

**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
JUNE 04, 2007**

**CALL TO ORDER**

**Chairman Larry Bedsole** called the regular meeting of the City of Winter Garden Planning and Zoning Board to order at 6:35 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: Tina Aldrich, Jerry Carris, Mac McKinney, James Dunn, Xerxes Snell, and James Balderrama. Also present were Assistant City Attorney Dan Langley, City Manager Mike Bollhoefer, Assistant City Manager Marshall Robertson, Planner Regina McGruder, Planner Brandon Byers, Planning Technician Leontyne James, and Planning Technician Lorena Blankenship.

**1. APPROVAL OF MINUTES**

Approval of minutes from regular meeting held May 07, 2007

*Motion by Jerry Carris to approve the above minutes. Seconded by Mac McKinney, the motion carried unanimously 7-0.*

**Variances & Special Exception Permits**

**2. 535 North Main Street - Variance**

Planner Byers informed the Board that on October 03, 2005, the applicant was granted several variances and lot split for property located at 535 North Main Street. The applicant also received a 365-day variance extension on July 10, 2006, however, that extension will expire prior to construction commencement and the applicant is now requesting approval of the same variances, which are:

Lot 186:

- 15' lot width variance
- 550 lot area variance
- 2' side setback variance

Lot 185:

- 35' lot width variance
- 3250' lot area variance

City Staff has reviewed the application, and has placed the following conditions:

1. The final design for the new house must have traditional downtown style of architecture such as front porches, framed windows, etc.
2. The size of the house must be greater than 1,400 s.f. and no more than 2,500 s.f.
3. At a minimum a front garage will need to be setback from the front house line by five feet. Ideally, the garage should be in the rear of the lot. If the garage is in the front, Staff suggests it is limited to a one car garage.

Planner Byers also noted that before construction the applicant is required to provide evidence that the previously approved lot split has been filed with the Orange County Property Appraiser's office.

Pam Phillips, 535 North Main Street, Winter Garden, approached the Board and in response to Tina Aldrich's question stated that they do not have a definite date to begin construction, but would like to keep their options open.

*Motion by Tina Aldrich to approve the following Variances for 535 N. Main Street: Lot 186: 15' lot width variance, 550 lot area variance, and 2' side setback variance; Lot 185: 35' lot width variance, and 3250' lot area variance with City Staff Conditions (see attached). Seconded by Jerry Carris, the motion carried unanimously 7-0.*

### **3. 807 Grand Regal Pointe - Variance**

Planning Technician James presented the board with a request for 807 Grand Regal Pointe for approval of a 4 foot rear yard setback variance to allow the property owner to construct an enclosed screen porch on the rear of the existing single family home. City Staff has reviewed the application and recommends approval.

*Motion by Jerry Carris to approve the Variance. Seconded by Mac McKinney, the motion carried unanimously 7-0.*

**4. 314 Daniels Pointe Drive - Variance**

Planner McGruder presented the board with a request for 314 Daniels Pointe Drive for approval of a 5 foot rear yard setback variance to allow the property owner to construct an enclosed screen porch on the rear of the existing single family home. City Staff has reviewed the application and recommends approval.

*Motion by Tina Aldrich to approve the 5 foot rear yard setback Variance. Seconded by Xerxes Snell, the motion carried unanimously 7-0.*

**Special Exceptions**

**5. 730 9<sup>th</sup> Street**

Planner McGruder presented the board with a request for approval of a Special Exception Permit for the property located at 730 9<sup>th</sup> Street to allow the operation of automobile sales in the C-2 zoning district. City Staff has reviewed the application and recommends approval with the following conditions:

1. Site can not exceed the maximum allowed Impervious Surface Ratio of 70% in the C-2 zoning category.
2. The maximum allowed vehicle storage/parking permitted on site can not exceed 7 vehicle limit which includes (3 vehicles in front and 4 vehicles in rear) not including the handicapped space.
3. All vehicle parking areas must be paved.
4. A minimum 6 foot opaque landscape buffer will be required along the west property line abutting the residential neighborhood and along the 9<sup>th</sup> Street frontage. All landscape plantings must be a minimum of 3 feet in height at the time of planting.
5. Only one paved driveway off 9<sup>th</sup> street will be permitted.

James Balderrama requested more clarification in regards to the number of vehicles allowed in the property (*seven*) and noted that a car sales operation will not enhance the appearance of the neighborhood. Mr. Balderrama also asked if the cars will have “for-sale” signs.

Tina Aldrich expressed concerns in regards to how the City could enforce the condition that only seven cars will be allowed on the property, and stated that she didn’t believe the proposed operation will be comparable for the existing building and space.

Planner McGruder explained that the property is zoned C-2, which allows car sale operations under the Special Exception Permit category.

City Manager Bollhoefer noted that the proposed business is a small operation, meeting clients by appointment only and arranging the sales via Internet. He added that the applicant will be allowed to place “for-sale” signs in the cars.

Jim Buttram, 1734 Nitta Place, Clermont, property owner of 730 9<sup>th</sup> Street, approached the Board and explained the nature of the proposed business. He stated that it will be internet sales, with two employees only, meeting clients by appointment only. He added that he is willing to comply with the City’s requirement to provide landscaping and stated that seven (7) cars in the lot will not negatively affect the appearance of the surrounding area.

In response to Jerry Carris’ question, Mr. Buttram stated that he is the property owner but he is leasing the property to a young couple.

Frank Churaman, 357 Regal Downs Circle, Winter Garden (*Regal Pointe Subdivision*) approached the Board and spoke in opposition to the subject request, stating that there are already several car sale businesses on 9<sup>th</sup> Street. He expressed concerns related to traffic and safety and added that they did not want more commercial activities so close to their community.

Sheikh Baksh, 200 Regal Down, Winter Garden (*Regal Pointe Subdivision*) approached the Board and spoke in opposition to the subject request, explaining that the entrance to their community is on 9<sup>th</sup> Street, and that the proposed operation is not compatible with the residential area. He stated that the proposed business will increase the traffic in the area, and that painting or repairing materials might be displayed on the property

***Motion by Tina Aldrich to deny the Special Exception Permit petition. Seconded by James Balderrama, the motion carried 5-2; Jerry Carris and Mac McKinney opposed.***

**6. 227 South Main Street**

Planner McGruder presented the board with a request for approval of a Special Exception Permit for property located at 227 South Main Street to allow the operation of a Children Day Care Center in an R-2 zoning district. City Staff has reviewed the application and recommends approval with the following conditions:

1. Maximum allowed occupancy is thirty (30) students.
2. Must provide an approved “**staggered**” drop off and pick up plan with designated time frames for students/children.
3. Minimum of seven (7) paved parking spaces required.
4. Must meet State playground requirements for Daycare Center and all staff requirements for small site plan approval.

Planner McGruder clarified that the applicant for the subject request is the Montessori School. Ms. McGruder provided the Board with a copy of an email stating opposition

from Tina Willis and John Schutz, and also a copy of an email stating opposition from William Grimes.

James Balderrama asked if the proposed operation is a day care or a school. Planner McGruder responded that the proposed operation is a Pre-School, but because of the ages of the students, it does not follow under the category of private schools.

William Grimes, 21 E. Maple Street, Winter Garden (*adjacent property owner to the east of the subject property*), approached the Board and spoke in opposition to the subject request, stating that the dropping off and picking up of the children will increase the traffic and congestion on the narrow Maple Street.

Spencer Barske, 234 S. Main Street, Winter Garden, approached the Board and spoke in opposition to the subject request, stating that traffic is very heavy at that particular intersection. He also inquired about the staggered parking, and asked if the house will aesthetically remain the same.

Sheri Loiacono, of Windsor Realty, applicant representing the property owner and the interested buyer, approached the Board and gave a background of the Montessori School, and its operations. She stated that the proposed parking area will include seven (7) parking spaces with an additional handicapped parking space, and added that there will be a maximum of thirty (30) pre-school students, whose parents will drop off at different times during the day. She also explained that the residential structure will remain the same, but it will be enhanced and beautified.

John Schutz, 235 S. Boyd Street, Winter Garden, approached the Board and stated that he is not against the Montessori School concept, but against the proposed location. He added that the proposed business will change the character of the neighborhood, and stated that thirty (30) parents coming and going will create a lot of traffic in the area.

Tina Willis, 235 S. Boyd Street, Winter Garden, approached the Board and spoke in opposition to the subject request, stating that the proposed business will increase the noise and traffic in the area. She mentioned that the surrounding residents were not given enough notice. She added that they would like the area to remain residential, and if the City approves this business it will be the first exception, which will be the beginning of commercial uses coming into the area. Ms. Willis noted that the City Code does not allow off-street parking in front yards of residential districts. She strongly opposed to the proposed Montessori School at the subject location.

Clem Godin, 203 S. Main Street, Winter Garden, approached the Board and stated that she was not in opposition to the proposed operation, but inquired about the signage to be allowed on the property. Planner McGruder responded that the applicant will need to meet the sign code requirements for R-2 zoning, and limited signage will be allowed on the property.

Intensive discussion followed among the Board Members, the applicant, City Manager Bollhoefer, Planner McGruder, and Ms. Willis in regards to issues related to the proposed business, such as the uses allowed in the property, the difference between Pre-Schools and Private Schools, the concept and authenticity of Montessori School, the amount of students at the site, the parking area, the off-street parking, the landscaping or fencing, the location of the play ground in the property, the flow of traffic at the intersection, the oaks trees located on the site and whether or not they could be saved, the notice given to the residents in the area, and the possible conditions the Board may impose if the proposed operation is approved.

City Manager Bollhoefer explained some elements in regards to economic development in the City, and stated that one of the City's plans is to create an overlay zoning for the residential areas located between Plant Street and Smith Street and between Dillard Street and Park Avenue. This transitional zoning will allow professional offices, but the businesses will have the appearance of residential homes.

Planner McGruder informed the Board that notification was sent to the residents fifteen (15) days prior to the date of this meeting and the buffer was intentionally extended from the required three hundred (300) feet to seven hundred and fifty (750) feet to ensure the residents were properly informed.

***Motion by Mac McKinney to postpone the item until the next Planning and Zoning Board meeting. Seconded by James Balderrama.*** Discussion took place among the Board Members, the applicant, and City Manager Bollhoefer in regards to the residents concerns and other potential locations for the proposed operation. ***The motion carried unanimously 7-0.***

### **Variance Extension**

#### **7. 1011 West Bay Street**

Planner McGruder presented the board with a request for 1011 West Bay Street, for approval of a 365-day extension of a 4 foot side yard setback variance (*west side*) to build a single family home. This variance was previously approved by the Planning and Zoning Board on June 05, 2006. City Staff has reviewed the application and recommends approval.

***Motion by Tina Aldrich to approve the Variance Extension. Seconded by Jerry Carris, the motion carried unanimously 7-0.***

### **Site Plans**

#### **8. Zion Lutheran Church – 16161 Marsh Road**

Planner Byers presented the board with a request for site plan approval for Zion Lutheran Church located on Marsh Road (16161 Marsh Road). This project previously received a Special Exception Permit on November 06, 2006 to allow a daycare and church in the Avalon Reserve Planned Unit Development. City Staff has reviewed the application and recommends approval with the conditions included in the Agenda Package.

*Motion by Jerry Carris to approve the Site Plan with City Staff conditions (see attached). Seconded by Tina Aldrich, the motion carried unanimously 7-0.*

### **Final Plat**

#### **9. Daniels Road Business Park**

Planning Technician James presented the board with a request for final plat approval for Daniels Road Business Park located on West Colonial Drive and Daniels Road. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

*Motion by Mac McKinney to approve the Final Plat, with City Staff conditions (see attached). Seconded by Jerry Carris, the motion carried unanimously 7-0.*

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:57 p.m.

**APPROVED:**

**ATTEST:**

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**Chairman Larry Bedsole**

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**Planning Technician Lorena Blankenship**