

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
JUNE 05, 2006**

CALL TO ORDER

Chairman Bedsole called the regular meeting of the City of Winter Garden Planning and Zoning Board to order at 6:38 p.m. in City Hall Commission Chamber. The invocation was given followed by the Pledge of Allegiance. The roll was called and a quorum was declared present.

PRESENT: Chairman Larry Bedsole, Board Members; Tina Aldrich, Bea Deariso, Colin Sharman, Minister Xerxes Snell, and Bob Buchanan. Also present were Interim City Attorney Drew Smith, Orange County Public Schools Planning Coordinator Dennis Foltz, City Manager Mike Bollhoefer, City Planner Mark Cechman, Senior Planner Kelly Randall, Planner Regina McGruder, Planner Brandon Byers, Planning Technician Lauren Simmons and Planning Technician Lorena Blankenship.

ABSENT: Board Member Mac McKinney

1. APPROVAL OF MINUTES

Approval of minutes from regular meetings held April 03, 2006 and May 01, 2006

Motion by Bob Buchanan to approve the above minutes. Seconded by Xerxes Snell, the motion carried unanimously 6-0.

2. Miscellaneous

City Planner Cechman explained that since the regularly scheduled Planning and Zoning Board meeting for July falls on Monday, July 03, 2006 which is the day before the 4th of July and many Board Members might have holiday plans, City Staff would like to provide the opportunity to the Board Members to postpone the meeting to Monday, July 10, 2006.

Motion by Tina Aldrich to postpone the next Planning and Zoning Board meeting to Monday, July 10, 2006. Seconded by Bob Buchanan the motion carried unanimously 6-0.

Variances & Special Exception Permits

3. 440 N. Main Street

Planner McGruder presented the Board with a request for 440 N. Main Street for approval of a 20 foot rear setback variance, a 5 foot accessory building height variance and a 500 foot accessory building size variance to build a detached garage in the rear of the property. City Staff has reviewed the application and recommends approval.

Denis Turner, 512 N. Main Street, Winter Garden, approached the Board and expressed concerns related to the drainage, the size of the proposed building, and the possibility of converting the proposed building into a single family home.

City Manager Bollhoefer stated that with the construction of the Trunkline C Phase II the pavement will be fixed, and the drainage problems will be resolved.

Regis Connelly, 440 N. Main Street, Winter Garden, approached the Board and stated that because the proposed garage will be located next to an alley, it will not impact any of the neighbors. He also stated that the proposed size is well within the average garage size, and that the structure will never be used as a residential unit.

Bob Buchanan inquired about the main entrance of the garage, and the use of the structure. Mr. Connelly responded that the garage main entrance faces the alley way, and it will be strictly for garage purposes, and not for business or residential purposes.

City Planner Cechman explained that in order to turn the structure into a residential unit, the applicant will need to submit the required permits, and that will alert the City. Also for business purposes the applicant will need to submit an Occupational License application, which will also alert the City.

Bea Deariso stated that is important to clarify in the records that the applicant will not use the proposed structure for business or residential purposes.

Chairman Bedsole asked if the water running off from the roof of the proposed garage will fall into the property or into the alley. Mr. Connelly responded that the roof's trusses will be three feet into his property. City Manager Bollhoefer explained that the water will consequently run into the alley and carry down to Division Street and into the storm water system.

Motion by Bea Deariso to approve the Variances. Seconded by Colin Sharman, the motion carried unanimously 6-0.

4. 1011 W. Bay Street

City Planner Cechman presented the Board with a request for approval of a 7 foot side yard setback variance at 1011 W. Bay Street to build a new single family residence on a 100' x 210' lot. Mr. Cechman explained that the property owner originally requested a 4 foot side yard setback on the west side of the property adjacent to the Lakeview Middle

School parking lot, but during the application review City Staff realized that there is a utility pipe on the east side of the property, which will require some space, therefore the applicant is now requesting a 7 foot side yard setback variance. City Staff has reviewed the application and recommends approval.

Charles Roper, 215 East Second Avenue, Windermere, Florida, property owner of 1011 W. Bay Street, Winter Garden, approached the Board and stated that the utility pipe was placed on the property by Orange County. He also explained that moving the house to the west will allow the placement of an easement over the pipe for future maintenance.

Motion by Tina Aldrich to approve the Variance. Seconded by Colin Sharman, the motion carried unanimously 6-0.

5. 285 Virginia Drive

Senior Planner Randall presented the Board with a request for approval of a 7 foot side yard setback variance to enclose an existing patio slab on the rear of the 77.5' x 138' lot located at 285 Virginia Drive. Ms. Randall stated that she spoke with the adjacent property owner to the south of the subject property, who is the most affected party, but he had no objection, therefore City Staff recommends approval.

Bea Deariso stated that she had an ex-parte conversation with Mrs. Ruth Gillard's daughter concerning the subject request.

Motion by Bob Buchanan to approve the Variance. Seconded by Colin Sharman, the motion carried unanimously 6-0.

6. 321 S. Dillard Street

City Planner Cechman presented the Board with a request for 321 S. Dillard Street for approval of a 10 foot sign setback variance to replace a pole sign that was destroyed by the hurricanes. Mr. Cechman explained that this variance was previously approved by the Planning and Zoning Board but since the time elapsed, the applicant had to re-apply. City Staff has reviewed the petition and recommends approval.

Chairman Bedsole asked if the present request is the same as the one previously presented and approved by the Board.

Motion by Bea Deariso to approve the Variance. Seconded by Colin Sharman, the motion carried unanimously 6-0.

7. 13750 W. Colonial Drive, Suite 318

Planning Technician Simmons presented the Board with a request for 13750 West

Colonial Drive for approval of a 5.5 foot sign width variance to allow a 13' long sign to fit the word "Chiropractor" on the store front. City Staff has reviewed the application and recommends approval.

Motion by Tina Aldrich to approve the Variance. Seconded by Colin Sharman the motion carried unanimously 6-0.

8. 12446 W. Colonial Drive – Special Exception Permit

City Planner Cechman presented the Board with a request for approval of a Special Exception Permit to allow a self-storage facility at 12446 W. Colonial Drive, on the property formerly known as Citrus Systems. City Staff recommends approval with the conditions included in the agenda package.

Leonard Argentine, 12400 W. Colonial Drive, Winter Garden (*adjacent property owner*) approached the Board and inquired about the size, exact location and materials to be used for the proposed building. City Planner Cechman showed Mr. Argentine a conceptual site plan identifying the proposed project.

Jared Farmer, OB Development, 7800 W. Sand Lake Road, Orlando, approached the Board and explained details concerning the proposed building, such as the size, the height, the materials to be used, and the landscaping.

Colin Sharman pointed out that City Staff had to work with the applicant through some objections concerning the subject Special Exception Permit. City Planner Cechman stated that City Staff met with the applicants several times and emphasized the quality required by State Road 50 Corridor requirements, and City Staff believes the applicant is meeting those requirements.

Motion by Tina Aldrich to approve the Special Exception Permit with City Staff conditions (see attached). Seconded by Xerxes Snell, the motion carried unanimously 6-0.

Annexations & Rezoning

9. 160 S. Main Street - Small Scale Comprehensive Plan Amendment -Rezoning

Senior Planner Randall presented the Board with a request for approval of a Small-Scale Comprehensive Plan Amendment to Commercial and rezoning to C-1 at 160 S. Main Street. Ms. Randall reported that the subject property is adjacent to commercial properties in the down town District and stated that she spoke with several of the adjacent property owners and they did not register any objections. City Staff has reviewed the application and recommends approval.

Lisa Bennett, 128 N. Highland Avenue, Winter Garden, and Sheri Loiacono, 15150 Oakland Avenue, Oakland, applicants for the subject petition, approached the Board and in response to Chairman Bedsole's question stated that they are relocating their Real Estate Broker office to the subject location.

Bob Buchanan informed the Board that he had some conversations with the applicants concerning their request and he also spoke in support of the subject petition.

Motion by Colin Sharman to approve the Small-Scale Comprehensive Plan Amendment and Rezoning to C-1. Seconded by Bob Buchanan, the motion carried unanimously 6-0.

10. Dillard Commons - Rezoning

City Planner Cechman presented the Board with a request for approval for rezoning to PCD (*Planned Commercial District*) for property known as Dillard Commons located on Dillard Street behind Tri-City Shopping Center. Mr. Cechman explained that the property is currently zoned C-2, but the applicant is requesting the rezoning to PCD because he desires to build 20 residential units on the second and third floors of two of the proposed buildings. City Staff has reviewed the petition and recommends approval.

Larry Bedsole inquired about the parking situation. City Planner Cechman responded that City Staff will cautiously review the parking issues during the construction plans approval process.

Chris Abbott, 4512 SW 20th Avenue, Cape Coral, Florida, applicant for the project, approached the Board and stated that the residential parking area will be located behind the larger building.

Dennis Foltz, Orange County Public Schools Planning Coordinator, reported that several public schools will be impacted by the proposed project, therefore the developer will be required to obtain a Capacity Enhancement Agreement from Orange County Public Schools. He explained some details concerning the capacity of the impacted schools.

City Manager Bollhoefer suggested that prior to the project being presented before the City Commission, the Capacity Enhancement Agreement between the developer and Orange County Public Schools should be obtained.

Chris Abbot expressed concerns related to the development of the Capacity Enhancement Agreement stating that it might take several months, and since a lot of engineering work needs to be done he would like to proceed with the rezoning process.

City Planner Cechman explained that the next step for the subject project is the construction plans approval, and suggested that perhaps the condition in the motion should be that prior to construction plans approval the Capacity Enhancement Agreement needs to be finalized.

Chris Abbot inquired about the possibility of applying the mentioned condition to the two buildings located on the back of the property including the residential units, since that would allow them to start the construction of the first two buildings located on the front of the property, which are strictly commercial.

Motion by Colin Sharman to approve Ordinance 06-23 Rezoning to PCD (Planned Commercial District), with City Staff conditions (see attached), and the additional condition that before construction plans approval for the two buildings located on the rear of the property including the residential units the Capacity Enhancement Agreement between Orange County Public Schools and the developer needs to be finalized. Seconded by Bob Buchanan the motion carried unanimously 6-0.

Lot Splits

11. 511 S. Highland Avenue

Planner McGruder presented the Board with a request for a lot split at 511 S. Highland Avenue, splitting off 45 feet on the south side, to be combined with the 55' wide lot located at 525 S. Highland Avenue to create a 100' wide single-family building lot. City Staff has reviewed the application and recommends approval.

Motion by Tina Aldrich to approve the Lot Split. Seconded by Xerxes Snell the motion carried unanimously 6-0.

Plats

12. Hickory Hammock – Preliminary Plat

Senior Planner Randall presented the Board with a request for preliminary plat approval for a 494 Single Family and Town Homes development located at the northwest corner of Avalon Road and Marsh Road. City Staff has reviewed the preliminary plat application and since it is consistent with the provisions of the approved PUD (*Planned Urban*

Development) recommends approval with the conditions included in the Agenda Package.

Chairman Bedsole inquired about the developer's participation in the improvements to C.R. 545. Ms. Randall responded that the subject project will be required to participate in the solution or improvements to C.R. 545.

Dennis Foltz informed the Board that the developer for the subject project was required to and obtained, a Capacity Enhancement Agreement. He informed the Board that the developer assisted Orange County Public Schools on finding sites for an elementary and middle schools, which are located on the east side of C.R. 545 north of Black Lake. Mr. Foltz stated that is one of the evidences demonstrating how those agreements can benefit both the Developer and the School District.

David Kelly, Donald W. McINTOSH Associates Inc, approached the Board and requested some flexibility to work with City Staff in relation to comment # 6 from the Engineering Department memorandum concerning the parking spaces.

Senior Planner Randall stated that City Staff has discussed the developer's concern in relation to comment # 6 from the Engineering Department memorandum and believes that a satisfactory solution can be reached between the City and the Developer.

A discussion followed among the Board Members, City Manager Bollhoefer, City Planner Cechman and Senior Planner Randall concerning the parking spaces and the possible solutions. Ms. Randall requested the Board to provide City Staff with the flexibility to work with the applicant on finding a possible solution before the item is presented before the City Commission.

Motion by Bob Buchanan to approved the Preliminary Plat for Hickory Hammock with City Staff conditions (see attached) and allowing City Staff the flexibility to work with the Developer on finding a solution concerning item # 6 from the May 30, 2006 Engineering Department memorandum, possible changing from 2 parking spaces to 1.5 parking spaces if needed. Seconded by Bea Deariso the motion carried 6-0.

13. Belle Meade Phase II - Final Plat

Planner Byers presented the Board with a request for approval of a final plat for the second phase of Belle Meade Subdivision, which is located at the northwest corner of Avalon Road and Tilden Road. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

Motion by Tina Aldrich to approve the Final Plat for Belle Meade Phase II with City Staff conditions (see attached). Seconded by Bea Deariso the motion carried unanimously 6-0.

14. Carriage Pointe - Final Plat

Planner Byers presented the Board with a request for approval of a final plat for Carriage Pointe Subdivision also known as Avalon Reserve Village 2. City Staff has reviewed the application and recommends approval with all the conditions included in the agenda package.

Motion by Xerxes Snell to approve the Final Plat for Carriage Pointe Subdivision with City Staff conditions (see attached). Seconded by Bob Buchanan the motion carried unanimously 6-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:38 p.m.

APPROVED:

ATTEST:

Chairman Larry Bedsole

Planning Technician Lorena Blankenship