



**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
APRIL 1, 2013**

**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 6:29 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 at 6:29 p.m.

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT/ARRIVED LATE:**

Board Member – Rohan Ramlackhan (Absent) - Excused

**STAFF PRESENT:**

City Attorney(s) Kurt Ardaman, Senior Planner Laura Smith, Senior Planner Stephen Pash, and Planning Technician Corrina Williams.

**3. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held on March 4, 2013.

*Motion by Eric Weiss to approve the March 4, 2013 minutes, seconded by Kent Horsley, the motion carried unanimously 6-0.*

**SPECIAL EXCEPTION PERMIT (Public Hearing)**

**4. 12520 Warrior Road – (Westside Church)**

Senior Planner Laura Smith presented a request for a one year extension of Special Exception Permit granted April 2, 2012 allowing construction of a church in an R-1 zoning district at 12520 Warrior Road. The Planning and Zoning Board originally approved a Special

Exception Permit for the church on February 3, 2004. The Planning and Zoning Board approved another Special Exception Permit for the church on April 2, 2007 and a Special Exception Permit extension on March 3, 2008. The Planning and Zoning Board approved a new Special Exception Permit on April 2, 2012, which is scheduled to expire on April 2, 2013. Staff is recommending approval of the one year extension of the Special Exception Permit granted on April 2, 2012 with all conditions identified in the Staff Report of April 2, 2012 remaining in effect.

Citizen, Krista Plaza, 12421 Westfield Lakes Circle, Winter Garden, FL 34787, made a request for additional information regarding the status of the project, number of times that extensions or Special Exception Permits have been granted to the subject property, and if additional roadway and traffic studies could be done before any new approvals on the property because the community has changed since the initial approvals for the property to be used for a church.

Board Chairman James Gentry stated that the citizen should contact the Planning and Zoning Department and City Staff with those questions as they have access to the records for the property and that the Planning and Zoning Board does not have that type of information available during the meeting.

Senior Planner Laura Smith clarified that the first Special Exception to allow a church on the subject property was granted in 2003, and that the additional dates of approval are listed in the summary on the cover memo in the meeting materials. Also, all other approvals including site plans and construction plans for the subject property have exhausted all extension options and are now expired.

Citizen, Krista Plaza, 12421 Westfield Lakes Circle, Winter Garden, FL 34787, stated that there is excessive activity on the site with students from West Orange High School parking on the property and using it as a cut-through which creates excessive noise and dust. Letters were presented to the Board from other citizens in the Westfield Lakes subdivision (Attached as Exhibit "A").

Board Chairman James Gentry inquired about who the citizen should contact about this concern.

City Attorney Kurt Ardaman responded that the citizen could contact the Police Department.

Senior Planner Laura Smith agreed with City Attorney Kurt Ardaman and stated that the citizen could also contact Code Enforcement.

General discussion by the Board with staff regarding the time frame for when the applicant may begin to develop the site.

***Motion by Mac McKinney to approve the Special Exception extension for a period of one year with staff recommendations (Attached Exhibit "B"). Seconded by James Dunn the motion carried unanimously 5-0. Mark Maciel recused himself due to a conflict of interest.***

## **ANNEXATION, FUTURE LAND USE MAP AMENDMENT (Public Hearing)**

### **5. 16846; 17000; 17166 Marsh Road (Premer/Pangborn)**

Senior Planner Stephen Pash presented a voluntary annexation application for the property located at 16846, 17000 and 17166 Marsh Road for approximately 127.42 +/- acres. The applicant has requested voluntary annexation and a land use designation of Urban Village. Zoning district will not be applied until the property becomes redeveloped at which time they would be required to submit for the Urban Village Planned Unit Development. The City Staff recommends approval of Ordinance 13-16 and Ordinance 13-17 to annex the property and assign the future land use designation Urban Village.

*Motion by Kent Horsley to recommend the approval of annexation and future land use map amendment of 127.42 +/- acres located at 16846; 17000; 17166 Marsh Road – Annexation - Ordinance 13-16 – FLU – Ordinance 13-17, with staff recommendations (Attached Exhibit “C”). Seconded by James Dunn, the motion carried unanimously 6-0.*

### **6. 1400 Siplin Road (Tilden Groves Holding Corp.)**

Senior Planner Stephen Pash presented a voluntary annexation application for the property located at 1400 Siplin Road for approximately 10.47 +/- acres. The applicant has requested voluntary annexation and a land use designation of Suburban Residential. Zoning district will not be applied until the property develops. Staff clarified that through the review process it has been discovered that this is a land-locked parcel and all access will need to be provided through the properties to the north to SunRidge Blvd or through the properties to the east to Siplin Rd. The City Staff recommends approval of Ordinance 13-13 and Ordinance 13-15 to annex the property and assign the future land use designation Suburban Residential.

General discussion by the Board with staff regarding access to the property.

*Motion by Eric Weiss to recommend the approval of annexation and future land use map amendment of 10.47 +/- acres located at 1400 Siplin Road – Annexation - Ordinance 13-13 – FLU – Ordinance 13-15, with staff recommendations (Attached Exhibit “D”). Seconded by James Dunn, the motion carried unanimously 6-0.*

### **7. 14288; 14350; 14362 Siplin Road (Black Lake Preserve)**

Senior Planner Laura Smith presented a request for future land use designation of Suburban Residential for the property located at 14288, 14350 and 14362 Siplin Road for approximately 35.2 +/- acres. The property was annexed last month and a rezoning application for PUD zoning is currently in review by staff for this property. The City Staff recommends approval of Ordinance 13-06 to assign the future land use designation Suburban Residential.

*Motion by Eric Weiss to recommend approval of the future land use map amendment of 35.2 +/- acres located at 14288; 14350; 14362 Siplin Road– FLU – Ordinance 13-06, with staff recommendations (Attached Exhibit “E”). Seconded by Kent Horsley, the motion carried unanimously 6-0.*

**CITY OF WINTER GARDEN COMPREHENSIVE PLAN AMENDMENT (Public Hearing)**

**8. Planned Commercial Development (PCD) and Planned Unit Development (PUD)**

Senior Planner Laura Smith presented a City initiated proposal for text amendment to the City's Comprehensive Plan Policy 1-1.2.13 pertaining to zoning classifications that are consistent with the Traditional Downtown Land Use Designation. In 2010 the City adopted a new Comprehensive Plan to readopt and amend the Plan, which included creation of a number of new Future Land Use Designations including the Traditional Downtown Land Use Designation. Planned Commercial Development (PCD) and Planned Unit Development (PUD) were not included in the list of zoning designations that are consistent with the Traditional Downtown Future Land Use Designation, however it is necessary that these zoning districts be permitted within the Traditional Downtown Land Use Designation to allow for the mix of uses that is encouraged within the Traditional Downtown Land Use Designation. Staff recommends approval of Ordinance 13-14.

*Motion by Kent Horsley to recommend approval of amendment to Policy 1-1.2.13 of the Future Land Use Element of the City of Winter Garden Comprehensive Plan to include PUD and PCD as zoning classifications that are consistent with the Traditional Downtown Land Use Designation – Ordinance 13-14. Seconded by Eric Weiss, the motion carried unanimously 6-0.*

**CITY OF WINTER GARDEN CODE AMENDMENT (Public Hearing)**

**9. Sign Code**

Senior Planner Laura Smith requested that Ordinance 13-19 amending the City of Winter Garden Sign Code be tabled to a date certain of May 6, 2013 at 6:30pm.

*Motion by Eric Weiss to table Ordinance 13-19 to May 6, 2013 Planning and Zoning Board Meeting. Seconded by Kent Horsley, the motion carried unanimously 6-0.*

**10. Sidewalk Café**

Senior Planner Laura Smith presented a request to amend Article VII of Chapter 62 of the Winter Garden City Code; providing for definitions and revised definitions; providing for revised standards, requirements, criteria and conditions for sidewalk cafes. City Staff recommends approval of Ordinance 13-20.

City Attorney Kurt Ardaman clarified that the primary intent of the Ordinance is to keep the outside areas along the sidewalks from becoming a drinking atmosphere and keep it as a family oriented downtown area. The Ordinance would prevent the dispensers and mixing of drinks outside in the sidewalk café area, but still allowing alcohol to be served outside in the sidewalk café area.

General discussion between the board and staff regarding sale of alcoholic beverages and method of distribution of alcoholic beverages during and in conjunction with special events and City events.

*Motion by Eric Weiss to approve Ordinance 13-20 with the recommendation that City Commission consider that when the City Commission approves events to take place downtown*

*with tents and tubs set up for alcoholic beverage sales, that it would automatically be assumed that within those sidewalk café defined boundaries those businesses would be able to use tubs and other dispensing mechanisms within their sidewalk cafes. Seconded by James Gentry, the motion carried unanimously 6-0.*

**11. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:16 p.m.

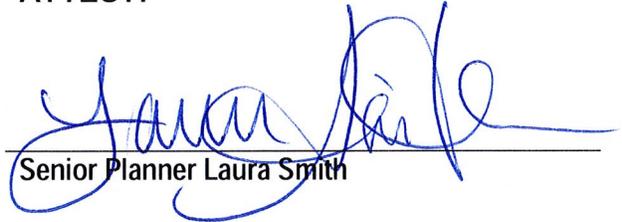
**APPROVED:**

**ATTEST:**



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Chairman James Gentry



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Senior Planner Laura Smith