

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
MARCH 07, 2011**

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: Mark Maciel, Mac McKinney, James Dunn, and Rohan Ramlackhan.

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

Staff Absent: City Manager Mike Bollhoefer

Justified Absence: Board Member Kent Horsley

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held February 07, 2011.

Motion by James Dunn to approved the above minutes, seconded by James Gentry the motion carried unanimously 6-0.

VARIANCES

2. 386 Lake Amberleigh Drive

Principal Planner Wharton presented the Board with a request for approval of a 19 foot year yard setback variance to allow the construction of a 10' x 19' screen porch addition. The R-1B zoning requires a 25 foot year yard setback. The home structure is right at the rear yard setback; therefore, the property owner is requesting the variance

to allow a covered porch option with the existing pool. The Homeowners Association has approved the pool and screen porch addition, and the Planning and Zoning Board has granted similar variances for other properties within the neighborhood and surrounding area. City Staff has reviewed the application and recommends approval of the 19 foot rear yard setback variance.

Motion by Mac McKinney to approve the 19 foot rear yard setback variance for property located at 386 Lake Amberleigh Drive. Seconded by Mark Maciel, the motion carried unanimously 6-0.

SPECIAL EXCEPTION PERMIT

3. 305 Beulah Road, Faith Family Community Church

Principal Planner Wharton approached the Board and stated that the Faith Family Community Church is a permitted use in the R-1 zoning district. In July of 2007 the Planning and Zoning Board approved a temporary Special Exception Permit to allow the Crenshaw School on this site. Now, the Community Christian Learning Center is requesting the use of a permanent private school at the same facility as the previous Crenshaw School. The proposed school is a private school for K-12 grades. The Crenshaw School had up to 200 students, but the Community Christian Learning Center is proposing 95 students. A Community Meeting was held at the Faith Family Community Church on the evening of January 20, 2011. Five residents from the Orange Cove and Westfield subdivisions attended the meeting. After talking with Mr. Pflieger about the operations of his schools and how the Crenshaw school operated, it appeared the general consensus of the attendees was since the Crenshaw School was a 'good neighbor' and the fact the proposed school will have fewer students, no one was opposed to the proposed school. The Faith Family Community Church currently has 12 paved parking spaces, approximately 135 grass parking spaces, and 8 handicapped spaces. The existing layout of the parking lot accommodates student pick-up and drop-off without impacting the adjacent roadways. No additional site improvements are required to accommodate the school use at this site. City Staff recommends approval with the following conditions:

1. Proposed school hours shall be from 7:45 a.m. to 1:50 p.m. Regardless of the operating hours of the school, the student pick-up/drop-off times shall not conflict with the pick-up/drop-off times of West Orange High School.
2. The maximum number of students shall be 95. Any proposed increase in student enrollment will require a public hearing before, and approval by the Planning and Zoning Board.
3. No night-time activities for the school use.

4. All local, state, and federal regulations for this use shall be met by the applicant.
5. This Special Exception Permit is specific to this location and the Community Christian Learning Center School.

Ken Johnson, (707 Santee Terre Lane, Winter Garden), approached the Board and indicated that he was with the Westfield Homeowners Association and that he attended the community meeting. He stated that after the community meeting he and another HOA member visited the Apopka school that reverend Pflieger also operates, where they were given a tour of the facilities. Mr. Johnson stated that he asked the pastor to provide them with letters of references. He stated that he did not object to the school, but wanted to review the references he requested.

Mark Maciel asked Mr. Johnson if he was representing the Westfield Lakes Homeowners Association Board. Mr. Johnson responded affirmatively.

Reverend Louis Pflieger, applicant representing the Community Christian Learning Center for the subject petition approached the Board and stated that they have schools in Apopka and in Eustis. He gave a brief background regarding the schools and their operations. He also provided the board with pictures of the schools.

Intensive discussion took place among the Board Members, Mr. Johnson, Principal Planner Wharton and City Attorney Giffin regarding the subject petition such as parking and traffic flow, and also Mr. Johnson's request for references. In response to Mr. McKinney's question, Principal Planner Wharton stated that there are no records of complains regarding traffic or operations of the previous school. Mr. Wharton also stated that everything was positive at the community meeting, that the dialogue went very well, and no objections were presented. After discussion City Attorney Giffin clarified that the Board is restricted to judge and determine if the Special Exception Permit is appropriate pursuant to the Land Development Code.

Lee Houston, 386 Lake Amberleigh Drive, Winter Garden (*Amberleigh Subdivision*), approached the Board and stated that his community is located across the street from the Faith Family Community Church. He expressed some concerns regarding people parking on the grass in front of his subdivision. The applicant responded that the church site has 12 paved parking spaces, 8 handicapped spaces and 135 grass parking spaces, and that parking will not be a problem.

James Gentry stated that there are not specific objections to the proposed operation. Mac McKinney stated that there are no records of problems or complains about the previous school, which was allowed to have 250 students and that the maximum number of students for the proposed school is only 95, therefore, the reduction on the number of students is considerable.

Motion by Jim Gentry to approve the Special Exception Permit for property located at 305 Beulah Road to allow a private school in the R-1 zoning district, with city staff conditions to include that the hours of operation shall be from 7:45 a.m. to 1:50 p.m. Seconded by Rohan Ramlackan, the motion carried unanimously 6-0.

ANNEXATIONS

2. Burch Street and Jackson Avenue Right of Way Annexation

Principal Planner Wharton approached the Board to request approval of Ordinance 11-08, annexing the Burch Avenue and Jackson Street Right-of-Ways. He explained that Orange County and the City of Winter Garden are in agreement that the City may annex the subject right-of-ways into the City. Upon annexation, the City shall assume the jurisdictional and maintenance responsibilities for these two roadways. City Staff has reviewed the application and recommends approval of Ordinance 11-08. He explained that one of the purposes of the subject annexation is to create a link between the existing golf cart route, and the future golf cart route, which is included in the future phase II of the City's Golf Cart Route Program, which allows citizens to ride their golf carts in the public right-of-ways to travel to the downtown area.

Motion by Mark Maciel to recommend approval of Ordinance 11-08. Seconded by James Dunn, the motion carried unanimously 6-0.

LOT SPLIT

5. McFarland Property (Avalon Road) Lot Split

Planning and Zoning Director Wilson approached the Board and stated that the applicant is requesting a lot split of the existing 2.73 acre parcel to create five (5) 120' x 198' residential lots + (Parcel A, 120' x 198') which is included on the survey but is already a lot of record. The proposed lot split will create five buildable lots that meet the minimum 75' x 100' lot size requirement for single family residential in R-2 zoning. The proposed lots will be required to connect to City water, and wastewater. All easements for ingress, egress, utilities and drainage shall be recorded prior to issuance of any site or building permits and will be privately maintained by the individual lot owners. Per City Code Section 110-96; the City Manager has approved a one time wavier that will allow the property owner the ability to split the parcel into 5 buildable lots that meet the minimum lot size requirements without platting the property. Access has been designed with a 14' stabilized roadway with a cul-de-sac at the end to facilitate turnaround of service or emergency vehicles. All requirements of City Code Section 118 of the Zoning Code shall be met for development. This

request has been reviewed and approved by the City Engineer and Public Services Department, and conditions were established to include that the lots will be deeded to members of the McFarland family. Staff recommends approval of the request to split the existing 2.73 acre parcel into five 120' x 198' lots and with the conditions of the Engineering Department Memo dated February 22, 2011. Also, approve a one- time wavier to allow the property owner the ability to split the parcel into (5) lots that meet the R-2 zoning lot size requirements without platting the property.

Mac McKinney expressed concerns regarding the lot split, such as the access for emergency vehicles into the property. Planning and Zoning Director Wilson stated that the plans were reviewed by the Fire Department and no negative comments were generated.

Motion by James Dunn to approve a lot split of the existing 2.73 acre parcel to create five 120'x198' residential lots, with the conditions included in the Engineering Department memorandum dated February 22, 2011. Seconded by James Gentry, the motion carried 5-1; Mac McKinney opposed.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:18 p.m.

APPROVED:

ATTEST:

Chairman Jerry Carris

Planning Technician Lorena Blankenship