

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
JUNE 07, 2010**

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 Chambers. 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, Mark Maciel, James Dunn, Rohan Ramlackhan, and Kent Horsley.

STAFF PRESENT: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Executive Assistant Amy Dunn, Community Development Director Tim Wilson, 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 May 03, 2010.

Kent Horsley noted that in page 2, the motion states “7-0” but it should be “6-0”. Mac McKinney stated that regarding Item # 2 (*20 E. Palmetto Street*), the height of the structure should be noted in the minutes.

Motion by James Gentry to approve the above minutes as amended. Seconded by Rohan Ramlackhan, the motion carried unanimously 7-0.

Variances

2. 555 Bethune Avenue

Planner Byers presented the Board with a request for approval of Ordinance 10-25, annexation of 555 Bethune Avenue, and Ordinance 10-26, rezoning 555 Bethune Avenue to R-4. Mr. Byers reported that the subject property is owned by the West Orange Habitat for Humanity and they are proposing to build a house in the late summer. City Staff has reviewed the applications and recommends approval.

Motion by Kent Horsley to recommend approval of Ordinance 10-25, Annexation of 555 Bethune Avenue, and Ordinance 10-26, Rezoning 555 Bethune Avenue to R-4. Seconded by James Dunn the motion carried unanimously 7-0.

3. 640 S. Boyd Street

Planner McGruder presented the Board with a request for approval of a 25' lot width variance; 750 square foot lot area variance; a 4' side yard setback variance and 10' side street setback variance for property located at 640 S. Boyd Street. Ms. McGruder added that the existing home is located off South Boyd Street and was constructed in 1938. The surrounding neighborhood consists of platted 50' lots with single family homes. City Staff has reviewed the request and recommends approval with the condition that the applicant must provide a paved driveway to accommodate the required two spaces per dwelling unit as defined in City Code Section 118-1386.

Motion by James Gentry to approve the 25' lot width variance; 750 square foot lot area variance; a 4' side yard setback variance and 10' side street setback variance for property located at 640 S. Boyd Street with City Staff recommendations (see attached). Seconded by Rohan Ramlackhan the motion carried unanimously 7-0.

Special Exception Permit

4. 130 N. West Crown Point Road

Community Development Director Wilson approached the Board and stated that the subject item is a request for approval of a Special Exception Permit to allow an indoor skate park with ramps to be used in conjunction with the existing skateboard and bicycle repair business. The property is zoned I-2 and located in an Industrial Park (*Starlite Commerce Center*). In 2008 the Bike and Skateboard Repair and Retail Shop received approval for the Business Tax Receipt by the City with the understanding that no other operation will take place on the site. At some point later it

was discovered that the indoor skate park was in operation and since that time the City has been working with the applicant to bring the use into compliance. The item before the Board today is the Special Exception Permit, but also some building life safety code issues that need to be resolved. Mr. Wilson reported that the applicant will be required to meet and satisfy all building and fire code requirements to allow this type of use and occupancy. Also, the applicant must receive any and all appropriate building permits, business tax, fire safety inspections, etc. before this building may be occupied for the proposed use. The traffic for this project should be at a minimum, because the majority of the skate park participants are minors and do not have vehicles; therefore the traffic impact is minimal for surrounding neighborhoods and business. Staff believes the proposed use is consistent with the existing use of property and will provide a minimum impact to the surrounding neighborhood. However, since the skateboard park already exists, the City needs to incorporate specific conditions and requirements so not to jeopardize public safety for the users of the skateboard park from the adjoining construction related business also owned by the applicant. City Staff recommends approval of the Special Exception Permit with the following conditions:

- The applicant shall meet all business tax, building code and other permitting requirements within **120 days** of the Special Exception Permit Approval. If all these actions do not occur, the Special Exception Permit granted shall become invalidated and the applicant must reapply to allow the use to continue.
- With respect to building and fire code requirements, the owner/applicant shall have a design professional (architect or engineer) provide to the building official an analysis of the needs to obtain compliance with the Florida Building Code 2007 and the Florida Fire Prevention Code 2004. This analysis should include those building and fire life safety code requirements currently provided in the building as well as those necessary to obtain compliance and a certificate of occupancy. The City will make a determination of the specific improvements that are needed after the review of the report. This report will need to be submitted within two (2) weeks of the special exception public hearing (June 21, 2010). The City will have the ability to require temporary building and fire life safety requirements to allow the skate park occupancy to continue to operate until the necessary permanent life safety improvements are installed. The owner and the City will agree on an acceptable time frame to install temporary solutions for the building and fire life safety improvements.
- The skate park use will be limited to less than **50 occupants** for the indoor skate park and business area of the building.
- No outdoor skating shall be permitted.

Tim Fake, applicant and owner of Barachel Bike and Skate, approached the Board and explained details of the origin of the indoor skate park. He stated that he desires to obtain the appropriate permits and legalize his business operations. Mr. Fake asked the Board to allow them 4 weeks to provide the architectural design instead of 2

weeks. He also requested more than 120 days to meet and satisfy the building and fire code requirements.

City Manager Bollhoefer explained that Planning and Zoning Board is reviewing the Special Exception Permit application, which relates to the use or operation at the subject location; however, when it comes to the safety issues the Building Official must ensure that all building and fire code requirements are met.

The Board Members, City Manager Bollhoefer, and the applicant discussed topics related to the subject petition, such as the City Staff conditions of approval, the number of children to be allowed at the indoor skate park, the number of adults supervising the activities, the rules and regulations, the entrance & exit doors, the hours of operation, the lighting, the signage, and the security cameras.

Attorney Ardaman explained that two distinct issues are being discussed at this time, the operations or use, and the safety matters. He added that if the Board approves the Special Exception Permit, the applicant will know that he has the right to proceed with the requested use provided he makes the effort to bring the building into compliance with all building and fire code requirements.

Mike Braden, David Buckle, Molly Piveral, Dina Olson, Anita Climer, Stephen Froelicher, Johnnie R. Neil, and Joe Poche, approached the board and spoke in support of the subject petition, stating that the youth have Bible Study before they can skate, that is a faith based organization, that is a supervised safe environment, that bad language is not allowed, that the skate park gets the youth off the streets and it is an important part of the community.

Scott Holder, 120 N. West Crown Point Road, approached the Board and expressed concerns related to the possibility of adolescences skating on the parking lot and requested the Board Members to include in the City conditions that skating on the parking lot will not be allowed.

Additional discussion took place among the Board Members regarding the entrance and exit doors, the concern regarding the safety on the parking lot, the occupancy, the lighting, the property and skate park insurance, and the petition by the applicant to allow additional time to comply with the building and fire code requirements

Motion by Mark Maciel to approve the Special Exception Permit at 130 N. West Crown Point Road (Barachel Bike & Skate) to allow an indoor skate park with ramps to be used in conjunction with the existing skateboard and bicycle repair business with City Staff conditions (see attached), and the additional conditions that no loitering outside the building will be allowed; City Staff will have the ability to grant an extension to the time frames if considered appropriate; and the Special Exception Permit applies only to this particular use. Seconded by James Gentry the motion carried unanimously 7-0.

5. Ladybird Academy

Planner Byers stated that this petition is regarding the Ladybird Academy Daycare Center proposed on property with parcel ID # 04-23-27-0302-04-000, which is Avamar Crossing, Lot 4. He reminded the Board that the subject item was tabled from the May 3, 2010 Planning and Zoning Board meeting, and stated that the applicant has withdrawn their Special Exception Permit petition.

Plats

6. Oaks at Brandy Lake

Planner Byers presented the Board with a petition for preliminary plat approval for the Oaks at Brandy Lake Subdivision. He explained that the applicant has requested to amend their PUD and preliminary plat by converting thirty-two (32) platted townhome lots into sixteen (16) 50'-wide and 60'-wide detached single-family residential lots for a total of one-hundred-thirteen (113) detached single-family residential lots and thirty-six (36) townhome lots. In addition to preliminary plat approval, the City Commission will hear Resolution 10-08; per the PUD, minor amendments to the PUD require approval from the Commission via a resolution, however the Planning and Zoning Board will only be hearing the preliminary plat. City Staff has reviewed the application and recommends approval with the conditions included in the Development Review Committee's memorandum dated May 6, 2010.

Motion by Mac McKinney to approve the Preliminary Plat for Oaks at Brandy Lake Subdivision with City Staff recommendations (see attached). Seconded by Rohan Ramlackhan the motion carried unanimously 7-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:55 p.m.

APPROVED:

ATTEST:

Chairman Jerry Carris

Planning Technician Lorena Blankenship