



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
DECEMBER 1, 2014**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Vice-Chairman Eric Weiss 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:

Vice-Chairman Eric Weiss and Board Members: Mark DeFuso, Gerald Jowers, David Kassander, Mark Maciel, and new Board Member Will Hawthorne

MEMBERS ABSENT:

Heather Gantt (excused)

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Community Development Manager Steve Pash, Finance Director Laura Zielonka, and Customer Service Rep. Kathleen Rathel

3. APPROVAL OF MINUTES

Motion by David Kassander to approve the regular meeting minutes of November 3, 2014 and seconded by Mark Maciel. Motion carried unanimously 6 - 0.

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

4. 740 S Park Avenue – Adrian Galvan (ANNEXATION/FLU/ZONING)

Community Development Manager Pash presented a voluntary request for Annexation, Future Land Use designation, and Zoning for the property located at 740 S Park Avenue. The subject property makes up a 0.22 +/- acre enclave located on the west side of South Park Avenue, north of Jackson Street and south of West Story Road. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential and initial Zoning of R-2. Staff recommends approval of Ordinances 15-05, 15-06 and 15-07.

Motion by Mark DeFuso to recommend approval for 740 S Park Avenue with Staff Recommendations and terminology change on the Ordinance numbers from 14 to 15 [Ordinances 15-05, 15-06 and 15-07] (as provided in the agenda packet) and seconded by Gerald Jowers. Motion carried unanimously 6 - 0.

5. 502 Winter Garden Vineland Road – Joseph P. Nuria (ANNEXATION/FLU/ZONING)

Community Development Manager Pash presented a voluntary request for Annexation, Future Land Use designation, and Zoning for the vacant lot located at 502 Winter Garden Vineland Road. The subject property makes up a 0.52 ± acre enclave located on the west side of Winter Garden Vineland Road, north of High Tide Drive and south of Bradford Creek Boulevard. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential, and initial Zoning of R-1. Staff recommends approval of Ordinances 15-08, 15-09 and 15-10 with the condition that all access be provided from within the Bradford Creek Subdivision to limit the access onto Winter Garden Vineland Road.

Motion by David Kassander to recommend approval of the Annexation, Future Land Use Designation and Zoning for 502 Winter Garden Vineland Road with Staff Recommendations and terminology change on the Ordinances from 14 to 15 [Ordinances 15-08, 15-09 and 15-10] (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 6 - 0.

6. 17500 Marsh Road – Four Corners UVPUD (REZONING)

Community Development Manager Pash presented a request for Rezoning for the property located at all four corners of Marsh Road and Williams Road. The subject property makes up 23.64 +/- acres for Urban Village Planned Unit Development. The zoning would consist of low-density residential development on the southern side with some mixed use commercial development starting 500 feet north of the southern boundary. The Ordinance states items that are allowed by right and others that would be allowed by Special Exception. Following a community meeting, apartment complexes would be specifically prohibited and a gas station would have to be approved by Special Exception. Staff recommends approval of Ordinance 15-04.

Board Member Weiss asked if the property on the north side of the lake was a wetland area and not to be developed. Mr. Pash stated that area was not in this development but the JPA-6 and this UVPUD requires a 100 foot wide buffer zone for no development. This site also includes two on-site karst features which have buffer zones. A discussion ensued regarding the proposed development, setbacks and buffers.

Resident Jeff Graft, 2813 Williams Road, Winter Garden FL, stated he has lived there since 1989 and is part of the Avalon Property Owners Association and the Rural Settlement Area. He spoke against the gas station proposal citing concerns on ground water pollution to their wells, increased traffic, and lighting issues.

Resident Sharon Newton, 17216 Davenport Road, Winter Garden FL, voiced her concerns about hazardous chemicals leaching into their well water from a gas station, outdoor sales displays, and brightly lit signs.

Resident Rosie Fussell, 3851 Rex Road, Winter Garden FL, stated she has lived there since 1994. She voiced her concern about a gas station but was most concerned about the traffic and wanted specifics on how traffic was going to be kept out of the rural settlement.

Resident Carol Johnson, 16605 Sandhill Road, Winter Garden FL, stated she was a member of the Avalon Home & Property Owners Association and Lake Avalon Rural Settlement and voiced her concerns on the high rate of speed of traffic but was most concerned about a gas

station and suggested the larger intersection of Marsh Road and Avalon Road would be more appropriate.

Community Development Director Williams stated this property was previously located in unincorporated Orange County and designated as part of Horizons West with higher density levels. The new zoning would have lower density levels and the City of Winter Garden was trying to help with the traffic issues by lowering the speed limit to 35, fixing the intersection, adding round-a-bouts, making grade changes, signalization, and a 10 foot hike/bike trail. The Developer has also agreed to not open a road extension to help keep traffic to a minimum. Mr. Williams added that the State requires gas stations to have double containment systems with active monitoring to reduce chances of pollution to ground water.

A question was raised whether the surrounding rural settlement was County or City and Mr. Pash responded that it was under Orange County jurisdiction. A discussion ensued regarding the outdoor electric signs and displays and Special Exception criteria.

Board Member Weiss reminded the Board that this application was only for rezoning and the applicant would have to apply for the Special Exception for a gas station.

Resident Louise Ferguson, 17635 Seidner Road, Winter Garden FL, stated she was present at the 7-11 meeting and said once property is zoned for a gas station then there was no way to fight a gas station going in and voiced her opinion to remove the gas station option.

Resident Art Slowe, 16405 Sandhill Road, Winter Garden FL, stated he is a member of the Rural Settlements Board of Directors. He appreciates the efforts of the City to mitigate some of the impact of development in their area but they want to preserve the character of their community by having shops appropriate for the rural area and business hours.

Board Member Maciel asked what the Board's obligation is to consider opposition in regards to the JPA. Mr. Williams replied that the JPA has very specific requirements such as lighting, porches, density restrictions, and buffer areas. The issue is that adjoining property owners are objecting to a specific use proposed under the Special Exception and the Board can decide the appropriate usage.

Motion by David Kassander to recommend amending Ordinance 15-04 by moving Fuel Sales from Paragraph 2 B; Special Exceptions to Paragraph C; Prohibited Uses and Structures and seconded by Mark DeFuso.

Board Member Jowers clarified this item is only to change the zoning and not allowing any building and any special exception would be back before the Board for consideration. Board Member Maciel stated it was important to keep the character and style for the area in the facades. Board Member DeFuso related his experience with the 7-11 issue and the fight the residents had in opposition to that gas station in their neighborhood. Board Member Kassander voiced his concern with Florida Statutes on Special Exceptions.

Vice Chairman Weiss asked for a vote on the motion to move Fuel Sales from Special Exceptions to Prohibited Uses. Motion failed 2 – 4: Eric Weiss, Will Hawthorne, Gerald Jowers and Mark Maciel opposed.

Motion by Gerald Jowers to recommend approval of Ordinance 15-04 for 17500 March Road with Staff Recommendations (as provided in the agenda packet) and seconded by Mark Maciel. Motion carried unanimously 6 - 0.

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

7. 1000 Lincoln Terrace – St Luke’s United Methodist Church

Community Development Manager Pash presented a request for a Special Exception Permit for 1000 Lincoln Terrace to allow for the development of a church run office in an R-5 zoning district. The office will conduct educational programs to assist the surrounding community. Staff recommends approval subject to the following conditions: 1) The applicant shall submit for site plan review to review the proposed development of the parking lot, and 2) All necessary permits must be obtained before beginning construction or site alterations.

Board Member Kassander asked if an office had been allowed before in this zoning. Mr. Pash stated no, but this is an office run by a church so it falls under the Special Exception.

Motion by Will Hawthorne to recommend approval of the Special Exception Permit for 1000 Lincoln Terrace with Staff Recommendations (as provided in the agenda packet) and seconded by Mark Maciel. Motion carried unanimously 6 - 0.

8. 1450 Daniels Road – Mathews Hope Daycare

Community Development Manager Pash presented a request for a Special Exception Permit for 1450 Daniels Road to change a condition of approval from the previously approved Special Exception Permit. The applicant is requesting to change the condition that banned chain link fencing from being used so they can install rubber coated chain link fence around the playground area at the daycare facility. Staff has required PVC or aluminum fence around other day care facility playground areas in the City and recommends that the Board determine if the proposed change in conditions is appropriate.

Pastor Scott Billue of Mathews Hope, 1450 Daniels Road, Winter Garden FL, stated the playground is now in the back of the property and is asking for the rubber-coated chain link fencing for safety reasons for small children. He also quoted from Code Section 118-1297(h) in regards to allowing chain link fencing in the back of the property.

Board Member Maciel asked what would keep children from climbing the fence and if there was any documentation that could be provided to show this fence was safer than others. Mr. Pash stated no documentation was provided but other daycare facilities are using aluminum fencing.

Motion by Gerald Jowers to recommend approval to modify the condition of the Special Exception Permit for 1450 Daniels Road with Staff Recommendations (as provided in the agenda packet) and seconded by Eric Weiss. Motion approved 5 – 1 with Mark Maciel opposed.

VARIANCE (PUBLIC HEARING)

9. 1403 Alborg Court – John & Carol Dobson

Community Development Manager Pash presented a request for a Variance for the property located at 1403 Alborg Court. The applicant is requesting a variance to Section 118-924(d) and Ordinance 00-15 to allow an addition onto the back of the house consisting of a solid roof screen room to be built at a 15 foot rear yard setback in lieu of the minimum required 20 foot rear yard setback. Staff recommends approval subject to the conditions that a letter of approval from the HOA shall be provided with the building permit application.

Board Member Weiss questioned when the HOA letters are required to be submitted. Mr. Pash stated they are required before a building permit is issued. A discussion ensued regarding having the HOA letter at the time of the variance application.

Board Member Kassander expressed concern as this property backs up to another property and this would decrease the distance between the structures. Mr. Pash stated this has been previously approved in this neighborhood and notices are sent out to a 300 foot radius.

Motion by Eric Weiss to recommend approval of the Variance for 1403 Alborg Court with Staff Recommendations (as provided in the agenda packet) and seconded by Gerald Jowers. Motion carried unanimously 6 - 0.

ADDITIONAL ITEMS

10. Ordinance 15-11 – Fire, Police and Recreation Impact Fees

Community Development Manager Pash presented Ordinance 15-11 regarding Fire, Police and Recreation Impact Fees. The fees are put in place to ensure that development pays for itself and not fall on residents and taxpayers. The fees are charged at the time building permits are issued. The City hired a consultant (PRMG), who recently conducted a municipal services impact fee study and based on their analysis and findings recommended that the police protection, fire and rescue, and recreation impact fees should be adjusted.

Motion by David Kassander to recommend approval of Ordinance 15-11 (as provided in the agenda packet) and seconded by Eric Weiss. Motion carried unanimously 6 - 0.

11. P & Z Board to appoint a new Chairman and Vice-Chairman

David Kassander made a motion to nominate Eric Weiss for Chairman. Eric Weiss accepted the nomination. Seconded by Mark DeFuso and carried unanimously 6 – 0.

Eric Weiss made a motion to nominate Gerald Jowers for Vice-Chairman. Gerald Jowers respectfully declined the nomination due to his travel schedule.

Gerald Jowers made a motion to nominate Will Hawthorne for Vice-Chairman. Will Hawthorne accepted the nomination. Seconded by Mark Maciel and carried unanimously 6 – 0.

12. ADJOURNMENT

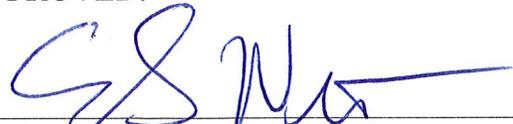
There being no further business, the meeting was adjourned at 8:08 pm.

ATTEST:



Customer Service Rep. Kathleen Rathel

APPROVED:



Chairman Eric Weiss