



**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
MARCH 7, 2016**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Chairman Will Hawthorne called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:29 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 Will Hawthorne, Vice-Chairman David Kassander, and Board Members: Mark DeFuso, Heather Gantt, Gerald Jowers, Chris Lee, and Mark Maciel

MEMBERS ABSENT:

None

STAFF PRESENT:

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

3. APPROVAL OF MINUTES

Motion by Mark DeFuso to approve the regular meeting minutes of February 1, 2016 and seconded by Gerald Jowers. Motion carried unanimously 7 - 0.

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

4. 14990 W. Colonial Drive – Circle K Store #7490 (ANNEXATION)

Planner Carson presented a voluntary request for Annexation, Future Land Use amendment, and Zoning for a 1.26 +/- acre enclave located at 14990 W. Colonial Drive. The property is located on the southeast corner of W. Colonial Drive and 545. 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 Commercial, and Zoning of C-2. Staff has reviewed the application and recommends approval of Ordinances 16-22, 16-23, and 16-24.

Motion by Mark DeFuso to recommend approval of Ordinances 16-22, 16-23, and 16-24 [with Staff Recommendations] (as provided in the agenda packet) and seconded by David Kassander. Motion carried unanimously 7 - 0.

5. 429 W. Plant Street – Jowers Family Enterprises (FLU AMENDMENT)

Community Development Director Pash presented a request to amend the Future Land Use designation on a 0.13 +/- acre property located at 429 W. Plant Street. The property is generally located at the southeast corner of W. Plant Street and N. Central Avenue. The applicant has requested to amend the Future Land Use designation from Low Density Residential to Traditional Downtown to allow future construction of office or commercial space. Staff feels this is an appropriate use for this property and recommends approval of Ordinance 16-19 subject to the conditions in the Ordinance.

Board Member Jowers recused himself from voting.

General discussion on surrounding R-2 zoning, Traditional Downtown designation, and if the property was located in the Architectural Review area.

Motion by Mark Maciel to recommend approval of Ordinance 16-19 with Staff Recommendations (as provided in the agenda packet) and seconded by Heather Gantt. Motion carried unanimously 6 – 0 with Gerald Jowers not voting.

6. 419 & 429 W. Plant Street – Jowers Family Enterprises (ZONING)

Community Development Director Pash presented a request to rezone a 0.24 +/- acre property located at 419 and 429 W. Plant Street. The property is located at the southeast corner of W. Plant Street and N. Central Avenue. The applicant has requested a Rezoning from R-2 to C-1 to allow future construction of office or commercial space. Staff has reviewed the application and recommends approval of Ordinance 16-20 subject to the conditions in the Ordinance.

Board Member Jowers recused himself from voting.

Board Member DeFuso questioned the zoning. Mr. Pash stated the C-1 was the Downtown Commercial district and this block would be the last one supported for the zoning change.

Board Member Hawthorne asked about access. Mr. Pash explained it would depend on future site plan submittal and review.

Motion by David Kassander to recommend approval of Ordinance 16-20 with Staff Recommendations (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 6 – 0 with Gerald Jowers not voting.

PRELIMINARY PLAT / FINAL PLAT / LOT SPLIT

7. 13100 W. Colonial Drive – RD Keene (PRELIMINARY PLAT)

Community Development Director Pash presented a request for a Preliminary Plat for the property located at 13100 W. Colonial Drive. The site plan was recently approved by the Development Review Committee as well as City Commission. The Development Review Committee also reviewed and recommended approval of the Preliminary Plat. The applicant is requesting to subdivide the existing lot into two lots with access and utility easements for future development. Staff has reviewed the application and recommends approval.

Board Member Jowers recused himself from voting as it is adjacent to his property but commented on the badly polluted conditions of the property.

Discussed was the proposed development of the eastern portion into a 7,600 square foot O'Reilly's Auto Parts, the lift station located on the property, and if the City was going to address the contamination.

Motion by David Kassander to recommend approval of the Preliminary Plat for 13100 W. Colonial Drive and seconded by Mark Maciel. Motion carried unanimously 6 – 0 with Gerald Jowers not voting.

8. 801 S. Dillard Street – Lakeside Realty/Winter Garden Park, LLC (LOT SPLIT)

Planner Carson presented a request for a Lot Split for the property located at 801 S. Dillard Street. The applicant has requested a lot split to divide the existing 2.81 +/- acre commercial lot into two commercial parcels. The property is currently zoned C-2. The western parcel will continue to feature the existing Wells Fargo bank building and the eastern parcel being currently vacant. After the lot split the applicant intends to develop the vacant lot with a commercial development with a possibility of a Medical Office building. Staff has reviewed the application and recommends approval subject to the conditions listed in the Staff Report.

Motion by Heather Gantt to recommend approval of the Lot Split for 801 S. Dillard Street with Staff Recommendations (as provided in the agenda package) and seconded by Will Hawthorne. Motion carried unanimously 7 - 0.

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

9. 12348 W. Colonial Drive – Beverly Hills Jewelry

Planner Frye presented a request for a Special Exception permit for the property located at 12348 W. Colonial Drive. The applicant is requesting to add auto sales to his existing retail business. The property is currently zoned C-2 which permits auto sales through Special Exceptions. Staff has reviewed the application and recommends approval subject to the conditions listed in the Staff Report.

Board Member Hawthorne asked about the parking capacity. Ms. Frye stated the property currently has 52 parking spaces with 2 handicap spaces that will not be impacted. The applicant proposes to use 10 of those spaces, 5 in the front and 5 in the back for overflow.

Board Member DeFuso questioned the proximity of another pawn shop on W. Colonial that also sells cars and if they had to get approval. Ms. Frye stated they had.

Board Member Kassander asked about signs allowed on the cars for sale. Ms. Frye stated the sign would include details of the car but could not be attention getting.

Board Member Maciel brought up the point that the City is trying to improve Highway 50 and wondered if there was a way to curtail pawn shops and used car lots to keep large national franchises from going to other towns.

General discussion ensued regarding the existing monument sign and car signs allowed.

John Sullivan, owner of Beverly Hills Jewelry Watch & Loan located at 12348 W. Colonial Drive, addressed the board stating his business is not a traditional pawn shop but is a high-end business dealing mostly in jewelry and has been in business for 16 years. He is asking for the special exception in order to be able to sell any vehicles that have been taken in for pawn instead of selling to a wholesaler. They do not plan on having more than 3 – 5 vehicles for

sale at a time. He would also like to replace the existing pole sign with a monument sign that includes an electronic message center.

General discussion on what could be displayed and if anything other than automobiles would be allowed or if the Board could place a limit on such. Mr. Sullivan stated if he received a boat on pawn it would be parked behind the building or he would find storage off-site.

Planning Consultant Williams stated the City is having trouble with two Army trucks on display by another pawn shop and is being addressed by Code Enforcement. Beverly Hills Jewelers' display would be limited to the size of the 5 spaces in front of the building.

Motion by Gerald Jowers to recommend approval [of the Special Exception with Staff Recommendations] (as provided in the agenda packet) and seconded by Will Hawthorne. Board discussed the parking limitations and self-imposed restrictions based on square footage. Motion carried unanimously 7 - 0.

10. 14120 W. Colonial Drive – Gardenia Plaza/Montessori School

Community Development Director Pash stated the applicant for 14120 W. Colonial Drive is working on a new site plan that has not been submitted yet so they are requesting this item be tabled until the April 4, 2016 meeting.

Board Member Maciel recused himself from voting.

Motion by David Kassander to table [the Special Exception for 14120 W. Colonial Drive] to the April 4, 2016 meeting and seconded by Mark DeFuso. Motion carried unanimously 6 – 0 with Mark Maciel not voting.

VARIANCE (PUBLIC HEARING)

11. 50 W. Garden Avenue – Mark & Debra Sansing

Community Development Director Pash presented a Variance request for the property located at 50 W. Garden Avenue. The applicant is requesting a variance to the minimum side yard setback to build a garage addition onto the house. The variance would allow the addition to be built at a side yard setback of 7 feet in lieu of the minimum required 10 foot side yard setback. Staff has reviewed the application and recommends approval subject to the conditions listed in the Staff Report.

General discussion regarding the conditions listed in the Staff Report regarding no drainage being allowed onto the neighboring property, the tree removal, and the neighboring setbacks.

Mark Sansing, owner of 50 W. Garden Avenue, addressed the Board and explained any questions on the tree would be addressed because he is having a tree man out to inspect the tree.

Motion by Heather Gantt to recommend approval of the Variance for 50 W. Garden Avenue with Staff Recommendations (as provided in the agenda packet) and seconded by David Kassander. Motion carried unanimously 7 - 0.

12. 336 Silverdale Avenue – Michael & Kara Abeyta

Planer Frye presented a Variance request for the property located at 336 Silverdale Avenue. The applicant is requesting a variance to the minimum required rear yard setback to allow for the construction of a screened in patio with roof and adjacent wood deck with a pergola. The

variance would allow the construction to be at a 5' rear yard setback in lieu of the minimum required 20' rear yard setback and a variance to the minimum impervious surface ratio of 40% permitted by the Covington Chase Subdivision to 45% to allow for the extension. Staff has reviewed the application and recommends approval subject to the conditions outlined in the Staff Report.

Board Member Kassander clarified the variance requested was for 15'.

Board Member DeFuso asked if this property backed up to the retention pond so no other homes would be impacted. Ms. Frye confirmed it was why Staff recommended approval.

Board Member Hawthorne clarified the location of the new construction and that there would not be any encroachment into the drainage easement.

Motion by Mark DeFuso to recommend approval of the Variance for 336 Silverdale Avenue with Staff Recommendations (as provided in the agenda package) and seconded by Will Hawthorne. Motion carried unanimously 7 - 0.

CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)

13. Ordinance 16-25 – PUD Code Revision

Planner Carson presented Ordinance 16-25 which is a proposed amendment to Chapter 118, Article V, Division 2 of the City Code of Ordinances. The proposed amendment governs residential planned unit developments; modifying regulations governing planned unit developments with primary residential uses; providing for and creating planned unit developments with primary institutional uses; providing for secondary uses and prohibited uses within planned unit developments with primary residential and primary institutional uses. The amendment would allow opportunities for innovative mixed use institutional developments such as large school campuses with small commercial or residential components or multi-use city parks that do not currently conform to any existing zoning districts. Staff recommends approval of Ordinance 16-25.

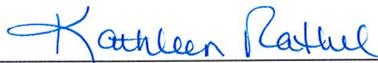
General discussion of the proposed uses, prohibited uses and possible locations to be used.

Motion by Gerald Jowers to recommend approval [of Ordinance 16-25] and seconded by Mark Maciel. Motion carried unanimously 7 - 0.

ADJOURNMENT

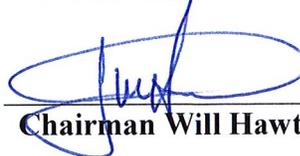
There being no further business, the meeting was adjourned at 7:40 p.m.

ATTEST:



Recording Secretary Kathleen Rathel

APPROVED:



Chairman Will Hawthorne