



**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
MAY 4, 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 6:33 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 (arrived at 6:39 pm), David Kassander, and Mark Maciel

MEMBERS ABSENT:

Heather Gantt (excused) and Gerald Jowers (unexcused)

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Community Development Manager Steve Pash, Planner II Kelly Carson, Planner I Jessica Frye, and recording secretary Kathleen Rathel

3. APPROVAL OF MINUTES

Motion by David Kassander to approve the regular meeting minutes of April 6, 2015 and seconded by Mark Maciel. Motion carried unanimously 4 - 0.

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

4. 50 E. Palmetto Street – Rafael Garcia (ANNEXATION, FLU and ZONING)

Community Development Manager Steve Pash presented a voluntary request for Annexation, Future Land Use designation and Zoning for the 0.23+/- acre property located at 50 E. Palmetto Street. 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 Zoning of R-2. Staff has reviewed the application and recommends approval of Ordinances 15-37, 15-38 and 15-39.

Motion by Mark Maciel to recommend approval of Ordinances 15-37, 15-38, and 15-39 with Staff Recommendations (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 4 - 0.

5. **1050 Vineland Road – Jose M. Rodriguez (ANNEXATION, FLU and ZONING)**

Community Development Manager Pash presented a voluntary request for Annexation, Future Land Use designation and Zoning for the 0.23+/- acre property located at 1050 Vineland 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 Residential Neighborhood Commercial, and Zoning of R-NC. Staff has reviewed the application and recommends approval of Ordinances 15-34, 15-35 and 15-36.

Board Member Kassander asked what the most intense use in the R-NC zone would be and the limitations. Mr. Pash answered with small office use for Attorney's or Insurance for example as the site is limited for parking and landscaping and would have to have a Special Exception for office use.

Board Member Weiss asked if anything was proposed for the outskirts of the Traditional Downtown area just for offices. Mr. Pash replied yes, down the main street.

Motion by David Kassander to recommend approval of Ordinances 15-34, 15-35, & 15-36 with Staff Recommendations (as provided in the agenda packet) and seconded by Mark Maciel. Motion carried unanimously 4 - 0.

6. **360 W. Story Road – Jesus Manuel Sanchez and Yoselina Aguirre Palacios (ANNEXATION, FLU and ZONING)**

This project was tabled to the June 1, 2015 Planning & Zoning meeting.

(Board Member Mark DeFuso arrived at 6:39 p.m.)

7. **698 Tildenville School Road – Mahindranauth Seearam (ANNEXATION, FLU and ZONING)**

Planner II Kelly Carson presented a voluntary request for Annexation, Future Land Use designation and Zoning for the 0.979+/- acre vacant property located at 698 Tildenville School 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 Zoning of R-1. Staff has reviewed the application and recommends approval of Ordinances 15-46, 15-47 and 15-48.

Board Member Weiss asked if all the surrounding properties of an intersection are either County or City, does it deem the intersection/roadway County or City jurisdiction. Attorney Ardaman replied there is an agreement between the City and the County in respect to what controls the jurisdiction of the right-of-way. Community Development Director Williams explained that, generally speaking, if the City has 50% of the land on either side of the road between two main intersections then it becomes a City road. Exceptions are certain main roads, because of geometry or need for repair, when it does not apply.

Motion by Will Hawthorne to recommend approval of Ordinances 15-46, 15-47, and 15-48 with Staff Recommendations (as provided in the agenda packet) and seconded by Mark Maciel. Motion carried unanimously 5 - 0.

8. 844 E. Crown Point Road – West Orlando Baptist Church (ANNEXATION, FLU and ZONING)

Planner II Carson presented a voluntary request for Annexation, Future Land Use designation and Zoning for the 0.868+/- property located at 844 E. Crown Point Road. The property was recently purchased by West Orlando Baptist Church and contains a single family residence. 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 Zoning of R-1. The Church has no immediate plans to develop the property but if they do in the future they will be required to go through the Site Plan Approval process requiring them to adhere to certain development restrictions. Staff has reviewed the application and recommends approval of Ordinances 15-43, 15-44 and 15-45.

Motion by Mark DeFuso to recommend approval of Ordinances 15-43, 15-44, and 15-45 with Staff Recommendations (as provided in the agenda packet) and seconded by Eric Weiss. Motion carried unanimously 5 - 0.

9. 423 Daniels Road – Daniels Professional Park, LLC (REZONING)

Community Development Manager Pash presented a request for Rezoning of the property located at 423 Daniels Road. The subject property consists of a 1.93+/- acre lot located at the northeast corner of Daniels Road and Roper Road. The R-1 zoned property is currently vacant and the applicant is requesting to rezone the property to PCD Planned Commercial Development to develop a 17,250 square foot professional office complex, which is consistent with the existing Residential Neighborhood Commercial Future Land Use designation. A community meeting regarding the rezoning was held April 16, 2015. The main concerns were drainage, uses and lighting. Staff explained the drainage issue would be addressed through Site Plan review and the lighting was a City Code requirement to have 'dark skies'. The only objection to a use was that there would not be an MRI Center. The applicant agreed and is now specified in the PCD Ordinance that no MRI Centers were allowed. Staff has reviewed the application and recommends approval of Ordinance 15-28.

General discussion ensued regarding lighting, hours, signage, outdoor activities, and parking.

Motion by David Kassander to recommend approval of Ordinance 15-28 with Staff Recommendations (as provided in the agenda packet) and seconded by Eric Weiss. Motion carried unanimously 5 - 0.

10. Marsh Road – City of Winter Garden (REZONING)

Community Development Manager Pash presented a request for Rezoning for the property located on the south side of Marsh Road west of Avalon Road. The subject property consists of a 44.83+/- acre lot owned by the City which was included in the original PUD at that intersection. The PUD zoned property is currently vacant. The City is requesting to remove the property from the PUD and rezone to C-2 Arterial Commercial District which is consistent with the existing Commercial Future Land Use designation as well as the character of the surrounding area. Staff has reviewed the application and recommends approval of Ordinance 15-42.

Motion by Eric Weiss to recommend approval of the Rezoning of Marsh Road, Ordinance 15-42, with Staff Recommendations (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 5 - 0.

SPECIAL EXCEPTION (PUBLIC HEARING)

11. 12801 W. Colonial Drive – Sigma Delta Investments/Wild Hogs Scooters

Community Development Manager Pash presented a request for a Special Exception Permit to allow for the property located at 12801 West Colonial Drive to be used for Automobile Sales and Services to operate a business for scooter sales and service. The business currently operates on Dillard Street but is interested in moving for the visibility. The applicant is requesting special exception to allow a portion of the building to be used as a sales facility to sell scooters and the remainder of the building to be used for automobile services to work on scooters. The C-2 Zoning district allows vehicle sales and services through special exception if it meets the special exception requirements. Staff has reviewed the application and recommends approval providing the existing gas station canopy be removed and all other conditions in the Staff Report are met.

Board Member Weiss asked if there had been displays allowed at that location in the past. Mr. Pash explained that the City requires a better site plan showing the number and location for the scooter display.

Board Member Kassander asked if this site was to be for scooters only or would there be automobiles. Mr. Pash stated there would be no automobiles and is limited to scooters only.

Andrew Freedman, owner of Wild Hogs Scooters, was present and addressed the Board. He stated his business consists primarily of scooters from 50cc up to 400cc, dirt bikes, and 4-wheelers but needs more space and a better way to display his items. Board Member DeFuso questioned the larger size of motorcycles to be sold as there could be a noise issue.

(Mark Maciel recused himself from voting on this item)

Andrew Freedman stated his landlord would not pay to remove the existing canopy and he did not have the budget to remove the canopy at this time. A discussion ensued regarding removing the canopy, which the City requires to help with the aesthetics of Highway 50, and if the City would allow the applicant additional time to remove the canopy if it was painted.

Board Member Weiss stated he approves the business at this location but would first like to see a site plan showing landscaping, parking spaces, the scooter display, and a time frame for the canopy removal.

Motion by Will Hawthorne to table the Special Exception for 12801 W. Colonial Drive until the June 1, 2015 Planning & Zoning meeting at 6:30 pm and seconded by David Kassander. Motion carried 4 – 0 with Mark Maciel abstaining.

12. 1030 Vineland Road – Graham Family Law Firm, PA

Planner II Carson presented a request for a Special Exception Permit for the property located at 1030 Vineland Road to be used as a professional office for a law firm. The property is zoned R-NC which allows professional office uses through special exception if they meet the special exception requirements. Staff has reviewed the application and recommends approval subject to the conditions listed in the Staff Report.

Motion by David Kassander to recommend approval of the Special Exception for 1030 Vineland Road with Staff Recommendations (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 5 – 0.

13. 1309 Winter Garden Vineland Road – West Orange Outparcels/Bright Start Pediatrics

Planner II Carson presented a request for a Special Exception Permit to allow for the property located at 1309 Winter Garden Vineland Road to be used as a daycare for medically fragile children who receive special permission from a doctor to attend. The vacant property's PCD Zoning allows a daycare use through special exception if the applicant meets the special exception requirements. A Fair Share Agreement was a condition of approval to develop the property when purchased. Staff has reviewed the application and recommends approval subject to the conditions listed in the Staff Report.

Board Member DeFuso inquired how many kids would be there, transportation for the kids, traffic issues and traffic impact. Ms. Carson stated because these are medically fragile children a special transport van would be used for the majority of them, approximately 80%, being dropped off and picked up which helps with the parking and traffic issues and the vans used would be parked offsite. The maximum number of children would be 36. Board Member Kassander asked if the applicant would be able to change to a regular daycare. Ms. Carson stated any change would have to be brought back before the Board.

Linda Brown, owner of BrightStart Pediatrics, addressed the Board stating she currently owns two BrightStart Pediatrics, one in south Orlando and one in Sanford, and has been in business for 12 years. She chose the Winter Garden area as it was centralized between the other two locations, had access to major roads, and was in close proximity to medical facilities. The hours of operation would be from 7:00 am to 8:00 or 9:00 pm to accommodate the families working schedules but children could not stay more than 12 hours per day.

Motion by Eric Weiss to recommend approval of the Special Exception for 1309 Winter Garden Vineland Road for Bright Start Pediatrics with Staff Recommendations (as provided in the agenda packet) and seconded by Mark Maciel. Motion carried unanimously 5 – 0.

14. 1450 Daniels Road – Church of Christ of West Orange/Creative Signs

Planner II Carson presented a request for a Special Exception Permit to allow a sign that exceeds the allowable size and copy area for the property located at 1450 Daniels Road. The applicant is requesting a Special Exception Permit to allow an electronic message center to be installed within the structural frame of an existing changeable letter sign which exceeds the allowable size and copy area permitted within an R-2 Residential Zoning District. The R-2 Zoning district allows electronic message centers through Special Exception if the applicant meets the Special Exception requirements. Staff has reviewed the application and recommends approval subject to the conditions listed in the Staff Report.

Richard Farnsworth, resident, wanted to know if the new sign would impede views of traffic on Daniels Road when exiting the church. Ms. Carson stated the sign would be the same size as it is now which does not block views of oncoming traffic.

Matt DeSalvatore, with Creative Signs, explained that the applicant wanted to keep the same sign cabinet as it was more cost effective to reuse the existing sign rather than building a new one. The electronic sign will dim at night per code; the white light of the sign is actually amber so it is not as bright, and the transition messages use a 10 second rotation.

Motion by Mark DeFuso to recommend approval of the Special Exception for 1450 Daniels Road with Staff Recommendations (as provided in the agenda packet) and seconded by David Kassander. Motion carried unanimously 5 – 0.

VARIANCE (PUBLIC HEARING)

15. 229 N. Woodland Street – Arielle Pandolph-Schmidt & Stephan Schmidt

Planner II Carson presented a request for a Variance to the minimum rear yard setback for the property located at 229 N. Woodland Street. The applicant is requesting a Variance to allow a 15' rear yard setback in lieu of the minimum required 28' rear yard setback allowed in the R-2 zoning district. If approved, this variance will allow the construction of a single-family residence with a detached garage to be built on the property while protecting the site's existing 3 large oak trees but the construction could not alter the existing drainage flow pattern. Staff has reviewed the application and variance criteria and recommends approval.

Motion by Will Hawthorne to recommend approval of the Variance for 229 N. Woodland Street with Staff Recommendations (as provided in the agenda packet) and seconded by Mark Maciel. Motion carried unanimously 5 – 0.

SITE PLAN

16. 13838 Tilden Road – Windward Cay East, Inc.

Planner II Carson presented a request for a Site Plan approval to construct a medical office building on a parcel within the Windward Cay East commercial center located at 13838 Tilden Road. The applicant is seeking approval of the Site Plan proposed which includes a new 5,794 sq. ft. single-story brick medical office building, as well as associated landscaping and other site improvements. The proposed development is required to adhere to the site design and architectural standards of the property's PCD zoning.

Typically, site plans are not required to obtain approval from the Planning & Zoning Board prior to being placed on the City Commission agenda for approval. However, the property's PCD zoning ordinance (Ord. 00-36) Section II (13) states in part: *Any new development on the subject property must submit detailed site plans for both Staff and the P&Z Board approval.* Staff has reviewed the application and recommends approval subject to the conditions referenced in the Staff Report.

Motion by Mark Maciel to recommend approval of the Site Plan for Windward Cay Phase 3 at 13838 Tilden Road with Staff Recommendations (as provided in the agenda packet) and seconded by Eric Weiss. Motion carried unanimously 5 – 0.

CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)

17. Ordinance 15-41 – Accessory Structures

Community Development Manager Pash presented a code amendment to Ordinance 15-41, Chapter 118 of the City Code, amending accessory buildings and accessory structures to create a definition that all greenhouses be reviewed and approved by Special Exception which includes the requirements for construction, material used, where they can be located on the property, and must be consistent with the principal building. Staff recommends approval of Ordinance 15-41.

Motion by David Kassander to recommend approval of Ordinance 15-41 with Staff Recommendations and seconded by Eric Weiss. Motion carried unanimously 5 – 0.

18. Ordinance 15-49 - Billboards

Community Development Director Ed Williams presented an amendment to Ordinance 15-49 – Billboards. One change was to page 6 - 3B which states that each message on digital billboards must be displayed for a minimum of 12 seconds is changed to 8 seconds. Currently the City does not allow new billboards but one can be replaced if under a certain value if it is destroyed in a storm. A billboard can be relocated if one is removed. The City is proposing the change to the City’s ordinance to recognize digital billboards and set up a procedure for removal of other regular billboards in exchange for a digital billboard.

Mr. Williams had two key points in the proposed changes; 1) Recognize digital billboards and setting up criteria, and 2) Set up a procedure for billboard exchange subject to a negotiated agreement with the City. When a company proposes installing a new digital billboard there will be a negotiated agreement with the City that the company remove a minimum of two regular billboards. An exception would be if the sign has a public purpose then the City Council could approve removal of only one billboard.

General discussion ensued regarding the definition of billboards, message centers, and signs, as well as the location, brightness and size depending on the road and speed of traffic.

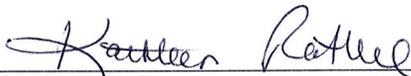
Craig Swygert, President of Clear Channel Outdoor, has been working on the negotiations and supports the change to the 8 second display time. He encourages limiting the size of the copy area to 378 square feet which is an industry standard for a billboard 10 ½ feet tall by 36 feet wide but to exclude the cabinet from the copy area. Mr. Williams stated this would be addressed in the negotiated agreement on a case-by-case basis.

Motion by Mark DeFuso to recommend approval of Ordinance 15-49 and seconded by Will Hawthorne. Motion carried unanimously 5 – 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:12 pm.

ATTEST:



Customer Service Rep. Kathleen Rathel

APPROVED:



Chairman Eric Weiss