

**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
JULY 11, 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: Kent Horsley, Mac McKinney, James Dunn, and Rohan Ramlackhan.

**STAFF PRESENT:** City Attorney Dan Langley, Community Development Director Ed Williams, Planning & Zoning Director Tim Wilson, and Planning Technician Lorena Blankenship.

**MEMBERS ABSENT:** Mark Maciel

**STAFF ABSENT:** City Manager Mike Bollhoefer

**1. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held June 06, 2011.

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

City Attorney Langley informed that board member Mark Maciel has indicated in writing that he will be on a military tour for the next six months and would like to keep his position in the Board.

Discussion took place among the Board Members and City Attorney Langley in regards to Mr. Maciel's request and the Board's position in regards to excused and unexcused absences.

*Motion by James Gentry to grant excused absences to Board Member Mark Maciel for the next six Planning and Zoning Board meetings, since he will be on a military tour. Seconded by Kent Horsley, the motion carried unanimously 6-0.*

## **VARIANCES**

### **2. 617 Teacup Springs Court**

Planning Director Wilson presented the Board with a request for approval of a variance to the 12' maximum height requirement for accessory structures to allow a height of 13'-3.5" for a shed in the rear yard. Mr. Wilson added that the applicant would like to construct a 24' x 40' shed in the rear yard. The proposed location of the shed would meet all other set-back requirements for accessory buildings in the R-1 zoning district. The Applicant is seeking a variance to the maximum height of the roof peak for the proposed shed. The subject property has several trees between the shed and the property line. City Staff would recommend adding additional landscaping to offset the visual impact of the shed to the immediate single family residence. The owner will be required to add two trees, each with a minimum 12' in height and minimum 3 ½" to 4" caliper at each end of the eastern part of the shed to provide an additional buffer to the adjacent single family residence.

Discussion took place among the Board Members and Planning Director Wilson in regards to the subject petition. Topics of discussion included the size of the proposed shed, the design and material of the proposed shed, the landscaping request, the existing trees located on the property, and the language included in the City Code of Ordinances in regards to accessory structures.

Thomas Larson, 617 Teacup Springs Court, approached the Board and provided additional information in regards to the existing trees on the property and the proposed shed.

Mac McKinney asked Mr. Larson if he has asked his adjacent neighbors regarding the proposed shed. Mr. Larson responded affirmatively and added that no objections have been voiced by his neighbors.

*Motion by Mac McKinney to approve the variance to the 12' maximum height requirement for accessory structures to allow a height of 13'-3.5" for a shed in the rear yard with City Staff conditions (see attached), seconded by James Dunn, the motion carried unanimously 6-0.*

## **FUTURE LAND USE CHANGE AND ZONING CHANGE**

### **3. Ordinance 11-16, amending the Future Land Use for 70 E. Palmetto Street, and Ordinance 11-17, rezoning 70 E. Palmetto Street**

Planning Director Wilson presented the Board with a request for approval of Ordinance 11-16, amending the future land use for 70 East Palmetto Street to City Residential Neighborhood Commercial; and Ordinance 11-17, rezoning 70 East Palmetto Street to City Residential Neighborhood Commercial. Mr. Wilson stated that the subject property contains a single family residential structure on approximately 0.27 of an acre, and if the FLU change and rezoning are successfully completed the applicant will pursue a Special Exception Permit, pursuant to section 118-96 of the City Code, to allow an office use within the R-NC zoning as provided for in section 118-488 of the Code. If successful, this will allow the Applicant to operate their tax business from this location. City Staff has reviewed and researched the application for the FLU and zoning designation changes and recommend approval of proposed Ordinances 11-16 and 11-17.

Kent Horsley asked if improvements to the site will need to be done in order to approve the operations of a professional office; Planner Wilson responded affirmatively and added that such improvements and adjustments will be analyzed during the review process of the Special Exception Permit application.

***Motion by Kent Horsley to recommend approval of Ordinance 11-16, amending the future land use for 70 East Palmetto Street to City Residential Neighborhood Commercial; and Ordinance 11-17, rezoning 70 East Palmetto Street to City Residential Neighborhood Commercial. Seconded by James Gentry the motion carried unanimously 6-0.***

## **PLATS**

### **4. Oakland Park Unit 1B-1B, Final Plat**

Planning Director Wilson presented the Board with a request for approval of a Final Plat on 18.14 acres of property for 56 lots and 10 tracts of land. The area proposed to be platted is located on the front portion of the property south of the West Orange Trail and west of the main project roadway - Oakland Park Boulevard. The Oakland Park residential project is a neo-traditional residential project that was approved as a PUD by the City Commission by Ordinance 05-26 on May 26, 2005. The project provides a variety of residential architectural styles and patterns, landscape and streetscape features, and recreational amenities. The project received preliminary plat approval for Phases 1A and 1B on January 26, 2006. The applicant has received Final Plat approval for Phase 1A and the main project infrastructure, recreations, and pedestrian improvements around Lake Brim. The applicant has separated Phase 1B into two phases (1A and 1B). Each phase can be developed as a separate neighborhood within the Oakland Park project. The Final Plat request for 56 lots is consistent with both the PCD and the Preliminary Plat approval. The tracts are designated for street rights-of-way, alleys, or open space areas. The request has been reviewed by the Development

Review Committee. A staff memorandum has been prepared and provided to the applicant. The applicant has responded to all the comments and is in agreement with all staff items and comments. In addition, the City Attorney and City Surveyor have provided comments that have been addressed regarding the necessary, deeds, easements and supporting documentation to accompany the final plat. The applicant has addressed all items and will comply with all necessary documents. City Staff recommends approval of the Final Plat for Phase 1B1B of Oakland Park subject to meeting the conditions and requirements outlined in the Development Review Committee memorandum dated June 27, 2011, the City attorney's letter dated July 5, 2011 and the City surveyor's e-mail dated July 6, 2011. Plat recording will be coordinated with the City attorney and all recording fees will be paid by the applicant. Prior to or commensurate with the issuance of a building permit for Lot 82, the owner/developer will be required to submit a written disclosure to the City 's building permit office to coordinate the removal of the parking lot and related use of the sales center on adjacent Lot 83.

John Rinehart, of Castle and Cooke, applicant for the project, approached the Board, gave a background and history of the Oakland Park project and provided a Power Point presentation depicting many project essentials, such as lot sizes, architectural designs, the concept of alley ways, the restoration of Lake Brim, and the characteristics of an open and green community.

Mac McKinney expressed concerns regarding the 50' lot size. Mr. Rinehart stated that garages are required to be placed on the rear of the lots and different architectural designs will be used to create a pleasing aesthetic appearance.

***Motion by James Gentry to approve the Oakland Park 1B-1B with City Staff conditions and requirements outlined in the Development Review Committee's memorandum dated June 27, 2011, the City Attorney's letter dated July 5, 2011, and the City Surveyor's e-mail dated July 6, 201 (see attached), and the specific condition that prior to or commensurate with the issuance of a building permit for Lot 82, the owner/developer will be required to submit a written disclosure to the City 's building permit office to coordinate the removal of the parking lot and related use of the sales center on adjacent Lot 83. Seconded by James Dunn, the motion carried unanimously 6-0.***

## **5. Oakland Park Unit 1B-1A, Final Plat**

Planning Director Wilson presented the Board with a request of approval of a Final Plat on 16.136 acres of property for 17 lots and 5 tracts of land. The area proposed to be platted is located on the front portion of the property south of the West Orange Trail and east of the main project roadway - Oakland Park Boulevard. The Oakland Park residential project is a neo-traditional residential project that was approved as a

PUD by the City Commission by Ordinance 05-26 on May 26, 2005. The project provides a variety of residential architectural styles and patterns, landscape and streetscape features, and recreational amenities. The project received preliminary plat approval for Phases 1A and 1B on January 26, 2006. The applicant has received Final Plat approval for Phase 1A, the main project infrastructure and recreations and pedestrian improvements around Lake Brim. The applicant has separated Phase 1B into two phases (1A and 1B). Each phase can be developed as a separate neighborhood within the Oakland Park project. The Final Plat request for 17 lots is consistent with both the PUD and the Preliminary Plat approval. The tracts are designated for stormwater management, a lift station, open space areas (for a utility easement) or future development. The request has been reviewed by the Development Review Committee. A staff memorandum has been prepared and provided to the applicant. The applicant has responded to all the comments and is in agreement with all staff items and comments. In addition, the City Attorney and City Surveyor have provided comments that identify the necessary deeds, easements, and supporting documentation to accompany the final plat. The applicant has addressed all items and will comply with all necessary documents. Before the final plat is scheduled for the City Commission agenda any pending original documents will need to be provided to the City in a form acceptable to the City Attorney's office. City Staff recommends approving the Final Plat for Phase 1B-1A for Oakland Park subject to meeting conditions and requirements outlined in the Development Review Committee's memorandum dated June 27, 2011, the City attorney's letter dated July 5, 2011 and City surveyor's e-mail dated July 6, 2011.

*Motion by James Gentry to approve the Oakland Park 1B-1A with City Staff conditions and requirements outlined in the Development Review Committee's memorandum dated June 27, 2011, the City attorney's letter dated July 5, 2011, and the City surveyor's e-mail dated July 6,201 (see attached). Seconded by Kent Horsley, the motion carried unanimously 6-0.*

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:24 p.m.

**APPROVED:**

**ATTEST:**

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**Chairman Jerry Carris**

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**Planning Technician Lorena Blankenship**