



**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
AUGUST 1, 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 6:30 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 Will Hawthorne, Vice-Chairman David Kassander, and Board Members: Mark DeFuso, Gerald Jowers, Chris Lee, and Mark Maciel

MEMBERS ABSENT:

Heather Gantt (excused)

STAFF PRESENT:

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

3. APPROVAL OF MINUTES

Motion by Gerald Jowers to approve the regular meeting minutes of July 11, 2016 and seconded by David Kassander. Motion carried unanimously 6 - 0.

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

4. 917 Carter Road – Palm Coast Enterprise LLC (Annex/Zoning/FLU Amendment)

Community Development Director Pash presented a voluntary annexation, zoning and future land use amendment request for the 1.7 +/- acre enclave at 917 Carter Road. The property is located on the east side of Carter Road, south of E. Story Road and north of W. Colonial Drive. The applicant has requested the annexation with an initial zoning of I-2 and an Amendment to the Future Land Use Map to designate the property as Multi Office Industrial. Staff has reviewed the request and recommends approval of Ordinances 16-50, 16-51 and 16-52.

Motion by Mark Maciel to recommend approval [of Ordinances 16-50, 16-51 and 16-52] (as provided in the agenda package) and seconded by Gerald Jowers. Motion carried unanimously 6 - 0.

5. 310 E. Story Road – Nancy Bello (Annex/Zoning/FLU Amendment)

Community Development Director Pash presented a voluntary annexation, zoning and future land use amendment request for the 0.15 +/- acre enclave at 310 E. Story Road. The property is located on the south side of E. Story Road, east of Summer Street and west of 9th Street. The applicant has requested the annexation with a zoning of R-2 and an Amendment to the Future Land Use Map to designate the property as Low-Density Residential. Staff has reviewed the request and recommends approval of Ordinances 16-47, 16-48 and 16-49.

Motion by David Kassander to recommend approval of Ordinances 16-47, 16-48 and 16-49 (as provided in the agenda package) and seconded by Chris Lee. Motion carried unanimously 6 - 0.

6. 12451 Walker Pond Road – American Orange County Investments (PUD AZFA)

Urban Designer Carson presented the Lake Roberts Reserve annexation, future land use amendment and PUD rezoning request. The applicant requested to be placed on the August 1, 2016 agenda; however, Staff recommends this item be tabled until the required documents are submitted, outstanding issues addressed, and allow sufficient time for Staff to conduct a more comprehensive review of the project.

Board discussed whether a specific date would be required or leave the date open so Staff could re-advertise when the project was ready.

Motion by Chris Lee to recommend tabling the Annexation, FLU Amendment and PUD Rezoning [for 12451 Walker Pond Road] to a date uncertain and seconded by Mark Maciel. Motion carried unanimously 6 - 0

CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)

7. Ordinance 16-45 – Temporary Moratorium on Medical Cannabis Activities

Community Development Director Pash presented Ordinance 16-45. This ordinance establishes a temporary moratorium on the growing, cultivation, processing, manufacture, dispensing, distribution, and sale of medical cannabis, low-THC cannabis, derivative products, and related activities. The moratorium is being requested beginning on the effective date of Ordinance 16-45 and continuing for a period of 270 days, or sooner, to allow City Staff to develop Land Development Regulations. Staff recommends approval of Ord. 16-45.

A General discussion ensued on the moratorium. City Attorney Ardaman explained the moratorium is imposed to the extent allowed under Florida Law. A recent provision adopted by the Legislature pre-empts to the State certain aspects of dispensing organizations relating to cultivation processing. The provision does allow for retail dispensing facilities to be controlled at a local level. The City Staff will evaluate what regulations, if any, are needed for proper regulation of every aspect not pre-empted to the State.

General discussion ensued on Knox Nursery and State licensing. No applications have been submitted to the City on their behalf.

Motion by Gerald Jowers to recommend approval of Ordinance 16-45 (as provided in the agenda package) and seconded by Mark DeFuso. Motion carried unanimously 6 - 0.

8. Ordinance 16-46 – Window Security Bars

Community Development Director Pash presented Ordinance 16-46 which prohibits the use or installation of security bars, grills, grates or other security device on windows, doors, breezeways or openings facing or visible from streets or public rights-of-way. This ordinance amends Article II, Division 3 of Chapter 18 of the Winter Garden City Code. The City is requesting the Ordinance to help prevent the negative effects associated with security bars. Staff recommends approval of Ordinance 16-46.

Chairman Hawthorne clarified this Ordinance is city-wide and not just for the downtown area.

Board Member Maciel questioned the liability aspects of prohibiting security devices.

Points of discussion:

- Liability for the City
- Grandfathering of existing approved security bars otherwise they would be required to be removed within one year
- Allow decorative metal work and better define security bars, grills and grates
- Change the Ordinance to read ‘openings facing and visible from rights-of-way’ so security features could be installed on the interior as long as they were not visible
- Limit the prohibited area to just the downtown shopping district
- Taking away an affordable way for homeowners to protect themselves
- Approve on a one-on-one basis

Motion by Will Hawthorne to table Ordinance 16-46 to the September 12, 2016 P&Z meeting at 6:30 pm to further refine concerns and seconded by David Kassander. Motion carried unanimously 6 - 0.

9. Resolution 16-07 – Plant Street Moratorium (INFORMATION ONLY)

Community Development Director Pash presented Resolution 16-07 which would extend by 180 days the temporary moratorium established in Ordinance 16-21 on the acceptance, processing, and consideration of applications for development orders and building permits for properties adjacent to E. Plant Street between Dillard Street and State Road 429. The City is currently working with the City of Ocoee and a consultant has been hired to help with a master plan for design guidelines, architectural guidelines, landscape requirements, and specific uses for the E. Plant Street corridor for Winter Garden and into Ocoee. The moratorium would be extended until February 27, 2017 for any new commercial or industrial projects or development.

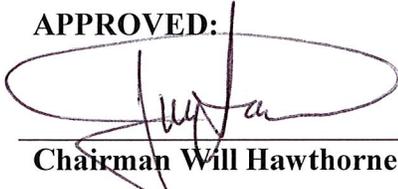
ADJOURNMENT

There being no further business, the meeting was adjourned at 7:05 p.m.

ATTEST:


Recording Secretary Kathleen Rathel

APPROVED:


Chairman Will Hawthorne