



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
SEPTEMBER 8, 2014**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Chairman Jimmy Dunn 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. A moment of silence was 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 Jimmy Dunn, Vice-Chairman Eric Weiss, and Board Members: Mark Maciel and Mac McKinney

MEMBERS ABSENT:

Heather Gantt (excused), H. Gerald Jowers (excused), and Rohan Ramlackhan (excused)

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Community Development Manager Stephen Pash and Customer Service Rep. Kathy Rathel

3. APPROVAL OF MINUTES

*Motion by Eric Weiss to approve the regular meeting minutes of August 4, 2014.
Seconded by Mark Maciel and carried unanimously 4 - 0.*

ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)

4. 562 Beard Road – Adalee J. Roper Trust (REZONING)

Community Development Manager Pash presented a request for Rezoning for the property located at 562 Beard Road. The applicant is requesting a rezoning of 33.79 +/- acres from R-1 to Planned Unit Development (PUD) for development of 77 single-family homes. The property contains a .71 acre park with a gazebo, outdoor cooking equipment, outdoor fitness equipment and tot lot. The applicant is currently working with the Deerfield Place neighborhood to connect with and privatize the neighborhood but has alternative entrances if Deerfield Place does not approve the proposal. Staff recommends approval of Ordinance 14-26 to rezone the property to PUD.

Ben Shoemaker, Vice-President of KB Homes, 1317 Bel-Air Circle, Orlando FL 32804, had a power point presentation and updated the Board on the traffic issues and the proposed plan options; the first has two entries onto Beard Road and the second has one entry onto Beard Road with the other connecting through to Deerfield Place. Deerfield Place would need a 65% voting approval in order for the two subdivisions to tie together as gated communities. Mr. Shoemaker also discussed the Beard Road improvements along their property boundaries by widening it by 2 feet on either side, adding a ribbon curb, sidewalks and expanding the 'S' curve. The neighbors would get extended asphalt approaches for their driveways from the road widening.

Mohammed Abdallah, traffic and mobility consultant, 1507 Hiawasse Road #212, Orlando FL, showed a presentation and discussed the traffic study. He stated the study showed the primary access points for the High School were from Beulah Road and Roper Road with secondary traffic using Beard Road. He also discussed the peak traffic times, speed of cars using the road and what measures could be taken to slow traffic.

Board Member Weiss asked when KB Homes will choose which option will be used. Community Development Manager Pash stated, if the rezoning is approved, they would know by Preliminary Plat which would be in 30 to 45 days. Mr. Shoemaker believes it will take 3 to 4 months for a vote from Deerfield Place and the agreements for the two separate HOA's.

Motion by Mark Maciel to recommend approval of Ordinance 14-26 for the Rezoning of 562 Beard Road with Staff Recommendations (as provided in the agenda packet). Seconded by Eric Weiss and carried unanimously 4 - 0.

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

5. 1170 Elboc Way –BilGil, LLC / Handy Rentals

Community Development Manager Pash presented a request for a Special Exception Permit to allow small engine repair and equipment maintenance in a C-2 Zoning District for the property located at 1170 Elboc Way. Staff recommends approval of the proposed use subject to the conditions outlined in the Staff Report.

Motion by Eric Weiss to recommend approval of the Special Exception Permit for 1170 Elboc Way with Staff Recommendations (as provided in the agenda packet). Seconded by Mark Maciel and carried unanimously 4 - 0.

VARIANCE (PUBLIC HEARING)

6. 722 Sandy Bar Drive –Meritage Homes

Community Development Manager Pash presented a request for a Variance for the property located at 722 Sandy Bar Drive. The applicant is requesting a 22 foot front yard setback in lieu of the minimum required 25 foot front yard setback to allow a covered open porch to remain on a single family residence. Staff recommends approval of the variance subject to the conditions outlined in the Staff Report.

Discussion ensued regarding the building permit submittal and approved plan review by all departments.

***Motion by Mac McKinney to recommend approval of the Variance for 722 Sandy Bar Drive with Staff Recommendations (as provided in the agenda packet).
Seconded by Jimmy Dunn and carried unanimously 4 - 0.***

7. 1001 Beaconsfield Court – Babington, Adam

Community Development Manager Pash presented a request for a Variance for the property located at 1001 Beaconsfield Court. The property backs up to the golf course cart path as well as Avalon Road. The applicant is requesting a variance to allow an addition to the house which consists of a solid roof screen room to be built at a 5 foot rear yard setback in lieu of the minimum required 10 foot rear yard setback allowed in this PUD. Staff recommends approval subject to the condition that the room never becomes air conditioned space or fully enclosed.

Board Member McKinney asked for clarification on the Staff Report whether it was a rear yard variance or side yard variance. Community Development Manager Pash stated it was a typographical error and should state ‘rear yard setback’. The Applicant must also acquire HOA approval before construction.

***Motion by Mark Maciel to recommend approval of the Variance at 1001 Beaconsfield Court with Staff Recommendations (as provided in the agenda packet) with the correction of terminology of 5 foot side rear setback to 5 foot rear setback.
Seconded by Eric Weiss and carried unanimously 4 - 0.***

8. 1040 N. Fullers Cross Road – Weeks, Selby G.

Community Development Manager Pash presented a request for two Variances for the property located at 1040 N. Fullers Cross Road. The applicant is requesting one variance to allow a new dock to be constructed 112 feet in length from the normal high water elevation in lieu of the maximum length of 100 feet from the normal high water elevation. The applicant is also seeking a variance to allow the new dock to be built at 16.7 feet above the normal high water elevation in lieu of the maximum allowed height of 13 feet above the normal high water elevation. Staff recommends approval subject to the condition that no additions can ever be made to the dock.

Board Member Weiss asked for clarification on the addition condition. Community Development Manager Pash stated the dock could not be added onto or extended.

***Motion by Eric Weiss to recommend approval of the Variance at 1040 N. Fullers Cross Road with Staff Recommendations (as provided in the agenda packet).
Seconded by Jimmy Dunn and carried unanimously 4 - 0.***

APPEAL (PUBLIC HEARING)

9. 13848 Tilden Road, Suite 192 – Casablanca Cigar Co, LLC / Cave Inn BBQ

Community Development Manager Pash presented an Appeal to an Administrative Interpretation for the property located at 13848 Tilden Road, Suite 192. The denial was for a request to expand the existing sidewalk café’s fenced in area and add 50 additional outdoor seats for Cave Inn BBQ. The applicant informed staff a full liquor license was applied for

and the State Department denied the application because there were not enough seats. In order to accommodate the State requirements, the applicant submitted a request to expand the previously approved sidewalk café to total 75 seats outside. Staff determined the denial based upon the noise and activities that could occur from the additional seating and the close proximity to the adjoining neighborhood. Staff recommends the Board uphold the Administrative Interpretation and deny the request to expand the sidewalk cafe.

Discussion ensued regarding the noise factor and proximity to the adjoining neighborhood and if there were any other options to help protect the neighborhood from additional noise from adding seats outside. The City installed landscaping along the 6' wall to help buffer the neighborhood from the entire commercial development. Also discussed were sufficient parking spaces and the exact location of the café expansion.

Alan "Buzz" Klavans of 8113 Key West Dove Street, Winter Garden FL 34787, thanked the Board and stated he has been in business at this location for 1 ½ years and that his business is limited to a small time frame from 7:00 pm to 9:30 pm. He currently has a beer/wine license and applied for a full liquor license but was informed he needed an additional 50 seats. Mr. Klavans stated he would limit his hours so no one is outside after 9:30 pm, because he wants to be a good neighbor and would go out of his way to keep the noise down. His busy time is when all other businesses are closed so the parking is not an issue.

Ona Brantley of 3543 Turningwind Lane, Winter Garden FL 34787, is a homeowner and was also speaking for another neighbor, Marcus Smith, who was out of town. Ms. Brantley voiced concerns on privacy and noise.

Bill Hobbs of 3549 Turningwind Lane, Winter Garden FL 34787, is a homeowner directly behind the restaurant. His concerns are the noise and the privacy. The bar could potentially be open until 2:00 am which would directly affect his quality of life, his investment and his family. An ordinance for the PCD stated a non-permitted use was a bar and a full liquor license would make Cave Inn BBQ a bar and destroy their quality of life. The building elevation was raised 5 feet with the neighborhood having a 6 foot wall so the wall does nothing to provide screening. Mr. Hobbs asked the Board to not approve the expansion.

Tom Alec of 3432 Tempest Way, Winter Garden FL 34787, is a Board Member of Windward Cay Homeowners Association and a homeowner. The residents were told the commercial building was going to be one-story but a two-story was constructed. The building should be 30 feet away and is only 25 feet. The green space for parking in the middle is for a future professional office building which will need parking spaces. Winter Garden Ordinance Section 62-229: Size of the Sidewalk Café area, and Section 62-230 (16) states the business cannot combine his seats inside and outside to receive a liquor license. Mr. Alec stated the Board cannot approve the action.

Rob Hensley of 13927 Zephermoor Lane, Winter Garden FL 34787, is a member of the Windward Cay HOA Board. His property does not back up to the property [13848 Tilden Road]. He echoes all that has been said and states when he moved in all that was present was a Walgreens and physician offices. The 5 foot raised elevation has affected the runoff into their community and the 6 foot wall was insufficient. He stated the contractor was able to get a 25 foot setback vs the standard setback of 100 feet for commercial properties. Mr. Hensley also stated that it is the decision of the applicant to run the music up or seat people outside but there is no control for the neighborhood over those decisions. There are 66 homes in

their subdivision and they are trying to keep the property values up. Mr. Hensley asked the Board to not allow the expansion of the café.

Bob Brantley of 3543 Turningwind Lane voiced concerns regarding the noise and food. He stated the two-story building acts as a reflecting board for sound into their neighborhood. The food attracts birds and wildlife to the area and to the garbage cans.

The applicant, Alan Klavans, spoke again stating he would do what was in the best interest of the neighborhood and would put his intentions in writing. He is asking for the full liquor license to increase business and would add a fence or landscaping to help with privacy.

Discussion ensued regarding any other options for the noise, privacy and parking issues. City Attorney Ardaman read a provision in the City code (Section 62-230(16)) which states that outdoor seating cannot be used in calculating seating for the liquor license.

Motion by Mark Maciel to recommend upholding the Administrative Interpretation denial of the sidewalk café expansion for 13848 Tilden Road, Suite 192 with Staff Recommendations (as provided in the agenda packet). Seconded by Mac McKinney and carried unanimously 4 - 0.

10. ADJOURNMENT

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

ATTEST:

APPROVED:



Customer Service Rep. Kathleen Rathel



Chairman Jimmy Dunn