

**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
SEPTEMBER 12, 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, 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, Senior Planner Laura Smith, Senior Planner Stephen Pash, Planner Alejandra Fazekas, and Planning Technician Lorena Blankenship.

**MEMBERS ABSENT:** Vice-Chairman James Gentry (excused), and Mark Maciel (excused)

**STAFF ABSENT:** City Manager Mike Bollhoefer

**1. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held August 01, 2011.

*Motion by Kent Horsley to approve the above minutes, seconded by Mac McKinney, the motion carried unanimously 4-0.*

Board Member Jimmy Dunn arrived at 6:34 p.m.

**VARIANCES**

**2. Windtree Garden Condominium, Wall Variance**

Senior Planner Smith presented the Board with a request of a variance to the 6 foot maximum height restriction for fences and walls located in side and rear yards to allow for construction of an 8 foot tall wall to be constructed along portions of the east and south sides of the property. The applicant is requesting to replace existing 6 foot tall sections of wooden perimeter fencing with 8 foot tall precast concrete wall

sections along approximately 650 feet of the east side property line adjacent to 5<sup>th</sup> Street and along a 30 foot portion of the south property line beginning on the west side of the intersection of 5<sup>th</sup> Street and South Street. The applicant is requesting 8 foot tall wall sections along the above referenced locations in an effort to reduce noise from 5<sup>th</sup> Street, and increase safety and security due to recurring vandalism and trespassing problems along the 5<sup>th</sup> Street property line. The remaining 6 foot tall sections of wooden perimeter fencing will be replaced with a precast concrete wall of the same height as the existing. The replacement of the existing wooden perimeter fencing with a precast concrete wall will be an aesthetic improvement to the property.

Staff recommends approval of a variance to Section 118-1297(a)(2)a & Section 118-1297(a)(2)b to allow replacement of existing 6 foot tall sections of wooden perimeter fencing with 8 foot tall precast concrete wall sections along approximately 650 feet of the east side property line adjacent to 5<sup>th</sup> Street and along a 30 foot portion of the south property line beginning on the west side of the intersection of 5<sup>th</sup> Street and South Street; and further recommend that as a condition of approval the property owner be required to install a landscape buffer between the proposed 8 foot tall wall sections and 5<sup>th</sup> Street (east side of the property); such landscape buffer shall be submitted to the Community Development Department as a landscape plan for staff review and approval prior to planting. The landscape plan should be submitted and planting complete within 12 months of the issuance of a building permit for construction of the precast concrete walls.

Senior Planner Smith added that a letter of support was received from the neighbor immediately to the south of the subject property (*648 Dharma Circle*).

Board Member Horsley expressed confusion in regards to the subject petition, stating that on a previous occasion City Staff denied the installation of an 8 foot tall wall in a residential area and inquired City Staff about the language on the fence ordinance. Senior Planner Smith stated that Windtree Garden Condominiums is a large community, that the proposed wall is perimeter fencing, and that the section of the wall runs parallel to a road way.

Community Development Director Ed Williams stated that City Staff have not received any objections to the request from the surrounding neighbors; City staff believes the concrete wall is a tremendous improvement and upgrade to the development, and there are no compelling reasons to deny the request.

Mac McKinney stated that the subject request is a boundary fence, which will provide security to the community along Fifth Street (5<sup>th</sup> Street).

***Motion by Mac McKinney to approve the variance to allow for construction of an 8 foot tall wall to be constructed along portions of the east and south sides of the property with City Staff conditions (see attached), seconded by James Dunn, the motion carried unanimously 5-0.***

- ❖ *Glen Portblake approached the board and stated that he owns several units at the Windtree Gardens Condominium. He spoke in regards to the 8 foot variance request, stating that regardless of the wall improving the appearance of the condominium and providing security to the community, it was an expensive wall and the unit owners were going to be required to pay additional fees for maintenance. Board members Ramlackhan and Dunn explained Mr. Portblake that the public hearing for the 8 foot variance request item had already been closed.*

### **3. 328 S. Boyd Street, accessory structure setback variance**

Senior Planner Laura Smith presented the board with a request approval of a variance to the 15' minimum side yard requirement for accessory structures located on the street side of a corner lot to allow an 8' side yard setback for an accessory structure (gazebo) and a 5' side yard setback for an accessory structure (awning); and also a request of approval of a variance to the restriction of no more than 2 accessory buildings per lot to allow for a total of 4 accessory buildings. She added that the applicant is proposing to construct a 12' x 12' detached accessory structure (gazebo) in the side yard and an 18' x 8' attached accessory structure (awning) over an existing wall in the side yard. Ms. Smith added that the gazebo is partially constructed and the location does not meet set back requirements for corner lots in residential districts, and the 18' x 8' attached accessory structure (awning) over an existing 4' tall wall in the side yard. The wall was permitted through the Building Department and is partially constructed; the addition of the awning to the wall would create an accessory structure which does not meet the setback requirements for corner lots in residential districts. The subject property has an existing detached garage and 2 existing storage sheds. No more than two accessory buildings may be located on any lot. The applicant would like to construct 2 additional accessory structures and remove one of the existing storage sheds; this would make a total of 4 accessory buildings on the property. City staff would recommend approval of the subject request subject to the property owner considering the following additional improvements to reduce the visual impact of the proposed placement of 2 additional accessory structures:

- Install a landscape buffer along the south side of the property from the driveway entrance extending east for at least 68' along the south side property line and around the existing 4' tall wall; such landscape buffer shall include:
  - a landscaped yard at least five feet in width containing an opaque screen of landscaping at least three feet in height and shall attain opacity and a height of three feet within 12 months of planting under normal growth conditions;
  - three trees shall be planted within the landscape buffer, one of which shall be

located adjacent to the proposed awning location.

- Use materials and finishes which blend aesthetically with the principal structure and existing detached garage when constructing the proposed accessory structures:
  - Grey shingle roof and white finish on façade.

❖ *Glen Portblake approached the Board to speak on previous item (see above).*

Mac McKinney asked if the gazebo will meet the height requirements. Senior Planner Smith responded that the applicant is not requesting a height variance; therefore, they will be subject to comply with the height requirement.

Kent Horsley asked if the awning will be attached to the existing wall. Senior Planner Smith responded that she understands the applicant is placing a post along the side of the wall.

***Motion by James Dunn to approve the 8' side yard setback variance for an accessory structure (gazebo) and a 5' side yard setback variance for an accessory structure (awning); and also approval of a variance to the restriction of no more than 2 accessory buildings per lot to allow for a total of 4 accessory buildings for property located at 328 S. Boyd Street with City Staff recommendations (see attached), seconded by Rohan Ramlackhan, the motion carried unanimously 5-0.***

## **SPECIAL EXCEPTION PERMIT**

### **4. 70 E. Palmetto Street**

Planning Director Wilson presented the Board with a request of approval of a Special Exception Permit for property located at 70 E. Palmetto Street to allow a professional office in a RNC zoning district. The subject property future land use and zoning was recently changed to Residential Neighborhood Commercial future land use and RNC zoning per Ordinances 11-16 and 11-17. The surrounding zoning consists of RNC and C-2 to the north for properties fronting S. Woodland Street, R-1 (County) to the east, C-2 to the south and RNC to the west. The applicant has provided a conceptual site plan that supports the request to convert the single family residence to a professional office. The structure is 2 stories and approximately 1,580 sq.ft. in size. An above ground pool has been removed and a non-covered deck constructed at the rear of the building. The applicant's design of the site proposes 8 total parking spaces: 3 paved and 5 gravel parking spaces. The amount of additional impervious area will not require the installation of any stormwater management facilities. An existing drainage swale is located along the south property boundary to accommodate any additional runoff from the driveway and limited pavement. The edge of the gravel

parking is setback 23 feet to the closest point from the south property line. In addition, 5 foot wide landscape buffers are accommodated along the east and west property areas where site improvements will occur. City staff requests that an additional landscaping material be provided along the front of the building. If this request is approved, the applicant will need to apply for a small scale site plan that will provide for more detail of the proposed site improvements, parking areas, sidewalks, landscaping and other traffic marking and pavement details. Staff recommends approval of the special exception request to allow a Professional office use at property located at 70 E. Palmetto Street in accordance with Section 118-97 of City Code of Ordinances and subject to the following conditions:

1. Provide a landscape buffer along the front of the building and a landscape buffer along the east and west property line where site improvements are proposed.
2. Project business signs shall not exceed 16 square feet. Any proposed street sign shall be a ground sign not to exceed 6 feet in height.
3. The applicant will need to apply and receive approval of a small scale site plan before any building permits, site permits or other City approvals are issued.

Planning Director Wilson stated that an acknowledgement of support from the adjacent property owner was received.

Mac McKinney noted that a handicap ramp should be included in the site plan.

***Motion by Kent Horsley to approve the Special Exception Permit for property located at 70 E. Palmetto Street to allow a professional office in a RNC zoning district with City Staff conditions (see attached). Seconded by James Dunn, the motion carried unanimously 5-0.***

Kent Horsley complimented the owners of the Montessori School at 855 E. Plant Street and City Staff on complying with the conditions imposed on the Special Exception Permit. He stated that not only they complied with City Staff conditions and recommendations, but the work was very well done.

### **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**