



**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
SEPTEMBER 12, 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: Heather Gantt and Gerald Jowers

MEMBERS ABSENT:

Mark DeFuso (unexcused), Chris Lee (unexcused), and Mark Maciel (excused)

STAFF PRESENT:

City Attorney Dan Langley, Community Development Director Steve Pash, Planner I Jessica Frye, and recording secretary Kathleen Rathel

3. APPROVAL OF MINUTES

Motion by Gerald Jowers to approve the regular meeting minutes of August 1, 2016 and seconded by David Kassander. Motion carried unanimously 4 - 0.

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

4. 462 W. Plant St & 19 S. Park Ave – Park & Plant LLC / Tri3 Civil Engineering Design Studio, Inc (PUD Zoning)

Community Development Director Pash presented a PUD Rezoning request for the 1.15 +/- acre property located at the southeast corner of W. Plant Street and S. Park Avenue. The owners have requested to rezone the property from C-1 Central Commercial District to PUD Planned Unit Development. The proposed PUD will consist of 24 townhomes in five buildings. The buildings will be both two and three-stories with seven of the townhomes fronting on Plant Street. The seven townhomes fronting on Plant Street will be allowed to request a Special Exception to use a portion of the home for office use. All the townhomes will have 2-car garages with the main project entrance off of Smith Street and a one-way exit onto Park Avenue. Staff has reviewed the request and recommends approval of Ordinances 16-58.

Board Member Kassander asked for clarification that the possible Special Exceptions would only be for office use. Mr. Pash stated it would allow for a small home office type use such as an architect or attorney. Board Member Kassander inquired how the open space requirement was being met. Mr. Pash directed their attention to the small open space location shown with a courtyard in the middle of the project and stated the developer would have to pay into the parks fund.

Janice Griffith Morris, resident and owner of 504 W Plant Street, addressed the Board. She began by stating her property is located immediately across the street to the west and her main objection is with the parking. Each unit only has two places to park and it would be in their garage with no place for visitors or the lawn maintenance crews to park. She does not believe the front doors would ever be used as there is no street parking, there are no front yards or driveways, too many dwelling units for the area, and this development would have a negative effect on her property value.

Parking issues were discussed. Community Development Director Pash explained there is a public parking lot directly south of the property at the city-owned ballfields containing approximately 50 spaces for any visitors to park in. There are also plans to add additional parking on Plant Street.

Andrew Sechler with Elite Universal, the design architect for this project, stated the layouts would consist of three-story townhomes with two and three bedroom units and two-story townhomes with two bedrooms and a loft area. Each unit would have a two-car garage and the HOA stipulates there would be no storage in the garage. He believes the townhomes would be a less intense use than a commercial development with retail. The project contains interior hidden parking and no individual driveways to eliminate additional ingress/egress points onto Plant Street and Park Avenue to increase the pedestrian corridor and therefore a much nicer look as a gateway to the downtown core from the west.

Chairman Hawthorne inquired about the current maximum usage for the Future Land Use. Mr. Pash stated it could be developed with a three-story commercial retail/office building. The townhomes meet the code requirements of two spaces per dwelling unit. There is a demand for housing in the downtown area and those tenants typically are more pedestrian-oriented.

Motion by Gerald Jowers to recommend approval of 462 W. Plant Street and 19 S. Park Avenue [Ordinance 16-58] (as provided in the agenda package) and seconded by David Kassander. Motion carried unanimously 4 - 0.

VARIANCE (PUBLIC HEARING)

5. 450 W. Story Road – Maria Rios

Planner Frye presented two variance requests to construct a 24' x 24' carport to the side of the home for the property located at 450 W. Story Road. The property is located on the corner of W. Story Road and Foster Avenue and is zoned R-2. The first variance request, located on Foster Avenue, would allow a 3 foot side yard setback in lieu of the minimum required 10 foot side yard setback and would keep the proposed carport in line with the primary structure. The second variance request would allow a 9.5 foot rear yard setback in lieu of the minimum required 14.8 foot rear yard setback or 20% of the lot depth. Staff has reviewed the requests and recommends approval subject to the conditions outlined in the Staff Report.

Chairman Hawthorne clarified the carport would not extend past the existing dwelling on the side yard setback.

Motion by Heather Gantt to recommend approval of the Variance for 450 W. Story Road with Staff Recommendations (as provided in the agenda package) and seconded by Will Hawthorne. Motion carried unanimously 4 - 0.

6. 1929 Lake Roberts Landing Drive – Daniel Kolenda / ACT Construction LLC

Planner Frye presented four variance requests to construct a dock on the property located at 1929 Lake Roberts Landing Drive in the Lake Roberts Landing Subdivision. As noted in the Staff Report the width of the lot narrows to a point as it enters into Lake Roberts. The applicant is requesting two variances to the side yard setbacks; an 11 foot side yard setback on the east side property line and a 12.5 foot side yard setback on the west property line in lieu of the minimum required 15 foot side yard setbacks. To meet an appropriate water depth the applicant is requesting a third variance to extend the dock walkway 200 feet in lieu of the maximum allowed 100 feet from the normal high water line. The fourth variance request will increase the maximum allowed 1,000 square feet to 1,496 square feet from the normal high water line to allow for the extension of the walkway and the 2nd floor observation deck with stairway. Staff has reviewed the requests and recommends approval of both side yard setback variances and the extension of the walkway subject to the conditions outlined in the Staff Report. Staff recommends denial of the variance to allow the dock to be built at 1, 496 square feet in lieu of the maximum required 1,000 square feet. The addition to the second story observation deck with accompanying stairs adds 360 square feet. Staff would support a 1,136 square foot variance in lieu of the maximum required 1,000 square foot to allow the extension.

General discussion ensued on other dock variances allowed in this development and if the dock would still be functional without the added square footage. The dock would be narrower than typical so the second level observation deck was added. Also discussed was the location of the normal high water line.

Rick Arnold, the dock builder with ACT Construction LLC, addressed the Boards questions. He stated without the observation deck there would be no place for recreation and it also serves the purpose as the dock roof. The dock is extended into usable water but will have a railing.

Daniel Kolenda, the owner, stated if the standing area was removed it would reduce the recreation aspect of the dock as it is so far from the house and asked the Board to reconsider as it would make the dock a more enjoyable space.

Motion by Gerald Jowers to recommend approval of all four Variances requested for 1929 Lake Roberts Landing Drive subject to Staff Recommendations for the first three variance requests (as provided in the agenda package) but also approving the fourth variance for a dock size of 1,496 square feet and seconded by David Kassander. Motion carried unanimously 4 - 0

CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)

7. Ordinance 16-46 – Window Security Bars

Community Development Director Pash presented an amended Ordinance 16-46 previously presented to the Board on August 1, 2016 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. The Board stated concern regarding residential areas. The Ordinance has been rewritten to only affect Commercial and Industrial properties. Single family homes would not be included. Staff recommends approval of Ordinance 16-46.

Chairman Hawthorne clarified with Mr. Pash that if a homeowner wanted to install these security features they would have to apply for a building permit and meet all proper codes.

Board Member Kassander brought up some points discussed from the last meeting; decorative grating being used instead of security bars, change the language on openings from 'or' to 'and', and confine the usage to a specific area. Mr. Pash stated as a project is going through site plan review and security elements or architectural features were included it would be reviewed at that time. All security features would have to meet building code. Board Member Kassander wants to allow business owners the ability to protect their businesses without using standard security bars by using decorative security gates or grates. Mr. Pash stated the Board has the authority to add a recommendation that a business owner could request a Special Exception if they wanted to use security features and go through a Planning & Zoning Board hearing. If a commercial property already had security bars that were permitted and built to code at the time of installation they could remain.

Discussion ensued on when existing bars on commercial or industrial buildings would have to come into compliance.

Board Member Kassander recommended to change the wording under Section 1(b) to read "...opening which faces any street or public right-of-way and which would be visible.." and terminology that would allow decorative security grates.

Motion by David Kassander to approve Ordinance 16-46 with amendments to change Section 1(b) to read 'and which would be visible' and add an amortization provision to provide for removal of existing bars within a period of five years or upon pulling a building permit for work that meets a threshold of 10% of the building value. Motion seconded by Heather Gantt and carried unanimously 4 - 0.

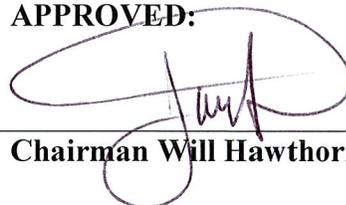
ADJOURNMENT

There being no further business, the meeting was adjourned at 7:32 p.m.

ATTEST:


Recording Secretary Kathleen Rathel

APPROVED:


Chairman Will Hawthorne