

PLANNING & ZONING BOARD MEETING MINUTES
July 13, 2015

Attendees:

Regina Dunay, Chairperson
Susan Lomas, Vice-Chairperson
Marion Rayburn, Board Member
Chris Rader, Board Member

Absent:

Wade Fischer, Board Member

Staff:

Bea Meeks, City Clerk
Sandy Repp, Administrative Assistant
Ellen Hardgrove, AICP
Drew Smith, City Attorney
Chief Francisco, Police Chief
Debbie Cabales, Code Enforcement Officer

CALL TO ORDER

Chairperson Regina Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m., followed by the Pledge of Allegiance. City Clerk Bea Meeks announced there is a quorum.

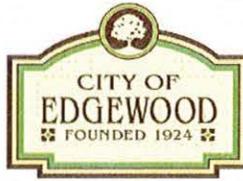
ORGANIZATIONAL MEETING

City Clerk Meeks explained to the Planning & Zoning Board that historically they select their chairperson and co-chairperson in March. She noted that the Board did not have a March meeting therefore, the Board was being asked to make their chair appointment.

Board Member Lomas made the Motion to appoint Regina Dunay as Board Chair; seconded by Board Member Rader. Unanimously approved (4/0).

Chairwoman Dunay made the Motion to appoint Board Member Susan Lomas as Co-chairperson; Seconded by Board Member Rayburn. Unanimously approved (4/0).

APPROVAL OF MINUTES



- December 8, 2014 – Regular P&Z Meeting

Board Member Lomas made the Motion to approve the December 8, 2014 minutes; Seconded by Board Member Rayburn. Unanimously approved (4/0).

NEW BUSINESS

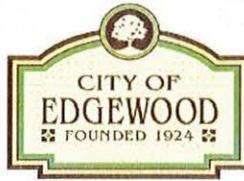
a. **VARIANCE(S) APPLICATION FOR SUSAN FORTINI AT 5125 THE OAKS CIRCLE. (APPLICATION VAR#2015-02)**

Chairwoman Dunay referred to Engineer Sebaali, who gave background information on applicant Susan Fortini's, existing boat dock. He also explained the applicant's request to replace the existing boat dock which will require a setback variance. He said the existing boat dock does not have a cover on it and the applicant is requesting a roof for the new boat dock. He said the applicant does not meet the 10 foot setback, therefore even if there were no objection, a variance is still required. Engineer Sebaali said the west side property owner does not object but the eastside property owner does object to the request. Engineer Sebaali said he learned today that the east side property owner is not objecting now. Engineer Sebaali further explained the Code and what requires Council to address these types of requests.

Resident Tom Hansel spoke on behalf of his father, Ralph Hansel, who lives on the east side of Ms. Fortini. Mr. Hansel said the setbacks were never an issue with his father. The objection was the addition of the roof. He said his father has had a change of heart and is not opposed to having the roof added. He said it is identical to what the neighbor to the west has. He said his father has no objection to the boat dock.

City Attorney Smith said a letter is still needed from Ralph Hansel before the July 21, 2015 City Council meeting. Engineer Sebaali said the second item to address are the items in his report (A thru H):

- a. Average length of other docks in the surrounding 300-foot area;
- b. The reasonable use of the property by the owner;
- c. The effects the dock will have on navigation and safety of boaters;
- d. The overall general welfare of the neighborhood;
- e. Whether special conditions exist such that strict compliance with the provisions of this article would impose a unique and unnecessary hardship on the applicant;



- f. The effect of the proposed variance on abutting shoreline property owners;
- g. Whether the granting of the variance would be contrary to the intent and purpose and this article; and
- h. A variance from the maximum length of 65 feet may be granted if it is necessary to reach a water depth suitable for boating, but in no event shall a dock be extended in length beyond where the water depth will exceed five feet as measured from the normal high water elevation.

He said item "F" is the only item in question. He said in his opinion the roof will affect the visual effect, which is based on where someone would be in on the property to the east.

Applicant, Susan Fortini, said she has tried her best to minimize the visual impact and grateful to Mr. Hansel for rescinding his objection.

Board Member Lomas made the Motion to approve the Fortini variance request; Seconded by Board Member Rayburn. Unanimously approved (4/0).

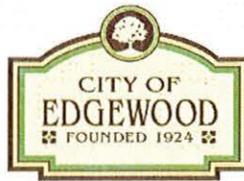
b. VARIANCE(S) APPLICATION FOR JEFF & HAYLEY BAKER AT 5566 JESSAMINE LANE. (APPLICATION VAR#2015-01)

Chairperson Dunay referred to Planner Hardgrove to provide her report regarding the Baker application for a special exception. Planner Hardgrove explained when variances can be approved and explained the six criteria in the City Code.

In response to Board Member Rader, City Clerk Meeks confirmed there was a tree permit issued for the removal of four trees.

David Konkol, the contractor representing the Bakers, said all the trees on the survey represent what is on the lot. Mr. Konkol said there is a historic tree by the tennis court that is being preserved. He said there will be no lighting on the tennis court.

Planner Hardgrove explained the Baker's second variance request is for a 6 ft high wall in the front building setback, with a request to have it on the property line. Planner Hardgrove said the applicant is requesting an 8 foot high fence around the tennis court, however the fence is 39 feet from the front and that is allowed. Planner Hardgrove said this is a condition of approval as it relates to the proposed fence. She said if there is a security gate on the property, she would want it off the road so that someone pulling in



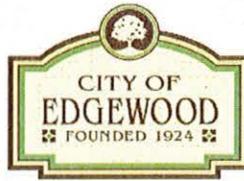
would not be blocking the road. Resident Richard McMillan confirmed that the adjacent fence is 7 feet 4 inches in height.

Engineer Sebaali confirmed for the Board that he did not review the variance requests. One of the items he said he would be concerned about is the fence being installed at the front of the property, as it relates to line of sight and the proximity of the entrance from the existing roadway. He said if the height of the wall is approved then there is some flexibility on the location of the wall. He said the location of the wall cannot impair the line of sight.

City Clerk Meeks explained the process for sending out Notice letters. She noted the one letter was returned and read email from Resident Mike Teague into the record. The following comments were given:

1. Cedric Beemer - No objections and thinks it is a wonderful idea
2. David Konkle - Noted full support of the City Planner's review and said there would not be a solid fence
3. Richard McMillan- Referenced Gail Adams' comments and said he is agreement with the fence height at 7'4" to match the adjacent fence. He said he did not want the breezeway and tennis court because they would be five feet from the adjacent property. Planner Hardgrove said the tennis court is ten feet from the property line. She said the Code allows accessory structures to encroach five feet into the setback. Ms. Adams states she was opposed to having two fences. Chairperson Dunay said the Board can make a condition for a landscape buffer for the six foot fence. Mr. McMillan said they oppose the tennis court because of the two different fences.
4. Bonnie Brooks - Came forward to see map. In response to Ms. Brooks, Planner Hardgrove said there is not a requirement to landscape the side yard.
5. Carolyn Accola - Said she wants to make sure gates and columns are consistent. She said she agrees with Mike Teague's comments. She said save the trees and don't have a breezeway.
6. Paul Williamson-Cranes Point- Asked if the owner was cited for removing trees. City Clerk Meeks confirmed again that a permit was approved for the removal of the four trees. Mr. Williamson said he wants to make sure the historic trees are saved and expressed his concerns regarding landscaping.

Chairperson Dunay questioned how many trees were removed without a permit. Ms. Adams said she knows that one was removed by a bulldozer.



Code Enforcement Officer Cabales said she did receive a complaint and when she went to the property; she was shown a permit for the removal of four trees.

Mr. Beemer- Said he knows a professional team came to the property and saw the red tags that were placed on the trees. He said that he did not see any large trees removed. Code Enforcement Officer Cabales said that trees less than 8" d.b.h. do not require a permit. Code Enforcement Officer Cabales said the Bakers were in compliance.

Chairperson Dunay said she had concerns about protecting trees during construction.

VARIANCE 1- Detached garage (no breezeway)

No objections.

Board Member Rayburn made the Motion to approve the Baker's variance request #1; seconded by Board Member Lomas. Unanimously approved (4/0).

VARIANCE 2 Tennis/Basketball Court

No objections, with the following conditions:

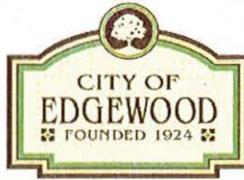
- No lighting. If there are future requests for lighting, the request must come before Council (requires an amendment).
- Allow installation of 6 foot fence and 8 foot fence. Must install a landscape buffer along the eight foot chain link fence, and the six foot high fence. Fence must be Florida Grade #1 installed and maintained with an opaque buffer around the tennis court and property line. A six foot high planting is required, 30 inches apart, and irrigation must be installed

Board Member Rader made the Motion to approve the Baker's variance request #2; seconded by Board Member Lomas. Unanimously approved (4/0).

VARIANCE 3 Fence Along The Front

No objections, with the following conditions:

- Must maintain line of sight, per Engineer Sebaali's recommendation.
- Fence to be 6 feet with stone columns, with 7'4" height.
- Per Planner Hardgrove's recommended conditions with modifications.
- Subject to site plan approval to ensure sightline.



Chairman Dunay made the Motion to approve the Baker's variance request #3; seconded by Board Member Rayburn. Unanimously approved (4/0).

c. SPECIAL EXCEPTION(S) APPLICATION FOR PROPOSED ORLANDO BRAZILIAN SEVENTH DAY ADVENTIST CHURCH. (APPLICATION SE#2015-01)

Chairperson Dunay referred to Planner Hardgrove for her report. Planner Hardgrove said she and Engineer Sebaali reviewed the special exception application. Planner Hardgrove said staff is recommending denial as it is not compatible with surrounding neighborhood and will have negative impact on surrounding land. She said the appearance is that of industrial. She said an 8 foot high wall would be required which would give a tunnel effect. Planner Hardgrove said the site plan in their packet is not necessarily what is approved. She said there were some things missing from the plan.

Engineer Sebaali said his review was more technical in nature.

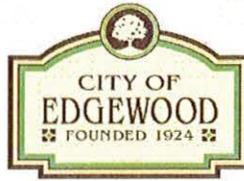
Jim Golden-HSA Golden and Will Jacobs (Pastor David Pyrus is also in attendance) –

Mr. Golden confirmed that the proposed church building is steel. He said the Pastor has offered to stucco the front of the building. He agreed the wall would give a tunnel affect. He said the church would put up an opaque landscape fence and knows they would have to get approval for this. He said the installation of a wall would require a variance. He said the church is fairly small and services are on Saturday in off-peak traffic times. He said this would be the same for Wednesday night services. He said they didn't expect traffic to be a big issue. He said the church is in agreement with changing the site plan to agree with Code except for the wall. He said the driveway would be changed to the middle to align with traffic across the street. He noted that there are three churches on Holden Avenue and don't know why they can't be compatible with the existing churches. He said a school is not being proposed. He said there would be no lighting on proposed field except security and parking lot lighting. He said parking will conform to Code.

Pastor David Pires - Pastor Pires said the church wants to be compatible with the community.

City Clerk Meeks gave her report and read responses received in City Hall regarding the application for Special Exception.

Thouraya Zapara - 4585 Lake Holden Hills Drive, Orlando, FL - Planner confirmed seating for 239 seats. Ms. Zapara expressed her concerns with ingress and egress. She also noted that coming/going of congregation is at the same time. City Attorney Smith confirmed that the special exception stays with the property.



Carolina Monaco, 4590 Lake Holden Hills- Planner Hardgrove confirmed this Church request is not the same as the 2008 request.

Jim Worthen-Representing HAINC- Commented on the following (1) Meet and comply with City Code. (2) Blend with residential (3) Property value. (4) Noted five churches in the area. Mr. Worthen agreed with Planner Hardgrove noting that the site plan does not comply with Code. Mr. Worthen said that if the Church wanted to resubmit, HAINC would like to meet with them. If the Board approves; he has 12 conditions he would like the Board to consider. He said the lack of information makes it difficult to evaluate the request. He said the current location is a 5.9 acre parcel, Mr. Worthen provided a comparison of the existing Church located at Apopka-Vineland Road and the proposed Church.

Paul Katen, 4675 Lake Holden Hills- Said noted parcel is non-conforming and not a compatible configuration. He said the property does not lend itself to proper development. Mr. Katen asked what the threshold is that would initiate a traffic study and wanted to know about drainage and retention.

John Hickey, 609 MacArthur Drive – Stated that he thinks the church would affect his personal property value. He said it would have a highest and best use as residential and not a church.

Gregg Kiffer, 4592 Lake Holden Hills Drive – Mr. Kiffer said he is curious about the 8400 sq. ft. building. He noted his concerns with the design because of “warehouse” appearance. Mr. Kiffer said he thinks the church needs to blend in with the neighborhood more, and needs more soft architectural design.

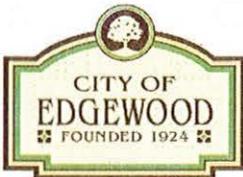
Sandy DePurte, 1140 Holden Avenue – Opposed the application.

Mr. Golden (Responding to comments) – Mr. Golden said the church is amenable to having off-duty officer for traffic control. Mr. Golden asked to table the decision so that they could address the comments. City Clerk asked for a minimum of 60 days. Engineer Sebaali said there were a lot of elements missing and recommends code compliance-

Board Member Rader wanted to make clear that tabling the decision is not saying that fixing the site plan automatically approves the special exception.

Board Member Rayburn made the Motion to approve table the request for Special Exception until September 13, 2015 6:30 p.m.; Seconded by Board Member Rader. Unanimously approved (4/0).

City Clerk Meeks explained that no Notice is required as the matter has been scheduled time certain.

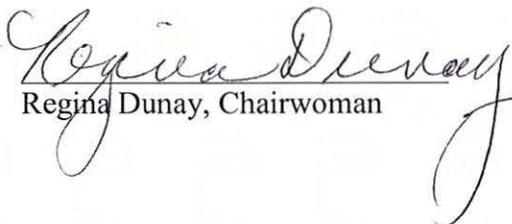


COMMENTS/ANNOUNCEMENTS

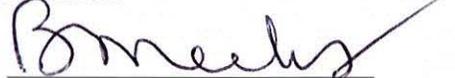
None

ADJOURNMENT:

With no further business or discussion, the Planning and Zoning Board meeting adjourned at 9:10 p.m.


Regina Dunay, Chairwoman

ATTEST


Bea L. Meeks, MMC, CPM
City Clerk