

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
APRIL 05, 2010**

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, Mark Maciel, and Kent Horsley.

STAFF PRESENT: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Parks and Recreation Director Jay Conn, Assistant to City Manager for Public Services Don Cochran, Planning Consultant Ed Williams, Community Development Director Tim Wilson, Principal Planner Bill Wharton, Planner Regina McGruder, and Planning Technician Lorena Blankenship.

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held March 01, 2010.

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

Rohan Ramlackhan arrived at 6:34.

Variances

2. 695 & 711 Garden Commerce Parkway

Planner McGruder presented the Board with a request for approval of a 25 foot front yard setback variance for parcels located at 695 & 711 Garden Commerce Parkway. If approved, this variance will allow the construction of an 6,000 square foot warehouse building for Lot 6 located at 695 Garden Commerce Parkway, and a 6,000 square foot warehouse building for Lot 7 located at 711 Garden Commerce Parkway with associated infrastructure and parking improvements. City Staff has worked with the applicant to upgrade the building façade with additional architectural elements to enhance the buildings and to provide additional landscaping and trees for the buildings frontage. This is a request for a front yard setback variance of 25 feet from the required 50 feet. The applicant will be constructing this project in phases; the two 6,000 square foot warehouse buildings for Lot 6 and Lot 7 will be constructed in Phase 1 of the project. If the subject request is approved, subsequently the applicant will submit a detailed site plan for each Lot including drainage, grading, and utility systems for City Staff's review and approval. City Staff has reviewed the application and recommends approval with the following conditions:

- The final approved building elevations and landscape plan submitted for site plan approval shall be similar in architectural design standards as illustrated with the conceptual plan submitted with variance application and reviewed by the Planning and Zoning Board. All building sides shall be constructed with consistent and similar building materials, colors and finishes as the front building façade. The final landscape plan and building elevations for each building shall be reviewed with site plan.
- All landscape materials and improvements required for front, rear and side yards shall be installed with the infrastructure improvements and site work for Lots 6 and Lots 7 (Phase 1) of this project. A minimum 5' wide landscape buffer shall be required around front buildings for Lot 6 and Lot 7. The building landscape materials and improvement may be installed with issuance of building permits

James Dunn stated that he has a voting conflict and will be abstaining from voting on the subject item.

Motion by Kent Horsley to approve the 25 foot front yard setback variance for property parcels located at 695 and 711 Garden Commerce Parkway to allow the construction of an 6,000 square foot warehouse building for Lot 6 located at 695 Garden Commerce Parkway, and a 6,000 square foot warehouse building for Lot 7 located at 711 Garden Commerce Parkway with associated infrastructure and parking improvements with City Staff conditions (see attached). Seconded by James Gentry the motion carried 6-0-1, James Dunn abstained from voting.

3. 14 W. Garden Avenue

Community Development Director Wilson presented the Board with a request for approval of a 6 foot side yard (east) setback variance for property located at 14 W. Garden Avenue. If approved, this variance will allow the property owners to construct a 10' W x 26'L x 12'H detached open carport on the east side of the property. Mr. Wilson reminded the Board that this item was tabled from the February 01, 2010 Planning and Zoning Board meeting to allow the applicant time to submit additional information to the Board. Mr. Wilson added that City Staff met with the applicant hoping that an agreement could be reached regarding the subject petition. The applicant has supplied additional information including photographs regarding metal style enclosures. There are 5-6 examples attached at the end of the staff report where vehicles or boats are parked within an open metal roof structure as well as some other examples of screen rooms and other use of metal structures not relevant to this request. In addition, there are letters from the applicant's neighbors supporting this request.

Director Wilson displayed photographs of similar carports and structures acceptable by City Staff and explained details regarding the material and styles of the diverse structures. He added that City Staff is not in support of the subject request to have a metal enclosure within 4 +/- feet of the property line. However, City Staff would be supportive of a wood style structure with similar materials to the house that would be either attached or detached to the house. We have not received any alternative design (s) from the applicant to change the staff recommendation. The applicant has the option to ask for another continuance or to have a decision made with the information that has been provided.

Robert Shillington, 14 W. Garden Avenue, Winter Garden, approached the Board and stated that he is trying to protect the investment he made on his RV recreational vehicle, by providing protection from the weather and debris from trees. He also stated that he believes the impact in the neighborhood and community is minimal. Mr. Shillington explained details regarding the photographs he provided, including photographs of similar structures located within the City.

Intensive discussion followed among the Board Members, Mr. Shillington, Director Wilson, City Manager Bollhoefer and City Attorney Ardaman regarding the subject

petition. Topics of discussion included the material and style of similar structures, the exact location of the proposed structure, the overall appearance, other location and structure alternatives, and the code requirement to have the structure blend aesthetically in color and design with the residential home and the neighborhood.

Motion by James Gentry to continue the public hearing for the subject item at the May 03, 2010 Planning and Zoning Board meeting at 6:30 p.m. to give the applicant some time to work with City Staff and readjust the petition. Seconded by Kent Horsley the motion carried unanimously 7-0.

Ordinances

4. Ordinance 10-21, Water and Waste Water New Impact Fees

Community Development Director Wilson presented the Board with a request for recommendation of approval of Ordinance 10-21, amending water and wastewater impact fee provisions to change assessment methodology from equivalent residential unit (ERU) based to meter (size) based impact fee assessment methodology and reducing water and wastewater impact fees. As the Land Planning Agency for the City, the Planning & Zoning Board reviews land development regulations and makes recommendations to the City Commission on proposed amendments to land development regulations. The Board is requested to review and provide recommendations only on the portions of Ordinance 10-21 that relate to water and wastewater impact fees. Other provisions of the Ordinance are not considered land development regulations. A copy of proposed sections 78-50 through 78-52 that relate to water and wastewater impact fees are attached to this memorandum. The City of Winter Garden contracted with Public Resource Management Group, Inc. ("PRMG") to evaluate the City's water and wastewater impact fee assessment methodology and rates. PRMG recommended changing the impact fee assessment methodology to charge water and wastewater impact fees based on the size of the water meter installed in lieu of the current ERU-based assessment methodology. Staff believes that the meter-based assessment is easier to implement from an administrative stand-point and easier for developers and property owners to understand and make calculations of estimated water and wastewater impact fees for their projects. Moreover, PRMG has recommended reducing water and wastewater impact fee rates. The proposed ordinance adopts PRMG's recommended reductions to water and wastewater impact fees. The proposed ordinance also clarifies provisions on payment schedule, disposition, collection, and protest and appeals of water and wastewater impact fees. City Staff has reviewed the petition and recommends approval of water and wastewater provisions (sections 78-50 through 78-52) of Ordinance 10-21 that adopt a meter-based assessment methodology and reduce water and wastewater impact fees to the City Commission.

City Attorney Ardaman clarified that the City Staff report included in the agenda package deals only with the impact fees, which is the scope of what the Planning and Zoning Board has the authority to deal with; the rest of the Ordinance includes matters that do not fall under the Land Development regulations for review. Under the law the Board's function is to look at the section of the ordinance regarding the Impact Fees, which is the recommending changed based on the study the City has completed.

Assistant to City Manager for Public Services Don Cochran approached the Board and provided the Board with a document identifying the current and proposed Water and Wastewater Impact Fees rates applied by meter base method. He explained the difference between the current and proposed rates, and the way the meter-based assessment methodology operates.

City Manager Bollhoefer added that the meter-based assessment methodology is acceptable for calculating residential and commercial impact fees. He stated that one of the biggest challenges for the City in the past has been determining the associated costs related to Water and Waste Water Impact Fees before a project can proceed forward. The proposed method will allow the City to predict what the Impact Fee cost will be before a development moves forward.

Motion by James Dunn to recommend approval of Ordinance 10-21, amending water and wastewater impact fee provisions. Seconded by Kent Horsley the motion carried unanimously 7-0.

5. Ordinance 10-23, Amending Chapters 18, 46 & 88, to remove fee schedules and charges.

Community Development Director Wilson presented the Board with a request for approval of Ordinance 10-23, amending Chapters 18, 46 & 88 to remove fee schedules and charges from the City Code of Ordinances and allowing fees and charges to be established by Resolution. Ordinance 10-23 will allow for the City to amend Chapter 18, Building and Building Regulations; Chapter 46, Fire Prevention and Protection and Chapter 88, Development Review Fee Schedule to remove the building fees and charges, certain fire fees and charges and the engineering site work fees and charges from the City Code of Ordinances and provide for these fees to be adopted by Resolution by the City Commission. These fees are the development permitting fees that are normally paid at the time of site development and building permit issuance. If this ordinance is adopted, City staff will present several Resolutions for these fees to be reviewed and adopted by the City Commission.

Motion by Kent Horsley to recommend approval of Ordinance 10-23, amending Chapters 18, 46 & 88 to remove fee schedules and charges from the City Code of Ordinances and allowing fees and charges to be established by Resolution. Seconded by James Dunn, the motion carried unanimously 7-0.

6. Request for grant application to State to assist in land acquisition for Tucker Ranch property for possible future park.

Parks and Recreation Director Jay Conn approached the Board and presented a brief overview of a potential park project involving the Tucker Ranch property located at 100 Avalon Road. He explained that the City is applying for a grant under the Land of Water Conservation Fund, and one of the requirements is that an overview of the item must be presented before the Board for input and support. He added that the Tucker family has expressed interest in selling the approximately 200 acres for a City Park, and the City would like to utilize most of the property as Nature Preserve Park. Mr. Conn reported that this is one of several grants needed to fund the purchase of the Tucker Ranch property.

The Board Members expressed their support towards the City's potential park project.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:48 p.m.

APPROVED:

ATTEST:

Chairman Jerry Carris

Planning Technician Lorena Blankenship