

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
SEPTEMBER 10, 2007**

CALL TO ORDER

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

ABSENT: Chairman Larry Bedsole and Board Member Xerxes Snell

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held August 06 09, 2007

Jerry Carris stated that page 3 has an incorrect statement about the tree in question, which has an 85 percent chance of dying not living.

Motion by Jerry Carris to approve the above minutes as amended. Seconded by James Balderrama the motion carried unanimously 5-0.

Variances & Special Exception Permits

2. 1075 Chase Drive - Variance

Planner Byers presented the Board with a request for approval for 1075 Chase Drive for an 11 foot rear yard setback variance to allow the property owner to construct a single family home. City Staff has reviewed the application and recommends approval.

John Spitulski, 1090 Chase Drive, Winter Garden, approached the Board and spoke in opposition to the subject request, stating concerns related to the drainage and elevation of the subject property. He added that the proposed house was too large and it would cause excessive storm water run-off. He also stated that the Island Pointe Homeowners Association met last week and was split on the decision, having a two-two vote.

Janet Cantrell, 1130 Chase Drive, Winter Garden, approached the Board and spoke in opposition to the subject request. She stated that she lives in the lowest lot of the subdivision and has drainage problems because of the underline water problem.

James Balderrama stated that included in the agenda package was a letter from Rob Ballentine stating that the Homeowners Association does not have any issues with the setback variance. Mrs. Cantrell stated that she is a member of the Homeowners Association and the HOA board voted two in favor, and two against it, but she added that the ARB (*Architectural Review Board*) approved it, just because it was a pretty house.

City Manager Bollhoefer asked Mrs. Cantrell if the ARB approved the request and the HOA denied it. She responded that only the ARB approved it.

City Attorney Langley asked Mrs. Cantrell if there was an appeal in regards to the HOA decision, since it was a split vote. Mrs. Cantrell responded affirmatively, and added that Mr. Ballentine (*Director of the ARB*) was in a rush and regretted his decision of approval.

In response to Tina Aldrich's question, Planner Byers stated that there is 6 foot drainage and utility easement on both sides of the lot which will drain into the storm water structure. He added that the drainage plan and finish floor elevation will be review by the Building Department. Mr. Byers also stated that the proposed home is 20 feet off the east side of the property line, and explained that because of the shape of the lot, the variance is needed only on the north eastern portion of the lot, but there is plenty of room on the north western portion of the lot.

Further discussion took place among the Board Members, City Attorney Langley, City Manager Bollhoefer, Assistant City Manager Robertson, and Mr. Spitulski, in regards to the subject request and the possible drainage problems.

Steve Blankenship, 1116 Brick Road, Winter Garden, applicant for the subject request, approached the Board, and in response to Tina Aldrich's question stated that the proposed house is one story with a bonus room above the garage. He stated that 75 % of the drainage will go to the front of the property, and added that because of the shape of the lot there will be 13 feet from the property line to the north eastern corner of the home and

30 feet from the property line to the north western corner of the home. Mr. Blankenship stated that the house located on lot 47 is only 16 feet from the rear property line.

City Manager Bollhoefer stated that perhaps the back area of the proposed home could be gathered to implement a system that would drain all the roof water to the front of the house, in that case the extra roof area will not make a difference since all the water will be going to the front of the lot, and not to the rear of the home.

Mr. Blankenship stated that the proposed home is in compliance with the impervious surface area requirements.

Rifaat Zakhary, 1070 Chase Drive, Winter Garden, approached the Board and spoke in opposition to the subject request stating that he considered buying the subject property, but couldn't find a house plan that would fit on the property. He added that everybody in their community had to obey the rules. Mac McKinney asked Mr. Zakhary if he had drainage problems on Chase Drive, Mr. Zakhary responded negatively. Mr. McKinney asked Mr. Zakhary if he believed the proposed home will create a drainage problem on Chase Drive, Mr. Zakhary responded negatively.

James Balderrama asked Mrs. Cantrell if the average size of the proposed home was in harmony with the rest of the existing homes in the subdivision. Mrs. Cantrell responded that it might be, and added that she spoke with John Crook (*adjacent property owner to the west of the subject lot*) who stated concerns about the drainage problems in his property.

Mac McKinney asked Mrs. Cantrell if she has approached the City in regards to the drainage problems in the community. She responded negatively.

Motion by Jerry Carris to table the item until the next Planning and Zoning Board meeting, and get a report from one of the City Engineers in regards to the drainage issues on property located at 1075 Chase Drive. City Attorney Langley asked City Manager Bollhoefer if he was in agreement with having one of the City Engineers perform a drainage analysis in regards to the subject property. Mr. Bollhoefer responded affirmatively. ***Seconded by James Balderrama, the motion carried unanimously 5-0.***

3. 40 Garden Avenue - Variance

Planner Byers presented the board with a request for 40 Garden Avenue for approval of a 19' rear setback variance, a 5' side setback variance, and a 8' height variance to construct a 30'-8" X 25' accessory structure in the back yard. Mr. Byers provided the Board with a copy of a letter of objection from the adjacent property owner. He explained that the Planning and Zoning Board approved the variances on December 5, 2005, but it has since expired. City Staff has reviewed the application and recommends approval with the condition that the structure can not be used as a living unit.

Kenneth Sumal, 40 Garden Avenue, Winter Garden, approached the Board and stated that the property owner objecting to the request lives out of the state and is currently renting the property.

Motion by James Balderrama to approve a 19' rear setback variance, a 7.5' side setback variance and an 8' height variance to construct an accessory structure with City Staff condition that the structure can not be used as a living unit. Seconded by Mac McKinney, the motion carried unanimously 5-0.

4. 936 Stagg Road – Special Exception Permit

Planner Byers presented the board with a request for approval of a Special Exception Permit for property located at 936 Stagg Road to allow the property owners to operate a boat, recreational vehicle, and automobile storage facility. City Staff has reviewed the application and recommends approval with the following conditions:

1. Must comply with the Engineering Department's memorandum dated August 16, 2007
2. Applicant must receive site plan approval prior to utilizing the site as a commercial business.
3. Site Plan shall significantly conform to the SEP plan with regards to the landscaping, berm, and screen wall feature.

Casidys Suvongse, S.K.Consoltium. Inc. 1053 N. Orlando Avenue, Maitland, Florida, approached the Board and stated that they agreed with City Staff conditions.

James Balderrama inquired about the lighting requirements. Planner Byers stated that the applicants will be required to comply with the S.R.50 Commercial Corridor Overlay standards regarding the lighting.

Motion by Mac McKinney to approve the Special Exception Permit with City Staff conditions (see attached) and including the condition that the developer must comply with the S.R.50 Commercial Corridor Overlay standards regarding the lighting. Seconded by James Dunn, the motion carried unanimously 5-0.

Rezoning & Small-Scale Comp Plan Amendments

5. 1 & 27 North Dillard Street – Small Scale Comprehensive Plan Amendment

Planning Technician James presented the board with a request for approval of Ordinance 07-42, amending the future land use map of the City of Winter Garden's Comprehensive Plan for this property from Low Density Residential to City Commercial and Ordinance

07-43 rezoning of this property from City R-2 to City C-1. City Staff has reviewed the application and recommends approval.

Motion by Jerry Carris to approve Ordinance 07-42, amending the future land use map of the City of Winter Garden's Comprehensive Plan from Low Density Residential to City Commercial and Ordinance 07-43, rezoning the subject property from City R-2 to City C-1. Seconded by James Balderrama, the motion carried 5-0.

Lot Split

6. South Lake Packinghouse – 1061 Tildenville School Road

Planner McGruder presented the Board with a request for approval of a lot split for property located at 1061 Tildenville School Road. She explained that the lot split will create 2 lots consisting of Parcel A, which will remain the same with existing buildings, and parcel B, which will be redeveloped with additional parking, landscaping and other staff required improvements and conditions. The Planning and Zoning Board previously approved a lot split for this parcel on May 1, 2006, and the applicant is requesting approval of a one time wavier that will allow the parcel to be split a third time without the required platting process. City Staff has reviewed the request and recommends approval with the condition that the existing commercial business must continue to comply with all restrictions of the existing nonconforming commercial code as defined in City Zoning Code Chapter 118-202, and all the conditions included in the Engineering Memorandum dated September 5, 2007.

Motion by James Dunn to approve the Lot Split for the existing Packinghouse and Commercial business for future redevelopment with City Staff conditions (see attached). Seconded by Jerry Carris the motion carried unanimously 5-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:32 p.m.

APPROVED:

ATTEST:

Chairman Larry Bedsole

Planning Technician Lorena Blankenship