

**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
DECEMBER 07, 2009**

**CALL TO ORDER**

Chairman Jerry Carris called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. The invocation was given followed by the Pledge of Allegiance. The roll was called and a quorum was declared present.

**MEMBERS PRESENT:** Chairman Jerry Carris, Vice-Chairman James Gentry, Board Members: Mac McKinney, James Dunn, Rohan Ramlackhan, Kent Horsley, and Mark Maciel.

**STAFF PRESENT:** City Attorney Dan Langley, Assistant Director of Operations Mike Kelley, Community Development Director Tim Wilson, Principal Planner Bill Wharton, Planner Brandon Byers, Planner Regina McGruder, and Planning Technician Lorena Blankenship.

**STAFF ABSENT:** City Manager Mike Bollhoefer

**1. APPROVAL OF MINUTES**

Approval of minutes from regular meeting held November 02, 2009.

*Motion by Kent Horsley to approve the above minutes. Seconded by James Gentry, the motion carried unanimously 6-0.*

**Variances & Special Exception Permits**

**2. 1500 Daniels Road**

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 52 foot tall storage tank, for property located at 1500 Daniels Road

in Winter Garden, Florida. If approved this will allow the City to construct the proposed Reclaimed Water Facility. Planner Byers reported that this property received approval for variances and a Special Exception Permit on September 08, 2008; however, the City was in the process of finalizing the construction drawings and the previous approval lapsed. The proposed variances and Special Exception Permit are the same as requested previously with the exception that the storage tank will be 2' taller.

*Rohan Ramlackhan arrived at 6:36 p.m.*

Mike Kelley, Public Services Assistant Director of Operations, approached the Board and in response to Kent Horsley's inquiry, stated that the difference between a reclaimed water facility and a potable water facility is that the reclaimed water is the end product or effluent treated out of the Wastewater Treatment Plant and gets re-distributed as irrigation water; potable water is pumped from the aquifer, treated and then distributed through the subdivisions lots as drinking water. He added that the City has three Potable Water Treatment Plants, one Wastewater Treatment Plant, and the Phase I, one million gallon Reclaimed Water Facility at Fullers Cross Road, which is currently pumping water to several subdivisions in the area.

Kent Horsley requested clarification regarding the setback variances. Planner Byers explained in more detail the terms of the requested variances.

***Motion by James Gentry to approve the 30 foot rear yard setback variance, a 30 foot side yard setback variance, and Special Exception Permit to allow a 52 foot tall storage tank for property located at 1500 Daniels Road. Seconded by Mac McKinney the motion carried unanimously 7-0.***

### **3. 910 Carter Road**

Planner Byers presented the Board with a request for approval for a Special Exception Permit to allow the property owner outside display and storage of boats and recreational vehicles. Mr. Byers explained that this property previously received a Special Exception Permit from the Planning and Zoning Board for this use on July 05, 2005. City Staff has reviewed the application and recommends approval with the conditions in the Development Review Committee's memorandum dated December 02, 2009. Mr. Byers added that the request for approval of the Site Plan will be presented before the City Commission on Thursday this week.

Kent Horsley inquired about comment # 3, from the Development Review Committee's memorandum, which requires the developer to stabilize the storage area with a minimum of 6" inch thick gravel over a 12" stabilized subbase. Mr. Horsley

asked if this increase of elevation on the property could cause drainage problems and negatively impact the adjacent property. Planner Byers responded that the City Engineers have reviewed the proposed plans to verify compliance with City Code and are comfortable with the drainage pattern.

John Herbert, of American Civil Engineering Company, engineer representing the property owner, approached the board to answer additional questions regarding the ditches around the property and the proposed drainage pattern.

***Motion by James Gentry to recommend approval of the Special Exception Permit with City Staff conditions (see attached). Seconded by James Dunn the motion carried unanimously 7-0.***

#### **Annexations, Rezoning & Comprehensive Plan Amendments**

##### **4. 13000 W. Colonial Drive**

Planner Byers presented the Board with a request of approval of Ordinance 10-02, annexation of 13000 W. Colonial Drive, Ordinance 10-03, small-scale comprehensive plan amendment of 13000 W. Colonial Drive from Orange County Commercial to City Commercial, and Ordinance 10-04, rezoning 13000 W. Colonial Drive from Orange County C-3 to City C-2. Mr. Byers added that there is an existing Auto Sales on the property, and the non-conforming status will be retained with the regulations and restrictions found in the non-conforming ordinance of the City Code. City Staff has reviewed the petition and recommends approval.

***Motion by James Dunn to approved Ordinance 10-02, annexation of 13000 W. Colonial Drive, Ordinance 10-03, small-scale comprehensive plan amendment of 13000 W. Colonial Drive from Orange County Commercial to City Commercial, and Ordinance 10-04, rezoning 13000 W. Colonial Drive from Orange County C-3 to City C-2. Seconded by James Gentry the motion carried unanimously 7-0.***

##### **5. Update to Comprehensive Plan Amendments – Ordinance 10-06**

Principal Planner Wharton presented the Board with a proposed text amendments to the Capital Improvement Element (CIE) of the Comprehensive Plan to update the 5-year Schedule of Capital Improvements in accordance with the annual update as required by section 163.3177 of the Florida Statutes. He added that the proposed changes to the Capital Improvement Element are consistent with the other elements in the City's Comprehensive Plan. This includes a finding that the policies, as amended,

will support the designated levels of service and facilities. Mr. Wharton also explained that in 2005, the State Legislature enacted Senate Bill 360 (SB360) which created multiple requirements for Growth Management including requiring annual updates to local government Comprehensive Plan's Capital Improvement Element.

*Motion by Mark Maciel to recommend approval of Ordinance 10-06, proposed text amendments to the Capital Improvement Element (CIE) of the Comprehensive Plan to update the 5-year Schedule of Capital Improvements in accordance with the annual update as required by section 163.3177 of the Florida Statutes. Seconded by James Dunn the motion carried unanimously 7-0.*

### **Miscellaneous**

#### **6. 1301 E. Bay Street**

Planner McGruder stated that City Staff request this item be tabled until the January 04, 2009 Planning and Zoning Board meeting.

*Motion by Mac McKinney to table the item until the January 04, 2009 Planning and Zoning Board meeting. Seconded by Kent Horsley the motion carried unanimously 7-0.*

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:58 p.m.

**APPROVED:**

**ATTEST:**

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**Chairman Jerry Carris**

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**Planning Technician Lorena Blankenship**