

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
JULY 09, 2007**

CALL TO ORDER

In absence of Chairman Larry Bedsole, and Secretary Tina Aldrich, *Mac McKinney motioned to appoint Jerry Carris as Acting Chairman for tonight's meeting. Seconded by James Dunn the motion carried unanimously 4-0.*

Acting Chairman Jerry Carris 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: Board Members: Jerry Carris, Mac McKinney, James Dunn, and James Balderrama. Also present were Assistant City Attorney Dan Langley, City Manager Mike Bollhoefer, Assistant City Manager Marshall Robertson, City Planner Edward Williams, Planner Regina McGruder, Planner Brandon Byers, Planning Technician Leontyne James, and Planning Technician Lorena Blankenship.

ABSENT: Chairman Larry Bedsole, and Board Members Tina Aldrich and Xerxes Snell.

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held June 04, 2007

Motion by James Balderrama to approve the above minutes. Seconded by James Dunn, the motion carried unanimously 4-0.

Variances & Special Exception Permits

2. 232 Timbercreek Pines Circle - Variance

Planning Technician James presented the Board with a request for approval for 232 Timbercreek Pines Circle for a 6 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 James Balderrama to approve the 6 foot rear yard setback Variance. Seconded by Mac McKinney, the motion carried unanimously 4-0.

3. 837 Home Grove Drive - Variance

Planner Byers presented the board with a request for 837 Home Grove Drive for approval of a 14 foot rear yard setback variance to allow the property owner to construct a pool enclosure with a partially solid roof. City Staff has reviewed the application and recommends approval.

Keith Jones, 4100 Maverick Court, Sanford, Florida, applicant representing the property owner, approached the Board to answer questions.

James Balderrama asked if the applicant has received a letter of approval from the community's Homeowners Association. Mr. Jones responded affirmatively and showed the letter to Mr. Balderrama.

Motion by James Dunn to approve the 14 foot rear yard setback Variance. Seconded by Mac McKinney, the motion carried unanimously 4-0.

4. 220 Seminole Street – Special Exception Permit

Planner Byers presented the board with a request for 220 Seminole Street for approval of a Special Exception Permit to allow the conversion of an existing single-family home into a professional office in the R-NC zoning district. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

Motion by Mac McKinney to approve the Special Exception Permit to allow the conversion of an existing single- family home into a professional office with all City Staff conditions (see attached). Seconded by James Balderrama, the motion carried unanimously 4-0.

5. Faith Family Church – Special Exception Permit

Planner McGruder presented the board with a request for approval of a Special Exception Permit for the property located at 305 Beulah Road to allow a private school in the R-1 zoning district. City Staff has reviewed the application and recommends approval with the following conditions: the Special Exception Permit has a 2 year limit and will expire after 2009; the maximum number of students shall be 200; and night-time activities will not be allowed.

Motion by James Dunn to approve the Special Exception Permit petition. Seconded by James Balderrama, the motion carried 4-0.

6. 227 South Main Street

James Balderrama moved to take the subject item from the table. Seconded by Mac McKinney the motion carried unanimously 4-0.

Planner McGruder explained that this is a request for approval of a Special Exception Permit for property located at 227 South Main Street to allow the operation of a Children’s 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 and informed the Board that approximately 200 public notices were mailed out, using a 750 feet buffer to ensure the residents were properly informed.

William Grimes, 21 E. Maple Street, Winter Garden (*adjacent property owner to the east*), approached the Board and expressed concerns related to traffic issues.

Lisa Eldridge, 219 S. Main Street, Winter Garden (*adjacent property owner to the north*), approached the Board and spoke in support of the subject petition, stating that the Montessori School will be a benefit to the community.

Michelle Dulany, founder of the Montessori School, approached the Board and gave a background history of her institution, explaining in detail the nature of their operations, their curriculum and program. She added that they will improve the appearance of the property, and explained the staggered drop-off and pick-up idea. Ms. Dulany also provided the Board with a list of signatures from neighbors expressing support of the subject petition (*see attached*).

James Balderrama expressed concerns in regards to commercial activities coming into residential areas.

City Manager Bollhoefer explained that as an effort to revitalize some residential areas in the area, the City is planning on creating a transitional zoning overlay district, which will allow professional offices in residential areas, but the businesses will have the appearance of residential homes. He added that the City believes that this transitional zoning will be a logical progression for Main Street, where there are numerous neglected rental properties.

Melissa Hessert, 14113 Lake Tilden Boulevard, Winter Garden, approached the Board and spoke in support of the subject petition.

Acting Chairman Jerry Carris expressed his support to the subject petition.

Motion by James Dunn to approve the Special Exception Permit for property located at 227 S. Main Street with City Staff conditions. Seconded by Mac McKinney the motion carried unanimously 4-0.

Variance Extension

7. Apex Commerce Center (lots 1 & 2)

Planning Technician James presented the board with a request for Apex Commerce Center Phase II and III for a 365-day extension of a variance previously approved by the Planning and Zoning Board on August 7, 2006 for an impervious surface ratio variance of 6.5% for 310 East Crown Point Road and 6% for 330 East Crown Point Road. City Staff has reviewed the application and recommends approval.

Motion by James Balderrama to approve the Variance Extension. Seconded by Mac McKinney, the motion carried unanimously 4-0.

Rezoning & Comp Plan Amendments

8. Windtree Professional Center

Planning Technician James presented the board with a request for approval of Ordinance 07-23 and Ordinance 07-24; amending the future Land Use map for the Windtree Professional Center from Medium Density Residential to Commercial and rezoning the property from R-3 to C-2. Ms. James explained that while reviewing a Business Tax application for the Windtree Professional Center on S.R.50 the City discovered that the existing businesses are not compatible with the current zoning and future land designation of high-density residential. Although existing businesses can still operate under the non-conforming use ordinance, it makes more sense to rezone the property to a compatible commercial zoning district. City Staff recommends approval to the rezoning and the amendment to the future land use map.

Mac McKinney asked if the adjacent properties were currently zoned C-2. Planning Technician James responded affirmatively.

Motion by James Dunn to approve Ordinance 07-23 and Ordinance 07-24. Seconded by James Balderrama, the motion carried unanimously 4-0.

Site Plans

9. Bethlehem Missionary Baptist Church

Planner McGruder presented the board with a request for site plan approval for Bethlehem Missionary Baptist Church located at 55 Center Street. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

Motion by Mac McKinney to approve the Site Plan with City Staff conditions (see attached). Seconded by James Dunn, the motion carried unanimously 4-0.

10. Exotic Car Transport – 1207 E. Story Road

Planner McGruder presented the board with a request for site plan approval for Exotic Car Transport located at 1207 East Story Road. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

Motion by James Balderrama to approve the Site Plan with City Staff conditions (see attached). Seconded by Mac McKinney, the motion carried unanimously 4-0.

11. Sun Trust Bank (Avamar Outparcel B)

Planner Byers presented the board with a request for site plan approval for Sun Trust Bank, Outparcel B of the Avamar Retail project located on C.R.545. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

Justin Polk, of CPH Engineering, approached the Board to answer questions. City Attorney Langley asked if the applicant was aware and in agreement with the joint Developers Agreement to be executed with the Avamar Retail Center. Mr. Polk responded affirmatively.

Motion by James Dunn to approve the Site Plan with City Staff conditions (see attached). Seconded by James Balderrama, the motion carried unanimously 4-0.

Final Plats

12. Oakland Park Phase 1A

Planner McGruder presented the board with a request for final plat approval for Oakland Park Phase 1A located on the west side of Tildenville Road and north of E. Oakland Avenue. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

Mac McKinney inquired about drainage easements, stating that they were not included in the plans.

David Kelly, of McIntosh and Associates, applicant representing the Developer, approached the Board and explained that three drainage easements are included in future phases of the development, which will be platted at a later time

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

13. Stoneybrook West Unit 8 – Parcel 17

Planner Byers presented the board with a request for final plat approval for Stoneybrook West Unit 8 (parcel 17) located on the east side of C.R.545. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

James Balderrama asked if the subject parcel was part of the Stoneybrook West Subdivision master plan. Planner Byers responded affirmatively.

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

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:15 p.m.

APPROVED:

ATTEST:

Chairman Larry Bedsole

Planning Technician Lorena Blankenship