

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
AUGUST 04, 2008**

CALL TO ORDER

Chairman James Balderrama called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 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 James Balderrama, Board Members: Jerry Carris, James Dunn, Mac McKinney, Rohan Ramlackhan, and James Gentry. Also present were Assistant City Attorney Dan Langley, City Manager Mike Bollhoefer, Economic Development Director Dolores Key, Executive Assistant to City Manager Andrea Vaughn, Chief Planner Tim Wilson, Planner Brandon Byers, Planner Regina McGruder, and Planning Technician Lorena Blankenship.

ABSENT: Board Member Xerxes Snell

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held June 02, 2008

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

Special Exception Permits

2. 228 Seminole Street

Planner Byers presented the Board with a request for approval of a Special Exception Permit to allow the property owners to convert a residential home into a professional

office in the R-NC zoning district. City Staff has reviewed the application and recommends approval with the conditions found in the Development Review Committee memorandum dated July 31, 2008.

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

3. 541 Winter Garden Vineland Road – New Horizons Church

Planner Byers presented the Board with a request for approval of a Special Exception Permit for New Horizons Church to allow the property owners to build the first phase of a new church and UCP (*United Cerebral Palsy*) school. City Staff has reviewed the application and recommends approval with the conditions found in the Development Review Committee dated July 31, 2008 and the following condition:

1. Buildings must significantly conform to the elevations provided in the agenda package.

Ted Buckley, of Florida Land Design, approached the board and stated that they were in agreement with City Staff conditions.

Mac McKinney inquired about the proposed overall size of the site and the plans for the future phases. Mr. Buckley responded that Phase I is for the primary structure, which includes a worship center and the UCP school. He added that the size of the site is 8.5 acres and the total development will be approximately 18,000 square feet.

City Manager Bollhoefer stated that the applicants had a community meeting to inform the surrounding property owners, and they are willing to work with City Staff in regards to landscaping and buffer requirements.

Philip Walter, Minister of New Horizons Church, approached the Board and explained some details in regards to their activities and operations. He stated that Phase II will be for a larger worship center and Phase III will be for a family life center (recreation facility).

Motion by Jerry Carris to approve the Special Exception Permit with City Staff conditions (see attached). Seconded by James Gentry, the motion carried unanimously 6-0.

4. 4008 Winter Garden Vineland Road

Planner Byers presented the Board with a request for approval of a Special Exception Permit for property located at 4008 Winter Garden Vineland Road (*old Winn-Dixie*), to allow the property owners to convert a portion of the existing structure into a church and children's day care. The remainder of the existing building will be used for general retail, offices, restaurants, and other uses allowed in the C-2 zoning district. City Staff recommends approval with the conditions included in the Development Review Committee memo dated July 31, 2008.

Ashley Rumble, 6700 Conroy – Windermere Road, applicant representing the property owner approached the Board and stated that they intend to redevelop the property and remodel the existing building. He explained details in regards to the children's daycare operations, and stated that their proposed elevations will enhance the existing structure.

Motion by James Gentry to approve the Special Exception Permit with City Staff conditions (see attached). Seconded by Rohan Ramlackhan, Chairman Balderrama inquired about the retail uses to be allowed in the remainder of the existing building. Planner Byers responded that the retail uses will follow the C-2 zoning district category. Mr. McKinney inquired about the permitting process for the construction of the church. Planner Byers answered that the applicants must coordinate the building permits with the City's Building Department; ***the motion carried unanimously 6-0.***

5. Hope Charter School Expansion (Legacy High)

Planner McGruder presented the Board with a request for approval of a Special Exception Permit for property located at 1550 E. Crown Point Road, to allow the expansion of the existing Hope Charter School for grades K-8th and to allow the operation of a high school (Legacy School). City Staff recommends approval with the following conditions:

1. Student enrollment may not exceed current 270 student enrollment for grades K-8th.
2. Student enrollment for high school (Legacy High) may not exceed current 90 student enrollment
3. Any future additional student enrollment and/ or site improvements will require additional Planning and Zoning Board Approvals.
4. Applicant must coordinate with city staff to bring site into compliance with additional required parking for current student enrollment and required additional staff parking within 180 days of SEP approval. Additional parking will require Small Scale Site Plan Approval.
5. Must have Fire Department Safety Approval for proposed maximum building occupancy capacity. (Site inspected and Fire Department Approval complete)

6. Must submit a traffic study and coordinate with City to meet any/all required traffic concurrency/capacity issues prior to any future development and or additional student enrollment.

Crystal Yoakum, Founder of Hope Charter School and Legacy School, approached the Board and stated that there are currently 270 students enrolled at Hope Charter and 90 students currently enrolled at Legacy School. She added that there are 40 staff members. She also explained details in regards to the flow of traffic and the nature of their operations and activities.

City Manager Bollhoefer stated that this expansion will not negatively impact the traffic situation, since the students are currently enrolled.

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

Rezoning

6. Apex Commerce Center PCD Rezoning

Planner McGruder stated that the applicant has requested that the item be tabled indefinitely.

Since a motion was previously made by the Board to table the item indefinitely, no action was taken.

Miscellaneous

9. South Lake Packinghouse Consistency Determination

Chief Planner Wilson presented the Board with a request for approval of a finding of consistency with the adopted Winter Garden Comprehensive Plan to grant an easement that will allow the relocation of a driveway to cross the West Orange Trail (as shown in the attached exhibit). The property's main access point is located on the north side of the building directly south of the ninety degree turn at Tildenville School Road and the West Orange Trail. The access point to the property creates safety concerns for the users of the trail and vehicular traffic. The Development Review Committee has requested that the owner of the property relocate the entrance to the east along Tildenville School Road and close the current access that is located adjacent to the north side of the building. The relocated entrance would be safer to pedestrians, bicyclists and vehicles. In order to

accomplish this relocation, Orange County and the State of Florida will have to agree that the alternative access is better than the existing access and will have to grant an easement to construct the access point across the West Orange Trail. The application for granting of the easement requires a determination by the Local Planning Agency that the easement is consistent with the adopted Comprehensive Plan.

Motion by Mac McKinney to approve the South Lake Packinghouse Consistency Determination. Seconded by James Gentry, the motion carried unanimously 6-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:58 p.m.

APPROVED:

ATTEST:

Chairman James Balderrama

Planning Technician Lorena Blankenship