

**MINUTES
TOWN OF MONTVERDE
PLANNING AND ZONING BOARD**

December 2, 2015

The Planning and Zoning Board of Montverde met on December 2, 2015 at 6:30 p.m. in regular session in the Town Hall Mayor's Office.

The recommendations of the Planning and Zoning Board will be submitted to the Town Council at a Council meeting to be held on Tuesday, December 8, 2015 at 7:00 p.m. in the Town Hall Auditorium.

Board Members Present:

Glen Brecheen
Skip Perry
Chris Mitchell
Allan Hartle

Staff Present:

Graham Wells, Town Clerk,
Sean Parks, Town Planner

Glen Brecheen called the meeting to order at 6:32 p.m., and then led the Pledge of Allegiance.

ROLL CALL:

Following the roll call by Graham Wells, Town Clerk; a quorum was announced.

MINUTES:

Minutes for the Planning and Zoning meeting held on August 31, 2015 were unanimously approved with no amendments.

PUBLIC HEARINGS:

Request for Amendment to Future Land Use Map for Parcels Located at 17533 CR 455 and Request for Change to Zoning Designation

Chairman Glen Brecheen handed over to Town Planner Sean Parks who outlined the purpose of the application coming before the board. Sean outlined that there were two items on the agenda for the Board's recommendation. The first was a request for amendment to the future land use map for property located at 17533 CR 455. The second item is to change the zoning designation for the same parcel. There are two parcels, Alt Key 1783003 and also Alt Key 1782996. The first requested action is to amend the future land use map and then amend the zoning designation to ensure that it is consistent with the future land use map.

The existing future land use designation is R1-L which is single family low density. The request on the future land use map is to change it to Office/Residential/Commercial (ORC). The current zoning designation is also R1-L. Glenn Brecheen asked if he was sure as he felt that this was an old lot and should be R1-M medium density. Sean said that going back it was what they had on all the maps and that there were no Ordinances to show any change. Glenn said that it was not an issue in this matter. Sean said that according to their maps it is zoned R-1L and the request is to change it to ORC zoning designation.

Sean said that the applicant was there and was making the request to use the building as a Real Estate Office. They are proposing no increase in space or change to the footprint of the building, the Old Roses Antiques and there was no other proposed use than for office space. Sean asked the Chairman if he wanted the applicant to speak. He reiterated that the requested was being made as the proposed use was not consistent with the existing R1-L zoning.

Sean filled the newer Board members in on the history of the building that Roses Antiques operated under a conditional use permit which expired after one year of the business closing. Sean confirmed Chris Mitchell's question that this was not a conditional use application and that it was a permanent zoning and land use change. Glen Brecheen stated that Commercial within the ORC designation was for light commercial and would not for instance cover a paint and body shop or a gas station or anything similar. It is regarded as very limited commercial use. Sean said the ORC was designed to stop high density commercial use throughout the Town. Glen also said that ORC has very strict rules on signage; no neon signs were allowed.

Allen Hartle asked what the zoning was on the properties to the east. Sean and Glen confirmed that they were Residential R1-L up to you get to snapper when it became C1 Commercial. Sean then opened it up for questions and Glen invited Karin Arellano, the applicant to address the Board if she wished. Karin said that they were just going to operate it as a small boutique office and they were going to restore the building and bring back the charm. No neon lights and that sort of thing. They were also going to improve the landscaping. She sighted other properties that they had bought and restored to very high level of quality.

Ruth Ryan brought up that when Cookers applied many years ago they were denied because of the front setback requirement from the Right of Way. Glen Brecheen said that at that time the Town changed it from 25 feet to 35 feet which was the issue at that time. Ms. Ryan said that it wouldn't affect her and she understood for monetary reasons why Karin wanted to do it. She asked whether the building needed to be handicapped accessible and have handicap parking. Sean said that they would have to comply with Chapter 4 of the Land Development Code which is stipulated in the report and would have to apply for a zoning clearance from the Town if the change was granted before any work on the building or parking lot commenced. He said that there was a requirement for them to have a minimum of five parking places or if they were going with impervious, a suitable area designated for parking which will have to meet the setback as well. Sean stated that any parking would not be permitted at the front and it would have to be at the side or at the rear.

Allen Hartle brought up several questions about setbacks for Commercial development further down the Road from the Lake and requirements for water retention or drainage ponds. Sean replied that the setback from the high water level was 25 feet and that if they do decide to have paved parking then there would be a requirement for proper drainage and that would be dealt with the proper permitting at that time.

Graham Wells brought up a contradiction in the report that showed the various use types in the ORC designation and another section that listed only two uses, all others requiring a conditional use permit (CUP). Sean looked and felt that as it was copied straight from the comp plan that there may have been an error that had not been fixed. Glen Brecheen concurred that the earlier section was correct as all uses would require a CUP. Chris Mitchell asked why the applicant was requesting a zoning change instead of a CUP. Sean replied that a CUP is more for uses that would likely change in the future such as a church in a Residential area whereas this is a wholesale change. Glen said that the zoning change was preferable as it was permanent and did not set a precedent for others seeking similar conditional uses.

Discussion ensued about the current setback at the front between the edge of the Right of Way and the front of the house. It was thought that it was shorter than the current 25 foot setback requirement and that therefore it was grandfathered in but you cannot make it worse. Bearing that in mind there could be nothing built and added to the front of the building. Karin concurred. At this point Sean confirmed that the issue discussed in the previous paragraph was an error in the digital copy which is where he copied it from and that the paper copy was correct and that the use for Office within the ORC was allowed.

There being no more questions or discussion Chairman Brecheen requested a motion to recommend or deny approval for both the change to the Future Land Use and also the Zoning Designation.

MOTION by Skip Perry, SECONDED by Chris Mitchell, to recommend to Council to approve the Amendment to the Future Land Use Map and Zoning Change Designation as applied for without amendment; Glen Brecheen asked for a roll call vote.
FOR: Brecheen, Hartle, Perry, Mitchell
AGAINST: None
MOTION CARRIED: 4-0

MINUTE APPROVAL:

MOTION by Chris Mitchell SECONDED by Skip Perry, to approve Planning and Zoning Board Minutes for August 31, 2015.
FOR: Brecheen, Hartle, Mitchell, Perry
AGAINST: None
MOTION CARRIED: 4-0

ADJOURNMENT:


MOTION by Allen Hartle, SECONDED by Skip Perry to adjourn.

FOR: Brecheen, Hartle, Mitchell, Perry

AGAINST: None

MOTION CARRIED: 4-0

Respectfully submitted,



Graham Wells, Town Clerk



Glen Brecheen, Chairman