




MUNICIPAL PLANNING BOARD

MINUTES  OCTOBER 18, 2011

MEETING INFORMATION

Location

City Council Chambers

2nd Floor, City Hall
One City Commons
400 South Orange Avenue

Time

8:30 a.m.

Members Present

Maureen Damiani, Chairperson
[1/1]

Christopher Gardner, Vice-Chairperson [1/1]

Barbara Alderman [1/1]

Stuart Buchanan [1/1]

Scott Martin, [1/1]

Billy Newton [1/1]

Jason Searl [1/1]

Jennifer S. Tobin [1/1]

Picton Warlow [1/1]

Tyrone Smith, OCPS – Non-Voting [1/1]

Members Absent

Myra Monreal [0/1]

OPENING SESSION

- ♦ Maureen Damiani, Chairperson, called the meeting to order at 8:41 a.m., after determination of a Quorum.
- ♦ The meeting was opened with the Pledge of Allegiance.
- ♦ Consideration of Minutes for Meeting of September 20, 2011.

Board member Gardner MOVED approval of the Municipal Planning Board Meeting Minutes of August 16, 2011, as written. Board member Tobin SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.

ANNOUNCEMENTS

- ♦ Chairperson Damiani welcomed new Board Members Picton Warlow and Jason Searl.

AGENDA REVIEW

Dean Grandin, Executive Secretary, reviewed the Consent Agenda.

CONSENT AGENDA

1. RECOMMENDED APPROVAL, CLEAR LAKE APARTMENTS

Applicant:	Bishop Allen Wiggins, Village of Orlando, Inc.
Owner:	Fairwinds Credit Union
Location:	1737 Grand Street, located south of Columbia Street, west of S. Rio Grande Avenue, north of Grand Street, and east of Clear Lake (±4.29 acres).
District:	6
Project Planner:	Colandra Jones (407-246-3415, colandra.jones@cityoforlando.net)

ANX2011-00008* (1) Annex subject property; and

GMP2011-00018* (2) Growth Management Plan amendment to assign the Residential Low Intensity and Conservation future land use designations; and

ZON2011-00018* (3) Initial zoning of R-3A and C.

Recommended Action: Approval of the requests, subject to the conditions in the staff report.

2. RECOMMENDED APPROVAL, OLD FLORIDA NATIONAL BANK HIGH RISE SIGN

Applicant: Scott Martin, Baker Barrios Architects, Inc.
Owner: Steve Garrity, HIW-KC Orlando, LLC
Location: 315 E. Robinson Street, located at the northwest corner of E. Robinson Street and Broadway Avenue (± 2.5 acres).
District: 4
Project Planner: Leo Cruz, (407-246-3292, leo.cruz@cityoforlando.net)

CUP2011-00017** Conditional Use Permit to allow for a high-rise sign within 1,000 ft. of an R-2 residential zoning district.

Recommended Action: Approval of the request, subject to the conditions in the staff report.

3. RECOMMENDED APPROVAL, HOPE COMMUNITY CHARTER SCHOOL

Applicant/Owner: Allen Wiggins, President, Greater New Hope Missionary Baptist Church
Location: 1001 S. Goldwyn Avenue, located at the northeast corner of S. Goldwyn Avenue and Monte Carlo Trail, all west of S. John Young Parkway (± 2.47 acres).
District: 6
Project Planner: Jim Burnett, (407-246-3609, james.burnett@cityoforlando.net)

CUP2011-00018** Conditional Use Permit for a K – 8th grade charter school in the AC-1/SP zoning district.

Recommended Action: Approval of the request, subject to the conditions in the staff report.

4. RECOMMENDED APPROVAL, COLLEGE PARK COMMUNITY GARDEN

Applicant: Heather Tribou
Owner: Florida Conference Association of Seventh Day Adventist
Location: 18 E. King Street, located at the southeast corner of E. King Street and Musselwhite Avenue (± 0.15 acre).
District: 3
Project Planner: Leo Cruz, (407-246-3292, leo.cruz@cityoforlando.net)

CUP2011-00019** Conditional Use Permit to allow a public benefit use (community garden).

Recommended Action: Approval of the request, subject to the conditions in the staff report.

5. RECOMMENDED DEFERRAL, 55 COLUMBIA MEDICAL OFFICE BUILDING

Applicant: Scott Martin, Principal, Baker Barrios Architects, Inc.
 Owner: Charles Funk, CJP Columbia Properties, Inc.
 Location: 55 and 61 Columbia Street (\pm 2.15 acres).
 District: 4
 Project Planner: Jim Burnett, (407-246-3609, james.burnett@cityoforlando.net)

ZON2011-00013** (A) Rezoning from O-2/T to AC-2/T/AN & C/T/AN; and

MPL2011-00021** (B) Master Plan with an Intensity Bonus to construct a \pm 80,028 sq. ft. office building with an internal parking garage.

Recommended Action: Deferral of the requests, per the applicant's request.

6. RECOMMENDED APPROVAL, BROADSTONE GATEWAY APARTMENTS

Applicant: James G. Willard, Shutts & Bowen, LLP
 Owner: Chitranjan Thakkar, Manager, Orlando Gateway Partners, LLC
 Location: 7200 N. Frontage Road, located on the west side of N. Frontage Road and east of Shadowridge Drive (\pm 10.75 acres).
 District: 1
 Project Planner: Jim Burnett, (407-246-3609, james.burnett@cityoforlando.net)

MPL2011-00022** Specific Parcel Master Plan for a 360-unit apartment complex in the AC-2/AN & AC-3/AN zoning districts.

Recommended Action: Approval of the request, subject to the conditions in the staff report.

7. RECOMMENDED APPROVAL, GOLDENROD COMMERCE PARK CHARTER SCHOOL

Applicant/Owner: David Howell, Goldenrod Land Holdings, LLC
 Location: 6112 S. Goldenrod Road, located at the west side of S. Goldenrod Road, across from Walmart and Goldenrod Marketplace, southwest of Hoffner Avenue (\pm 37.9 acres).
 District: 1
 Project Planner: Jim Burnett, (407-246-3609, james.burnett@cityoforlando.net)

MPL2011-00023** Master Plan amendment for a \pm 1,400 student K – 8th grade charter school in the PD/AN zoning district.

Recommended Action: Approval of the request, subject to the conditions in the staff report.

8. RECOMMENDED APPROVAL, A-LOFT

Applicant: William Ingraham, GDC Properties, LLC

Owner: City of Orlando/OUC

Location: 100 W. Anderson Street, located at the southwest corner of W. Anderson Street and S. Orange Avenue (± 1.7 acres).

District: 5

Project Planner: Leo Cruz, (407-246-3292, leo.cruz@cityoforlando.net)

ZON2011-00015** Planned Development amendment to allow for the re-use of the previous OUC administration building as a 119-room hotel.

Recommended Action: Approval of the request, subject to the conditions in the staff report.

Board member Tobin declared a conflict on Items 2 and 6. Board member Martin declared a conflict on Items 2, 5 and 8. Board member Searl declared a conflict on Items 2, 4 and 8. The appropriate conflict form was filled by all members and filed with the MPB Recording Secretary.

Vice-Chairperson Gardner moved APPROVAL of the CONSENT AGENDA. Board member Newton SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

REGULAR AGENDA**9. RECOMMENDED DENIAL OF THE APPEAL, APPEAL OF PLANNING OFFICIAL DETERMINATION REGARDING POST LAKE AT BALDWIN PARK PHASE III DEVELOPMENT**

Appellant: Allan C. Aksell, Attorney for Charles Winston Clayton, III

Owner: PBP Apartments, Inc.

Location: Lots 206 & 207 in Baldwin Park Unit 1, generally located along the south side of Common Way Road, between New Broad Street and Lake Baldwin Lane (± 1.65 acres) and property located along the east side of Lake Baldwin Lane, between Meeting Place and Fox Street (± 11.84 acres), together ± 13.49 acres.

District: 3

Project Planner: Kevin Tyjeski, (407-246-3387, kevin.tyjeski@cityoforlando.net)

LDC2011-00158** Appeal of a Planning Official Determination (dated August 15, 2011) finding the proposed plans for a 410 dwelling unit multifamily development are substantially similar to the Specific Parcel Master Plans approved by the Baldwin Park Town Design Review Committee on March 31, 2008 (MPL2008-00009) and April 24, 2008 (MPL2008-00010).

Recommended Action: Denial of the appeal, upholding Planning Official Determination.

Due to the fact that the Board doesn't oversee appeals of a Planning Official Determination that often, Chairperson Damiani requested that Assistant City Attorney Kyle Shephard give a procedural and legal overview. Mr. Shephard

introduced the petition and the parties involved, explained the timeline, the action being appealed and the elements of the appeal. He proposed the order of testimony and reviewed the duty of the MPB.

This item was presented by Kevin Tyjeski, Interim Deputy Director, Economic Development Department. Using PowerPoint, Mr. Tyjeski described the site location, zoning and existing conditions. He reviewed the approval process for development in Baldwin Park. Mr. Tyjeski presented a comparison of the 2008 versus the 2011 plans, and concluded that the plans were substantially similar.

Appellant Allan C. Aksell, Attorney for Charles Winston Clayton III, stated the proposed development is located 157 ft. from his client's property. He stated that the main issue was that his client and many neighbors never received any notices and were not in agreement with the development. He requested the Board grant the appeal in order for City Council to address some embedded issues which were problematic for the community.

Attorney Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor, & Reed, P. A. Attorneys at Law, spoke on behalf of Post Properties. Attorney Wilson stated that Attorney Aksell and his client appear to have problems with the adopted process and the rules that are currently in place. Attorney Wilson stated that the developer had followed all City codes, and there was no evidence presented by Mr. Aksell showing that the 2008 and 2011 plans are not substantially similar.

Chairperson Damiani opened the hearing to the public.

Mr. Dan Peterson, 5202 Plantation Lakes Circle, Sanford, FL spoke in representation of the Coalition for Property Rights. Mr. Peterson stated that the City had not violated any planning process and the developer had done everything the City requested to meet all City codes. Therefore, requested that the MPB deny the appeal and uphold the Planning Official's determination.

Following is a list of speakers in favor of the appeal:

- ◆ Margaret Horne, 4815 Beach Blvd., Orlando
- ◆ Rob Nunziata, 4501 Belkin Court, Orlando
- ◆ Toni Shifalo, 5384 Barton Dr., Orlando
- ◆ Charles Clayton, 1230 N. Park Ave., Winter Park (owner of 5006 Benwick Ally, Orlando)
- ◆ Suzanne Barnes, 1640 Foss Ave., Orlando
- ◆ Karl Muschlite, 4575 Beach Blvd., Orlando
- ◆ Hollis Bradshaw, 4509 Belkin Ct., Orlando
- ◆ Herb Burton, 4773 Fox St., Orlando

The main concern of the above mentioned homeowners was the density of the proposed development, the impact of additional traffic, overcrowded schools, and the impact of drainage from the subject site to Lake Susannah. Speakers also indicated they had been informed that the subject site would be developed as townhomes or condos, not rental units. They expressed concern that rental units would decrease the value of their homes. Many were upset because they did not receive notification when the amendments were made to the original plan.

Chairperson Damiani gave the staff, the petitioner, and the property owner time for rebuttal.

Mr. Tyjeski explained the process for approving development in Baldwin Park. Mr. Tyjeski stated the PD includes specific procedures for reviewing and approving development and only requires public notice when the PD is amended. The Neighborhood Plan, amendment to the Neighborhood Plan, Specific Parcel Master Plan and Planning Official determinations were not amendments to the PD. He also stated that the school issues were addressed in 1998 where the developer reserved two school sites to address the impact of Baldwin Park residents. He further noted that the elementary school is not overcrowded by Baldwin Park residents. The school is overcrowded because it is being used as a relief school, essentially holding the capacity of two schools at one time while another school is being constructed or renovated.

Mr. Aksell stated that if the changes that are being made affect the principals of the plan, it is defined to be a substantial change, for which notices are required. He stated that this should have not been considered as a minor modification. Comparing the 2008 plans with the 2011 plans, Mr. Aksell stated that the 2011 plans looked a lot cheaper, raising the issue that it would decrease the value of expensive homes in the neighborhood. He also stated that the elimination of the pool was a substantial change because all the rental residents would also be using the community pool which would be a burden for the homeowners.

Ms. Wilson clarified that the PD requires that the development be designed to produce an initial residential ownership minimum of 60% owner-occupied units. City staff found that the PD currently meets this minimum. In reference to Townhomes and Condominiums shown on the site, the PD does not specify Townhome or Condominium, it only refers to attached and detached development. She mentioned she was not aware if the developer had something different on their website, and stated that a website posted by a developer does not have any legal standing. Ms. Wilson stated the City Council approved the minutes and actions of the Baldwin Park Town Design Review Committee concerning the 2008 Specific Parcel Master Plan.

Chairperson Damiani closed the public hearing. Attorney Shephard went over procedural steps for the voting process, and also stated to the public that if anyone was not in agreement with the Board's decision, they may file a Quasi-Judicial appeal within 5 business days.

Board member Tobin addressed the public encouraging them to speak with their City Council members if they were dissatisfied with the process that is in place for development in Baldwin Park.

Board member Tobin moved DENIAL of the Appeal, LDC2011-00158, upholding Planning Official Determination. Board member Martin SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

OTHER BUSINESS

➤ Update on appeals:

- ◆ Pinecrest Charter School – Interim Chief Planning Manager Paul Lewis stated that the applicant decided against pursuing the Pinecrest Academy project at the Boggy Creek location, withdrawing all the cases involving the Pinecrest Charter School (GMP2011-00007, MPL2011-00018, CUP2011-00010 and ZON2011-00008).

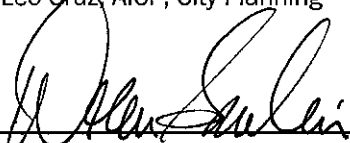
ADJOURNMENT

Having no other matters to bring before the Board, Chairperson Damiani adjourned the meeting at 10:15 a.m.

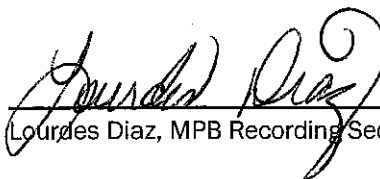
STAFF PRESENT

Dean Grandin, AICP, City Planning
 Kevin Tyjeski, AICP, Economic Development
 Linda Rhinesmith, AICP, City Planning
 Mark Cechman, AICP, City Planning
 Karl Wielecki, AICP, City Planning
 Paul Lewis, AICP, City Planning
 Elisabeth Holler, AICP, City Planning
 Holly Stenger, AIA, City Planning
 Ken Pelham, City Planning
 Jim Burnett, AICP, City Planning
 Mary-Stewart Droege, AICP, City Planning
 Colandra Jones, City Planning
 Leo Cruz, AICP, City Planning

Jenny Wheelock, AICP, City Planning
 Richard Forbes, AICP, City Planning
 Jennifer Moreau, AICP, City Planning
 Jason Burton, AICP, City Planning
 Lillian Scott-Payne, City Planning
 Lourdes Diaz, City Planning
 Ed Petersen, City Planning
 Kyle Shepherd, City Attorney's Office
 Maryann Bonk, Orlando Police Department
 Keith Grayson, Permitting Services
 John Rhoades, Transportation Planning
 Brian Hutt, Transportation Planning



Dean Grandin, AICP, Executive Secretary



Lourdes Diaz, MPB Recording Secretary