



**PLANNING AND ZONING BOARD  
REGULAR MEETING MINUTES  
JULY 6, 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 6:31 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, David Kassander, and Mark Maciel

**MEMBERS ABSENT:**

None

**STAFF PRESENT:**

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

**3. APPROVAL OF MINUTES**

*Motion by Mark Maciel to approve the regular meeting minutes of June 1, 2015 and seconded by Gerald Jowers. Motion carried unanimously 7 - 0.*

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

**4. 420 Roper Road – Sonata Health Care/P. Proffer/New Horizons Christian Church (PUD REZONING)**

Community Development Manager Pash presented a request for rezoning of a 7.15 +/- acre property located at 420 Roper Road. The property is located on the North side of Roper Road between Daniels Road and Winter Garden Vineland Road. The applicant has requested to rezone the property from R-1 to PUD (Planned Unit Development) to allow construction of a 115 unit Assisted/Independent Living Facility. The facility will contain two courtyards; one courtyard will contain a swimming pool and the other will contain a garden. It will also have a trail system and recreation areas. Staff has reviewed the application and recommends approval of Ordinance 15-55 subject to the conditions in the Ordinance and Staff Report.

Board Member Kassander inquired how this facility could be approved for use in a low-density residential area as the density for a PUD is higher. Mr. Pash clarified that the

comprehensive plan allows for a variety of uses and a retirement home or assisted living facility is better located in a residential area instead of a commercial area. All the units are one-bedroom and consistent with low-density residential, also a PUD zoning allows more restrictions and higher standards.

There was much discussion regarding the traffic impact of 115 one-bedroom units on Roper Road and the intersection at Roper Road and Daniels Road. Several Board Members asked if a traffic study had been done yet as there was still a residential subdivision to be developed on Roper Road. Mr. Pash clarified that the traffic study was one of the conditions in the Staff Report and that it would be submitted with the Site Plan application. Also discussed was the buffering, landscaping, height of the building which is two stories on the south side and three stories on the north side, and if the number of units allowed would be based on the traffic study.

Stuart Beebe, President and CEO of Sonata Senior Living, addressed the Board and their questions. They would prefer not to do a traffic study to hold up the rezoning. Mr. Beebe stated there was a nominal increase in traffic only during staff changes and traffic would be less than if this location was used for a residential neighborhood.

Selby Weeks, of Klima Weeks Civil Engineering, addressed the Board. Mr. Weeks stated they have not done a specific I.T. study. A traffic matrix was part of the original PUD and they anticipated a traffic study with the Site Plan phase but not at rezoning.

***Motion by Gerald Jowers to recommend postponement [for 420 Roper Road, Ordinance 15-55] pending a traffic study on Roper Road and seconded by David Kassander. Motion carried unanimously 7 - 0.***

#### **PRELIMINARY PLAT**

##### **5. 1205 E. Fullers Cross Road – Gilkey FX, LLC (Oak Trail)**

Planner II Carson presented a Preliminary Plat request for 25 single family residential units with recreation areas within the 11.1 +/- acre Oak Trail Subdivision located at 1205 E. Fullers Cross Road. The proposed Preliminary Plat is consistent with the City's Comprehensive Plan, the City of Winter Garden's Code of Ordinances and the regulations of the R-1B zoning district. Staff has reviewed the application and recommends conditional approval of the Preliminary Plat subject to the conditions of all prior development approvals, including the Developer's Agreement, and the Staff Report.

***Motion by David Kassander to recommend approval of the Preliminary Plat for 1205 E. Fullers Cross Road with Staff Recommendations (as provided in the agenda packet) and seconded by Heather Gantt. Motion carried unanimously 7 - 0.***

#### **VARIANCE (PUBLIC HEARING)**

##### **6. 16303 Marsh Road – M&M Fort Myers Holding, LLC (Twinwaters entrance wall sign)**

Planner II Carson presented a request for a Variance for the entrance at the Twinwaters Subdivision located at 16303 Marsh Road. The developers are requesting a variance to allow construction of two 8' tall subdivision sign walls in lieu of the maximum allowed 6' tall subdivision walls and residential signs. Staff has reviewed the application and recommends approval subject to the conditions listed in the Staff Report.

General discussion ensued regarding the height of the entrance walls and the reasons for allowing the variance as opposed to the developers following the established code. Planner II Carson explained the variance for the entrance walls produces an aesthetically pleasing entrance and is approved on a case-by-case basis for residential subdivisions. The majority of the subdivisions have sign walls that exceed 6 feet.

***Motion by Gerald Jowers to recommend approval of the Variance for 16303 Marsh Road with Staff Recommendations (as provided in the agenda packet) and seconded by Mark Maciel. Motion carried unanimously 7 - 0.***

**7. 12902 Roper Road – Sift Oaks Investments, LLC (Canopy Oaks entrance)**

Planner II Carson presented a request for a Variance for the entrance at the Canopy Oaks Subdivision located at 12902 Roper Road. The applicants are requesting a variance to allow construction of two 10'8" sign walls with 52 square feet of sign area in lieu of the maximum allowed 6' tall subdivision sign walls and maximum allowed 32 square feet of sign area. The variance would also allow the installation of two 11'2" tall entry gates in lieu of the maximum allowed 6' tall entry gate and permit the construction of a pedestrian gate pavilion structure located approximately 1' from the subdivision tract property line in lieu of the minimum required 10' side setback. Staff has reviewed the application and feels the proposal is consistent with the high-end residential character of the subdivision and recommends approval subject to the conditions listed in the Staff Report.

Board Member Kassander asked if any other subdivisions in Winter Garden have 52 square feet of signage and 10' walls. Ms. Carson referred to several examples in the Staff Report.

Board Member DeFuso commented on the high-end character of the subdivision and reason for the larger entrance walls but that directly across the street were rural homes. He also commented on the high traffic use on Roper Road and, since it is a main road to West Orange High School, wanted to stress the importance of all safety issues.

Board Member Weiss asked if the pavilion structure would be too close to the road and block the view of oncoming traffic. Ms. Carson stated the City Engineer did calculations and said the site lines checked out.

General discussion ensued regarding the sidewalk curving out toward the road because of the landscape median and the safety factors for pedestrians and children walking to school.

Carolyn Tisdale, 12801 Roper Road, addressed the Board. Ms. Tisdale stated she owns 7.5 acres across from Canopy Oaks and her son owns 2 acres across from the landscape median. She wanted to know the distance from the curb to the sidewalk. She also wanted to address the issue that the Canopy Oaks property is 2' higher than the middle of the road and, with the subdivision wall, would direct the flow of water toward her property. Staff clarified that all stormwater would be handled on-site. Ms. Tisdale asked if there were plans to install curbing on her side of the street.

***Motion by Will Hawthorne to recommend approval of the Variance for 12902 Roper Road with Staff Recommendations (as provided in the agenda packet) and seconded by Mark Maciel. Motion carried 6 – 1 with Mark DeFuso against.***

**46 W. Vining Street – Frank & Jacqueline Browder**

Planner I Frye presented a request for a Variance for the 0.24 +/- acre property located at 46 W. Vining Street. The applicant is requesting a 16.9' rear yard setback variance in lieu of the minimum required 25' rear yard setback to allow for the addition of a carport with storage room, breezeway extension and bathroom addition to the primary structure. Staff has reviewed the application and recommends approval subject to the conditions listed in the Staff Report.

*Motion by Gerald Jowers to recommend approval of the Variance for 46 W. Vining Street with Staff Recommendations (as provided in the agenda packet) and seconded by David Kassander. Motion carried unanimously 7 - 0.*

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:54 pm.

**ATTEST:**



Customer Service Rep. Kathleen Rathel

**APPROVED:**



Chairman Eric Weiss