

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
SEPTEMBER 08, 2008**

CALL TO ORDER

Chairman James Balderrama called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 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 James Balderrama, Vice-Chairman Jerry Carris, Board Members: James Dunn, Mac McKinney, Rohan Ramlackhan, and James Gentry. Also present were Assistant City Attorney Dan Langley, City Manager Mike Bollhoefer, Economic Development Director Dolores Key, Community Relations Manager Andrea Vaughn, Planning Director Ed Williams, Chief Planner Tim Wilson, Planner Brandon Byers, Planner Regina McGruder, and Planning Technician Lorena Blankenship.

ABSENT: Board Member Xerxes Snell

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held August 04, 2008

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

Variances and Special Exception Permits

2. 1500 Daniels Road - Variance & Special Exception Permit

Planner Byers presented the Board with a request for approval of a 30 foot rear yard setback variance, a 30 foot side yard setback variance, and a Special Exception Permit to allow a 50 foot tall storage tank, for property located at 1500 Daniels Road. If approved, this will allow the City of Winter Garden to construct the proposed Reclaimed Water Facility. City Staff has reviewed the application and recommends approval.

Motion by Mac McKinney to approve the Special Exception Permit. Seconded by James Dunn, the motion carried unanimously 6-0.

Annexation, SSCPA and Rezoning

3. 422 Magnolia Street - Variances

Planner McGruder presented the Board with a request for approval of Ordinance 08-44, annexation of subject property, Ordinance 08-45, amending the future land use of the property to Commercial, and Ordinance 08-46, rezoning the property to City C-2. City Staff has reviewed the petition and recommends approval.

Mac McKinney inquired about the definition of the word “contiguous” in the event that a county road is located between city owned property and the property to be annexed. City Attorney Langley clarified that Florida Statutes does not consider the right-of-way a barrier. This allows the City to annex property across the right-of-way provided an enclave is not being created.

Motion by Jerry Carris to approve Ordinance 08-44, annexation of subject property, Ordinance 08-45, amending the future land use of the property to Commercial, and Ordinance 08-46, rezoning the property to City C-2. Seconded by James Gentry, the motion carried unanimously 6-0.

4. Apex Commerce Center PCD (310, 330 & 350 E. Crown Point) - Rezoning

Chief Planner Wilson presented the Board with a request for approval of Ordinance 08-13, rezoning the subject property from City C-2 to City PCD for property located at 310, 330 and 350 East Crown Point Road. The applicant is requesting to change the current City C-2 zoning to City Planned Commercial District to allow light manufacturing and light industrial uses. Mr. Wilson explained that City Staff and the

Developer have been working together for a few months in regards to the PCD and the allowable uses. He added that the developer has held community meetings and several issues have been discussed with the adjacent neighborhoods, such as hours of operation, large truck deliveries, and the proposed uses and operations. City Staff has reviewed the application and recommends approval with the conditions in the site plan previously approved by the City Commission on January 26, 2006 and the conditions of the Engineering Department's memorandum of December 09, 2005 for Lot 3, located at 350 E. Crown Point Road; the site plan approved by the City Commission on December 28, 2006; and the conditions of the Engineering Department's memorandum dated November 08, 2006 for Lots 1 & 2 located at 310 and 330 East Crown Point Road.

Blair Johnson, 425 S. Dillard Street, Winter Garden, attorney representing the property owner, approached the Board and displayed elevations of the existing building on the subject property and stated that the Developer desires to build two more identical buildings. He added that by changing the zoning on the subject property, a more needed diversity of uses will be allowed. Mr. Johnson stated that they are pleased with the language in the Ordinance and asked the Board for their approval.

Board Members, City Staff and City Attorney Langley discussed some issues related to the Developers Agreement and the Developer's contribution for road improvements.

Mac McKinney inquired about the light manufacturing/industrial uses. Chief Planner Wilson responded that most of those uses will be assembling of high tech precision equipment. He added that any other use not included in the ordinance will be reviewed by City Staff on a case by case basis, since it is difficult to identify every specific type of use in those categories.

Motion by James Gentry to approve Ordinance 08-13 with City Staff conditions (see attached). Seconded by Jerry Carris, the motion carried unanimously 6-0.

Final Plats

5. Winter Garden Commerce Center

Planner McGruder presented the Board with a request for approval of final plat for Winter Garden Commerce Center located on Story Road. City Staff recommends approval with the conditions included in the Engineering Department's memorandum of September 8, 2008, the Legal Department's letter dated September 08, 2008, and the City Surveyor's letter dated September 08, 2008. The applicant must revise and resubmit the

final plat, Mylar, original performance bond, and signed and sealed Design Engineer's cost certification and all other supporting documents for staff review and approval prior to being scheduled for the City Commission meeting.

City Attorney Langley stated that he would like to amend his conditions to include that the Developer must correct the name of the company in the performance bond.

Motion by Jerry Carris to approve the Final Plat with City Staff conditions (see attached). Seconded by Rohan Ramlackhan the motion carried unanimously 6-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:52 p.m.

APPROVED:

ATTEST:

Chairman James Balderrama

Planning Technician Lorena Blankenship