



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
MARCH 5, 2012**

1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Chairman James Gentry called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:31 p.m. in the City Hall Commission Chambers. The invocation was given followed by the Pledge of Allegiance.

2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present.

MEMBERS PRESENT:

Chairman James Gentry, Vice-Chairman James Dunn, Board Members: Kent Horsley, Mark Maciel, Mac McKinney, and Eric Weiss.

MEMBERS ABSENT:

Rohan Ramlackhan (excused).

STAFF PRESENT:

City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Parks and Recreation Director Jay Conn, and Administrative Specialist Corrina Williams.

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held January 9, 2012.

Motion by Mac McKinney to approve the January 9, 2012 minutes, seconded by Eric Weiss, the motion carried unanimously 6-0.

4. GENERAL BUSINESS

Parks and Recreation Director, Jay Conn, presented the conceptual plan and amenities of the proposed Tucker Ranch Heritage Park Development at 100 Avalon Road, requesting the Boards feedback and comments. The Board was in favor of the amenities and the conceptual proposal for the 208.6+/- acre community park development. The City will continue to apply for additional grants to assist with the development costs of the park. Development will

begin soon to provide public accessibility within the next three years. All development will be sensitive to the historical structures and natural communities of the property.

LOT SPLIT

5. 770 W. Bay Street - Brent Maguire

Senior Planner Laura Smith presented an application for the lot split of the property at 770 W. Bay Street Lot 1 to create Lot 1A and Lot 1B. The applicant is an agreement with the City to combine the new Lot 1A with the applicant's property to the east Lot 3. The property shall be rezoned to address non-conforming setback issues, and uses thereby cleaning up existing issues of this property and the adjacent lots.

Motion by Eric Weiss to recommend the approval of the lot split on 770 W. Bay Street, with staff recommendations (Attachment "A"). Seconded by James Dunn, motion carried unanimously 6-0.

SPECIAL EXCEPTION PERMIT(Public Hearing)

6. 13036 Roper Road - Grace Church of Orlando, Inc.

Senior Planner Laura Smith presented a special exception permit request for the property located at 13036 Roper Road to allow a 22,100 square foot Church on this 24.91 +/- acre parcel.

The applicant hosted a community meeting on February 21, 2012 to hear and address citizen concerns for the proposed development. Citizen Jason Casey Hurley of 13035 Roper Road, Winter Garden, FL 34787 provided a letter to the Board with his personal concerns of this development (see attached letter as Attachment B). Mr. Hurley's three specific concerns were, 1) the disturbance or removal of the tree canopy along Roper Road; 2) the traffic impact on Roper Road; 3) the potential usage of the property to include a school. The Applicant's Representative, Jim Carten responded that they are seeking to develop the site with little or no impact to the tree canopy along Roper Road, and a traffic study will be performed to assist in developing solutions to minimize the traffic impact on Roper Road, which could include signalization, and or off duty police traffic control during service events. The applicant further advised that there is no long range intent of the Church to open a school as part of the Church.

Further discussion by the Board with staff clarified that the intent of tonight's request is to approve the special exception of the use on the property and that the conditions of the development of the site will be brought back to the board once a site plan application is submitted and gone through its course of the development review process.

Motion by Kent Horsley to recommend approval of the special exception permit for 13036 Roper Road (Grace Church of Orlando, Inc.), with staff recommendations (Attachment "C"). Seconded by Mac McKinney, the motion carried unanimously 6-0.

7. 125 N. Lakeview Avenue - First United Methodist Church Memorial Garden

Senior Planner Laura Smith requested this item to be tabled until the April 2, 2012 Planning and Zoning Board meeting to allow the applicant time to host a Community Meeting for citizen input on the project.

Motion by James Dunn to recommend the 125 N. Lakeview Avenue - Special Exception Permit request to be tabled till the next Planning and Zoning Board meeting, April 2, 2012 at 6:30 pm to allow applicant to resolve outstanding issues. Seconded by Kent Horsley, the motion carried unanimously 6-0.

VARIANCE (Public Hearing)

8. 404 Lake Amberleigh Drive - Douglas E. Smith

Senior Planner Laura Smith presented a variance request for the property located at 404 Lake Amberleigh Drive allowing for a six foot rear yard setback in lieu of the required 25' setback.

The Board presented questions with regard to the water and drainage impact of the structure and Senior Planner Smith advised the Board that the impervious impact of the property is within the City's code calculations and that similar variance requests within the same subdivision have previously been approved and this request is consistent with the other residential structures in the subdivision.

Motion by Eric Weiss to recommend the approval of the variance request with the stipulation that the applicant must obtain the Home Owners' Association approval. Seconded by Mark Maciel, the motion carried unanimously 6-0.

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:50 p.m.

APPROVED:

ATTEST:

Chairman James Gentry

Administrative Specialist Corrina Williams

ATTACHMENT "A"

**CITY OF WINTER GARDEN
PLANNING & ZONING DIVISION**

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: February 29, 2012
SUBJECT: LOT SPLIT
770 West Bay Street
PARCEL ID # 22-22-27-0000-00-085

INTRODUCTION

Request approval to allow a lot split on property located at 770 West Bay Street.



P&Z : PH12-001

CURRENT USE AND ZONING

The subject property contains two buildings which are located on one lot within a larger C-3 zoned site that is comprised of 4 lots containing a total of 5 buildings. Of the 5 buildings located on the site 1 is a single family residence and 4 are commercial buildings used for light industrial, assembly, and fabrication

CODE REFERENCE

Sec. 110-96. Proposed subdivision of existing lot.

(a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of complying with division 3 of this article, the subdivider may conform to the procedural requirements set out in this division or he may comply with the procedure for subdivision or resubdivision contained in this chapter at the applicant's option. This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.

(b) A subdivider shall apply to the city manager on an application form, promulgated by the director of planning, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum criteria:

- (1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.
- (2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.
- (3) A listing of the names and addresses of the record owners abutting subject property.
- (4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements thereon.

(c) Lot split procedure. Once the application is determined to be complete, the city staff shall review the request for compliance with the code (e.g. compliance with lot dimensions requirements, setbacks for existing buildings etc.).

Upon review by the city staff, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the planning and zoning board at its next regular meeting or session, following action by the city staff, for approval or disapproval. The planning and zoning board may take the following actions:

- (1) Approve the application as recommended by the city staff.

- (2) Approve the application, deleting or supplementing the conditions and restrictions of the city staff.
- (3) Approve the application, adding conditions and restrictions as determined by the planning and zoning board.
- (4) Disapprove the application.

The planning and zoning board shall have the option to take such action as it deems necessary and proper upon one hearing.

SUMMARY

The applicant has recently purchased Lots 3 & 4, and is a partner in ownership of Lot 2. The purpose of the applicant's request for lot split is to split the southern building on the subject property off from the northern building on the subject property so that he may also purchase the southern building. The applicant has expressed intentions to rezone the property to correct the non-conformities, aggregate the proposed Lot 1A and existing Lot 3 into one lot, and annex the existing Lot 4 into the City of Winter Garden.

STAFF RECOMMENDATION

Staff recommends approval of the requested lot split to split the existing Lot 1 into Lot 1A and Lot 1B with the following conditions:

1. A binding lot agreement will be required to aggregate, or combine, the new Lot 1A with the Applicant's property to the east (Lot 3).
2. The property shall be rezoned to address non-conforming setback issues, uses, etc.
3. The unincorporated property to the south shall be annexed into the City within 120 days of approval of the lot split.
4. City Utilities: At the time of any building renovation, expansion, or reconstruction, the site shall be connected to the City's water and wastewater (sewer) systems. No Certificate of Occupancy will be issued for any building on a lot until connection to the City's water and wastewater system has been made and cleared for use by FDEP and/or the City.
5. An ingress/egress/access easement across the southeast corner of Lot 1B must be recorded prior to issuance of any permits for Lot 1A. The ingress/egress/access easement shall provide access from the northeast corner of Lot 1A to the existing 20' ingress/egress/access easement recorded in O.R. Book 6286, Page 1958.

NEXT STEP

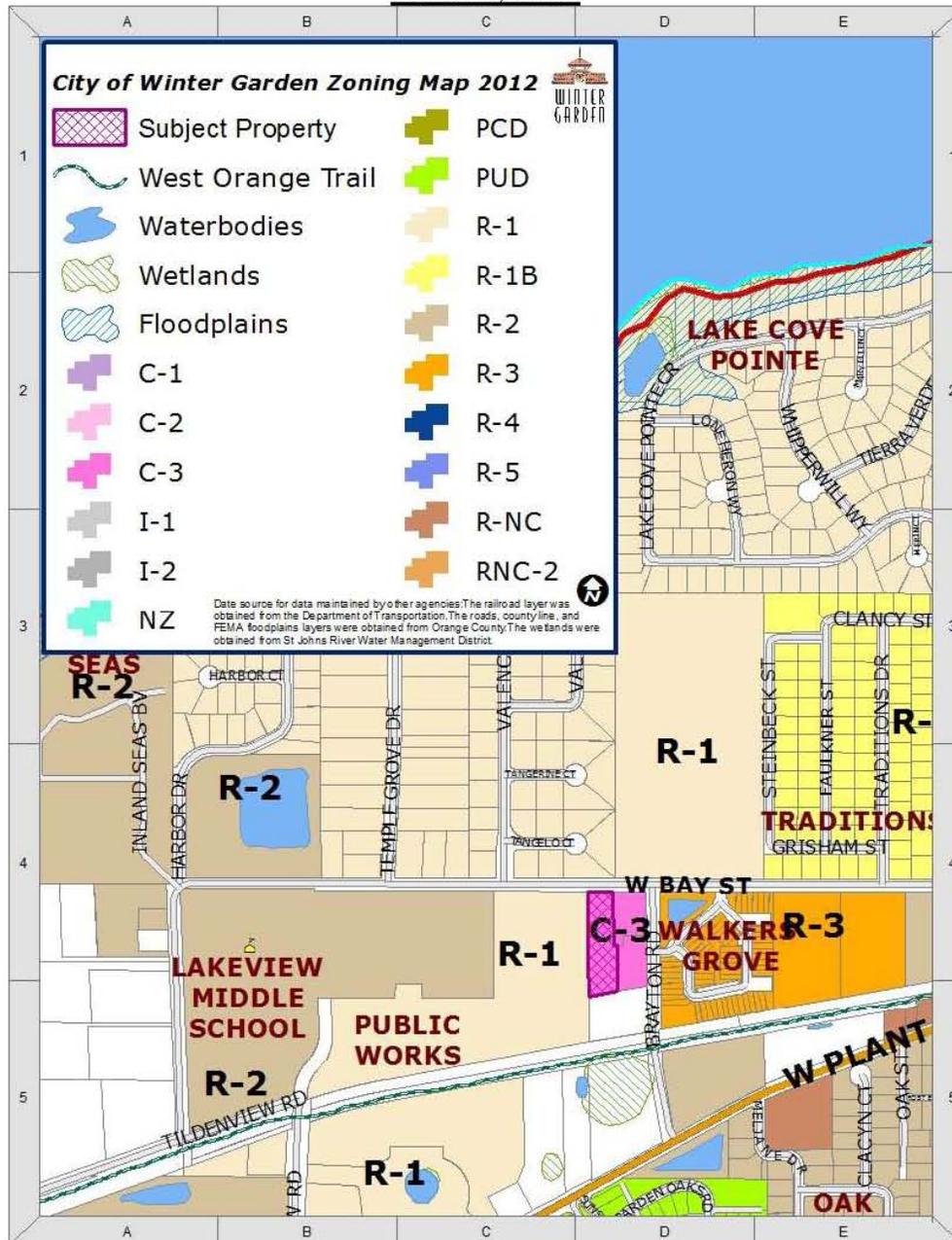
If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

AERIAL PHOTO
770 W Bay Street



P&Z : PH12-001

ZONING MAP
 770 W Bay Street



END OF STAFF REPORT

P&Z : PH12-001

ATTACHMENT "B"

Item # 6
13036 Roper Road - Grace Church of Orlando, Inc.
Special Exception Permit
Public Comment

To whom it may concern concerning the proposed Church at 13036 Roper Rd, Winter Garden Fl, 34787;

John Casey Hurley, 13035 Roper Rd, Winter Garden Fl. 34787

Ph#407-929-7672, email jhurley4@cfl.rr.com

These are the concerns I have regarding the construction and usage of the property directly across the street from my residence on March 5, 2012.

1- Tree canopy. There are a line of old growth oak trees across the front of 13035 Roper Rd. running parallel to Roper Rd. extending east. I believe these trees to be historic and desirable and I wish to see them preserved from removal, possible injury, and or destruction due to road improvements, sidewalks, utilities, or any other development by any entity.

2- Traffic . Roper Rd. has become increasingly congested since the construction of Fowlers Grove. According to proposed Church construction plans, parking density at the Church is presently unclear in my opinion, with 150 to 250 proposed parking places with room for more in the future. According to the same plans, there will be a single entrance and exit to Roper Rd. In my opinion, this will increase the congestion on Roper, and create a bottleneck for Roper traffic as well as traffic entering and leaving the Church facility. A second entrance and exit would in my opinion alleviate traffic congestion. The rear of the property borders an easement to Reaves Rd.

3- Usage. Future usage could include a school, as many Churches do expand to provide this service. This could complicate traffic even more, as West Orange High School currently uses Roper Rd. as a conduit.

Summery:

I understand and accept that as development proceeds in the local area, we as citizens of Winter Garden and Orange County must accept the negative impact as well as the prosperity that such development brings. However, in my opinion, both the prosperity and the negative impact should be spread across the larger segment of the existing population, not experienced by a select few.

I understand that Grace Church is not the sole reason for traffic congestion on Roper Rd, only a latecomer in a list of contributing factors, including West Orange High School, Fowlers Grove, and multiple large housing developments. The question is, at what point should steps be taken to protect the long standing taxpayers with residential driveways connecting with Roper Rd. In my opinion, Roper Rd. should be considered a residential street, not a conduit, with a lower speed limit than the current 35 mph. I feel a traffic study should be implemented and plans for the improvement of Roper Rd. including any turn lanes, sidewalks, utilities, or easements be publicly reviewed before any building permits are issued. This would protect adjacent homeowners, the general public using Roper Rd. and Grace Church from potential property devaluation and traffic hazards.

ATTACHMENT "C"

**CITY OF WINTER GARDEN
PLANNING & ZONING DIVISION**

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

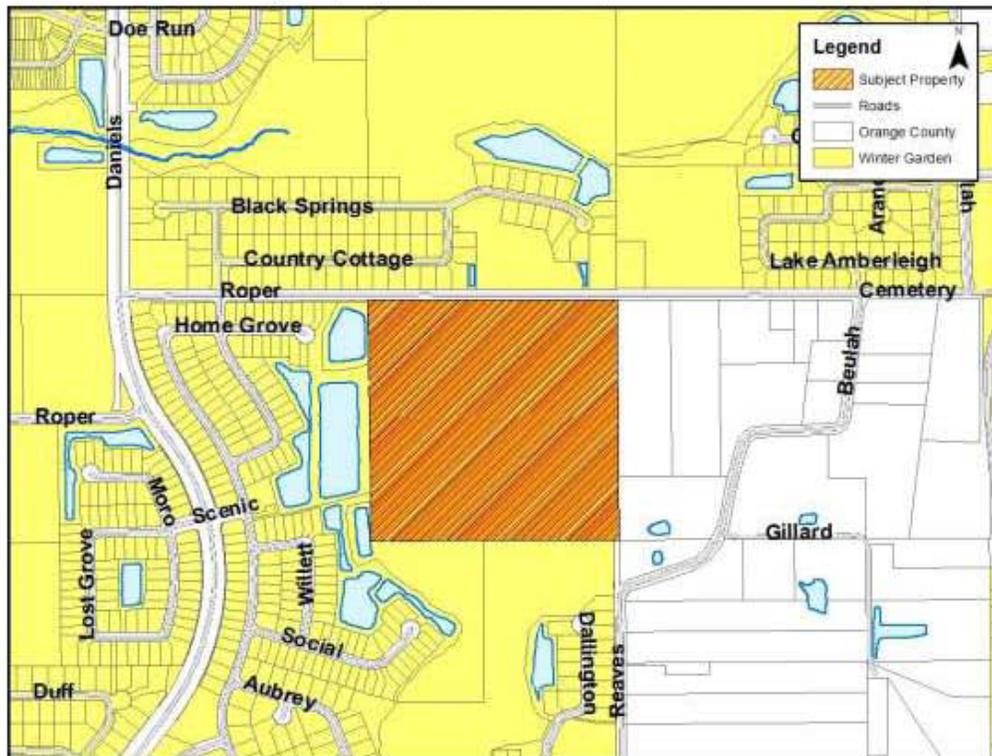
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: FEBRUARY 29, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
13036 Roper Road (Grace Church of Orlando, Inc.)
PARCEL ID # 35-22-27-0000-00-024

APPLICANT: Grace Church of Orlando, Inc.

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property, generally located on the south side of Roper Road, east of Daniels Road and west of Beulah Road at 13036 Roper Road, is approximately 40.29± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception to allow for the subject property to be used for a Church. The subject property is located within the City of Winter Garden municipal limits, and was recently rezoned and assigned the zoning designation R-1. The subject property is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property is vacant unimproved land which is comprised of approximately 24.91 +/- acres of jurisdictional wetlands and contains several upland areas which encompass approximately 15.38 +/- acres.

ADJACENT LAND USE AND ZONING

The properties located to the north, south, and west of the subject property are developed residential subdivisions zoned PUD and R-1 within the City of Winter Garden. The properties located to the east of the subject property consist of a single family residence (A-1) located in Unincorporated Orange County and an agriculture use (A-1) Orange County owned property which is also located in Unincorporated Orange County.

PROPOSED USE

The applicant proposes to construct a 22,100 square foot church on the 40.29 +/- acre property. The R-1 zoning district does not allow for churches or other places of worship as permitted uses, however the R-1 zoning district does allow for churches and other places of worship as special exceptions.

PUBLIC FACILITY ANALYSIS

The property does not have a point of transportation access at this time because it is unimproved vacant land. However, if the property is developed for a Church then access would be from Roper Road.

The property is not currently served by central water or sewer; however water and sewer are available along Roper Road. Connection to City water and sewer are required at time of development and the cost of connection shall be borne by the property owner.

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

COMMUNITY CONCERNS

A Community Meeting was held on February 21, 2012 to review the proposed use with the surrounding property owners and to facilitate discussion between the property owner and the residents in the surrounding communities. The following concerns were raised by the participants:

- Protection of the wetlands and drainage flows during and post construction/site work.

- Days and times of church services/meetings.
- Size of the congregation of the church/number of members.
- Amount of parking to be provided.
- Landscape and buffering plans for the east side of the property.
- Possibility of an additional point of ingress/egress.

SUMMARY

City Staff recommends approval of the proposed use subject to the following conditions.

The subject property contains approximately 15.38± acres identified as uplands and approximately 24.91± acres identified as jurisdictional wetlands. Development on the subject property shall be restricted to preserve and buffer the wetlands to the greatest extent possible.

Prior to any development on the subject property, the owner shall seek and obtain a wetland determination by Saint John's River Water Management District and the City.

In accordance with Section 78-2, City of Winter Garden Code of Ordinances, all potable water, reclaimed water and sanitary sewer main lines and utilities required for development of the subject property shall be extended from their current terminus to the subject property and along the subject property's entire frontage along public rights-of-way, at the owner's expense. The City will require the owner/developer to enter into an agreement with the City concerning installation of main lines, reimbursement of any oversizing costs and other matters relating to the utilities requirements.

Prior to any development on the subject property, the owner must submit a site plan for review and recommendation of the Development Review Committee and approval of City Commission. In addition to the required site plan submittal information as stipulated in Chapter 118, Article II, Division 2, Section 118-66 the owner shall provide a Transportation Analysis/Traffic Impact Study for the subject property. Additionally, at time of site plan submittal a Landscape Plan will be required; the Landscape Plan must include all proposed buffering and screening methods to be used on the property, specifically in areas where development of the subject property will abut existing single family residential structures on neighboring properties, and must comply with Chapter 114, Article II of the City Code of Ordinances.

Prior to final site plan approval, final plat approval or any other further development orders or permits being issued, a minimum of 30 ft of right-of-way south of the centerline of Roper Road along the entire frontage of the subject property must, at owner's expense, be conveyed in fee simple via warranty deed (in a form acceptable to the City) to the City free and clear of all liens, encumbrances and title defects. Prior to the right-of-way conveyance, the owner shall provide a boundary survey of the right-of-way property certified to the City and a current attorney's opinion of title or a current title commitment, evidencing that fee simple title to the right-of-way property is free and clear of all liens and encumbrances except for those matters acceptable to the City. Real property taxes on the right-of-way property shall be prorated as of the day before the City's acceptance of the conveyance of the same, and the prorated amount of such real property

taxes attributable to the Owner shall be paid and escrowed by the owner in accordance with the provisions of Section 196.295, Florida Statutes. Owner and its successors and assigns shall not be entitled to any road impact fee credits or other compensation of any kind for, on account of, or with respect to the required conveyance of right-of-way to the City.

Failure to adhere to all provisions of the Special Exception Permit identified above within 365 days after the effective date of the action granting the Special Exception Permit will result in the expiration of the Special Exception Permit.

MAPS/EXHIBITS

AERIAL PHOTO
13036 Roper Road



ZONING MAP
13036 Roper Road

