

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
NOVEMBER 01, 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, Mark Maciel, James Dunn, Rohan Ramlackhan, and Kent Horsley.

STAFF PRESENT: City Attorney Giffin Chumley, Community Development Director Tim Wilson, Principal Planner Bill Wharton, and Planning Technician Lorena Blankenship.

STAFF ABSENT: City Manager Mike Bollhoefer

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held October 04, 2010.

Motion by James Gentry to approve the above minutes, seconded by Mac McKinney the motion passed unanimously 6-0.

Rohan Ramlackhan arrived at 6:33

COMPREHENSIVE PLAN AMENDMENTS

2. Ordinance 11-01 – Sessions Property Future Land Change (Large Scale Comprehensive Plan Amendment)

Principal Planner Wharton presented the Board with a request for approval of Ordinance 11-01, amending the Future Land Use Map of the City of Winter Garden Comprehensive Plan by changing the Future Land Use designation of the property

generally described as 76.003 acres of land located on the east side of County Road 545, south of Siplin Road and north of Black Lake from Orange County Rural to City Suburban Residential with a City Conservation Overlay over the southern edge of the property adjacent to Black Lake. Policy 1-1.2.2 of the City Comprehensive Plan states, "Properties designated with the Suburban Residential land use category are required to be developed at a gross residential density no greater than 4 dwelling units per acre and will be identified on the Future Land Use Map only in areas that are either similar in nature (i.e. have the same type of density of existing neighborhoods) or where environmental factors require low residential densities. Factors in determining this land use category included proximity to natural resources and urban services, availability of public facilities, and the characteristics of nearby existing and future neighborhoods." This request meets the objectives of this policy. The zoning ordinance for these properties will be placed before the Planning & Zoning Board and City Commission for approval at a later date. Staff requests the Planning & Zoning Board/Local Planning Agency make a recommendation to the City Commission for approval of Ordinance 11-01.

Brenda Yates, Yates and Company, 255 Alhambra Circle, Coral Gables, Florida, (*Land Use Planner for the project*), approached the Board and stated that she is representing the property owner, Hickory Hammock FL, LLC, and added that they concur with Staff recommendations.

Mark Maciel inquired about the time of development. Ms. Yates answered that there are numerous builders in the area interested in the subject property, but the time of development is uncertain. She added that the parcel to the east is the 40 acres school site Hickory Hammock donated to the Orange County School Board, and the subject property (*Sessions property*) is the remaining 80 acres.

Chairman Jerry Carris asked how many acres of the parcel were buildable. Ms. Yates answered that approximately 40 acres are buildable, and the rest of the property is part of a conservation area along Black Lake. She reported that one of the issues discussed with City Staff was to ensure that attractive open public areas, including sidewalks, were provided along Black Lake.

Kent Horsley asked City Staff what requirements are imposed on land owners when their property extends into a lake to ensure that the shore line will be retained and preserved in its natural state, and run off will be prevented to avoid water pollution to lakes. Principal Planner Wharton responded that strong requirements are imposed by the Department of Environmental Protection. He also stated that during the recent update to the Comprehensive Plan, the City addressed wetlands and setbacks adjacent

to wetlands; the future land use map identifies the wetlands encroaching into the subject parcel, therefore the environmental policies and provisions set for in the Comprehensive Plan will apply to this parcel.

Further discussion took place among Mr. Horsley, Principal Planner Wharton, and Community Development Director Wilson regarding matters related to wetlands, water pollution, development regulations and other environmental issues.

Community Development Director Wilson reported that at the present stage of the project, the subdivision plans have not been submitted for review by the City, but during the review of the project, the regulations regarding water pollution will be addressed and the developer must receive the appropriate permits from St. Johns River Water Management District, the Department of Environmental Protection and the City regarding the management of stormwater runoff from upland construction.

Brenda Yates, approached the board and stated that she was also the Land Use Planner for the proposed Hickory Hammock subdivision located on the opposite side of Avalon Road, and reported that besides the strict and strong management requirements imposed by St. Johns River Water Management District to protect the lake border, the developer, in an effort to protect Black Lake, also implemented a 25 foot maintenance easement (buffer and berms), to be controlled by the HOA, not the homeowners.

Mr. Horsley requested that the property owner provide the City with a written commitment to protect the environment on the area and to preserve the natural state of Black Lake. Ms. Yates responded that they will provide such written commitment before the December 09, 2010 City Commission meeting.

James Gentry asked about the location of the school site. Ms. Yates, using the displayed map of the property, identified the school site, and added that the site is approximately 40 acres, and that an Elementary and Middle School are proposed for the site.

Motion by Kent Horsley to recommend approval of Ordinance 11-01, amending the Future Land Use Map of the City of Winter Garden Comprehensive Plan by changing the Future Land Use designation of the property generally described as 76.003 acres of land located on the east side of County Road 545, south of Siplin Road and north of Black Lake from Orange County Rural to City Suburban Residential with a City Conservation Overlay over the southern edge of the property adjacent to Black Lake, contingent upon City Staff recommendations and with the additional condition that the developer provides the City with an written environmental commitment statement to protect Black Lake, prior to the December 09, 2010 City Commission meeting. Seconded by James Gentry, the motion carried unanimously 7-0.

3. Ordinance10-33, proposed text amendments to the Capital Improvements Element (CIE).

Principal Planner Wharton presented the Board with a request for approval of Ordinance 10-33, containing proposed text amendments to the Capital Improvements 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. Mr. Wharton added that all the improvements included in the ordinance are taken from the City's adopted budget. The Ordinance contains the proposed 5-Year Schedule of Capital Improvements for 2010/2011 to 2014/2015. Next step will be the public hearings before the City Commission for adoption of the ordinance and transmittal of the comprehensive plan amendment to the Florida Department of Community Affairs for review and comment.

Motion by James Gentry to recommend approval of Ordinance 10-33, containing proposed text amendments to the Capital Improvements Element (CIE) of the Comprehensive Plan to update the 5-year Schedule of Capital Improvements. Seconded by James Dunn, the motion carried unanimously 7-0.

Miscellaneous

Community Development Director Wilson provided the Board with a memorandum regarding Chapter 98-26 (c), of the City Code of Ordinances, which relates to attendance and the distinction between "excused" and "unexcused" absences.

Discussion took place among the Board Members, City Attorney Chumley and Mr. Wilson regarding Chapter 98-26, creation, composition, appointment, terms, removal, compensation of members, and filling of vacancies for the Planning and Zoning Board.

ADJOURNMENT

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

APPROVED:

ATTEST:

Chairman Jerry Carris

Planning Technician Lorena Blankenship