



**PLANNING AND ZONING BOARD  
REGULAR MEETING MINUTES  
AUGUST 6, 2018**

**1. CALL TO ORDER**

Chairperson 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.

Quorum was declared present.

**Present:** Chairperson Will Hawthorne, Vice-Chairperson Rachel Saunders, and Board Members: Henry Haddock, Gerald Jowers, Gabriel Kotch, Chris Lee, and Matthew Matin

**Absent:** none

**Staff Present:** City Attorney Kurt Ardaman, Community Development Director Steve Pash, Planning Consultant Ed Williams, Urban Designer Kelly Carson, Planner I Heather Strong, and recording secretary Kathleen Rathel

**2. APPROVAL OF MINUTES**

*Motion by Gerald Jowers to approve the regular meeting minutes of July 9, 2018.  
Seconded by Chris Lee and carried unanimously 7 – 0.*

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

**3. 1220 E Story Road – 1220 E Story Road LLC (Annexation / FLU Amendment / Zoning)**

Urban Designer Carson presented a request for Annexation, Future Land Use designation of Multi Office Industrial (MOI), and zoning of I-1 Light Industrial and Warehousing District Zoning for the 1.00 +/- acre property located at 1220 E Story Road. Staff has reviewed the application and recommends approval of Ordinances 18-26, 18-27, and 18-28.

*Motion by Gabe Kotch to recommend approval of Ordinances 18-26, 18-27 & 18-28.  
Seconded by Matt Matin and carried unanimously 7 – 0.*

**4. 1200 E Plant Street – West Orange Healthcare District (CAPUD Rezoning)**

Urban Designer Carson presented a request to rezone 1.95 +/- acres located at 1200 E Plant Street from C-2 Arterial Commercial District to CAPUD Character Area Planned Unit Development to allow the development of a new two-story 25,000 +/- square foot commercial building that will house the West Orange Healthcare District offices as well as other to be determined commercial businesses. Staff has reviewed the application and recommends approval of Ordinance 18-33.

Board Member Haddock asked for clarification of the CAPUD zoning. Ms. Carson stated the CAPUD is a new zoning designation recently adopted by the City of Winter Garden to tie in to the Plant Street Character Area Overlay for the east Plant Street corridor with the intention of creating more pedestrian oriented areas, better streetscaping, and high quality architecture.

General discussion ensued regarding pocket parks and parking requirements.

Board Member Jowers recused himself for conflict of interest.

***Motion by Matt Matin to recommend approval of Ordinance 18-33. Seconded by Will Hawthorne and carried 6 – 0 – 1 with Gerald Jowers being recused.***

#### **SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

##### **5. 227 S Main Street – 227 S Main Street, LLC**

Urban Designer Carson presented a request for a Special Exception Permit for the 0.63 +/- acre property located at 227 S Main Street to allow a professional office use in the R-NC zoning district. The property is the former Montessori School and the applicant would use the space for an administrative office for their construction company. Staff has reviewed the application and recommends approval of the Special Exception subject to the conditions outlined in the Staff Report.

Chairperson Hawthorne asked if the conditions included vehicles. Ms. Carson stated this space is to be used strictly for a professional office with no construction vehicles or storage of materials or equipment.

***Motion by Chris Lee to recommend approval of the Special Exception for 227 S Main Street with Staff Recommendations (as provided in the agenda packet). Seconded by Rachel Saunders and carried unanimously 7 – 0.***

##### **6. 622 Vineland Road – CDM Capital Corp**

Community Development Director Pash presented a request for a Special Exception for the property located at 622 Vineland Road to allow an office use in the R-NC zoning district. The property, located at the northwest corner of Vineland and West Lafayette Street, was previously rezoned to R-NC and the old house has been demolished. Staff has reviewed the application and recommends approval subject to the conditions outlined in the Staff Report.

***Motion by Henry Haddock to recommend approval of the Special Exception for 622 Vineland Road with Staff Recommendations (as provided in the agenda packet). Seconded by Gabe Kotch and carried unanimously 7 – 0.***

#### **VARIANCES (PUBLIC HEARING)**

##### **7. 622 Vineland Road – CDM Capital Corp**

Community Development Director Pash presented a request for a variance on the 0.19 +/- acre property located at 622 Vineland Road. The variance would allow construction of a new office building with a front yard setback of 22.5 feet in lieu of the minimum required 30 foot front yard setback. The new office building will be designed to look like a house with an open air porch. Only the porch projects into the required front yard setback. Staff has reviewed the application and recommends approval subject to the conditions outlined in the Staff Report.

General discussion ensued regarding the dry pond for stormwater, the porch encroaching into the front yard setback, and signage restricted to a ground mounted sign and 5% of the building frontage for any building sign.

***Motion by Henry Haddock to recommend approval of the Variance for 622 Vineland Road with Staff Recommendations (as provided in the agenda packet). Seconded by Matt Matin and carried unanimously 7 – 0.***

**8. 216 N Lakeview Avenue – Lucas Travis and Megan Guida**

Urban Designer Carson presented a request for two variances on the 0.26 +/- acre property located at 216 N Lakeview Avenue. The variances would allow a 660 square foot detached garage to be built with a 5 foot side yard setback in lieu of the minimum required 10 foot side yard setback and allow the garage to have a 10 foot rear yard setback in lieu of the minimum required 36.8 foot rear yard setback. Staff has reviewed the application and recommends approval subject to the conditions outlined in the Staff Report and approval from the Architectural Review and Historic Preservation Board scheduled for August 21, 2018.

Board Member Haddock asked if there were height restrictions. Ms. Carson stated there were restrictions per Code and this structure's height met Code.

Board Member Jowers asked if the old structure would be removed. Ms. Carson stated it has already been removed. General discussion ensued regarding the structure location and setbacks being similar to others in the neighborhood.

*Motion by Gerald Jowers to recommend approval of the Variances for 216 N Lakeview Avenue [with Staff Recommendations] (as provided in the agenda packet). Seconded by Will Hawthorne and carried unanimously 7 – 0.*

**9. 417 S Main Street – McGinnis Builders Inc.**

Urban Designer Carson presented a request for a variance on the 0.20 +/- acre property located at 417 S Main Street. The variance would allow construction of a new single family home with detached garage at a 6.5 foot side yard setback in lieu of the minimum required 10 foot side yard setback. Staff has reviewed the application and recommends approval of the variance subject to the condition outlined in the Staff Report.

General discussion ensued regarding the condition that the style of the new home more closely matches the Florida Vernacular architecture existing in Winter Garden.

*Motion by Rachel Saunders to recommend approval of the variance for 417 S Main Street with Staff Recommendations (as provided in the agenda packet). Seconded by Gerald Jowers and carried unanimously 7 – 0.*

**CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)**

**10. Ordinance 18-24 – Comp Plan Text Amendment**

Planning Consultant Williams presented a proposal to change the Future Land Use Element and Conservation Element of the City's Comprehensive Plan. The City Commission asked staff to look at these policies in regards to wetlands. The first issue is that most of the policies require the coordination and actions by the St. Johns Water Management District, State Dept. of Environmental Protection, Corps of Engineers, and several other state agencies. To simplify the process developers have to go through and deal only with the issues that Winter Garden has to deal with in regards to wetlands, Staff proposes a series of amendments that clarifies the separation between the City and State agencies. The second issue would be to allow the City to decide which wetland areas are to be preserved as part of the overall drainage system for the City versus the State agencies that could encroach into the wetlands. Staff asks the Board to find that the proposed policy changes in the 1<sup>st</sup> Ordinance are consistent with the Comprehensive Plan and recommend approval of Ordinance 18-24.

Board Member Kotch questioned the State's statutory requirements and jurisdiction within the City of Winter Garden. Mr. Williams stated if the City approved an encroachment then the State agencies would also approve an encroachment. If the City required a developer *not* to encroach then the State agencies would not be able to supersede the City's decision. The City feels the local government understands the drainage circumstances better. The State

agencies could override a City decision to allow encroachment if they thought it was detrimental to the environment.

General discussion ensued regarding this Ordinance preventing development from infringing upon necessary wetlands, making the first point of contact the City, this policy mirroring many of Orange County's policies, negotiation process to determine wetland lines, and upland buffers being required to allow for fluctuations.

*Motion by Gerald Jowers to recommend approval of Ordinance 18-24. Seconded by Gabe Kotch and carried unanimously 7 – 0.*

#### **11. Ordinance 18-25 – Land Development Code Amendment**

Planning Consultant Williams presented a proposal to change the Land Development Code concerning wetlands, wetland jurisdictional limit determinations, uses allowed in wetlands, and wetland buffer yard requirements to make it consistent with the changes in the Comp Plan Text Amendment. He stated there is one change to page 3 of the Ordinance under type of buffer 'Upland or Traditional Species' should be 'Upland or Transitional Species'. Staff recommends approval of Ordinance 18-25.

Board Member Saunders asked if the City hires environmental engineers to determine the wetland lines. Mr. Williams responded that the City has not had to but, if there was a conflict, an independent wetland specialist would be hired.

*Motion by Matt Matin to recommend approval of Ordinance 18-25. Seconded by Henry Haddock and carried unanimously 7 – 0.*

#### **12. Ordinance 18-34 – Accessory Structure Code Amendment**

Community Development Director Pash presented a proposal for a Code amendment to Section 118-1310 concerning accessory structures that are 160 square feet or less. The City proposes that construction or installation of storage buildings that are 160 square feet or less in area shall not require submission of signed and sealed building plans but allow the homeowner to draw their own plans. The homeowner can use standard Florida Building Code sections that give details or use plans from a shed company if prebuilt to show that the building meets all relevant requirements. Staff recommends approval of Ordinance 18-34.

General discussion ensued to clarify a building permit would still be required and these structures would only be storage buildings only (shed) and not livable.

Board Member Lee voiced concern about not having any engineering to rate the wind walls and uplift on the roof.

Board Member Matin voiced concern about proper shed construction. Mr. Pash stated all the permits still have to go through the review process and the structures have to be inspected.

*Motion by Rachel Saunders to recommend approval of Ordinance 18-34. Seconded by Henry Haddock and carried 5 – 2 with Chris Lee and Matt Matin voting against.*

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:25 p.m. to the next meeting scheduled for September \*10, 2018. *(changed from September 3, 2018 due to the holiday)*

**ATTEST:**

**APPROVED:**

/S/

/S/

**Recording Secretary Kathleen Rathel**

**Chairperson Will Hawthorne**