

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

CALL TO ORDER

Chairman Larry Bedsole called the regular meeting of the City of Winter Garden Planning and Zoning Board to order at 6:31 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: Chairman Larry Bedsole, Board Members Bob Buchanan, Jerry Carris, Mac McKinney, Xerxes Snell and James Balderrama. Also present were Assistant City Attorney Dan Langley, City Manager Mike Bollhoefer, Assistant City Manager Marshall Robertson, Planning Director Edward Williams, Planner Regina McGruder, Planner Brandon Byers, and Planning Technician Leontyne James

ABSENT: Secretary Tina Aldrich

ADMINISTRATION OF OATH OF OFFICE

Assistant City Attorney Dan Langley administered the Oath of Office to new Board Member James Balderrama.

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held February 5, 2007, with a correction in the fifth paragraph on page two, changing “West Orange F-H Club” to “West Orange FFA Club”.

Motion by Bob Buchanan to approve the above minutes as amended. Seconded by Jerry Carris, the motion carried unanimously 6-0.

Variances and Special Exception Permits

2. 128 Timbercreek Pines Circle Variance

Planner Byers presented the Board with a request for 128 Timbercreek Pines Circle for approval of a 5 foot rear setback variance that will allow the property owners to construct a 12' X 35' enclosed screen porch on the rear of the existing single family home. City Staff reviewed the request and recommended approval.

Motion by Jerry Carris to approve the Variance. Seconded by Mac McKinney, the motion carried unanimously 6-0.

3. 231 E. Lafayette Street Variance

Planner Byers presented the board with a request for 231 E. Lafayette Street for approval of a 25' lot width variance and a 1,250 square foot lot area variance to construct a single family home on the existing vacant lot. City Staff reviewed the application and recommended approval.

Susan Brown, 235 E. Lafayette Street, Winter Garden, approached the Board and spoke in opposition to the subject petition, stating there would be a problem with parking and the length of the lot width.

Bob Buchanan and Mac McKinney asked if City Staff had a drawing of the proposed house and how it would sit on the lot. Planner Byers responded negatively stating the property owners would still have to meet the setbacks when constructing said house. Mr. Byers also stated that if the Board decided to deny the variance request, the lot would remain vacant.

Blanca Arrona (and her daughter), property owner of 231 E. Lafayette Street, Winter Garden, approached the Board to answer questions. The property owner stated they would like to build a small house that would comply with the Code's setback requirements and also stated that there are other houses in the area that have lot widths of 50'.

Jerry Carris raised some concerns in regards to the lot area in which Planner Byers stated the property owners would need a 1,250 square foot lot area variance since it does not meet the 7,500 square foot lot area the code requires.

Bob Buchanan stated the City recently approved several properties on the east side of Winter Garden and in Stoneybrook West where the properties had small lot areas.

Mr. Buchanan also asked if the property owners would have to come before the Board in order to construct the home. Larry Bedsole responded negatively stating the property owners would only have to come before the Board if the house cannot meet the required setbacks.

Planner Byers stated that the neighboring houses have 50' lot widths and stated the average square footage of the houses are between 1,000-1,250 square feet.

Assistant City Attorney Langley inquired if this is a platted lot of record. Planner Byers responded in the affirmative. Mr. Langley stated that the Board did not have justification to deny this variance as the City approved this parcel with a 50' lot width before the enactment of the current zoning ordinance.

Jerry Carris also stated that this is a property rights situation and if the Board turns down the variance then the property owners could bring this matter before a court of law since they have a right to use their property.

Mac McKinney raised the issue that the applicants can come before the Board to request front, side and rear yard setback variances. Larry Bedsole stated if the property owners decide to reappear before the Board requesting additional variances then the Board can choose to reject the petition.

Motion by Bob Buchanan to approve the variance. Seconded by Jerry Carris, the motion carried unanimously 6-0.

4. 990 E. Crest Avenue Variance

Planner McGruder presented the board with a request for 990 E. Crest Avenue for approval of a variance to place an open carport in the rear of the existing single family home. City Staff reviewed the petition and recommended approval.

Motion by Mac McKinney to approve the variance. Seconded by Bob Buchanan, the motion carried unanimously 6-0.

5. 22 E. Story Road SEP

Planner McGruder stated that the applicant has withdrawn their application for a special exception permit.

Rezoning and Comprehensive Plan Amendments

6. 12921 Reaves Road – Annexation, SSCPA & Rezoning

Planner Byers presented the Board with a request for approval of Ordinance 07-06, annexation of subject property; Ordinance 07-07, amending the future land use map of the subject property from Orange County Rural to City Commercial; and Ordinance 07-08, rezoning the subject property from Orange County Residential to City C-3. City Staff reviewed the request and recommended approval.

Maureen Watford, 12929 Reaves Road, Winter Garden (*adjacent property owner to the north*), approached the Board and expressed that her only concern was that she did not want a convenience store placed next door to her but after speaking with City Staff she found out that C-3 zoning (the proposed zoning for the property) does not allow that type of use. Ms. Watford indicated she is in favor of an office building since they would be

quiet night neighbors. Ms. Watford also stated she does not mind annexation of the subject property and would like reassurance that a gasoline station or retail will not be placed at the above mentioned property.

Edward Lynch, 660 Home Grove Drive (*Stonecrest*), Winter Garden approached the Board in opposition stating that residents of the nearby Winter Garden Village at Fowler Groves project were assured that there would be no expansion of commercial outside of its area. He stated commercial attracts more commercial. Mr. Lynch also added he does not believe this particular parcel will have a major impact on the surrounding area however he believes the request should be turned down because it is so close to other commercial areas such as Fowler Groves and State Road 50.

Robert Watford, 12929 Reaves Road Winter Garden (*adjacent property owner to the north*), inquired if there would be any underground utility costs that they, as neighboring home owners, would incur. City Manager Bollhoefer stated surrounding home owners would only incur costs if in the event they wanted to tap into the City lines but this would be solely the home owner's choice.

Assistant City Manager Robertson mentioned that the City is currently running a water line along Reaves Road from Stoneybrook West Parkway and indicated for homeowners not to be alarmed when they see construction.

James Balderrama stated that there is already available vacant office space in Winter Garden. City Manager Bollhoefer stated there is currently a deficit in office space of approximately 500,000 square feet. Mr. Balderrama also raised issues related to direct access to the S.R. 429 and Stoneybrook West Parkway and increased commercial usage in District 4. He mentioned there is still available storefronts/out-parcels at the Winter Garden Village at Fowler Groves. Larry Bedsole was also in agreement in regards to increased commercial use in residential areas.

Motion by Bob Buchanan to deny Ordinance 07-06, Ordinance 07-07, and Ordinance 07-08. Seconded by James Balderrama, the motion carried unanimously 6-0.

7. 12728 W. Colonial Drive – Annexation, SSCPA & Rezoning

Planner McGruder presented the Board with a request for approval of Ordinance 07-09, annexation of subject property; Ordinance 07-10, rezoning the subject property from Orange County C-3 to City C-2; and Ordinance 07-11, amending the future land use map of the subject property from Orange County Commercial to City Commercial. The property owners have submitted for site plan approval to Orange County in order to construct a commercial car wash. City Staff reviewed the request and recommended approval.

James Robinson, 523 Manderley Run, Lake Mary and property owner of subject property, approached the Board to answer any questions.

James Balderrama inquired if this was a self service or full service car wash. Mr. Robinson stated the proposed car wash is a flex serve car wash which is similar to the one located on Orange Blossom Trail in Orlando, FL. Mr. Balderrama also asked if the car wash will be located in the rear of the property near the existing residence. Mr. Robinson stated that a retention pond will be in the rear and the car wash will be in the front of the property. The machines will be at least 20' to 25' away from the home. Mr. Robinson also mentioned there will be full time attendants and the hours of operation will be around 8 a.m. to 8 p.m. which is typical of such a business.

Motion by Minister Snell to approve Ordinance 07-09, Ordinance 07-10, and Ordinance 07-11. Seconded by Bob Buchanan, the motion carried unanimously 6-0.

Lot Split

8. 80 E. Crest Avenue Lot Split

Planner McGruder presented the Board with a request of a lot split for 80 E. Crest Avenue that would subdivide the property into two 100' x 105' buildable lots. City Staff reviewed the application and recommended approval.

Motion by Mac McKinney to approve the lot split. Seconded by Jerry Carris, the motion carried unanimously 6-0.

Site Plan

9. Resurrection Catholic Church

Planner McGruder presented the Board with a request of site plan approval for the Resurrection Catholic Church Parish Hall Addition. City Staff reviewed the request and recommended approval with the conditions included in the agenda package.

Mac McKinney inquired if this was just an extension of the hall behind the church. Planner McGruder responded affirmatively and added that after completion of the addition, the portable buildings will be removed.

James Balderrama wanted clarification that the lot is located on S.R. 535. Planner McGruder responded in the affirmative. Mr. Balderrama also inquired if the property owners will replant the trees that will be torn down due to construction. Ms. McGruder responded affirmatively stating the property owners will be required to do tree mitigation.

Motion by Jerry Carris to approve the site plan with City Staff conditions included in the agenda package. Seconded by Mac McKinney, the motion carried unanimously 6-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:07 p.m.

APPROVED:

ATTEST:

Chairman Larry Bedsole

Planning Technician Leontyne James