



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
AUGUST 6, 2012**

1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Chairman James Gentry called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:34 p.m. in the City Hall Commission Chambers. The invocation was given followed by the Pledge of Allegiance.

2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present.

MEMBERS PRESENT:

Chairman James Gentry, Board Members: James Dunn, Rohan Ramlackhan and Eric Weiss.

MEMBERS ABSENT/ARRIVED LATE:

Board Member – Kent Horsley (excused)

Board Member – Mark Maciel (excused)

Board Member – Mac McKinney (unexcused)

STAFF PRESENT:

City Attorney Kurt Ardaman, City Manager Michael Bollhoefer, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, and Administrative Specialist Corrina Williams.

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held July 2, 2012.

Motion by Eric Weiss to approve the July 2, 2012 minutes, seconded by James Dunn, the motion carried unanimously 4-0.

**ANNEXATION, REZONING AND FUTURE LAND USE AMENDMENTS, PLATS
(Public Hearing)**

4. 399 Railroad Avenue & 404 North West Crown Point Road (Lyles/Rodgers)

Senior Planner Stephen Pash presented a voluntary annexation application for the properties located at 339 Railroad Avenue and 404 North West Crown Point Road. The property is separated by the CSX right-of-way but are the same Owner. The applicant has requested voluntary annexation with the future land use designation of low density residential and the zoning of R1B. City Staff recommends approval of all three ordinances.

Motion by James Dunn to recommend the approval of 399 Railroad Avenue & 404 North West Crown Point Road – Annexation - Ordinance 12-34, Future Land Use Amendment – Ordinance 12-35, and Rezoning – Ordinance 12-36. Seconded by Eric Weiss, the motion carried unanimously 4-0.

5. 12750 W. Colonial Drive (Thomas, Joyce E. Trust)

Senior Planner Stephen Pash presented a voluntary annexation application for the property located at 12750 W. Colonial Drive. The applicant has requested voluntary annexation with the future land use designation of Commercial and the zoning of C2. This property also lies within the West State Road 50 Overlay District. City Staff recommends approval of all three ordinances.

Motion by James Dunn to recommend the approval of 12750 W. Colonial Drive – Annexation - Ordinance 12-40, Future Land Use Amendment – Ordinance 12-41, and Rezoning – Ordinance 12-42. Seconded by Rohan Ramlackhan, the motion carried unanimously 4-0.

SPECIAL EXCEPTION PERMIT(Public Hearing)

6. 35 South Dillard Street – Chrome Nova, Inc.

Senior Planner Stephen Pash presented a request for a special exception permit on the parcel located at the southeast corner of South Dillard and east Bay Street, addressed as 35 S. Dillard Street. The applicant is requesting a special exception to operate as an automotive sales business within the C2 zoning district. The business purchases vehicles at the auction and will store the vehicles in doors at this site. There will not be any external sales from this location and the vehicles will be shipped to and from auto auctions. City Staff recommends approval subject to the following conditions; all vehicles associated with the automotive sales facility shall be stored inside the building, no display of any kind are allowed on the vehicles, no for sale signs, prices, etc., no onsite sales allowed, no vehicle repairs allowed on site. This special exception is approved for the business only, “Chrome Nova, Inc.” and shall expire if either the business, Chrome Nova, Inc., is no longer operated by Clint Lutchman or Tony’s Investments is sold or closes. All vehicles associated with the existing construction company shall be stored in the rear fenced area and the existing curb cut along Dillard Street shall be closed and a new “F” curb installed and with minimum landscaping buffer criteria.

Motion by James Gentry that the special exception permit be granted for the property located at 35 South Dillard Street and to allow for the use as a wholesale automotive dealer with staff recommendations and the clarification language of the 5th item of the

staff recommendation (Attached Exhibit "A"). Seconded by James Dunn, the motion carried unanimously 4-0.

7. 1330 Winter Garden Vineland Road (Starchild Academy Expansion) – Build 1330, LLC

Senior Planner Laura Smith presented a request for a special exception permit for the property located at 1330 Winter Garden Vineland Road. The property was granted a Special Exception in 2006 for the development of the Starchild Academy site which is located on the west (rear) portion of the property. The applicant plans to expand the Starchild Academy operation to include a kindergarten through 5th grade private school and requests a special exception for uses of daycare and private school to be permitted in the 10,000 square foot one story building located on the east (Front) portion of the property. The building has historically been used for offices.

The special exception granted for the west (rear) portion of the property in 2006 did not encompass the 10,000 square foot building located on the east (front) portion of the property and therefore an additional special exception is required in order to allow the proposed expansion of the Starchild Academy operation.

The subject property is zoned C-2 which does not allow for daycare or private school as permitted uses, and therefore could only be permitted as special exception uses. Staff have reviewed the request for special exception and find that the proposed use will not create traffic or parking problems and is compatible to surrounding uses. Staff recommends approval of the proposed special exception with the conditions that a fire sprinkler and monitored fire alarm system be installed in the building located at 1330 Winter Garden Vineland Road prior to student occupancy of the building; and with the condition that the maximum number of students to occupy the building located at 1330 Winter Garden Vineland Road be limited to 160.

Citizen, Alice Wright, Bay Isle Resident, Winter Garden, FL, made a statement of inquiry for the traffic and drop off and pickup of students on this site.

General discussion of the Board with City Staff advising the current to future student capacity, playground facilities, and fencing of the property. Senior Planner Smith advised the Board that 160 students will be added to the current capacity, and that the site already has three playground areas, fencing and landscape buffering from the original development of the property. Parking and stacking method is sufficient for the student and teacher capacity of both buildings.

Motion by James Dunn that the special exception permit for Starchild Academy Expansion be granted for the property located at 1330 Winter Garden Vineland Road and to allow for the use of a private school with Staffs recommendations (Attached Exhibit "B"). Seconded by Rohan Ramlackhan, the motion carried unanimously 4-0.

8. 3337 Daniels Road (Firestone Winter Garden) Mays & Company

Community Development Director advised the Board that the application for special exception for a Firestone Car Care Facility at the Winter Garden Fowlers Grove Mall, as a tire installation facility, is in fact primarily an automotive repair facility which is not allowed in the PD-DRI for Fowlers Grove nor is it allowed in our general Commercial Planned Development requirements throughout the City. Staff at this time recommends that the applicant either withdraws the application, and the City would refund the application fee, or that the applicant amends the request to only be for tire installation which is a use that would be allowed within the mall. It was anticipated and shown in the preliminary plans and in the public discussion that a tire installation similar to those of a shopping club would be allowed but not that of an automotive repair facility.

Miranda Fitzgerald, attorney with Lowndes, Drosdick, Doster, Canter and Reed Law Firm, 215 N. Eola Drive, Orlando, FL, representing the applicant, Mays & Company, made a statement that the applicant disagrees with the position the City has taken and asked for a brief recess of the meeting to discuss with her client how they wish to proceed.

James Dunn also disclosed he had ex parte communication with Ms. Fitzgerald, and Ms. Fitzgerald advised she also spoke with Mr. Maciel too.

Meeting adjourned for a brief break at 7:01 p.m.

Meeting resumed at 7:12 p.m.

Miranda Fitzgerald advised the Board that the applicant would like to proceed with their presentation as a Firestone Complete Auto Care Facility and advises the other uses at the facility are ancillary uses to this facility.

City Attorney Kurt Ardaman clarified to the Board that the applicant does not wish to limit the use to a free standing tire installation facility only and wants to proceed with the application as a complete automotive repair facility. This is inconsistent with the Community Development Directors recommendations and that the application does not fall within the special exception criteria.

Director Williams read from the applicant's application "the proposed project includes the construction of a Firestone Automotive Service Center the building will consist of ten bays and services will include tire installation" no other services were provided or listed and the Owner of the facility advised in a community meeting that the ancillary services that Ms. Fitzgerald listed were actually 70% of the business and the tire installation is only 30%. This demonstrates the automotive is the primary and the tire installation is the ancillary. Director recommends that this use is not allowed in the PD and if the applicant wishes to proceed they would need to appeal this procedure.

City Attorney Kurt Ardaman clarified to the Board that the application is not a free standing tire installation facility special exception use to be considered by this Board. The applicant by not changing its application to be a free standing tire installation facility only is left with the option of appealing the decision of the staff. Or, the applicant can still decide to amend and resubmit its application. A written decision by the Director and City Manager would be appropriate and would be issued after tonight's verbal decision by the Director. There is no

basis for the Board to move forward since there is no special exception that is able to be considered tonight.

Miranda Fitzgerald made a statement to the Board that the option the applicant has is to appeal the determination and simultaneously move to amend the PD to amend the uses or create a category that they feel would benefit the mall and the community.

Applicant, Steve Meier with Mays & Company, made a statement to the Board that he was disappointed with how the City handled his application.

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:24 p.m.

APPROVED:

ATTEST:

Chairman James Gentry

Administrative Specialist Corrina Williams

EXHIBIT "A"

**CITY OF WINTER GARDEN
PLANNING & ZONING DIVISION**

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JULY 28, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
35 S. Dillard Street (Auto Sales Facility)
PARCEL ID # 23-22-27-8816-01-010

APPLICANT: Tony's Investment, Inc./Chrome Nova, Inc./Tony Lutchman

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at the southeast corner of South Dillard Street and East Bay Street. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The request is for a Special Exception Permit to allow a portion of the building to be used for an automobile sales facility. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2. The subject property is designated Traditional Downtown on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The property contains a building that is used for a construction company, and was previously approved to operate an automobile sales facility. The previous approval was in 1999 and has expired.

The owner would now like to open a new car sales facility that will not operate like a normal automobile sales facility. They will purchase vehicles at an auction, transport them to this facility, and then sell the vehicles at the auction in Ocoee. No customers will be on site and no vehicles will be displayed for sale at the subject site.

ADJACENT LAND USE AND ZONING

The property located to the north is developed with a restaurant, zoned C-2, and in the City of Winter Garden. The property to the east is vacant land owned by Winter Garden Citrus Growers Association, zoned C-2, and in the City of Winter Garden. The property to the south is used for Florida Metal Craft, Inc., zoned C-2, and in the City. The properties to the west are developed with a convenience store and a vacant restaurant, zoned C-1, and in the City. All of the adjacent properties, including the subject property are located within the Historic Downtown District.

SUMMARY

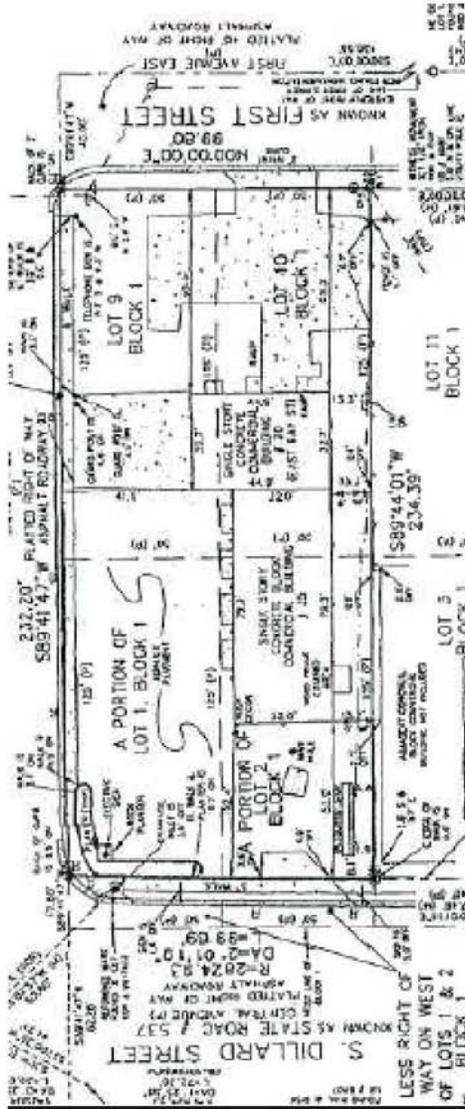
City Staff recommends approval of the proposed special exception permit to operate the automobile sales facility at 35 South Dillard Street with the following conditions:

- All vehicles associated to the Automobile Sales Facility shall be stored inside the building.
- No displays of any kind are allowed on any vehicles (ie. For sale signs).
- No on-site sales are allowed.
- No vehicle repairs are allowed on-site.
- This Special Exception is approved for this business (Chrome Nova, Inc.) and shall expire if the property is sold or if Chrome Nova, Inc or Tony's Investment, Inc. closes or is no longer operated by Clint Lutchman.
- All vehicles associated to the existing construction company shall be parked within the fenced in area along 1st Street.
- The existing access (curb cut) on South Dillard shall be closed and a new F-type curb shall be installed on South Dillard. When the site is redeveloped, future use can ask for reconsideration of this condition.
- A minimum 10 foot wide landscape buffer shall be installed on the west and south property line. The landscape buffer shall contain 33 (3 gallon) shrub such as viburnum per 100 feet, one (65 gallon) Live Oak every 50 feet, three (30 gallon) Crape Myrtle every 100 feet, and the remainder of the landscape buffer shall be planted with a ground cover such as jasmine.

AERIAL PHOTO
35 South Dillard Street



EXISTING SITE PLAN
35 South Dillard Street



END OF STAFF REPORT

EXHIBIT “B”

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: AUGUST 1, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
1330 Winter Garden Vineland Road (Star Child Academy)
PARCEL ID # 26-22-27-8243-02-000

APPLICANT: Anil Sant, BULD 1330 LLC

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is generally located south of Florida’s Turnpike and north of Orchard Leaf Way on the west side of Winter Garden Vineland Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception to allow for the expansion of the existing child day care facility located on the west portion of the site to include the office building located on the east portion of the subject property, additionally the applicant requests that the Special Exception for the building located on the east portion of the property also permit the operation of a private school for Kindergarten through 5th Grade in addition to the day care facility. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The site is currently divided into two parcels: 1324 Winter Garden Vineland Road which is the west portion of the property containing the existing Star Child Academy facilities, and 1330 Winter Garden Vineland Road which is the east portion of the property containing a 10,000 square foot office building.

The west portion of the property was granted a Special Exception in December 2006 for development of a day care center. The day care center, Star Child Academy, was constructed in 2007 and includes two commercial structures connected by a covered breezeway (25,328 combined gross square footage) and three separate playground areas (23,340 combined gross square footage). Site improvements for development of the west portion of the property for the day care facility included construction of a parking lot to serve the entire property (east and west portions) with a total of 123 parking spaces, installation of landscaping and buffering materials for entire property (east and west portions) and installation of turn lanes in Winter Garden Vineland Road for access and traffic management.

The east portion of the property contains a 10,000 square foot single story office building. The exterior of the existing office building was refinished in 2007 as part of the development of the day care facility located on the west portion of the property to aesthetically blend with the new construction.

ADJACENT LAND USE AND ZONING

The property located to the north of the subject property is owned by Lake Apopka Natural Gas and contains a 7,820 square foot commercial building and a 7,450 square foot warehouse and is zoned C-2 within the City of Winter Garden. Daniels Landing, a townhome community zoned R-3 within the City of Winter Garden is located across Winter Garden Vineland Road to the east of the subject property. The western portion of the subject property contains 2.28 acres of wetlands and natural conservation area, the wetlands extend onto the properties located to the west of the subject property which are undeveloped and zoned R-1 in the City of Winter Garden. The properties located to the south of the subject property include a townhome community called The Orchard which is zoned PUD in the City of Winter Garden, and West Orange Veterinary Hospital which is zoned C-2 in the City of Winter Garden.

PROPOSED USE

The applicant proposes to expand their existing day care center located at 1324 Winter Garden Vineland Road (west portion of the property) into the 10,000 square foot office building located at 1330 Winter Garden Vineland Road (east portion of property) and to additionally include a private school for Kindergarten through 5th Grade. The expansion will accommodate 160

students and 10 employees in addition to the existing day care center which accommodates 340 students and 70 employees for infant through Pre-K age children.

SUMMARY

City Staff recommends approval of the request for Special Exception to allow for the expansion of the existing day care facility located at 1324 Winter Garden Vineland Road into the 10,000 square foot building located at 1330 Winter Garden Vineland Road and the additional use of a private school for Kindergarten through 5th Grade in the building located at 1330 Winter Garden Vineland Road with the following conditions:

- Fire sprinkler and monitored fire alarm systems shall be installed in the building located at 1330 Winter Garden Vineland Road prior to student occupancy of the building.
- Maximum number of students to occupy the building located at 1330 Winter Garden Vineland Road shall be limited to 160.

MAPS/EXHIBITS

AERIAL PHOTO
1330 Winter Garden Vineland Road



END OF STAFF REPORT