

1 City of Minneola
2 Planning & Zoning Commission Meeting
3 Minneola Council Chambers
4 800 North US Hwy 27, Minneola, FL
5

June 7, 2010

6 Jim Frana called to order the Minneola Planning and Zoning Meeting.
7

<i>Present</i>	<i>Not in Attendance</i>	<i>Others Present</i>
<i>Jim Frana, Chairperson</i>		<i>Katrina Thomas, Assistant City Attorney</i>
<i>Sherry Zielonka, Vice Chair</i>		<i>Timothy Green, Consulting Planner, Green Consulting Group</i>
<i>John Flowers</i>		<i>Laura Jones, Senior Planner</i>
<i>Penny Markland</i>		
<i>Jerry Roach</i>		
<i>Gary Tolley</i>		
	<i>Debbie Veit</i>	
<i>City Council Representative, Rick Roderick</i>		

8
9 *A moment of Silence and Pledge of Allegiance*

10
11 **Agenda Review:**

12
13 **Review of Planning and Zoning Meeting Minutes for May 3, 2010**

14
15 **MOTION by John Flowers to approve the minutes.**

16 **SECONDED by Sherry Zielonka.**

17 **Jim Frana called for a vote.**

18 **APPROVED 6 – 0.**

19
20 **Resolution 2010-06 – Conditional Use Permit:**

21 **210 East Washington Street**

22 **Applicant: Wade Davis, Brookside Church, Inc.**

23 **Property Owners: Gregg & Janet Christoff**

24
25 Laura Jones explained the request and issues. Jerry Roach, John Flowers and Penny
26 Markland had no questions, but expressed that parking would be their only concern.
27 Sherry Zielonka concurred with the Planner's notes. Gary Tolley asked the applicant
28 about their intent to grow.

29
30 *Katrina Thomas swore in the applicant, Wade Davis.* Mr. Davis responded that they
31 intend to grow and when they exceed the 27 parking spaces they will seek other
32 arrangements. Jim Frana was in agreement with previous comments and added the
33 issue of a report from the Fire Chief. Jim then asked for a motion.

34
35 **MOTION by Sherry Zielonka to recommend approval of Resolution 2010-06**
36 **contingent on a report from the Fire Department regarding occupancy.**

1 **SECONDED** by Gary Tolley.

2 **Jim Frana called for a vote.**

3 **APPROVED 6 – 0.**

4
5 **Resolution 2010-08 – Conditional Use Permit:**

6 **921-B South U.S. Highway 27**

7 **Applicant: James Waxler, Springs of Life Church**

8 **Property Owners: Edward & Susan Koch Trustees of Koch Family Trust**

9
10 Laura Jones explained this request is also for a church, and her concern is that there is
11 already a Conditional Use Permit (CUP) within the same shopping center, which was
12 conditioned by Council that, in the event that parking or other issues became a problem,
13 the CUP could be revoked. Laura added that based on an existing CUP, which could
14 conflict, she could not recommend in favor of this request.

15
16 *Katrina Thomas swore in the applicant, James Waxler, and others who planned to*
17 *speak on this matter.* Mr. Waxler pointed out that they only have a Sunday morning and
18 a Thursday night service and the other business is closed at those times. He added that
19 they only have about 30 people in the church. Jerry Roach and John Flowers had no
20 questions. Sherry Zielonka asked if there is adequate parking currently on the site for
21 the number anticipated. Laura Jones responded that there are 21 parking spaces, three
22 of which are Handicap spaces. She added that it would appear to be sufficient, but it
23 could be impacted by the other businesses if they were to be open. Laura suggested
24 adding a condition regarding days and hours of operation to reduce the potential for a
25 conflict.

26
27 Sherry Zielonka asked the applicant to repeat their hours of operation. Mr. Waxler
28 responded: Sunday 10 am to noon and Thursday 7 pm to 8 pm. Penny Markland and
29 Gary Tolley had no questions. Jim Frana advised that he discussed this matter with
30 Laura Jones prior to the meeting. He added that his concerns were parking, hours of
31 operation, and the potential for a conflict with the existing CUP. Jim suggested this
32 matter be worked out between the parties and Council be advised if it is resolved in that
33 manner. Susan Koch, the property owner, advised that there are four other parking
34 spaces in the lower parking lot, and that business is not open during these hours, as well
35 as four overflow spots for a total of 27 or 28 parking spaces.

36
37 Jim Frana asked if anyone else wanted to speak on the matter. One person came forward:

38
39 **David Yeager, 218 Magellan Cir., Minneola**

- 40 • Pointed out that Mr. Becker [the other CUP tenant] has taken less space in the
41 building than originally anticipated.

42
43 Jerry Roach asked if the property owner had spoken with the other tenant and if they
44 had any problem with this request. Susan Koch responded that she spoke with them
45 and they had no problem with it. Jim Frana asked for additional comments or a motion.

46
47 **MOTION by John Flowers to recommend approval of Resolution 2010-08 with the**
48 **condition that confirmation be received that no conflict in hours of operation**

1 exists with the other business operation.

2 **SECONDED** by Jerry Roach.

3 **Jim Frana called for a vote.**

4 **APPROVED 6 – 0.**

5
6 **Resolution 2010-07 – Special Exception Use Permit:**

7 **U.S. Highway 27 – Commercial Recreation Facility/Paintball Park**

8 **Applicant: Robert Jencic**

9 **Property Owner: PG & G Enterprises LLC**

10
11 Laura Jones explained the location and use of the property. She added that this is only
12 the SEU portion of the process, and it will return for site planning if approved.

13
14 Jerry Roach asked for clarification of the location. Laura Jones clarified. John Flowers
15 had no questions. Sherry Zielonka asked about the hours of operation. *Katrina Thomas*
16 *swore in the applicant, Robert Jencic.* Mr. Jencic responded the hours would be seven
17 days per week from noon to midnight. Penny Markland had no questions.

18
19 Gary Tolley asked about noise from being hit by a paintball and conversation as well as
20 the distance of the courts from surrounding neighbors and how far objects would travel.
21 Mr. Jencic responded that noise from being hit depends on how close the person is and
22 the actual paintball. He stated that they would be using high-end paintballs which are
23 softer and do not hurt as much. He added that the paintball distance is 100-150 feet, but
24 they will have netting around that will keep anything from going out of the designated
25 area. Mr. Jencic advised that the closest locations are 400-500 feet away. He added that
26 the last game will start about 11:30 p.m.

27
28 Jim Frana commented on his familiarity with similar facilities, and expressed support
29 for this request. He asked about this specific site and what would be visible from
30 Highway 27. Robert Jencic responded that the netting, which would block most
31 everything, and some of the barriers might be visible. Jim asked if the netting, which
32 could be as high as 20-ft., would be allowed in the City. Laura Jones responded that it
33 would depend on whether it is permanent or not, but these issues would be addressed in
34 the site planning process. Additionally, Jim asked about the lighting. Mr. Jencic
35 responded that it would be regular street lighting.

36
37 Jim Frana opened the meeting to for additional comments. The following spoke:

38
39 **Ramon Flores, City Code Enforcement Officer**

- 40 • Asked if the site would be fenced to secure the property

41 **Tim Green, Consulting Planner**

- 42 • Suggested that the Resolution have a relationship to the conceptual site plan

43
44 *Katrina Thomas swore in audience members wanting to speak on the matter.*

45 **Beverly Williams, 9250 Cypress Cove Dr., Orlando**

- 46 • Owns property in the front on Highway 27
- 47 • Does not agree with the paintball being on the property
- 48 • Concerned that someone on Highway 27 could be injured by paintballs

- 1 • Asked about the applicant having running water, bathrooms and insurance
2 • Concerned about being able to sell her property if paintball is there

3 **Walter Matthews, 822 Forestwood Dr., Minneola**

- 4 • One of the property owner's on the side of the site
5 • Asked what would be allowed on the site if this business does not succeed for
6 example things like casinos, pool halls, etc.
7 • Questioned if the proximity to the bike path had been considered

8 **Chris Cafaro, 824 Forestwood Dr., Minneola [did not sign in]**

- 9 • Asked about proximity to bike path
10 • One of the property owner's on the site of the site
11 • Stated that this is only 150-ft. from his property
12 • Concerned about:
13 ➤ His daughter and the other young children that play in his yard
14 ➤ Noise aspect and rapid fire
15 ➤ Test firing of weapons in areas not designated for firing
16 ➤ Property value decrease and resale value of his property

17 **Mick Kulzyck , 828 Forestwood Dr., Minneola [did not sign in]**

- 18 • Concurred with neighbor comments
19 • Concerned about: hours of operation, noise, danger, and property value decrease

20 **David Yeager, 218 Magellan Cir., Minneola**

- 21 • Not the right place for this business
22 • Great concept; wrong area

23

24 Jim Frana asked if there were any additional speakers; no one came forward; he
25 returned to the board for questions, comments, or motion. Additional board discussion
26 followed.

27

28 **MOTION by Gary Tolley to recommend that City Council not approve Resolution**
29 **2010-07.**

30 **SECONDED by Jerry Roach.**

31 **Jim Frana called for a vote.**

32 **APPROVED 5 – 1.**

33

34 **Minor Subdivision – Trademore Property:**

35 **13415 Sullivan Road**

36 **Applicant: Rick McCoy**

37 **Property Owner: John Wert, Trademore Industries Ltd Inc.**

38

39 Jim Frana disclosed that he spoke with Laura Jones prior to the meeting regarding this
40 matter. Laura explained that her original review was with the buildings facing Sullivan
41 Road. After speaking with Jim, she realized that if the buildings were facing toward
42 each other and the access roadway it would mean that the lots would be conforming.
43 She added that her greatest concern was meeting the minimum lot width requirement,
44 and requiring that the buildings face the access road would address this concern.

45

46 Laura Jones commented on the issue of flag lots, which was brought up in the City
47 Attorney's review. She offered definitions for flag lots from surrounding communities,

1 as City Code does not define the term, and explained that this is not what is generally
2 considered a flag lot. Laura also pointed out that these lots would need site plan review.

3
4 Jerry Roach and John Flowers had no questions. Sherry Zielonka asked for clarification
5 regarding the Tetra Tech comments. Laura stated that they reviewed the proposal and,
6 at this time, have no engineering-related comments. Penny Markland requested
7 clarification of lot measurements and having the road vs. keeping it as part of the lots
8 and giving right-of-way. Laura clarified and explained that each lot must have 100-feet
9 of frontage. She added that lot three would not have access to Sullivan Road if the road
10 was not in place between the front two lots.

11
12 Tim Green commented that Chapter 177 of Florida Statutes does not allow creation of
13 three or more lots without a plat. Gary Tolley had no questions. Jim Frana commented
14 on creating non-conforming lots and ways to adjust the proposal to make the lots
15 conforming. Tim Green responded that Code states that non-conforming lots cannot be
16 created. He suggested removing one of the front parcels. General discussion followed
17 regarding the current condition of Sullivan Road, road improvements, developer's
18 agreement, and site planning.

19
20 Rick McCoy, the applicant, came forward to address comments and questions. *Mr.*
21 *McCoy stated he was sworn in earlier with the general audience.* Mr. McCoy responded
22 to the right-of-way and roadway issues. He expressed concern with the Chapter 177 issue
23 and offered that, if subdivision to three (3) lots is not possible, the request be to split the
24 lot into two (2) lots. Mr. McCoy clarified that, although they would not be willing to do
25 road improvements at this time, they would do that in the future. He added that this could
26 be part of a developer's agreement to assure it occurs. Additional general discussion
27 followed regarding minor subdivision vs. lot split.

28
29 Jim Frana opened the meeting to the audience; no one came forward; he returned
30 discussion to the board.

31
32 **MOTION by John Flowers to recommend approval of the Minor Subdivision into**
33 **three (3) Industrial lots along Sullivan Road with the following conditions:**

- 34 • **The lots must meet the minimum lot-width requirements.**
- 35 • **The lots must have adequate access.**
- 36 • **The minor subdivision must be in accordance with Chapter 177 F.S. to**
37 **allow subdivision into three (3) lots.**
- 38 • **The lots being created must connect to City water and sewer.**

39 **SECONDED by Jerry Roach.**

40 **Jim Frana called for a vote.**

41 **APPROVED 6 – 0.**

42
43 **Discussion item:**

44 **City Council Representative Report:** Rick Roderick reported:

- 45 ➤ City is expecting a 16 percent drop in County revenue.
- 46 ➤ City Manager interviews are scheduled for June 8th.
- 47 ➤ A budget workshop will be scheduled for a date after the next (June 15th)
48 Council meeting.

- 1 ➤ City will be seeking an alternate for Rick on the County Library Board,
2 probably someone from the Friends of the Library.
- 3 ➤ The Sheriff's Dept. contract is still up-in-the-air; current cost is \$1.4 million.
4 Council wants to see if it's possible to somehow reduce that amount without
5 compromising safety.

6 **City Planner Report:** Laura Jones reported:

- 7 ➤ The events that occurred and the reasons for the memorandum provided to
8 members on the topic of signage for Mooney's Powersports. She requested,
9 and received, board consensus that no recommendation will be made to
10 Council until the business owner meets with the Planning Department.
- 11 ➤ The July P&Z meeting must be rescheduled because the regular meeting date is
12 a holiday. Agreement is to reschedule the meeting to Monday, July 12, 2010.

15 **MOTION by John Flowers to adjourn.**

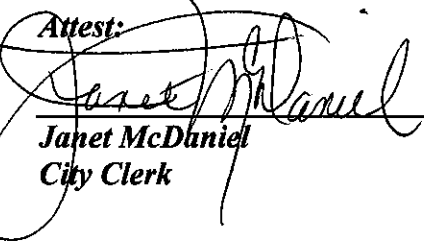
16 **SECONDED by Penny Markland.**

17 **Meeting adjourned 10:07 p.m.**

19 
21 _____
22 **Jim Franta**
23 **Chairperson, Planning and Zoning**

25 **Minutes Written by:**

26 
27 _____
28 **Rose LaQuaglia Folan**
29 **Administrative Assistant, Planning Dept.**

31 **Attest:**
32 
33 _____
34 **Janet McDaniel**
35 **City Clerk**