

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
AUGUST 06, 2007**

CALL TO ORDER

Chairman Larry Bedsole called the regular meeting of the City of Winter Garden Planning and Zoning Board to order at 6:34 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, James Dunn, Xerxes Snell, and James Balderrama. Also present were Assistant City Attorney Dan Langley, City Manager Mike Bollhoefer, Assistant City Manager Marshall Robertson, Planning Director Ed Williams, Commissioner Bob Buchanan, Planner Regina McGruder, Planner Brandon Byers, Planning Technician Leontyne James, and Planning Technician Lorena Blankenship.

ABSENT: Board Member Mac McKinney

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held July 09, 2007

Motion by Jerry Carris to approve the above minutes. Seconded by James Dunn, the motion carried unanimously 6-0.

Variances & Special Exception Permits

2. 758 Citrus Cove Drive - Variance

Planning Technician James presented the Board with a request for approval for 758 Citrus Cove Drive for a 9 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 9 foot rear yard setback Variance. Seconded by Jerry Carris, the motion carried unanimously 6-0.

3. 2650 Shirehall Lane - Variance

Planning Technician James presented the board with a request for 2650 Shirehall Lane for approval of a 2 foot side yard setback variance to allow the property owner to construct a screened enclosure on the rear of an existing single-family home. City Staff has reviewed the application and recommends approval.

Motion by Jerry Carris to approve the 2 foot side yard setback Variance. Seconded by James Dunn, the motion carried unanimously 6-0.

4. 219 E. Lafayette Street – Special Exception Permit

Planner Byers presented the board with a request for 219 E. Lafayette Street for approval of a 2 foot side yard setback variance, 50 foot lot width variance, 3750 square foot lot area variance, and 10 foot front setback variance to allow the property owners to build a two-family home. Mr. Byers explained that this property was an existing non-conforming property that was damaged during a house fire. There were two single-family homes on the lot. City Staff has reviewed the application and recommends approval.

Tina Aldrich asked if the property owner was building a shared driveway. Mr. Byers responded affirmatively, and added that City Staff asked the property owner to modify the existing house by improving the front façade of the building, and provide 4 parking spaces on site.

Eric Chokelal, 210 E. Lafayette Street, Winter Garden, approached the Board and spoke in opposition to the subject request, stating that the lot was too small to have a two-family home.

Kathryn Gayle, owner of the subject property, approached the Board and stated that the variance will improve the appearance of the house and also the parking situation.

Motion by Jerry Carris to approve the Variances with City Staff conditions (see attached). Seconded by James Dunn, the motion carried unanimously 6-0.

5. Church of the Messiah, 260 N. Woodland Street - Parking Variance

Planner McGruder presented the board with a request for approval of a reduction of the number of required parking spaces from 60 spaces to 58 spaces at the Church of the Messiah, located at 206 North Woodland Street. She added that the variance will allow the applicant the ability to save an existing 54” oak tree, and provided the Board with some photographs of the tree. City Staff has reviewed the application and recommends approval.

Jerry Carris informed the Board that he had exparte communication with the property owner. He added that the tree in question is a Laurel Oak, which would be better to be taken out instead of trying to save it. Mr. Carris stated that he was more concerned about the damaged tree located at the corner of the property, which has an 85 percent chance of living.

Rachel Christensen, civil engineer from Christensen and Associates, approached the Board and stated that the subject tree has been inspected by an arborist, who believed the tree could be saved.

The Board members and Ms. Christensen further discussed matters related to the subject tree and whether or not damage could be caused to the property if the tree falls.

*Motion by Tina Aldrich to approve the Parking Reduction Variance. Seconded by James Balderrama, Mr. Carris suggested the applicant places a floating footer to protect the two adjacent parking spaces. Ms. Christensen asked about the procedure to take the tree down in case they decide to do so. City Manager Bollhoefer responded that they would need to submit a permit to remove the tree. **The motion carried 6-0.***

Rezoning & Small-Scale Comp Plan Amendments

6. Oakland Commons PCD, 15275 W. Colonial Drive

Planner McGruder presented the Board with a request for approval of Ordinance 07-41; rezoning property located at 15275 W. Colonial Drive from City C-2 to City PCD (*Planned Commercial District*). City Staff has reviewed the request and recommends approval with the conditions included in the agenda package.

Alan Haughey, 11548 Derma Avenue, Orlando, applicant for the subject request, approached the Board and explained details related to their project.

James Balderrama required additional information in regards to the permitted use of eating and drinking establishments. Mr. Haughey responded that they will have anything permissible under the C-2 category, including sit-down restaurants.

Tina Aldrich inquired about the size of the establishments. Mr. Haughey pointed out a section on the conceptual plans identifying the sizes of the establishments.

James Balderrama inquired about the permitted uses of hotels and recreation and entertainment. City Manager Bollhoefer stated that the subject property is already zoned C-2, and added that one of the reasons the City is recommending approval of the reasoning to PCD is because the City will have more control over the permitted uses and restrictions. Mr. Bollhoefer explained that the request being presented today is for rezoning, and that the applicant will need to submit site plans for review and approval at a later time.

Discussion followed among the Board Members and City Manager Bollhoefer concerning traffic lights on S.R.50.

Sherri Loicano, 15150 Oakland Park, Winter Garden, (*adjacent property owner to the north*) approached the Board and stated that she was in support of the subject project, but expressed concerns related to lighting and noise. She also asked if a buffer or wall will be placed between the development and the adjacent properties to the north.

City Manager Bollhoefer responded that the developers are leaving a significant tree buffer on the northern side of the property.

Motion by Minister Snell to approve Ordinance 07-41 with City Staff conditions (see attached). Seconded by Tina Aldrich the motion carried unanimously 6-0.

7. Karr-Plant Street - Small Comp Plan Amendment

Planner Byers presented the Board with a request of approval of Ordinance 07-38, amending the future land use map of the City of Winter Garden's Comprehensive Plan for the Karr-Plant Street property from Low Density Residential to City Commercial. City Staff has reviewed the application and recommends approval.

Jim Hall, of Vannasse Hanger Brustin, Inc., applicant representing the property owner, approached the Board and requested the subject item be postponed to a later date, since they would like to have some community meetings to address the neighbors' concerns.

Planner Byers informed the Board that Ordinance 07-40 Rezoning the subject property from Density Residential to City Commercial was not part of the language included in the Staff report, but needs to be considered as part of the petition.

Tina Aldrich stated that Winter Oaks is the largest residential community closest to the subject property, but only few property owners received notification in regards to the subject request. She requested that the entire community be properly notified.

Motion by James Balderrama to postponed the item, Ordinance 07-38, and Ordinance 07-40 to a date to be determined. Seconded by James Dunn, the motion carried unanimously 6-0.

8. Nabers Property

Planner Byers presented the board with a request for approval of Ordinance 07-37 amending the future Land Use map of the City of Winter Garden's Comprehensive Plan from Low Density Residential to City Commercial for property located at the corner of Roper Road and Daniels Road. Mr. Byers stated that the applicant has requested to postpone the item to a date uncertain.

James Balderrama asked the applicant, Jim Hall, about the reason why he would like to postpone the Item. Mr. Hall stated that they would like to meet with the surrounding home owners to provide more information in regards to subject request.

Ed Lynch, 660 Home Grove Drive, Winter Garden, approached the Board and spoke in opposition to the subject request, stating that there were enough commercial operations in the area.

Deborah Eichen, 14217 Country Estate Drive, Winter Garden, approached the Board and spoke in opposition to the subject request.

Randy Nelms, 208 Autumn Oaks Loop, Winter Garden, approached the Board and spoke in regards to the Karr-Plant Street item. He asked that if the property is rezoned to commercial, will restrictions and guidelines, such as landscaping and architectural design be implemented? City Manager Bollhoefer responded that if approved, the property would be rezoned to PCD (*Planned Commercial District*) zoning district providing the City more control over the permitted uses, and guidelines and restrictions will be put in place. He also stated that the developers will be required to conduct community meetings with the neighbors.

Jim Hall, of Vannasse Hanger Brustin, Inc., 1005 W. 2nd Avenue, Windermere, approached the Board and stated that in regards to the Karr-Plant property, they will

request approval of a Planned Commercial District zoning and will organize meetings with the community to ensure all their concerns and questions are answered. Mr. Hall added that in regards to the Nabers property, they were aware of the sensitivity about the commercial operations in the area, and explained that they were thinking of small scale commercial uses. He added that they would like to talk with the neighbors and discuss the proposed uses, and what would be acceptable to the community.

Tom Reedy, 14217 Country Estate Drive, Winter Garden, approached the Board and spoke in opposition to the subject request.

Don Wigginton, 208 Meljane Drive, Winter Garden, approached the Board and spoke in regards to the Karr-Plant property, stating that if rezoned, they would like to see something attractive on the site. He also requested that his entire community, Oak Park Subdivision, be informed of the community meetings.

Frank Cauthen, 428 Main Street, Windermere, Florida, approached the Board and stated that he was involved in the development of Cobblestone Subdivision (*community across the street from the subject property*), which originally included 2 acres of neighborhood commercial. He spoke in support of the subject petition, stating that marketing studies support the development of commercial operations in the area.

James Balderrama stated that Winter Garden Village at Fowlers Groves is not open yet, and it is uncertain how much of an impact the adjacent residential areas will experience. He spoke in opposition to the subject request, and stated that perhaps after the mall opens, the applicant could present his petition again.

James Wolbern, 651 Groves End Lane, Winter Garden, approached the Board and spoke in opposition to the subject request, stating that until the new mall opens, the community does not know what it's true impact would be.

Jim Hall, approached the Board and stated that perhaps their petition was made hastily, since the community is concerned about the impact the new mall will create. He stated that their reason to postpone their item was to be able to meet with the community, and added that they believe there is a need for neighborhood commercial in the area. Mr. Hall requested the Board to postpone their item to a later date.

Motion by James Balderrama to deny Ordinance 07-37. Seconded by Jerry Carris, the motion carried 5-1, James Dunn opposed the motion.

Annexations & Large-Scale Comp Plan Amendments

9. Cantero Property

Planner Byers presented the board with a request for Annexation and Large-Scale Comprehensive Plan Amendment for the Cantero property. He explained that this property is part of the JPA 6 project and provided the Board with a map identifying the properties being annexed into the City. City Staff has reviewed the application and recommends approval of Ordinance 07-28, annexation of the subject property, and Ordinance 07-29, amending the future land use map of the City of Winter Garden's Comprehensive Plan for the subject property from Orange County Village to City Suburban Residential.

Ed Lynch, 660 Home Grove Drive, Winter Garden, approached the Board and spoke in opposition to the subject request.

Discussion followed among the Board Members, City Manager Bollhoefer, Planning Director Williams, and Mr. Lynch concerning elements related to the annexation and the large-scale comprehensive plan amendment.

Motion by Tina Aldrich to approve Ordinance 07-28, and Ordinance 07-29. Seconded by James Dunn, the motion carried unanimously 6-0.

10. Assaf Property

Planner Byers presented the board with a request for Annexation and Large-Scale Comprehensive Plan Amendment for the Assaf property, which is also part of the JPA 6 project. City Staff has reviewed the application and recommends approval of Ordinance 07-30, annexation of the subject property, and Ordinance 07-31, amending the future land use map of the City of Winter Garden's Comprehensive Plan for the subject property from Orange County Village to City Suburban Residential.

Motion by James Dunn to approve Ordinance 07-30, Annexation of the subject property, and Ordinance 07-31, amending the future land use map of the City of Winter Garden's Comprehensive Plan for the subject property from Orange County Village to City Suburban Residential. Seconded by Jerry Carris, the motion carried unanimously 6-0.

11. Cra-Mar Groves Property

Planner Byers presented the board with a request for Annexation and Large-Scale

Comprehensive Plan Amendment for the Cra-Mar Groves property, which is also part of the JPA 6 project. City Staff has reviewed the application and recommends approval of Ordinance 07-32, annexation of the subject property, and Ordinance 07-33, amending the future land use map of the City of Winter Garden's Comprehensive Plan for the subject property from Orange County Village to City Suburban Residential.

Motion by James Dunn to approve Ordinance 07-32, Annexation of the subject property, and Ordinance 07-33, amending the future land use map of the City of Winter Garden's Comprehensive Plan for the subject property from Orange County Village to City Suburban Residential. Seconded by Xerxes Snell, the motion carried unanimously 6-0.

12. McKinnon, Edward, et al

Planner Byers presented the board with a request for Annexation and Large-Scale Comprehensive Plan Amendment for the McKinnon, Edward, et al property, which is also part of the JPA 6 project. City Staff has reviewed the application and recommends approval of Ordinance 07-34, annexation of the subject property, Ordinance 07-35, amending the future land use map of the City of Winter Garden's Comprehensive Plan for the Edward's property from Orange County Village to City Suburban Residential, and Ordinance 07-36 amending the future land use map of the City of Winter Garden's Comprehensive Plan for the McKinnon property from Orange County Village to City Suburban Residential.

Ed Lynch, 660 Home Grove Drive, Winter Garden, approached the Board and asked about the total acreage of the properties involved in the JPA 6 project. Planner Byers answered his question. Mr. Lynch spoke in opposition to the subject request.

Discussion followed among the Board Members, City Manager Bollhoefer, Planning Director Williams, and Mr. Lynch in regards to matters related to the subject request.

Motion by James Balderrama to approve Ordinance 07-34, annexation of the subject property, Ordinance 07-35, amending the future land use map of the City of Winter Garden's Comprehensive Plan for the Edward's property from Orange County Village to City Suburban Residential, and Ordinance 07-36 amending the future land use map of the City of Winter Garden's Comprehensive Plan for the McKinnon property from Orange County Village to City Suburban Residential. Seconded by Minister Snell, the motion carried unanimously 6-0.

Lot Splits

13. 15240 Oakland Avenue (Macchi Property)

Planner McGruder presented the Board with a request for approval of a lot split of the existing 4.253 acre lot (Lot 1) into (3) residential lots that will contain: Lot 2, 1.00 acre lot; Lot 3, 0.9017 acre lot; and Lot 4, 0.873 acre lot. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package. The applicant is also required to record the lot splits with the Orange County Property Appraiser.

James Balderrama asked if a shared driveway will be constructed, and if the size of the proposed lots was consistent with the surrounding area. Ms. McGruder answered affirmatively.

Motion by Jerry Carris to approve the Lot Split with City Staff conditions (see attached). Seconded by James Dunn, the motion carried unanimously 6-0.

14. 367 North Park Avenue

Planner McGruder presented the Board with a request for approval of a 15 feet lot split on the north side of the property. She explained that the proposed lot split will create an 85' x 136' lot for the property located at 311 North Park Avenue and will create a 135' x 165 lot at 367 North Park Avenue. Both lots still meet the minimum lot size requirements. City Staff has reviewed the application and recommends approval. The applicant is also required to record the lot split with the Orange County Property Appraiser.

James Baker, 367 North Park Avenue, Winter Garden, approached the Board and clarified that the 15 feet will be added to Lot 9 with address of 367 North Park Avenue.

Motion by Tina Aldrich to approve the Lot Split. Seconded by James Balderrama, the motion carried unanimously 6-0.

Site Plans

15. Depot Plaza

Planner McGruder presented the Board with a request for site plan approval for Depot Plaza located at 14315 West Colonial Drive. City Staff has reviewed the application and recommends approval with the conditions included in the Engineering Department's memorandum of July 31, 2007.

In response to James Balderrama's question Ms. McGruder stated that the furniture store will have retail in the front of the building and warehouse in the rear to store some furniture.

Ramadam Seyam, of Zoser Design Group, approached the Board and stated that they will have on display some furniture in the front of the building and a storage area in the back of the building for small items. The large items will be kept at another location, and delivered to their customer from there.

Motion by Minister Snell to approve the Site Plan with City Staff conditions (see attached). Seconded by Jerry Carris, the motion carried unanimously 6-0.

16. Golden Pond Addition

Planner McGruder presented the Board with a request for site plan approval for Golden Pond addition located at 404 Lakeview Road. City Staff has reviewed the application and recommends approval with the conditions included in the Engineering Department's memorandum of July 31, 2007.

Motion by Jerry Carris to approve the Site Plan with City Staff conditions (see attached). Seconded by James Dunn, the motion carried unanimously 6-0.

City Manager Bollhoefer explained that the developers always have the option to present their petition before the Planning and Zoning Board, even if City Staff is recommending denial. He added that the reason this Board do not see a lot of recommendations for denial is because normally if the applicants do not receive City Staff approval, they do not continue with their projects any further.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:14 p.m.

APPROVED:

ATTEST:

Chairman Larry Bedsole

Planning Technician Lorena Blankenship