

**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
AUGUST 07, 2006**

**CALL TO ORDER**

**Acting Chairwoman Tina Aldrich** called the regular meeting of the City of Winter Garden Planning and Zoning Board to order at 6:41 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:** Acting Chairwoman Tina Aldrich, Bea Deariso, Jerry Carris, Xerxes Snell, Mac McKinney and Bob Buchanan. Also present were City Attorney Kurt Ardaman, Assistant to the City Attorney Daniel Langley, City Manager Mike Bollhoefer, City Planner Mark Cechman, Chief Planner Kelly Randall, Planner Regina McGruder, Planner Brandon Byers, Planning Technician Leontyne James and Planning Technician Lorena Blankenship.

**ABSENT:** Chairman Larry Bedsole

**1. APPROVAL OF MINUTES**

Approval of minutes from regular meeting held July 10, 2006

*Motion by Jerry Carris to approve the above minutes. Seconded by Bea Deariso, the motion carried unanimously 6-0.*

**2. WORKSHOP ON DUTIES AND PROCEDURES OF THE PLANNING AND ZONING BOARD**

City Attorney Ardaman conducted a workshop regarding matters related to the Planning and Zoning Board, explaining elements such as their Powers and Duties; the Sunshine Law; the Land Planning Agency; Quasi-Judicial Proceedings versus Legislative Proceedings; and the Denial of Development Permits (see attached document).

The Board took a five-minute recess and reconvened at 7:40 p.m.

**VariANCES**

**3. 221 Sixth Street**

Planner McGruder presented the Board with a request for 221 Sixth Street for approval of a lot split and some variances. She explained that the lot split will create two separate lots that will need a 14 foot front yard setback and a 1 foot side yard setback on the north property line for Lots 4&5, and a 25 foot lot width variance, a 4 foot front yard setback variance, a 6.5 foot side yard setback variance and a 1,055 square feet lot area variance for Lot 6. City Staff has reviewed the application and recommends approval.

Penny Vidales, 221 6<sup>th</sup> Street, Winter Garden, approached the Board to answer questions and stated that they have been renting the existing homes, but they would like to reconstruct the homes and sell them.

Mac McKinney asked if the subject lots were non-conforming lots. Senior Planner Randall responded that the subject property is a non-conforming property, and explained that by allowing the lot split the non-conforming situation will improve by having two homes on one lot instead of three homes on one lot.

***Motion by Bea Deariso to approve the Lot Split and a 14 foot front yard setback and a 1 foot side yard setback on the north property line for Lots 4&5, and a 25 foot lot width variance, a 4 foot front yard setback variance, a 6.5 foot side yard setback variance and a 1,055 square feet lot area variance for Lot 6. Seconded by Jerry Carris, the motion carried unanimously 6-0.***

#### **4. Apex Commerce Center Phase II & III**

Senior Planner Randall presented the Board with a request for approval of an impervious surface ratio (ISR) variance of 6.5% for 310 East Crown Point Road and 6% for 330 East Crown Point Road, which is Apex Commerce Center Phase II & III. Ms. Randall explained that pursuant to Ordinance 05-61, adopted by the City Commission on December 8, 2005, the maximum impervious surface ratio (ISR) for the C-2 zoning district was established at 70%. However, this development was master planned and permitted prior to the adoption of Ordinance 05-61 and was designed for a maximum impervious surface ratio of 75%. Because this development is providing additional phosphorous treatment in the stormwater retention areas and received a permit modification from the St. John's River Water Management District, City Staff is willing to allow the request for a ratio above 75% and recommends approval of the petition.

Rick Blecha, 311 N. Rosalind Avenue, Orlando, Civil Engineer for the project, approached the Board to answer questions, but no questions were asked.

***Motion by Bea Deariso to approve the Impervious Surface Ratio Variance. Seconded by Minister Snell, the motion carried unanimously 6-0.***

#### **Annexations, Rezoning, & Small Scale Comp Plan Amendment**

**5. 21 & 35 Broad Street**

Senior Planner Randall presented the Board with a request for approval of Ordinance 06-29, annexation ordinance; Ordinance 06-30, changing the comprehensive plan to Low Density Residential; and Ordinance 06-31, rezoning subject property to City R-2, for the properties located at 21 and 35 Broad Street. City Staff has reviewed the application and recommends approval.

Mac McKinney inquired about the one story residence located on the property, asking if, at the time of rezoning the property, it will meet the zoning requirements. Senior Planner Randall responded that these properties are non-conforming and variance petitions will probably be presented before the Board, since the existing home will probably be demolished and the property will be redeveloped.

Jose Conti, 2028 Tiptree Circle, Orlando, owner of the subject property, approached the Board and stated that he desires to annex into the City and demolish the existing deteriorated house. He requested approval from the Board.

*Motion by Bob Buchanan to approve Ordinance 06-29, annexation ordinance; Ordinance 06-30, changing the comprehensive plan to Low Density Residential; and Ordinance 06-31, rezoning subject property to City R-; for the properties located at 21 and 35 Broad Street. Seconded by Bea Deariso, the motion carried unanimously 6-0.*

**Rezoning**

**6. East Winter Garden Rezoning Ordinances**

City Planner Cechman presented the Board with a request for approval of Ordinance 06-34, establishing the RNC-2 zoning code, Ordinance 06-32, establishing the R-4 zoning code, and Ordinance 06-33, establishing the R-5 zoning code, rezoning much of the East Winter Garden neighborhood to these zoning districts. Mr. Cechman explained that each of these ordinances creates a new zoning classification, each of them rezoning a piece of East Winter Garden. He gave a Power Point Presentation explaining elements concerning the Winter Garden Sector Study (*hard copy attached*), and added that numerous public meetings have been held to inform the community of the subject ordinances and the Sector Study. Mr. Cechman also explained the fundamentals related to the new zoning categories and their goals and benefits.

Acting Chairwoman Aldrich noted that she is a member of the CRAAB (*Community Redevelopment Agency Advisory Board*), and stated that at their last meeting the

community was informed and encouraged to attend tonight's meeting to present objections or concerns.

Jerry Carris inquired about point "d" on page 12 of Ordinance 06-34, concerning porches and garages, and giving the Planning Director the discretion to grant exceptions to the

standard regulations. City Planner Cechman stated that Tandem Housing is a new concept with an economic benefit, since two existing homes can be demolished and four new homes can be build in their place; because of that City Staff would like to have some control through the Special Exception Permit process, which also will require approval from the Planning and Zoning Board. Mr. Cechman explained that by requiring the applicants to comply with some regulations during the Special Exception Permit process it will give flexibility to the Planning and Zoning Department and also to the Planning and Zoning Board. Mr. Cechman added that if the Board desires, all flexibility could be granted to them.

Acting Chairwoman Aldrich pointed out that the Special Exception Permit petitions will need to be approved by the Board anyway, and stated that to make the process easier on the applicant, the Planning and Zoning Department should have the flexibility to grant exceptions to the standards.

Bea Deariso inquired about the existing small lots and asked if width variances could be granted to them. City Manager Bollhoefer responded that the residents can always present the variance petition before the Board.

Mac McKinney stated that he disagreed with the approval of an ordinance that would allow the Planning Director or anyone else other than the Board the flexibility to grant exceptions to the standards. City Planner Cechman clarified that the subject statement does not allow him to approve the Special Exception Permit petitions, but allows him to work with the developer after the Special Exception Permit has been approved by the Board.

Further discussion followed among the Board Members, City Planner Cechman, City Manager Bollhoefer and City Attorney Ardaman concerning point “d” on page 12 of Ordinance 06-34, related to the porches and garages.

Donald Rogers, 629 Bethune Avenue, Winter Garden, approached the Board and stated that he purchased 214 Center Street from the City of Winter Garden (*property located in East Winter Garden*) with the understanding that a rooming house would be allowed on it. He added that he applied for and received approval of a Special Exception Permit in 2003 for the rooming house, but he wasn’t able to finish the process and the time period for the Special Exception Permit expired. He expressed concerns related to new zoning categories, which do not allow rooming houses, and requested Board consideration of his situation.

Further discussion followed among the Board Members, City Manager Bollhoefer, City Planner Cechman, and Mr. Rodgers concerning rooming houses; the Special Exception Permit approved for 214 Center Street on 2003 and how it elapsed after six months; and the amendment to the RNC code stating that no more rooming houses would be allowed, adopted in January 2005.

***Motion by Minister Snell to approve Ordinance 06-34, establishing the RNC-2 zoning code; Ordinance 06-32, establishing the R-4 zoning code; and Ordinance 06-33, establishing the R-5 zoning code for the East Winter Garden neighborhood. Seconded by Jerry Carris.***

Mac McKinney expressed his opposition towards allowing the Planning Director the flexibility to grant exceptions to the standards for porches and garages.

***The motion carried 5-1; Mac McKinney opposed the motion.***

City Planner Cechman asked Mr. McKinney if his opposition was only related to Ordinance 06-34, Section 118 – Tandem Housing, point # 2 – Design Criteria for Tandem Houses, specifically for item “d” porches and garages. Mr. McKinney responded affirmatively.

### **Large-Scale Comprehensive Plan Amendment**

#### **7. 355 S. Ninth Street – (Dreyfus Citrus)**

Planner McGruder presented the Board with a request for approval of transmittal of Ordinance 06-35, amending the Future Land Use Map of the City of Winter Garden’s Comprehensive Plan by changing the Future Land Use designation of the property located at 355 South Ninth Street from Orange County Industrial to City Industrial. She added that on December 08, 2005 the City Commission approved Ordinance 05-57, annexing the Dreyfus Citrus Plant. City Staff has reviewed the application and recommends approval.

***Motion by Bea Deariso to approve Ordinance 06-35, amending the Future Land Use Map of the City of Winter Garden’s Comprehensive Plan by changing the Future Land Use designation of the property located at 355 S. Ninth Street. Seconded by Jerry Carris, the motion carried unanimously 6-0.***

#### **8. Sessions-Schneider-Ross (SouthStar) Property**

Planner McGruder presented the Board with a request for approval of transmittal for Ordinance 06-37, amending the Future Land Use Map of the City of Winter Garden’s Comprehensive Plan by changing the Future Land Use designation of the property generally described as 71 acres of land located on the east side of County Road 545, and North of Black Lake from Orange County Rural to City Suburban Residential with a City

Conservation Overlay. City Staff recommends approval of transmittal for Ordinance 06-37.

Ed Lynch, 660 Home Grove Drive, Winter Garden, approached the Board and spoke in opposition of the subject request, stating that Winter Garden is becoming a bedroom community, and that a commercial use should be given to the subject property.

City Manager Bollhoefer stated that because of issues related to traffic patterns, the adjacent Oasis Church, and the future elementary and middle school to the north of the subject property, a commercial use would not be appropriate on the site. He added that City Staff has found several sites that based upon their locations are ideal for commercial, and one of the City's goals is to bring many more high paying jobs into the city.

*Motion by Bea Deariso to approve the transmittal for Ordinance 06-37, amending the Future Land Use Map of the City of Winter Garden's Comprehensive Plan by changing the Future Land Use designation of the property generally described as 71 acres of land located on the east side of County Road 545, and North of Black Lake from Orange County Rural to City Suburban Residential with a City Conservation Overlay. Seconded by Bob Buchanan, the motion carried unanimously 6-0.*

## **Plats**

### **9. Avalon Reserve Commercial (Village 5; Avamar) - Preliminary Plat**

Planner Byers presented the Board with a request for Avalon Reserve Commercial for approval of a preliminary plat for 4 commercial lots totaling 16.601 ± acres located on the southwest corner of Marsh Road and Avalon Road. City Staff has reviewed the petition and recommends approval with the conditions included in the agenda package.

*Motion by Jerry Carris to approve the Preliminary Plat with City Staff conditions (see attached). Seconded by Bea Deariso, the motion carried unanimously 6-0.*

### **10. Pineloch Industrial Park Final Plat**

Planner Byers presented the Board with a request for approval of a final plat for 17.62 ± acres of property located at 150 North West Crown Point Road. City Staff has reviewed the petition and recommends approval with the conditions included in the agenda package.

Bea Deariso asked if all legal issues related to the title of opinion have been addressed. Mr. Byers responded affirmatively.

*Motion by Bob Buchanan to approve the Final Plat for property located at 150 North West Crown Point Road with City Staff conditions (see attached). Seconded by Minister Snell the motion carried unanimously 6-0.*

### **11. Bronson's Landing - Final Plat**

Planner Byers presented the Board with a request for approval of the Bronson's Landing final plat, a 126 single-family home subdivision located south of Stoneybrook West Parkway. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package; however, until technical issues between City Staff and the Developer are resolved, this final plat will not be scheduled for the City Commission meeting.

Jerry Carris inquired about the wetlands in the property and asked if the appropriate swales were installed. Mr. Byers responded affirmatively.

***Motion by Mac McKinney to approve the Final Plat for Bronson's Landing Subdivision with City Staff conditions (see attached). Seconded by Jerry Carris the motion carried unanimously 6-0.***

### **Site Plans**

#### **12. 756 Business Park Blvd. (Kelzer Concrete)**

Planner McGruder presented the Board with a request for site plan approval for a 3,000 square feet maintenance shop and a 2000 square feet office/warehouse for the property located at 756 Business Park Blvd. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package, and the additional condition that outside storage will not be permitted and no large industrial trucks (i.e. cement-mixers) will be housed on site.

Kenneth Kelzer, 13312 W. Colonial Drive, Winter Garden, approached the Board and clarified that they have an industrial truck that will be housed on site. City Planner Cechman stated that if the industrial truck will be stored inside, City Staff did not have an objection.

Acting Chairwoman Aldrich asked the applicant if they were planning on bringing more or larger industrial trucks into the site. Mr. Kelzer responded negatively.

Mac McKinney asked if the dumpsters will be stored on site. Mr. Kelzer responded negatively, and explained that they only have three dumpsters and they are rotated between the job sites.

***Motion by Bea Deariso to approve the Site Plan for property located at 756 Business Park Blvd with all City Staff conditions (see attached), and the additional condition that outside storage will not be permitted and only one large industrial truck will be allowed on the site and should be housed inside. Seconded by Bob Buchanan the motion carried 6-0.***

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:58 p.m.

**APPROVED:**

**ATTEST:**

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**Chairman Larry Bedsole**

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**Planning Technician Lorena Blankenship**