WINTER GARDEN

A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
NOVEMBER 07, 2011

City of Winter Garden

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Winter Garden, FL
34787

wintergarden-fl.gov

CALL TO ORDER

Chairman James Gentry 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 James Gentry, Vice-Chairman Jimmy Dunn, Board Members: Kent Horsley, Mac McKinney, James Dunn, and Rohan Ramlackhan.
STAFF PRESENT: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Commissioner Bouler, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Planner I Alejandra Fazekas, and Planning Technician Lorena Blankenship.
MEMBERS ABSENT: Mark Maciel (excused), and Eric Weiss (excused).

ADMINISTRATION OF THE OATH OF OFFICE

Lorena Blankenship administrated the Oath of Office to recently re-appointed Board Members Jimmy Dunn, Mac McKinney, and Rohan Ramlackhan. (*Board Members were re-appointed at the October 27, 2011 City Commission meeting).*

Lorena Blankenship administrated the Oath of Office to new member Eric Weis at City Hall on November 04, 2011.

ELECTION OF NEW CHAIRMAN AND VICE CHAIRMAN

James Dunn motioned to nominate James Gentry to be the new Chairman of the Planning and Zoning Board, seconded by Rohan Ramlackhan the motion carried unanimously 5-0.

Mac Mckinney motioned to nominate Jimmy Dunn to be the new Vice-Chairman of the Planning and Zoning Board, seconded by James Gentry the motion carried unanimously 5-0.

1. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held October 03, 2011.

Motion by Mac McKinney to approve the above minutes, seconded by Jimmy Dunn, the motion carried unanimously 5-0.

VARIANCE

2. 45 Timbercreek Pines Circle

Community Development Director Williams presented the Board with a request for approval of a 6 foot rear yard setback variance for property located at 45 Timbercreek Pines Circle. If approved, this variance will allow the property owner to build a screen room addition. The screen room will be approximately 10 feet x 40 feet and 8 feet in height. The property owner would like to utilize the existing concrete slab to accommodate the screen room. The existing concrete slab has already been expanded to the same size of the screen room 10 feet x 40 feet. The subject property was built in 2004 and does not have any other accessory structures or additions. Mr. Williams stated that a large number of similar structures in the community and the City has not received any objections to the subject petition; therefore City Staff recommends approval of the requested variance.

Motion by Kent Horsley to recommend approval of the 6 foot rear yard setback Variance. Seconded by Jimmy Dunn, the motion carried unanimously 5-0.

LOT SPLIT

3. Bojangles Restaurant at WGVFG, 3331 Daniels Road

Community Development Director Williams presented the Board with a request to split two lots into three parcels for the future development of a Bojangles Restaurant on Parcel B; parcel A will become part of the access tract and Parcel C will remain vacant for now. The subject property consists of two vacant lots located at the Winter Garden Village at Fowler Grove Planned Commercial Development, located within the City of Winter Garden municipal limits, and carries the zoning designation PCD. The property is designated South Beltway Center on the Future Land Use Map of the Comprehensive Plan. Staff recommends approval of the proposed Lot Split to create three new parcels.

Kent Horsley asked for clarification in regards to whether or not the Winter Garden Village at Fowlers Grove is considered one property (platted lot). Director Williams responded affirmatively.

Motion by Kent Horsley to approve the Lot Split. Seconded by Mac McKinney, the motion carried unanimously 5-0.

4. Birkert property, 1660 Daniels Road

Community Development Director Williams presented the Board with a request to split one lot into two parcels. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2. The property is designated Commercial on the Future Land Use Map of the Comprehensive Map. The applicant desires to sell the property developed with Bright Horizons Childcare Facility. The other parcel will remain vacant for now. Staff recommends approval of the proposed Lot Split with the following conditions:

1. No other development activity occurs on either parcel until the property is platted in accordance with all requirements of Chapter 110, City of Winter Garden Code of Ordinances.
2. Multipartner developers agreement binding the property to one plat is executed

City Attorney Ardaman explained that if approved, the item should be contingent upon and subject to the execution and recording of the "Lot Split Agreement" and the "Easement Agreement", which needs to be signed by all the respective owners.

In response to Mr. Horsley's question, Director Williams stated that the agreements require that the property owners maintain the drainage, share the cost for road repairs, street lighting and utilities until the property is properly platted.

Motion by Jimmy Dunn to recommend approval of the Lot Split, with City Staff conditions (see attached) and contingent upon the execution and recording of the "Lot Split Agreement" and the "Easement Agreement". Seconded by Rohan Ramlackhan, the motion carried unanimously 5-0.

PUD Rezonings

5. Serenades By Sonata, 720 Roper Road, rezoning to PUD

Community Development Director Williams presented the Board with a request to rezone 7.497 ± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-1 (Single-Family Residential District) in the City of Winter Garden. The subject property is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan. Rezoning the subject property from City R-1 to City PUD is not inconsistent with the Future Land Use Map of the City's Comprehensive Plan. Further, the adjacent property owners should not be negatively impacted as the majority of the surrounding property is agricultural use land with few existing residences. The proposed development is a reasonable and low intensity use of the land and would not generate a significant increase in traffic volume beyond that typically generated by single family residential uses, and represents a use that is compatible with the area. A Community Meeting was held on July 20, 2011 at which time the applicant presented the proposal to develop a 35,000± square foot assisted living/memory care facility on a portion of the 7.497± acre property. The comments generated from the Community Meeting primarily focused on the building height, impact of site lighting on surrounding single-family residential communities, and allowable uses on the property in the event that the assisted living/memory care facility sells or vacates the building. These concerns have been addressed by the applicant and staff through the use of the PUD zoning designation

and limiting the uses of the property within the PUD Ordinance and on the Serenades by Sonata Preliminary PUD Plan. Staff has coordinated with the applicant to ensure that the development of the property will be consistent with the surrounding residential communities both in the scale and size of the building as well as the open space standards and impervious surface ratio criteria. Staff recommends approval of Ordinance 11-36, rezoning of 7.497± acres located on 720 Roper Road from City R-1 to City PUD.

Tom Sullivan, Selby Weeks, and Stuart Beebe, applicants for the project, approached the Board to answer questions and to provide further information regarding the proposed development. They presented some exhibits depicting the architectural layout and design of the subject facility.

Discussion took place among the applicant, Director Williams, and the Board Members in regards to the operation and services provided by the facility, the traffic generation, the security measurements, the phases of the development, and some of the terms included in the rezoning ordinance.

Motion by Kent Horsley to recommend approval of Ordinance 11-36, rezoning of 7.497± acres located at 720 Roper Road. Seconded by Mac McKinney the motion carried unanimously 5-0.

6. Waterside on Johns Lake, rezoning to PUD

Community Development Director Williams presented the Board with a request to rezone 75.94 +/- acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation NZ, which means that the property has not yet been zoned since it was annexed into the City of Winter Garden in September 2007. The subject property is designated Urban Village on the Future Land Use Map of the Comprehensive Plan and located on Marsh Road east of Williams Road and west of Avalon Road. Mr. Williams added that the surrounding properties are all located within the JPA expansion area as adopted by the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. Additionally, the subject property as well as many of the surrounding properties (a total of 596 acres) were annexed into the City of Winter Garden by Ordinance 07-34. At the time the properties were annexed into the City they were not assigned zoning or future land use designation in the City of Winter Garden. Subsequently, as part of the EAR based amendments to the City's Comprehensive Plan which were adopted in 2010, the subject property and surrounding properties (a total of 642.73 acres) were assigned a future land use designation of Urban Village on the Future Land Use Map of the City's Comprehensive Plan. The applicant proposes to develop the 75.94 ± acre site into a residential planned unit development of 172 single family homes. The property has a standard residential driveway point of transportation access at this time because it is used for a single family residence and agricultural uses. However, if the property is developed as proposed by the applicant then additional transportation access would be provided in the form of a round-a-bout at the main entrance on Marsh Road and a secondary access point for resident exit only access. The property is not currently a water or sewer customer of the City of Winter Garden; however water, sewer, and reclaimed utilities will be required for any new development of the property. At such time that the property is developed, all necessary utility lines will be extended and

connections made, all extension and connection costs shall be borne by the property owner. City Staff recommend approval of the proposed Ordinance. Rezoning the subject property from City NZ to City PUD is not inconsistent with the Future Land Use Map of the City's Comprehensive Plan. Further, the adjacent property owners should not be negatively impacted as the majority of the surrounding property is agricultural use land with few existing residences.

Tom Sullivan, Scott Sterms and Robert Hudson, applicants for the project, approached the Board and provided additional information regarding the subject petition; they also presented several graphics depicting the conceptual entry, the round-a-bout design, the overall conceptual site plan and the elevations of the proposed development.

Claire Ashington-Pickett, of Kirwin Norris, approached the Board and stated that she is an attorney representing Ivan and Mala Lindsay (*neighboring property owners*). Ms. Ashington inquired the board on the following issues: the Joint Planning Agreement, the School Capacity, institutional uses, and the Storm water requirements. Director Williams and City Attorney Ardaman responded to Ms. Ashington questions.

Planner and Traffic Engineer Patricia Tice, approached the Board and expressed concerns related to the subject petition in regards to: the urban village PUD zoning designations, the retention pond requirements, and the developer's request of moving driveways to the front and reduction of front porches. Ms. Tice stated that the proposed development simulates a suburban subdivision, not an urban village.

Marty Boyd, neighboring property owner, approached the Board and spoke in support of the subject petition.

Further discussion took place among the board members, Director Williams and City Manager Mike Bollhoefer in regards to the subject petition, topics of discussion included the Wekiva Protection Act in regards to the subject development and the plan to protect the natural environment of Johns Lake.

Motion by Kent Horsley to recommend approval of Ordinance 11-35, rezoning 75.94 +/- Acres of land located on Marsh Road from City NZ to City PUD. Seconded by Jimmy Dunn, the motion carried unanimously 5-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:04p.m.

APPROVED: **ATTEST:**

Chairman James Gentry **Planning Technician Lorena Blankenship**