

**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
AUGUST 01, 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 Giffin Chumley, Community Development Director Ed Williams, Planning & Zoning Director Tim Wilson, Planner Laura Smith, and Planning Technician Lorena Blankenship.

**MEMBERS ABSENT:** Mark Maciel (excused)

**STAFF ABSENT:** City Manager Mike Bollhoefer

**1. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held July 11, 2011.

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

**VARIANCES**

**2. 423 N. Main Street**

Planner Laura Smith presented the Board with a request for a variance to the 10' minimum side yard setback and 20% of the lot depth rear yard setback requirement for accessory structures over 160 square feet in size to allow a 2' side yard setback and a 5' rear yard setback for a shed in the rear yard. The applicant is requesting an 8' side yard setback variance and a 21' rear yard setback variance to construct a 14' x 28' shed in the rear yard. City staff would recommend that the property owner consider the following alternatives to the proposed placement of the shed: (1) adjust the placement of the proposed shed on the subject property to be placed between the

large Maple tree and the rear fence accommodating the minimum side yard setback of 10', yet requiring a variance to the rear yard setback requirement to allow for a 3' rear yard setback; (2) adjust the placement of the proposed shed as previously outlined and modify the proposed shed dimensions from 14' x 28' to 12' x 30' which could accommodate the 10' minimum side yard setback requirement and maintain the 5' rear yard setback initially proposed by the property owner. Staff recommend approval of a variance to Section 118-308(1)c of the City Code of Ordinances in the amount of 23' to allow the construction of a 392-square-foot shed with a rear yard setback of not less than 3' in lieu of the 26' (20% of depth of lot) requirement, and further recommend that the property owner adjust the placement of the proposed shed to meet the 10' side yard setback requirement. In the event that the property owner opts to adjust the placement of the proposed shed to be set back 3' from the rear property line, then the variance request will require re-advertisement; in the event that the property owner opts to adjust the placement of the proposed shed and modify the dimensions of the proposed shed to be set back 5' from the rear property line, then the variance request has been sufficiently advertised.

Vicki and William Peters, of 423 N. Main Street, Winter Garden, approached the Board and stated several reasons for needing the variance as requested. Reasons mentioned included the purpose of the shed, the existing landscaping and large tree in the rear yard, and similar sheds in the surrounding neighborhood.

Intense discussion took place among the property owners, Planner Smith, and the Board Members in regards to the subject request. Applicant provided pictures of the residence and the proposed shed. A letter from the two adjacent property owners expressing their support of the subject request was also included in the agenda package. Planner Smith explained that the City's concern is that the 28-foot-long shed will be located only two feet away from the side property line and City Staff is trying to accommodate the request by providing the least amount of variance necessary.

***Motion by Kent Horsley to approve the variance as requested by property owners of 423 N. Main Street to allow a 2' side yard setback and a 5' rear yard setback for a shed in the rear yard. Seconded by James Gentry, noting that the property to the north has no objection to the petition. The motion carried unanimously 6-0.***

## **SPECIAL EXCEPTION PERMIT**

### **3. 12801 W. Colonial Drive**

Community Development Director Ed Williams presented the Board with a request for approval of a Special Exception Permit for a truck parking facility in a C-2 zoning district. The agenda package included a report providing extensive information and background regarding the subject location and also a report from the Winter Garden Police Department. The applicant is requesting that truck parking be re-established on the property located at 12801 W. Colonial Drive. The property is approximately three (3) acres in size and has several uses and structures located on the site:

- a) One (1) convenience store with gasoline service station
- b) One (1) restaurant/cafe (a separate building located on the east side of the property)
- c) One (1) vacant storage building (previously used for truck repairs)

Mr. Williams stated that the property was annexed into the City in 1990 (Ordinance 90-119). The property has been used as a convenience store/gas station with an accessory use for truck parking (trucks, box truck parking). The convenience store/gasoline service station closed in October 2009, according to City records. The prior owner, Road Runner Travel Plaza, LLC, was foreclosed by the lender for the property. The property was recently purchased in May 2011 by the current owner/applicant. The original site was developed in 1970 as a gas station/convenience store/truck stop. When the property was annexed into the City in 1990, the property operated under the name ***Southern Pride Truck Stop***. The restaurant was constructed later in 1986. There have been several owners under different business names since the property was annexed, with the same uses. The truck stop was not specifically allowed in the C-2 zoning at the time of annexation, but C-2 zoning is the predominant zoning in the West Colonial Drive corridor and was the zoning designated for the property. A truck stop use and overnight truck parking were not permitted uses in C-2 zoning. However, since the uses were in existence at the time of the annexation, they were considered to be non-conforming uses. The convenience store and gasoline use are permitted in the zoning as well as the restaurant use. The subject property is located on the north side of West Colonial Drive. The surrounding properties have a variety of commercial and other land uses. The zoning is C-2 (City) to the east and C-2 (County) to the north and west. I-1 zoning is located on the south side of West Colonial Drive. Surrounding uses are a nursing care facility on the east, vehicle storage (junk yard) to the north, vehicle storage to the west in conjunction with a towing company and light industrial to the south.

Mr. Williams stated that the City has received objections to the subject request from one of the adjacent businesses and another one from across the street, on the south side of S.R. 50. He added that the proposed site plan submitted by the applicants is not consistent with the City's Comprehensive Plan and with what the City is trying to accomplish on S.R. 50. Of particular concern are the numerous complaints included in the Police Department report, which confirms City Staff's opinion that a truck parking facility is not an appropriate use for the subject location. The applicant's proposal does not properly address security improvements. Community Development Director Williams stated that City Staff recommend that the Board deny the subject request, which City Staff believe is out of character with the area, is not an appropriate use of the subject location, would have an adverse impact on the adjacent business, Quality Health Center, and does not address the on-site security improvements.

Ellen Sousa, of 13524 Briarmoor Court, Orlando, approached the Board and stated that she is one of the owners of the subject property. She introduced Mr. Lee, property manager for 12801 W. Colonial Drive.

Dennis Lee, of 394 Lake Amberleigh Drive, Winter Garden, approached the Board and stated that he is the property manager for the subject location. He stated that they are in agreement with nine of the twelve conditions identified in the agenda package, and asked for clarification concerning condition #8 and condition #11 regarding hours of operation and the conjunction of the truck parking facility and the convenience store/gasoline station. He added that they were willing to install security cameras and provide a 24-hour-a-day on-site security officer. He provided the Board with additional information regarding the operations of the truck parking, and the other uses on the site. He explained some of the reasons the Police was involved.

Intense discussion took place among the applicants, Mr. Williams, and Board members regarding the subject petition. After discussion, the Board determined that the item should be postponed, to allow the applicant to work out the issues with City Staff.

Duane Massey, of 12751 W. Colonial Drive, Winter Garden, approached the Board and stated that he is the administrator for Quality Health Center, which is the adjacent business to the west. He stated that residents at their facility live on the east side of the building, immediately adjacent to the truck parking facility, and expressed concerns related to the noise and lighting the operation might generate.

*Motion by James Gentry to postpone the item to an undetermined date. Seconded by Kent Horsley, the motion carried unanimously 6-0.*

### **ADJOURNMENT**

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

**APPROVED:**

**ATTEST:**

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**Chairman Jerry Carris**

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**Planning Technician Lorena Blankenship**