



**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
FEBRUARY 2, 2015**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

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:

Chairman Eric Weiss, Vice-Chairman Will Hawthorne, and Board Members: Mark DeFuso, Heather Gantt, Gerald Jowers, and Mark Maciel

MEMBERS ABSENT:

David Kassander (excused)

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Community Development Manager Steve Pash, Planner II Kelly Carson, and CSR Kathleen Rathel

3. APPROVAL OF MINUTES

Motion by Mark Maciel to approve the regular meeting minutes of January 5, 2015 and seconded by Gerald Jowers. Motion carried unanimously 6 - 0.

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

4. 30 W Smith Street – Investor Nation, LLC (REZONING and FLU)

Planner II Carson presented a request for Rezoning and Future Land Use Amendment for the property located at 30 W Smith Street. The subject property consists of a 0.26 +/- acre lot located at the southwest corner of Smith Street and Boyd Street. The applicant is requesting to rezone from R-2 to R-NC and amend the Future Land Use designation from Low Density Residential to Residential Neighborhood Commercial. The new zoning is consistent with the Smith Street corridor growth trajectory for an Arts District. Staff has reviewed the application and recommends approval of Ordinances 15-19 and 15-20.

Board discussed the design proposal. Planner II Carson explained that, if approved, the project would be brought back for Special Exception approval. Applicant proposes to rehabilitate the existing two structures with the main structure to be used for office and the smaller structure turned into a live/work artist studio.

Resident - Greg Liskey of 223 S Lakeview Ave., Winter Garden FL, spoke against the rezoning stating it was spot zoning. He stated the north side of Smith Street should be zoned to commercial and to leave the south side as residential since it is an old established neighborhood and needs the buffer distance as there should not be the possibility of larger commercial projects coming in next to these homes.

General discussion ensued with clarification that the R-NC zoning permitted uses are residential only and a Special Exception has to be approved for any other use. Community Development Director Williams stated there would not be large retail commercial uses as there is not enough parking and that the R-NC zoning is primarily office uses and residential.

Applicant and Property Owner - Ryan Hinricher of 433 Lone Heron Way, Winter Garden FL, addressed the Board stating the R-NC is to become the buffer between hardline commercial and hardline residential. His intent is to keep the home and its character as the smaller guest house would remain residential with the larger structure used as office.

Motion by Gerald Jowers to recommend approval of the R-NC zoning [Ordinances 15-19 and 15-20] with Staff Recommendations (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 6 - 0.

SPECIAL EXCEPTION (PUBLIC HEARING)

5. 404 Lakeview Road – Golden Pond Communities

Planner II Carson presented a request for a Special Exception Permit to allow construction of a three-story independent living retirement facility located at 404 Lakeview Road. The property currently contains five single story assisted living and memory care facilities. The property was granted a Special Exception in 1998 for the assisted living facility with approval for a two-story 30 unit/60 bed independent living facility being granted in 2007 but construction was placed on hold due to the economy. The applicant is now requesting a three-story building to provide more shared amenities such as dining facilities and activity rooms. Due to the change in intensity of usage it is being brought back to the Board. Staff recommends approval subject to the conditions listed in the Staff Report.

Board Member Jowers stated a three-story building would not be appropriate and had safety concerns for the elderly residents in a three-story building in case of fire or emergency.

Applicant – Tony Miles of 17630 Betanbob Lane, Montverde FL, explained he was the contractor that built the last building in 2007. The building approved in 2007 was for 30 units/60 beds but the revised proposal will have fewer beds as the bottom floor will be common area for the self-sufficient seniors.

Resident – Bill Asma of 441 Lakeview Road, Winter Garden FL, spoke on behalf of three neighboring properties against the request. He stated the three-story building was too tall and too much like an apartment complex which would not fit into the residential neighborhood. Lakeview Road has already seen an increase of traffic from Oakland Park and Lakeview Middle School and this facility would add to the traffic.

Board Member Maciel asked the applicant if they were willing to stay with a two-story building and have a community workshop to meet with the neighbors. Mr. Miles stated the three-story would only be 36 feet tall and a two-story would be at 30 feet tall but he does want to keep the neighbors happy. He also stated that most of the units would be single units.

Board Member Weiss stated that he is also the HOA president of Lakeview Reserve which is located to the north of 404 Lakeview Road and the HOA's main issue is the traffic increase.

Planner II Carson proposed a delay for one month in order to have a community meeting.

Motion by Will Hawthorne to table the Special Exception Permit [for 404 Lakeview Road] to the April 6, 2015 Planning & Zoning meeting and seconded by Gerald Jowers. Motion carried unanimously 6 - 0.

VARIANCE

6. 522 Palm Drive – Jeffrey Mikolaitis

Community Development Manager Pash presented a request for a Variance for the property located at 522 Palm Drive. The applicant is requesting a variance to the front yard setback to allow a 6 foot tall privacy fence to be constructed 8 feet from the front property line in lieu of the minimum required 30 foot setback. The property is a thru lot with frontages on both Palm Drive and Surprise Drive with the rear yard located on Surprise Drive but it is the front yard for the properties to the north and south on Surprise Drive. Staff recommends denial of the variance request because it does not meet the criteria for variance approval.

Community Development Manager Pash stated the fence would be located behind two large trees and the six foot tall privacy fence could pose sight visibility issues. The Board discussed the fence, setback requirements, and where the fence would be located.

Owner – Jeff Mikolaitis of 522 Palm Drive, Winter Garden FL, addressed the Board. He stated they are requesting the fence for safety and privacy reasons. A photo of a 20 foot truck parked in a driveway was distributed to show sight issues and letters of support from the neighboring properties were attached to the Staff Report.

Resident – Alex Wosgien of 502 Palm Drive, Winter Garden FL, spoke in opposition of the fence but upon further clarification that the proposed fence would be located on Surprise Drive withdrew his opposition.

Owner – Danielle Mikolaitis of 522 Palm Drive, Winter Garden FL, stated the road curves which helps with the site visibility and they plan on placing landscaping in front of the fence for security and privacy from the frequently used vacant property to the west.

A discussion ensued regarding possible fencing options, fence construction, and gate.

Resident – Connie McClure of 553 Palm Drive, Winter Garden FL, spoke in support of the fence but wants foliage in front of the fence and the stipulation that if the lot is split the fence would be removed.

Motion by Gerald Jowers to recommend approval of the Variance for 522 Palm Drive with the conditions to have applicable landscaping and if the lot is split and a home constructed facing Surprise Drive then the fence must be removed and adhere to normal setbacks along with Staff Recommendations (as provided in the agenda packet) and seconded by Mark DeFuso. Motion carried unanimously 6 - 0.

CITY CODE OF ORDINANCES (PUBLIC HEARING)

7. Ordinance 15-21 (Package Sale Vendor)

City Attorney Ardaman presented Ordinance 15-21. The Ordinance provides for a 5,000 foot separation between package sale vendors, which is the same requirement that exists in unincorporated Orange County except the proposed ordinance requires the separation whether the package sale vendor is in the City or in unincorporated Orange County.

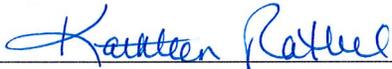
Motion by Will Hawthorne to approve [Ordinance 15-21] and seconded by Heather Gantt. Motion carried unanimously 6 - 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:00 pm.

ATTEST:

APPROVED:



Customer Service Rep. Kathleen Rathel



Chairman Eric Weiss