



**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
MAY 6, 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 6:30 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 6:32 p.m.

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT/ARRIVED LATE:**

Board Member – Mark Maciel (Absent) - Excused

**STAFF PRESENT:**

City Attorney Kurt Ardaman, City Manager Mike Bollhoefer, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Economic Development Director Tanja Gerhartz and Customer Service Representative Maria Michaud.

**3. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held on April 1, 2013.

*Motion by James Gentry to approve the April 1, 2013 minutes, seconded by Kent Horsley, the motion carried unanimously 6-0.*

## **VARIANCE (Public Hearing)**

### **4. 1275 Westside Drive – (Westside Townhomes)**

Senior Planner Stephen Pash presented a variance request for 12751 Westside Dr., Westside Townhomes' swimming pool. The applicant is requesting a variance to the maximum fence height to allow an 8-foot tall chain link fence around the swimming pool area as they have had people climbing the fence that don't live in the neighborhood. Staff is recommending approval of the variance request because staff believes it meets the criteria for variance approval.

Board Member Mac McKinney asked if we had other pools in the area with 8' tall fences. Senior Planner Steve Pash mentioned there are subdivisions that have perimeter walls at the same height, but there are no other swimming pools with fences at this height.

*Motion by Jimmy Dunn to approve the variance for the 8-foot tall chain link fence around the swimming pool at 12751 Westside Drive. Seconded by Ken Horsley, the motion carried unanimously 6-0.*

## **SPECIAL EXCEPTION PERMIT (Public Hearing)**

### **5. 730 S. DILLARD STREET – (Wild Hogs Scooters)**

Senior Planner Steve Pash presented a request for special exception for property located at 730 S. Dillard Street, to allow the property to be used for automobile sales and services to open a scooter sales facility that will also have a service in the back.

Staff recommends approval subject to the conditions that are in the staff report. Senior Planner Pash outlined the conditions: all vehicles for sale have to be stored inside; work on the vehicles shall be done inside; no outdoor displays are allowed; the special exception is for this business only. They have two stores operating already, one in Lake Mary and one in Winter Park; and staff supports this special exception.

Clarification by Board member Kent Horsley that the business is just scooters, but then the terminology used is "automobile sales" he wanted to know if both come under the same.

Senior Planner Steve Pash mentioned that the code doesn't define scooters, so we use the term "automobile sales and services" to define the sales of scooters. Board Member Kent Horsley asked if the language restricted this business to scooters or if they decide they want to sell cars, can they sell cars, jeeps, and limousines?

Senior Planner Steve Pash agreed that he makes a very good point, and recommended that condition be added.

Applicant John R. from "Wild Hog Scooters" took the stand and addressed the Board members saying that the state defines the DMV licenses they don't separate like it's a motorcycle, scooter or car shop. What some of the other cities have done is just put in their business license for the city "scooters only" and said that as a company, they have no

intention of ever wanting to sell a car. They accept whatever conditions the Board imposes to make sure that doesn't happen.

General discussion ensued among Board members about granting special permission for the store to display their scooters outside and how the beautification of Dillard Street would prevent outdoor displays on that area.

Board Chairman James Gentry asked the applicant if he wants to proceed with this as it is written, or if he would like to table it and have further discussion with the city, then come back to the board.

The applicant (Andrew Freeman) accepted the conditions as written.

*Motion by James Gentry to approve the Special Exception permit at 730 S. Dillard Street with staff recommendations. Seconded by Mac McKinney the motion carried 5-1. Ken Horsley opposed.*

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

### **6. 13036 ROPER ROAD (Oaks of Winter Garden)**

Senior Planner Stephen Pash presented a request to rezone from R-1 to R-1B for property located on the south side of Roper Road just East of Daniels Road and West of Beulah Road.

This property was previously zoned as R-1 and approved for a special exception to construct a church. The church no longer wants to build there and they've worked out a deal to sell the property to a developer. The developer also purchased two properties to the east, which were recently annexed into the City and plans to use the three lots to develop a new neighborhood with eighty-one 75 foot wide lots. The rezoning does not increase the density, just allows them for a slightly smaller lot size.

The applicant has been made aware of several items including the existing wetlands and trees and that the board and staff, through the previous special exception, want minimal to no impact on the wetlands and trees. As proposed, the development impacts 0.1 acres of the wetlands in the north east side where they have an island proposed. They were also made aware that they will be responsible for improvements on Roper Road and any fair share agreements for the stop light that will be going in at Roper Road and Daniels Road. All of those things will be reviewed at Pre Plat and Construction plans.

Staff recommends approval of the proposed rezoning (ordinance 13-04).

Board Chairman James Gentry asked if there is anyone that would like to speak for or against this project.

The board asked if this had been made public to the surrounding subdivisions. Senior Planner Steve Pash confirmed that it was advertised, notices were mailed out, and a community

meeting was held where 8 or 9 people came and their concerns were about the conservation of the wetlands and trees along Roper Road

General discussion ensued with the Board and staff regarding access to the property and the wetland area to be impacted.

***Motion by Board Mac McKinney to approve the rezoning of Roper Road 13036 with staff recommendations. Seconded by Rohan Ramlackhan the motion carried unanimously 6-0.***

#### **7. 17929 MARSH ROAD (Cannon, Benjamin)**

Senior Planner Stephen Pash presented a voluntary annexation application for the property located at 17929 Marsh Road. The property is currently developed with 2 modular homes and some out buildings. The applicant intends to keep this as their primary residence. If and when they decide to do any redevelopment they will be required to go through zoning to Urban Village Plan Unit Development.

Staff recommends approval of ordinance 13-24 to annex the property and ordinance 13-25 to assign the future land use designation of Urban Village.

Board Chairman James Gentry asked if anyone would like to speak for or against this project.

Board Member Mac McKinney asked about the current zoning (A-1) and if we annex it into the city it automatically becomes urban village? Senior Planner Pash explained that this area of the city is required to be zoned Urban Village Planned Unit Development and that there is an overall master plan of the entire area.

***Motion by Jimmy Dunn to approve ordinance 13-25 and 13-24. Seconded by Eric Weiss the motion carried unanimously 6-0.***

#### **8. 920 VINELAND ROAD (Concalves, Antonio)**

Senior Planner Steve Pash presented a voluntary annexation of property located at 920 Vineland Road. The property owner has requested annexation, future land use designation of Residential Neighborhood Commercial, and an initial zoning of R-NC. This property is currently developed with a single family home; it is next door to some offices, and across the street from some offices. The proposed zoning is consistent with the surrounding area.

The applicant intends to convert this home into an office and staff has explained that they will need to apply for a special exception to convert this building into an office once the annexation is completed and everything is approved.

Staff recommends approval of ordinance 13-21, 13-22 and 13-23 to annex the property, assign land use, and zoning.

Chairman James Gentry asked if there is anyone in the public to speak for or against this project.

No questions.

***Motion to approve the annexation and future land use of 920 Vineland Road with staff recommendations by Eric Weiss. Seconded by Jimmy Dunn the motion carried unanimously 6-0.***

***Board Member Mac McKinney made a motion to include the ordinance number back for item # 6 which is Ordinance number 13-04***

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

### **9. Sign Code**

City Manager Mike Bollhoefer provided information on signage history during the down turn of the economy and how this led to the creation of a new sign code for the city.

This new sign code is more liberal than the previous sign code, and a good balanced between the city's requirements for signage aesthetics and also helps the businesses advertise and allow patrons to find them.

The new sign code is based on a model sign code that was done with the help from sign makers, attorneys, and business owners and the idea of this new sign code is based on a logical idea of who would determine the signs based on the vehicle speed, and the proportionate size to the building.

Senior Planner Laura Smith presented the new sign code and pointed out the technical side that regulates signage now.

General discussion by the Board with staff regarding what is acceptable, and who decides if a sign is complementary.

Board believes this signage code is a great improvement to the old one.

Board Chairman James Gentry asked if anyone in the public would like to speak for or against the project.

No questions

***Motion by Jimmy Dunn to approve Ordinance 13-19 with the recommendation of City Commission. Seconded by Eric Weiss, the motion carried unanimously 6-0.***

**10. ADJOURNMENT**

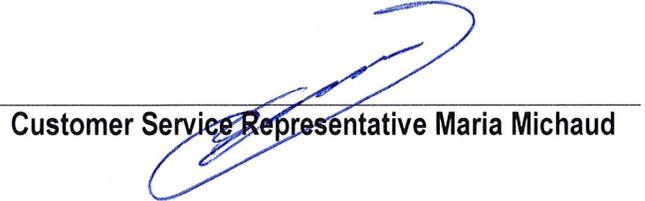
There being no further business, the meeting was adjourned at 7:46 p.m.

**APPROVED:**



Chairman James Gentry

**ATTEST:**



Customer Service Representative Maria Michaud