

**CITY OF WINTER GARDEN
DEVELOPMENT REVIEW COMMITTEE
MINUTES
DECEMBER 10, 2008**

The Development Review Committee (*DRC*) of the City of Winter Garden, Florida, met in session on Wednesday, December 10, 2008 in the City Hall 3rd Floor Conference Room.

CALL TO ORDER

Chairman Williams called the meeting to order at 9:00 a.m. The roll was called and a quorum was declared present.

PRESENT

Voting Members: Planning Director/Chairman Ed Williams, City Manager Mike Bollhoefer (*tie breaker*), City Engineer Art Miller, Assistant City Engineer Mike Kelley, Assistant to the City Manager for Public Services Don Cochran, Building Official Harold (Skip) Lukert, and Economic Development Director Dolores Key.

Non-voting Attendees: City Attorney Kurt Ardaman, Assistant City Attorney Dan Langle, and Chief Planner Tim Wilson.

Others: Community Relations Manager Andrea Vaughn, Planner Brandon Byers and Planning Technician Lorena Blankenship.

Absent: Fire Marshal Tom Anderson.

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held November 26, 2008.

Motion by Assistant to the City Manager for Public Services Cochran to approve the above minutes. Seconded by Building Official Lukert, the motion carried unanimously 6-0.

2. Gil Inc. Lot Split and Conceptual Site Plan

Planning Director Williams explained that City Staff has been negotiating with property owners along Plant Street to acquire the necessary right of way for the widening of Plant Street. The largest property owners between Hennis and W. Crown Point are Gil Inc and Doug Laman, the owner of Gil Inc. The agreement that has been negotiated involves a large number of parcels on both sides of the road, most of which are developed and several which are vacant. As part of the agreement the applicant is requesting approval of two lot splits, approval of a temporary construction trailer site, and approval of a conceptual site plan for the properties after the land is sold to the City.

Office/Pro Auto Lot Split. The lot split will create two lots, one will be the existing Pro Auto Business, and the city will be purchasing the other lot. The committee discussed the location, size and other matters regarding the lot split.

Motion by City Engineer Miller to approve the Lot Split subject to compliance with all City Code provisions. Seconded by Assistant City Engineer Kelley. City Attorney Ardaman noted that the lot split must be contingent upon the City purchasing the property. City Engineer Miller amended the motion to add that the Lot Split is also subject to the City purchasing the property. Amended motion seconded by Assistant City Engineer Kelley carried unanimously 6-0.

Temporary Construction Trailer. Planning Director Williams stated that since the property owners have to demolish the existing building, they would like to install a temporary construction trailer (adjacent to the existing parking lot- which the City will own) after the City starts construction of the road and while they build a new building for their office.

Motion by City Engineer Miller to approve the Temporary Construction Trailer subject to compliance with all City Code provisions; subject to the City purchasing the property; and subject to connection to City water and sewer if available, and if not available, approval from the Health Department will be required. In addition, the temporary trailer will be allowed for a maximum of two years after commencement of construction for the phase of Plant Street adjacent to the subject property. Seconded by Economic Development Director Key the motion carried unanimously 6-0.

Lot Split – 8 lots. The property is being reconfigured and divided to create eight separate lots. The committee discussed some issues in regards to the proposed lot split.

Motion by Economic Development Director Key to approve the Lot Split subject to the property being purchased by the City. Seconded by Building Official Lukert the motion carried unanimously 6-0.

Conceptual Site Plan. Represents the reconfiguration of the parcels for Plant Street widening and proposed size and uses of the lots. The committee discussed issues related to the proposed site plan and expressed concerns related to the proposed 50 feet lot stating that if approved as shown, a non-conforming lot may be created.

Motion by City Engineer Miller to approve the Conceptual Site Plan subject to the property being purchased by the City, subject to all City Code provisions, subject to the proposed Daycare lot and Church lot being combined as one lot, and subject to the terms of the Acquisition Agreement. Seconded by Assistant to the City Manager for Public Services Cochran, the motion carried unanimously 6-0.

3. Primrose School (423 Daniels Road) – Special Exception Permit

Frank Ricci, Stuart Anderson, and Mark McCabe, applicants for the project were in attendance to discuss the Development Review Committee comments.

Comments included in the December 05, 2008 memorandum from the Development Review Committee were acknowledged and addressed. Discussion took place in regards to comment # 1: *as discussed at the November 12, 2008 DRC meeting, Staff does not believe this use is compatible with the existing zoning district and surrounding neighborhood. Daycares of this size are usually reserved for commercial districts unless other characteristics of the property and surrounding neighborhood enhance the compatibility of the daycare and adjacent uses. At this time the property should be developed as a residential use. The applicant at their discretion may choose to move forward with the Special Exception Permit to the Planning and Zoning Board without Staff's and/or DRC's approval.* Applicants disagree with Staff decision, stating that the use is appropriate for the property, that the Daycare will not be a substantial negative impact to the surrounding areas, and that the revised traffic study shows that the impacts to the road in the area are not taking them over the approved level of service. Planning Director Williams stated that City Staff is not in the position to recommend approval of the project. The applicants and the Committee further discussed issues related to the Special Exception Permit. The applicants were advised that they could continue to present their project before the Planning and Zoning Board, but without DRC's support.

Motion by Planning Director Williams to recommend denial of the Special Exception Permit, based on the DRC report, which states the use is not comparable and consistent with the surrounding neighborhood , and that the traffic impact will be detrimental to the area. Seconded by City Engineer Miller, the motion carried unanimously 6-0.

4. Westside Family Worship Center (12520 Warrior Road) - Site Plan

John Kirby, applicant for the project was in attendance to discuss the Development Review Committee comments.

Comments included in the December 05, 2008 memorandum from Development Review Committee were acknowledged and addressed. Discussion took place in regards to comment # 2: *118 parking spaces were shown on the Special Exception Permit plan; 92 are now shown with 7 paved and 85 grass. Staff recommends additional paved parking spaces.* Discussion took place in regards to comment # 5: *driveways shall conform to the commercial driveway requirements as outlined in the City Code; 15' minimum side setback required.* The driveway can shift back towards the property line once inside the property, but must meet the required setback at the right-of-way line. Discussion took place in regards to comment # 17: *all irrigation on the site shall be designed to be supplied by reclaimed water when available and shall be served by a jumper to potable water until that time. Separate irrigation meter shown at R/W line will be acceptable.* Discussion took place in regards to comment # 19: *pursuant to City's Codes, on-site and street lighting shall be provided. Coordinate with City Staff to ensure that all provisions are met.*

Motion by City Engineer Miller to have the applicant revise and resubmit the Site Plan addressing all City Staff conditions (see attached), for another full DRC review cycle. Seconded by Assistant to the City Manager for Public Services Cochran, the motion carried unanimously 6-0.

5. Fowler Groves Medical Center - Site Plan

Jay Hembree, Elliott Jamison, and Selby Weeks, applicants for the project were in attendance to discuss the Development Review Committee comments. The applicants were informed that according to the previous motion made by the Development Review Committee in regards to the subject site plan, if the revised site plan was satisfactory to City Staff the project could move forward; the revised plans were satisfactory to City Staff; therefore the project may proceed to the Pre-Construction meeting.

Brief discussion took place in regards to comment # 1: *Staff recommends relocating the 2 oaks, 2 hollies, and 1 cypress along Daniels Road. However, the 2 oaks and the 1 cypress were not relocated. In addition, the crape myrtles adjacent to the sabal palms on the southern building façade should be relocated away from the palms.*

6. Kids are Kids (420 Roper Road) - Special Exception Permit

Kazl Krichbaum, Linda Sims, Alahin Kam, Daryl Dotherow, and Elliot Jamison, applicants for the project were in attendance to discuss the Development Review Committee comments.

Comments included in the December 05, 2008 memorandum from Development Review Committee were acknowledged and addressed. Discussion took place in regards to comment # 1: *according to Section 118-100, the Planning & Zoning Board “shall especially consider the effect of the Special Exception use on surrounding uses in determining whether a special exception use shall be approved, modified or disapproved”. This project is not compatible with the surrounding residential neighborhood given the impact of increased traffic. Daycares of this size are usually reserved for commercial districts unless other characteristics of the property and surrounding neighborhood enhance the compatibility of the daycare and adjacent uses. At this time the property should be developed as a residential use.* Applicants stated that they believe the proposed Daycare will be an amenity to the area, providing a convenient and safe place for children. Discussion took place in regards to comment # 5: *the project’s traffic study and internal traffic circulation shall be reviewed by the City’s Transportation Consultant. Staff is concerned about the Roper Road intersections at Daniels Road and C.R. 535. Staff is also concerned that the traffic circulation may not provide enough internal stacking capacity to ensure that traffic will not back up onto Roper Road.* City Manager Bollhoefer pointed out that the adjacent neighborhoods have expressed opposition to a Daycare use at the subject location. Discussion took place in regards to comment # 3: *please provide more information regarding the specific details of the daycare. For example, what is the proposed maximum number of children, how many teachers will present on site, what are the hours of operation, will the drop-off and pick-up times be staggered (provide times), does this facility accommodate drop-off students or will the parents park their vehicles and walk the children into the daycare?, etc.* The Applicants stated that the daycare would have a maximum of 400 children, with Staff of 30 to 35; hours of operation would be from 6:30 a.m. to 6:30 p.m. Discussion took place in regards to comment # 4: *all commercial driveway requirements shall be met, including separation, width, etc. (i.e. 15’ minimum side setback from property line; 36’ maximum width; etc.).* Discussion took place in regards to comment # 6: *the site*

shall be required to connect to City of Winter Garden water, reclaimed water and sanitary sewer. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer. Final plans shall detail all connections including necessary fire protection, lift station, reuse water and domestic water supply. All irrigation on the site shall be designed to be supplied by reclaimed water when available and shall be served by a jumper to potable water until that time.

- *Water: A 12" water main shall be extended from C.R. 535 to Daniels Road. City will pay upsizing cost from 8" to 12" and will pay 100% of the cost beyond what the project would have required.*
- *Reuse Water: Two 12" reuse water mains exist on Roper Road. This project will be required to connect to the reuse water main for irrigation supply.*
- *Sanitary Sewer: A 6" force main exists on Roper Road. This project will be required to construct a privately owned and maintained lift station and force main to connect to the existing force main.*

Motion by Planning Director Williams to recommend denial of the Special Exception Permit, based on the DRC' report, which states the use is not comparable and consistent with the surrounding neighborhood, and the possible negative impact the Daycare will create in the area. Seconded by City Engineer Miller, the motion carried unanimously 6-0.

ADJOURNMENT

There being no more business to discuss, the meeting was adjourned at 9:57 a.m.

APPROVED:

ATTEST:

Chairman Edward Williams

Planning Technician Lorena Blankenship