strates Shows, Inc., approached the Board and stated that it is his intention to fence the property along the 20 foot deep trench. Mr. Weston also added that there is a heavily wooded area that separates his property from the residential neighborhoods.

Jerry Carris suggested a correction be made that the "West Orange 4-H Club" be changed to the "West Orange F-H Club".

Motion by Jerry Carris to approve the special exception permit with the City Staff condition requiring the applicant to remove the barb wire fence, once agriculture use has ceased. Seconded by Bob Buchanan, the motion carried unanimously 4-0.

Rezoning and Comprehensive Plan Amendments

4. 186 S. Main Street

Planner McGruder presented the Board with a request for approval of Ordinance 07-04, amending the future land use map of the subject property from Low Density Residential to City Commercial, and Ordinance 07-05, Rezoning the subject property from R-2 to C-1. Ms. McGruder explained that the property currently has a vacant single-family home and that the applicant has proposed building an addition to the single family home as a site for a professional office. City Staff recommends approval of the ordinances.

Discussion followed on if the proposed addition will front on N. Main Street or on E. Smith Street.

Lisa Bennett and Sherry Loiacono, representing the applicant, approached the Board and stated that the proposed attached addition's frontage will be on Main Street, in order to keep most of the parking in the rear. Ms. Bennett and Ms. Loiacono stated the addition will mirror the architectural style of the property next door at 160 S. Main Street.

Mac McKinney asked if the applicants can construct the addition to the existing building without having to appear before the Board again i.e. requesting a setback variance. Planner McGruder stated the applicants will have to go through small site plan approval and will have to meet the setback requirements in order to build the addition and if they are unable to meet the setback requirements, the applicant may have to come before the Board at a later time. Ms. Loiacono stated that if the addition complies with the principal setbacks, the design will not look aesthetically pleasing.

Motion by Bob Buchanan to approve Ordinance 07-04 and Ordinance 07-05. Seconded by Mac McKinney, the motion carried unanimously 4-0.

5. Sessions School Site Large-Scale Comprehensive Plan Amendment

Planner McGruder presented the Board with a request for approval of the adoption of Ordinance 06-41, to the Department of Community Affairs amending the Future Land Use Map of the City of Winter Garden's Comprehensive Plan by changing the Future Land Use designation of the property generally described as 40.9 acres of land located south and west of Siplin Road and east of County Road 545 from Orange County Agriculture to City Public Facility and Education. The property was annexed into the City in 1994. City Staff recommends approval of the adoption.

Motion by Bob Buchanan to approve the Adoption of Ordinance 06-41. Seconded by Jerry Carris, the motion carried unanimously 4-0.

Lot Split

6. 1330 Winter Garden – Vineland Road

Planner Byers presented the Board with a request of a lot split for 1330 Winter Garden – Vineland Road that would subdivide the property into two lots. City Staff has reviewed the application and recommends approval with the condition that the entire property be platted in the future.

Mac McKinney inquired if there is an existing building. Planner Byers responded affirmatively and that the existing building will be removed. StarChild Academy is currently under site plan review.

Discussion followed concerning the platting of the property; the utilities, easements and access to Winter Garden – Vineland Road. Planner Byers stated that along with the condition of the entire property being platted, no certificate of occupancies will be

granted until final plat has been approved by the City Commission and recorded with Orange County.

Assistant City Attorney Langley inquired on whether a Hold Harmless Agreement would be required before plat approval and Certificate of Occupancy are issued. Planner Byers responded affirmatively. Mr. Langley also asked if the applicant is creating a lot without access to the Right-of-Way. Mr. Byers responded affirmatively and stated that is the reason why the property will need to be platted.

Mr. Anil Sant, property owner of StarChild Academy, approached the Board to explain the purpose of the requested lot split which is to close on the sale of the property and apply for building permits to begin construction. Mr. Sant also stated he will comply with City Staff conditions regarding the platting of the property before certificate of occupancies are issued. The front lot will be turned into office space and small businesses and the rear lot will house StarChild Academy.

Assistant City Attorney Langley requested to put on record, for the protection of the City, that the property owners are aware that they are taking the risk of purchasing a property that has no access to public Right of Way and the City is not liable for any agreements between private property owners.

Motion by Mac McKinney to approve the lot split with the City Staff condition that the entire property be platted and no Certificate of Occupancy will be granted until the final plat has been approved by the City Commission and recorded with Orange County. Seconded by Bob Buchanan, the motion carried unanimously 4-0.

Site Plan

7. City Hall

Planner McGruder presented the Board with a request of site plan approval for the new City of Winter Garden's City Hall. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

Discussion followed concerning detailed landscaping plans for the new City Hall.

Marc Black, Construction Manager for the proposed City Hall, approached the Board to answer questions.

Bob Buchanan inquired if the above mentioned site plan would appear before the Planning and Zoning Board again. Planner McGruder responded negatively.

City Manager Mike Bollhoefer suggested that Marc Black work with Jerry Carris to discuss issues related to the landscaping of the proposed City Hall. Mr. Black stated he would need the details as soon as possible to give to the project's landscape architect, Mr. Carris responded affirmatively.

Discussion then followed concerning the drainage and storm water system.

Bea Deariso and Mac McKinney inquired in the height of the proposed City Hall, Mr. Bollhoefer stated it is 48' to the top of the parapet wall. Mr. McKinney suggested an ordinance be enacted that would put a height restriction on new buildings located in the City's historic downtown area, since currently there is not one.

Motion by Bob Buchanan to approve the Site Plan with City Staff conditions included in the Fire Department's memorandum dated January 22, 2007, the Engineering Department's memorandum dated January 26, 2007, and the Planning Department's memorandum of February 1, 2007 (see attached). Seconded by Mac McKinney, the motion carried unanimously 4-0.

After the motion was carried, Mike Bollhoefer stated that the City is currently in the process of drafting an ordinance for architectural standards for the downtown area. This would create an architectural review board in the City and any project in the city would have to go through that process.

Other Business

8. City of Winter Garden Planning and Zoning Board Workshop

Dan Langley passed out a summary of procedures for newly elected Planning & Zoning Board members and asked the current members to review the item and bring up any questions and/or comments to the next Planning & Zoning Board Meeting.

9. Notice of Resignation – Bea Deariso

Bea Deariso announced that this would be her last Planning & Zoning Board Meeting. Ms. Deariso will submit her letter of resignation shortly after February 12, 2007.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:13 p.m.

APPROVED:

ATTEST:

Chairman Larry Bedsole

Planning Technician Leontyne James