

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
AUGUST 03, 2009**

CALL TO ORDER

Chairman Jerry Carris called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chamber. The invocation was given followed by the Pledge of Allegiance. The roll was called and a quorum was declared present.

MEMBERS PRESENT: Chairman Jerry Carris, Vice-Chairman James Gentry, Board Members: Mac McKinney, James Dunn, Rohan Ramlackhan, Kent Horsley, and Mark Maciel.

STAFF PRESENT: City Manager Mike Bollhoefer, City Attorney Dan Langley, Economic Development Director Dolores Key, Community Development Director Tim Wilson, Human Resources Director Frank Gilbert, Planning Consultant Edward Williams, Principal Planner Bill Wharton, Planner Brandon Byers, Planner Regina McGruder, and Planning Technician Lorena Blankenship.

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held July 06, 2009.

Motion by Mac McKinney to approve the above minutes. Seconded by James Gentry, the motion carried unanimously 7-0.

Variance

2. Magic Gym at Mildren Dixon Center, 303 S. West Crown Point Road

Planner McGruder presented the Board with a request for approval of a 2 foot building height variance for property located at 303 S. West Crown Point Road. If approved, this variance will allow the construction of a 24,399 s.f. recreation center and gymnasium. The proposed structure is 24 feet in height and the 32' height is the top of the parapet wall which shields the roof structure and is only applicable to gymnasium portion of the building. The proposed gymnasium will be located on the parcel where the existing Mildren Dixon Center is located. City Staff has reviewed the application and recommends approval.

Kent Horsley stated that because of possible personal gain or loss regarding the subject petition he must abstain from voting.

Motion by James Dunn to approve the Variance for property located at 303 South West Crown Point Road. Seconded by James Gentry, the motion carried 6-0-1; Kent Horsley abstained.

Special Exception Permit

3. Magic Gym at Mildren Dixon Center, 303 S. West Crown Point Road

Planner McGruder presented the Board with a request for approval of a Special Exception Permit for property located at 303 S. West Crown Point Road to allow a community recreation and gymnasium facility in an R-2 zoning district. City Staff has reviewed the application and recommends approval.

Kent Horsley stated that because of possible personal gain or loss regarding the subject petition he must abstain from voting.

Motion by Mac McKinney to approve the Special Exception Permit for property located at 303 South West Crown Point Road to allow a community recreation and gymnasium facility in an R-2 zoning district. Seconded by Rohan Ramlackhan, the motion carried 6-0-1; Kent Horsley abstained.

4. Hope Charter/Legacy High School , 1550 E. Crown Point Road

Planner McGruder presented the Board with a request for approval to modify the existing Special Exception Permit to allow the expansion of the existing charter schools for grades K-12th and construction of a new 18,795 s.f. high schools building for property located at 1550 E. Crown Point Road. The Planning and Zoning Board approved a Special Exception Permit on August 04, 2008 to allow the operation of a new high school (Legacy High), and to allow a maximum total enrollment of 360 students at the existing school site. The applicant has requested to modify the existing SEP which will allow a student/staff enrollment capacity increase and construction of a new 18,795 s.f. high school building. City Staff has reviewed the application and recommends approval with the following conditions:

- Any and all new student and staff increase of enrollment capacity will be contingent upon issuance of the Certificate of Occupancy for the new 18, 795 s.f high school building and overall site parking of 160 spaces, which will bring the parking into code compliance for the existing and proposed new student and staff enrollment increases.

- Upon issuance of Certificate of Occupancy for 18,795 s.f. high school building; the maximum student enrollment capacity for grades K-12th for Hope Charter School and Legacy High shall not exceed the total approved maximum capacity of 530 students and 58 staff members at site.
- All future student/staff enrollment increases will require Planning and Zoning Board approvals.
- Per the Traffic Report Analysis conducted for the existing and proposed expansion, the applicant must comply with all recommended traffic improvements to adequately serve the traffic anticipated as a result of the proposed expansion of the Hope Charter School and Legacy High School.

Chrystal Yoakum, Director of Hope Charter/Legacy School, approached the board and stated that they were able to secure the funding for the new construction, and their goal is to be a blessing for the City and to serve the needs of their students.

Maureen Mannion, teacher at Hope Charter/Legacy School, approached the board and spoke in support of the subject petition.

Anita Climer, parent of four children attending Hope Charter/Legacy School, approached the Board and spoke in support of the subject petition.

Kent Horsley expressed concerns regarding the increase of traffic in the area, particularly at the intersection of Fullers Cross Road and East Crown Point Road. City Manager Bollhoefer responded that a Traffic Study has been prepared, and numerous meetings have taken place to discuss the traffic issues in the area. He reported that a traffic light may be installed in the future, and added that the church will be required to contribute to improving the intersection. Stacked parking and turn lanes are also part of the proposed development.

Mr. Horsley also asked about the lack of school zone signs. Planning Consultant Ed Williams approached the Board and stated that because that section of the roadway lacks sidewalks, the school is not required to meet the state code requirement regarding signage. Mr. Williams emphasized that the City hired a Traffic Consultant to analyze the traffic issues, and the proposed improvements, and it was concluded that the proposed improvements will handle the increase of traffic.

The Board Members, City Attorney Langley, and City Manager Bollhoefer, further discussed matters regarding the subject petition, such as the traffic issues, the improvements to the intersection and the roads, the number of students allowed at the school, the site plan approval process, the proposed parking and turn lanes, and the applicant's requirement to participate in their share of the intersection improvements.

Chrystal Yoakum, Director of Hope Charter/Legacy School, in response to Chairman Jerry Carris' question stated that this request is for a maximum capacity of 530 students, and it will be the final request to increase student enrollment.

Motion by James Gentry to recommend approval to modify the Special Exception Permit to allow the expansion of the existing charter schools for grades K-12th and construction of a new 18,795 s.f. high school building for property located at 1550 E. Crown Point Road with City Staff conditions (see attached). Seconded by Mac McKinney the motion carried unanimously 7-0.

Annexations, Comp Plan Amendments & Rezonings

5. 364 N. West Crown Point Road

Planner Byers presented the Board with a request for approval of Ordinance 09-39, annexation of 364 N. West Crown Point Road; Ordinance 09-40, amending the future land use for 364 N. West Crown Point Road to Low Density Residential; and Ordinance 09-41, rezoning 364 N. West Crown Point Road to R-1B. City Staff recommends approval to the Ordinances. Staff has reviewed the petitions and recommends approval.

Motion by Kent Horsley to recommend approval of Ordinance 09-39, annexation of 364 N. West Crown Point Road; Ordinance 09-40, amending the future land use for 364 N. West Crown Point Road to Low Density Residential; and Ordinance 09-41, rezoning 364 N. West Crown Point Road to R-1B. Seconded by James Dunn, the motion carried unanimously 7-0.

6. West Orlando Baptist Church, 1006 East Crown Point Road

Planner Byers presented the Board with a request for approval of Ordinance 09-42, annexation of property with parcel ID # 12-22-27-0000-00-071; Ordinance 09-43, amending the future land use for property with parcel ID # 12-22-27-0000-00-071 to Low Density Residential; and Ordinance 09-44, rezoning property with parcel ID # 12-22-27-0000-00-071 to R-1. City Staff recommends approval to the Ordinances. Planner Byers explained that this property is a vacant parcel, owned by the West Orlando Baptist Church. The Church also owns the 13.446 acre parent parcel to the north that was annexed with Ordinance 08-52 approximately 8 months ago. Currently the property owner is undergoing site plan review to construct water and sewer lines to the parent parcel. No improvements or development is contemplated with this vacant parcel.

Kent Horsley inquired about the process to enforce the maintenance of the subject parcel. Planner Byers responded that the applicant is currently cleaning up the property, and added that the City may enforce the maintenance of the parcel through the Code Enforcement Department.

Motion by Kent Horsley to recommend approval of Ordinance 09-42, annexation of property with parcel ID # 12-22-27-0000-00-071; Ordinance 09-43, amending the future land use for property with parcel ID # 12-22-27-0000-00-071 to Low Density Residential; and Ordinance 09-44, rezoning property with parcel ID # 12-22-27-0000-00-071 to R-1. Seconded by Rohan Ramlackhan, the motion carried unanimously 7-0.

7. 946 & 948 Vineland Road

Planner Byers presented the Board with a request for approval of Ordinance 09-45, annexation of 946 & 948 Vineland Road; Ordinance 09-46, amending the future land use for 946 & 948 Vineland Road to Low Density Residential; and Ordinance 09-47, rezoning 946 & 948 Vineland Road to R-2. City Staff recommends approval to the Ordinances.

Discussion took place among the Board Members, City Manager Bollhoefer and Planner Byers regarding the annexation of enclaves. Planner Byers explained that per the Florida State Statutes, the City and County may draft an Interlocal agreement to annex developed parcels 10 acres or less in size. Prior to contemplating this agreement the City is making an effort to voluntarily annex these targeted parcels that meet the statutory requirements. After this effort is made the City may approach the County to finalize the agreement and annex some of the remaining enclaves.

Motion by Mark Maciel to recommend approval of Ordinance 09-45, annexation of 946 and 948 Vineland Road; Ordinance 09-46, amending the future land use for 946 and 948 Vineland Road to Low Density Residential; and Ordinance 09-47, rezoning 946 and 948 Vineland Road to R-4. Seconded by James Dunn, the motion carried unanimously 7-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:35 p.m.

APPROVED:

ATTEST:

Chairman Jerry Carris

Planning Technician Lorena Blankenship