

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
DECEMBER 04, 2006**

CALL TO ORDER

Chairman Larry Bedsole called the regular meeting of the City of Winter Garden Planning and Zoning Board to order at 6:35 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, Bea Deariso, Tina Aldrich, Bob Buchanan, Jerry Carris, and Mac McKinney. Also present were Assistant City Attorney Dan Langley, City Manager Mike Bollhoefer, Assistant City Manager Marshall Robertson, Economic Development Director Shelly Weidenhamer, Building Official Willie Herbert, Planning Director Edward Williams, Planner Regina McGruder, Planner Brandon Byers, Planning Technician Leontyne James and Planning Technician Lorena Blankenship.

ABSENT: Board Member Xerxes Snell

City Manager Bollhoefer introduced and welcomed new Planning Director Edward Williams.

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held November 06, 2006

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

Variances

2. 1857 Black Lake Boulevard

Planner Byers presented the Board with a request for 1857 Black Lake Boulevard for approval of a variance that would allow the property owners to build a boat dock with a

12' X 38' covered boat house and a 10' X 10' covered activity area. City Staff has reviewed the request and recommends approval.

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

3. 343 Windford Court

Planning Technician James presented the Board with a request for 343 Windford Court for approval of a 4 foot rear yard setback variance that would allow the property owners to build an enclosed screen porch. City Staff has reviewed the application and recommends approval.

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

4. 440 N. Main Street

Planner McGruder presented the Board with a request for 440 N. Main Street for approval of a 2 foot rear setback variance and a 5 foot side yard (south) setback variance that will allow the property owners to build an attached garage. City Staff has reviewed the application and recommends approval.

Elizabeth Parker, 432 N. Main Street approached the Board and spoke in opposition to the subject request. She stated that the proposed structure will be too big and it will be too close to her home (*adjacent property to the south*). She also stated that the proposed structure will obstruct their view, and it will negatively affect her property value.

Gisele Connelly, 440 N. Main Street approached the Board and stated that in June 2006 this Board granted a variance to build a detached garage in the rear of the property, but at this time they desire to build an attached garage. She added that their neighbors to the south have a brick wall between the two properties which will not affect their view, and explained that they will use the garage strictly to store their personal items and their vehicles.

Marvin Phillips, 432 N. Main Street approached the Board and spoke in opposition to the subject request stating that the size of the proposed structure is about 61 feet long along their property line and the garage will be larger than the applicant's house.

Regis Connelly, 440 N. Main Street approached the Board and stated that he previously requested and received approval of a variance to build a detached garage in the rear of the property that was the same size as the proposed attached garage. He explained that he reconsidered and would like to build the structure attached to the house and in order to

have a garage door they will need the 5 foot side yard setback variance. He also added that the proposed garage will be 20 feet away from the alley way, which would avoid any type of drainage problems.

Bob Buchanan asked for architectural designs for the proposed structure. After Mr. Connelly responded that he did not have them with him, Mr. Buchanan stated that the Board has not been provided with enough information to make a proper decision at this time.

Further discussion took place among the Board Members and Mr. Connelly concerning the size of the garage, the location of the windows and doors, and the roof line. Mr. Connelly requested the Board Members for 20 minutes to go back to his house and bring the structure designs, but since the Board Members believed that more time was needed to appropriately review the graphic designs, a decision to table the item was made.

Motion by Bob Buchanan to table the item for the January Planning and Zoning Board Meeting. Seconded by Tina Aldrich, the motion carried unanimously 6-0.

5. Courtlea Oaks Phase 2B Lot 70

Planner McGruder presented the Board with a request for Courtlea Oaks Phase 2B Lot # 70 for approval of a 12 foot 8 inch rear setback variance that will allow the property owners to construct a 40' X 27' 8" (4 cars) garage on the proposed single family home. City Staff has reviewed the application and recommends approval.

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

6. Garden Plaza – Parking Variance

Planning Director Williams stated that at the November 29, 2006 Development Review Committee (DRC) it was determined that a variance for the parking requirements was required for the Garden Plaza Development (*a.k.a. Peoples Plaza*). He added that this is a mixed use commercial development located at 12301 W. Colonial Drive, consisting of office/retail and a 100 room hotel. City Planner Williams explained that by code the developer was required to provide 545 parking spaces, but they requested a reduction of 79 parking spaces, which will allow them to provide 466 parking spaces; City Staff supported the reduction to 466 parking spaces, but will not support any additional request in regards to the parking spaces.

Ed Lynch, 660 Home Grove Drive, Winter Garden, approached the board and spoke in support of the subject request, stating that this type of mix-use development will be very beneficial for Winter Garden.

Mitch Collins, Civil Engineer representing the applicant, 801 E. South Street, Orlando, approached the Board and stated that they have conducted a shared parking analysis study, which indicates that according to the amount of uses, the square footage and the hotel number of units, the needed parking spaces is 456. Mr. Collins added that they

would like to have the flexibility to provide additional landscaping or redesign existing site layout and requested the Board to allow them to provide 456 parking spaces.

Chairman Bedsole stated that City Staff works hard on making their recommendations and the Planning and Zoning Board will not renegotiate on the decisions they make.

Motion by Bob Buchanan to approve the Parking Variance to reduce the parking spaces from 545 parking spaces to 466 parking spaces. Seconded by Mac McKinney, the motion carried unanimously 6-0.

Rezoning

7. Belle Meade Commercial Outparcels

Planner Byers stated that this request involves two pieces of property located on C.R. 545, Belle Meade Commercial Outparcels. He explained that the property is currently vacant and the developer proposes to utilize the land with a mixture of offices, retail, and a grocery store. City Staff recommends approval of the rezoning from PUD to PCD, and changing the future land use to commercial with the conditions included in the agenda package from the Engineering Department dated October 24, 2006.

Jonathan Martin, with Kimley-Horn & Associates, engineer representing the applicant, approached the Board and gave a brief background on the history of the project. He pointed out that the city staff report for tonight's meeting did not include the building footage to be up to 110,000 square feet, as they previously requested. Mr. Martin explained that they needed that building footage flexibility and ask for their request to be taken into consideration.

Simon Pilley and Zuzanne Pilley, 2024 Portcastle Circle, Winter Garden, approached the board and inquired about the proposed uses. City Manager Bollhoefer responded that the uses include a grocery store, a bank, some retail and professional offices. Mr. and Mrs. Pilley expressed concerns related to traffic and noise, especially if the grocery store will be built on the north side of the property, which will be directly adjacent to their neighborhood (*Stone Creek Subdivision*).

Tina Aldrich pointed out that perhaps the grocery store could be relocated to alleviate the citizen's concerns. Mr. Martin responded that City Staff desires to have the nice façade facing Avalon Road and added that there is a 6 foot wall along the entire eastern property line. He also stated that landscaping and a 5 foot wall will be constructed along the entire

northern property line, and added that they will take into consideration the citizens concerns.

Bob Buchanan expressed concerns related to the delivery trucks coming into the property during nighttime hours. Mr. Martin stated that the hours of operation could be discussed during site plan approval.

Motion by Tina Aldrich to recommend approval to Ordinance 06-49, rezoning from City Suburban to City Commercial, and Ordinance 06-50 changing the Future Land Use of the subject property from PUD to PCD with the conditions included in the Engineering Department Memorandum dated October 24, 2006 (see attached) and to allow the building footage to be up to 110,000 square feet. Seconded by Bob Buchanan, the motion carried unanimously 6-0.

Special Exception Permits

8. StarChild Academy

Planner Byers presented the Board with a request for approval of a Special Exception Permit for 1330 Winter Garden Vineland Road to allow a children's day care center (*StarChild Academy*) in a C-2 zoning category. City Staff recommends approval with the conditions outlined in the Engineering Department's memorandum dated November 8, 2006.

Danny King, applicant for the project, approached the Board and introduced Traffic Engineer Patricia Tice and StarChild Academy founder Peter Zimmermann.

Peter Zimmermann, 632 East Club Circle, Longwood, founder of Star Child Academy, approached the Board and gave a brief background of the history of the academy and their operations and services. He gave a Power Point Presentation including graphics of the layout of the property, the inside of the facilities, the design of the building, the parking, drop off and pick-up areas, and the play grounds.

Patricia Tice, Traffic Engineer, representing the applicant, approached the Board and explained technical details in regards to the traffic study, traffic issues and the intensity of the use.

Tina Aldrich inquired about the number of children and the parking requirements. Ms. Tice responded that there will be about 400 children using the facilities and Mr. Zimmermann added that they are providing 126 parking spaces, but clarified that they do not hold "parent's night" meetings.

Bob Buchanan inquired about a right turn lane off Winter Garden Vineland Road. Ms. Tice responded that they are working on the right turn lane design and it will be finalized at the engineering design stage.

Nancy Warner, 608 Brittfield Place, Apopka, approached the Board and spoke in support of the subject request, giving a personal testimony of their experience with StarChild Academy.

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

9. Rush Trucking

Planner McGruder presented the Board with a request for approval of a Special Exception Permit to allow Britt Business Center Lots 7-11 (*a.k.a Rush Trucking*) located on East Crown Point Road to construct and operate a retail truck sales and service center. Planner McGruder stated that City Staff recommends to table this item until the applicant complies with the previous staff request of providing a traffic study and organizing a community meeting with the surrounding neighborhoods that this development may impact; in the alternative Staff cannot support the Special Exception Permit at this time.

Motion by Bub Buchanan to table the item. Seconded by Tina Aldrich, the motion carried unanimously 6-0.

City Manager Bollhoefer stated that since this is a public hearing, the citizens in the audience should be given the opportunity to speak. He also informed the Board that during the last few days, he received several e-mails from concerned citizens. Mr. Bollhoefer stated that when the developers submitted their application, City Staff met with them and tried to work on some issues, to include the traffic situation, and the applicant was required to provide a traffic study and set up community meetings with the impacted neighborhoods to ensure that the community was well informed of their proposed operations.

Motion by Tina Aldrich to withdraw the previous motion. Seconded by Mac McKinney, the motion carried unanimously 6-0.

Chairman Bedsole opened the public hearing.

Chris Martinez, Vice-President HOA Chapin Station, 1838 Lindzlu Street; Jim Britt, 1530 Lindzlu Street; Keith Dukes, 1827 Lindzlu Street; Louis Musica, 1808 Lindzlu Street; Jenniffer Walker, 1832 Lindzlu Street; Terry Rosenberg, 1712 Lindzlu Street; and Barbara Bacvinskas, 1212 Hunterman Lane, Winter Garden; were in attendance to speak in opposition to the subject request. They mentioned concerns related to the traffic

impact, the noise impact (not only from trucks but from the shop), lighting impact, and pollution. They stated that the community is already dealing with existing traffic problems on E. Crown Point Road and W. Crown Point Road, and that the proposed use

for the subject property is totally out of character with the residential neighborhood. The concerned citizens requested a Traffic Impact Study and an Environmental Impact Study, and asked the Board Members to take into consideration their concerns.

Shane Downs, 1324 Lindzlu Street, Winter Garden, approached the Board and inquired about the hours of operation and the exact type of service. City Manager Bollhoefer responded that 50 percent of the operations will be performed inside the shop, and added that the community meetings are very important, since the citizens will be well informed and will have all their questions answered.

Traffic Engineer Patricia Tice approached the Board and stated that they are working on the traffic study and were planning on having community meetings, and she added that they were not completely prepared to have those meetings at this time. She also stated that they were intending to go through this process and do exactly what City Staff had recommended, but explained that they were not ready at this time, and they did not request to be placed on the Planning and Zoning Board meeting agenda for tonight's meeting.

City Manager Bollhoefer gave an update on the road improvements City Staff has been working on, to include placing a traffic light on W. Crown Point Road, appropriate turn lanes, and three and four lanes on West Crown Point Road.

Motion by Bob Buchanan to table the item to a date uncertain. Seconded by Jerry Carris, the motion carried unanimously 6-0.

Site Plans

10. Windermere Corners

Planner Byers presented the Board with a request for approval of a site plan for the property located at 1321 Windermere Road to be used as professional offices. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

Motion by Bob Buchanan to approve the Site Plan with City Staff conditions (see attached). Seconded by Jerry Carris the motion carried unanimously 6-0.

11. Apex Commerce Center Phase II & III

Planner McGruder presented the Board with a request for approval of a site plan for the property located at 310 & 330 E. Crown Point Road (*a.k.a Apex Commerce Center*) to be

used as commercial flex space. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

Yog Melwani, Apex Commerce Center, LLC, approached the Board to answer questions, but no questions were asked.

Motion by Bob Buchanan to approve the Site Plan with City Staff conditions (see attached). Seconded by Tina Aldrich the motion carried unanimously 6-0.

12. Garden Plaza

Planner McGruder presented the Board with a request for approval of a site plan for the property located at 12301 W. Colonial Drive (*Garden Plaza a.k.a. Peoples Plaza*) to be used as a mixed use commercial development. Ms. McGruder stated that the Engineering Department's revised memorandum dated November 29, 2006 needs to be added to city staff conditions. She also explained that the site plans will have to be revised based on the approval of the reduction of the parking spaces, and at time the Building Department will ensure that the plans comply with the ADA (*Americans with Disabilities Act*) requirements.

Motion by Tina Aldrich to approve the Site Plan with City Staff conditions to include the Engineering Department's revised memorandum dated November 29, 2006 (see attached). Seconded by Bob Buchanan the motion carried unanimously 6-0

13. Winter Garden Executive Center

Planning Technician James presented the Board with a request for approval of a site plan for the property located off Dillard Street and East Maple Street (*a.k.a. Winter Garden Executive Center*) to be used as a professional office. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

Motion by Tina Aldrich to approve the Site Plan with City Staff conditions (see attached). Seconded by Bea Deariso the motion carried unanimously 6-0

Final Plats

14. Tucker Oaks

Planning Technician James presented the Board with a request for approval of a final plat for Tucker Oaks Condominiums, located on the south side of Colonial Drive and north of the Florida Turnpike. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package.

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

15. Oaks at Brandy Lake

Planner McGruder presented the Board with a request for approval of a final plat for Oaks at Brandy Lake Subdivision located on the south east side at the intersection of

West Plant Street and Story Road. City Staff has reviewed the petition and recommends approval with the conditions included in the agenda package.

Motion by Bob Buchanan to approve the Final Plat with City Staff conditions (see attached). Seconded by Bea Deariso, the motion carried unanimously 6-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:26 p.m.

APPROVED:

ATTEST:

Chairman Larry Bedsole

Planning Technician Lorena Blankenship