Mr. Krecicki called the meeting to order at 7:00 p.m. in the Commission Chambers of City Hall.


Approval of minutes – October 4, 2011

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the October 4, 2011, meeting minutes. Motion carried unanimously with a 7-0 vote.

PUBLIC HEARINGS:

REQUEST OF BANK FIRST REALTY, INC. ON BEHALF OF MCDONALD’S CORP. FOR:
CONDITIONAL USE APPROVAL TO CONSTRUCT A MCDONALDS’ RESTAURANT WITH A
DRIVE-THRU SERVICE ON THE PROPERTIES AT 1282/1288/1302 WEST FAIRBANKS
AVENUE AND 1281/1289/1301 GENE STREET, ZONED C-3.

Planning Director Jeffrey Briggs presented the staff report. He explained that this item is a request for conditional use approval for a McDonald’s restaurant with a drive-thru. It is proposed on the six vacant lots all of which are zoned C-3. Mr. Briggs reviewed the proposed project in terms of site and context, parking, traffic circulation and stacking, architecture and landscaping. Staff recommendation is for approval of the conditional use subject to the following conditions:

1. That the landscape plan be augmented along the Fairbanks frontage with the addition of two ligustrum trees (30 gallon – 8 foot minimum) at the corner islands and with four sable palm trees (10-12 foot minimum) across the center landscape island.
2. That conditioned upon acceptance by Florida Department of Transportation, the concrete median divider be extended to the western boundary of this site.

Mr. Briggs responded to Board member questions and concerns.

Rebecca Wilson, of the Lowndes Law Firm, 218 North Eola Drive, represented the applicant. She explained that she is representing the applicant and that they are in agreement with staff recommendations and the recommended site plan changes. She also noted that the site plan that is before the Board takes into consideration all previous staff concerns (i.e.: enhanced architecture and landscaping, relocating the retention and the creation of a crosswalk). She also reviewed in detail traffic circulation and stacking. She introduced the members of the development team that were present, including the franchisee for this particular location. She responded to Board member questions and concerns.
David Sutphin, Killarney Estates, stated that he appreciates the planning that has gone into this particular project. He questioned if the traffic consultant has taken into consideration the impact on Killarney Estates. He stated that he would like to see a traffic plan in place for the neighborhood. Mrs. Wilson responded to his questions and concerns by stating that a traffic analysis was completed last year that has been made public that shows ingress/egress as well as traffic patterns.

Lisa Coney, represented the Carey Hand Funeral Home located at 1350 West Fairbanks Avenue. She stated that this new development was welcomed as a start to the redevelopment desired along West Fairbanks and expressed concern at the slow progress of the sanitary sewer project. She expressed concerns with extending the median beyond the McDonald’s property. She discussed the decision of the City Commission not to have medians on that end of Fairbanks Avenue. She also requested that the new McDonald’s have an aesthetically pleasing design with the proper landscaping for their establishment. The Board clarified with staff that the median would not be extended past the McDonald’s property and in any way interfere with access from the funeral home.

No one else wished to speak concerning this request. Public Hearing closed.

Mrs. Whiting expressed her concerns for the traffic in the overall area given the difficulty that presently exists making left turns onto Fairbanks Avenue from Shoreview Avenue or Nicolet. She also expressed concern about the increase in traffic onto Gene Street and the added traffic trying to make left turns onto Orlando Avenue. Staff responded that her concerns were valid. Those were the traffic generation issues addressed during the rezoning meetings in July, 2011 but the decision was made to permit this restaurant at this location, so the task now was to make sure it functions safely.

Mrs. Whiting asked is the City will need to make other median improvements for traffic safety elsewhere along the West Fairbanks corridor as we are doing here. Staff stated that it might be a possibility but fast food restaurants are one of the largest traffic generators and the Comprehensive Plan policies do not permit fast food further west on the corridor making the repeat of this scenario unlikely unless those policies are changed.

Mr. Gottfried expressed concerns about the drainage and condition of the roadway of Gene Street and asked the City staff to look into those problems. Otherwise, he felt the project was adequately designed. Mr. Livingston voiced his agreement and support.

Mr. Johnston stated that the application appears to meet all the City criteria and the applicant has agreed to the remaining conditions of approval, as suggested by staff, so the project merits an approval. Mr. Krecicki indicated that traffic is a concern at this location but agreed that at this point in the process the focus is on the specific plans for the McDonald’s and it appears aesthetically that this particular McDonald’s is making concessions to improve the appearance which are well received by the City.

Motion made by Mr. Gottfried, seconded by Mr. Johnston to approve the request with the following conditions recommended by staff:

1. That the landscape plan be augmented along the Fairbanks frontage with the addition of two ligustrum trees (30 gallon – 8 foot minimum) at the corner islands and with four sable palm trees (10-12 foot minimum) across the center landscape island.

2. That conditioned upon acceptance by Florida Department of Transportation, the concrete median divider be extended to the western boundary of this site.

Motion carried unanimously with a 7-0 vote.
REQUEST OF SURREY HOMES: TO MODIFY THE DEVELOPMENT AGREEMENT FOR WINDSONG TO PERMIT A 10 FOOT SIDE SETBACK IN LIEU OF THE 20 FOOT SIDE SETBACK REQUIRED ADJACENT TO THE PEDESTRIAN EASEMENT LEADING TO TIMBERLANE SHORES FOR LOT 39 (1211 PRESERVE POINT DRIVE).

Planning Director Jeffrey Briggs explained this is a request for an amendment from one specific condition of the Windsong Development Agreement related to Lot 39, which is the property at 1211 Preserve Point Drive to modify the required 20 foot setback to a 10 foot side setback. Mr. Briggs reviewed the dynamics of the subject property. He explained that the subject property located at 1211 Preserve Point is a vacant lot which sits just north of the pedestrian access easement that connects Windsong – Preserve Point Drive with Timberlane Shores – Virginia Drive. He provided the Board members with historical details of the request.

He reviewed the context of the Side Setback Waiver Request. He said that in 1999 when Windsong was platted there was a condition adopted that the side setback for Lot 39 adjacent to the pedestrian easement was to be 20 feet in lieu of the typical 10 foot side setback. The property owner is asking to be changed. The twenty foot setback had to do with limiting the width of the home as seen from 981 Virginia Drive. The question is what adverse visual impact exists from a home that is 75 feet in width versus a home that is 85 feet in width given the location of this extra 10 feet of home width is out past the front yard of 981 Virginia Drive. The staff understands the compelling reasons for the home height as limited to one story and 20 feet tall. The staff would not support any waiver to those conditions. However, staff recommended approval of the waiver request for the standard 10 foot side setback. Mr. Briggs responded to Board member questions and concerns.

Jay Lewis and Christian Swann, of Surrey Homes, co-applicants with the property owners, explained that the proposed home has been designed based on information from the Zoning Code. They first became aware of this special condition in the Windsong Development Agreement when they went through the Windsong architectural review board process. Upon meeting with staff it was explained that this was the only process to get relief from that provision. They then outlined the problems that design changes would make to the if the 20 foot setback remains and how the net result would be moving the rear wall of the home closer to the adjacent neighbors (981 Virginia) in order to make up for the lost square footage.

Jason and Alexis Bristol, property owners, spoke concerning the setback waiver. They expressed that the lot is already severely constricted by the storm water easement in the rear and that if the house plan is changed they would likely lose their swimming pool which was of huge concern. They added other personal insight into contact with the neighbors and the personal plight they find themselves in.

Debbie Hinz, 981 Virginia Drive, (and her son) expressed opposition to the request. They stated that due to the grade and slope the two homes on these lots (existing one on Lot 40 and this proposed one on Lot 39) loom above their home. The condition was specifically negotiated in 1999 and there was no reason, just because the owners were unaware of it, to change the rule now. They expressed that they use their front courtyard often and this extra house width will impose a visual detriment to their property.

Considerable discussion ensued over the course of 35 minutes with several of the Planning Board members, the applicants and the Hinz’s trying to understand the site conditions, exploring and examining alternatives and trying to seek a compromise that both parties could live with. Those efforts were not successful.

Board members, Gottfried, Livingston, Sacha, Whiting, and Johnston collectively expressed that they felt the existing site features of trees, landscaping and orientation of the two homes was sufficient to mitigate the added visual impact and expressed support. Mr. Krecicki and Slocum felt that the home could be redesigned to meet the setback and the needs of the homeowners.

Motion made by Mr. Johnston, seconded by Mrs. Whiting to approve the request as recommended by staff. Motion carried with a 5-2 vote. (Messrs. Krecicki and Slocum voted against the motion).
There was no further business. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Lisa Smith,
Recording Secretary