



Planning and Zoning Board Minutes

October 1, 2019 at 6:00 p.m.

City Hall, Commission Chambers
Regular Meeting

1. Call to Order:

Chairman Ross Johnston called the meeting to order at 6:00 p.m. in the Commission Chambers of City Hall. Present: Ross Johnston, Ray Waugh, Chuck Bell, Adam Bert, Laura Turner, Christian Swann, Owen Beitsch, and Laura Walda. Also Present: City Attorney Dan Langley. Staff: Planning Director, Bronce Stephenson; Senior Planner Allison McGillis and Recording Secretary Kim Breland.

2. Approval of Minutes:

Motion made by Ross Johnston, seconded by Chuck Bell, to approve the September 18, 2019 meeting minutes. Motion carried unanimously with a 7-0 vote.

3. Public Hearings:

- **SPR #19-12 Request of Majid Kalaghchi for: Approval to construct a new, two-story, 4,393 square foot, single-family home located at 470 Fairfax Avenue on the Howell Creek Canal, zoned R-1AA.**

Senior Planner Allison McGillis presented the staff report explaining that the item was a canal front site plan approval for a new, two-story, 4,393 square foot single-family home located at 470 Fairfax Avenue on the Howell Creek Canal, zoned R-1A.

Mrs. McGillis provide aerial and site plan views of the home. Mrs. McGillis stated that in terms of tree preservation, the applicant proposed to remove several palm trees in the front of the lot, which are not a protected species and a maple tree at the rear of the lot in the storm retention area. She noted the applicant would preserve the remaining trees along the property line and the canal front and per code, as part of the tree removal permit; the applicant would need to provide tree replacement, financial compensation or a combination of both.

Mrs. McGillis stated that the proposed home would not affect canal views of either of the adjacent properties and would be behind the average set back of those homes. In addition, she stated that the applicant proposed a storm water swale sized to meet the requirements toward the canal front.

Lastly, Mrs. McGillis provided renderings of the home and stated that overall the plans met the intent of the lakefront criteria.

Staff recommended approval of the request.

Mrs. McGillis answered questions from the Board related to square footage calculations, setbacks and FAR code requirements. Discussion ensued.

Applicant Majid Kalaghchi, 645 Bentley Lane, Maitland, FL, addressed the Board. He addressed Board concerns regarding the code requirements for square footage, setback and FAR. He stated that he worked with the Building Dept. in the calculations for the proposed home and would review the calculations again and work with staff to correct any discrepancies. Mr. Kalaghchi then answered questions from the Board.

No one from the public wished to speak. The public hearing was closed.

The Board did not express concerns regarding the lakefront code criteria but some level of concern remained about conformance with other zoning regulations as discussed with Staff.

The Board agreed with Staff's recommendation with conditions.

The Motion made by Chuck Bell, seconded by Laura Walda , for approval to construct a new, two-story, 4,393 square foot, single-family home located at 470 Fairfax Avenue on the Howell Creek Canal, zoned R-1AA with the following conditions:

1. The approval is for the criteria vested with the Planning and Zoning Board relative to lakefront zoning approval.
2. Proposed home is to meet code per FAR and square footage and other applicable rules.

The motion carried unanimously with a 7-0 vote.

- **SPR #19-13 Request of Charles Clayton for: Approval to construct a new, two-story, 16,036 square foot, single-family home located at 115 Palmer Avenue on Lake Maitland, zoned R-1AAA.**

Senior Planner Allison McGillis presented the staff report explaining that the item was a lakefront site plan request to build a new, two-story 16,036 square foot, single-family home located at 115 Palmer Avenue on Lake Maitland, zoned R-1AAA.

Mrs. McGillis stated that in terms for tree preservation, the applicant has proposed to remove several trees at the front of the lot, but would be saving the trees along the lakefront. She noted that the City's Urban Forestry Division visited the property to assess the trees to be removed and stated that the majority of the trees were in poor condition and not protected species. In addition, Urban Forestry further observed that the Oak trees to be removed had a history of excessive and improper pruning and approved their removal, with the required mitigation, as the trees would not likely survive the construction. It was noted that as part of the tree removal permit; the applicant would need to provide tree replacement, financial compensation or a combination of both.

Mrs. McGillis stated the applicant proposed a storm water swale sized to meet the requirements of storm water retention.

With respect to lake views, Mrs. McGillis provided exhibits of the proposed home and adjacent properties to illustrate impact to lake views. She noted that the average lakefront setback of 80 feet from the lake and while the applicant is observing the average, significant differences in lot lengths of the homes on either side as well as the curvature of the lake, place the proposed home slightly in front of the home to the east. Images were provided to show what the eastern/western property lines look like and the applicant has proposed to enhance and maintain the buffer of the adjacent properties. No variances were required and the proposed home would not impact existing views of the lake.

Mrs. McGillis provided elevations of the proposed home and summarized by stating the request meets the intent of the lakefront review criteria.

Staff recommended approval of the request.

Mrs. McGillis answered questions from the Board regarding City tree removal and number of trees being removed on the property.

Applicant, Charlie Clayton 1230 N. Park Avenue, Winter Park, FL. addressed the Board. He stated that he had spoken to the neighbors on both sides of the property and noted that the neighbor to the east worked with the landscape architect drew the plans so that both side yards would be well buffered. He stated that he met with City Arborist Josh Nye regarding tree

removal. He then answered questions from the Board regarding tree removal and what types for hedge would be used along the lakefront.

No one from the public wished to speak. The public hearing was closed.

The Board agreed with Staff's recommendation and noted that the existing landscaping on both side property lines inhibits lake views from and to the subject property.

Motion made by Chuck Bell, seconded by Laura Turner, for approval to construct a new, two-story, 16,036 square foot, single-family home located at 115 Palmer Avenue on Lake Maitland, zoned R-1AAA.

The motion carried unanimously with a 7-0 vote.

- **ZTA #19-03 Request of City of Winter Park for: An Ordinance amending Chapter 62, Division 2, Noise and Disturbance Control, providing for the same noise controls that exist within the Central Business District to be applied within the Hannibal Square Neighborhood Commercial district**
- **ZTA #19-04 Request of Chez Vincent and Hannibals for: An Ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" Section 58-84 to provide for the same hours of sale of alcoholic beverages that exist within the Central Business District and the City at-large to be applied within the Hannibal Square Neighborhood Commercial district.**

Planning Manager Jeff explained that the two Ordinances in the public hearing were tied together to provide consistency in the rules and regulations of concerning the sale and consumption of alcoholic beverages and safeguards on noise impacts in the business districts. He provided historical information concerning the CRA and the redevelopment of New England Avenue in the mid 1990's, that the City wanted to help create a smaller version of Park Avenue with a restaurant district, but not a nightclub district. He stated that Dexter's was the first restaurants to move from Fairbanks Avenue to their current location and start the redevelopment, but live music was an integral part of their business model which resulted in concerns about the proximity of residential homes and apartments in the area. A compromise was reached that limited restaurant hours to accommodate potential noise issues in the area, which is how businesses operated in the district to date.

Mr. Briggs explained that restaurants which have moved into the area over the years including the applicant Chez Vincent have expressed that the current more limited business hours have resulted in lost business, as their patrons would migrate to Park Avenue where the rules allow for later hours of operation. While these frustrations have been voiced to the City Commission, the rules could not be changed previously because of the live music at Dexter's. With Dexter's relocating; it provides an opportunity to provide for consistency in the hours for sale and consumption of alcoholic beverages. He stated that along with the alcoholic beverage Ordinance would be the caveat that the City also maintain consistency with how noise is treated both on Park Avenue in the CBD and in Hannibal Square.

Mr. Briggs then recalled experiences from the past where bands that played at restaurants on Park Avenue that were disturbing guests at the Park Plaza Hotel and nearby residential areas. He explained that the problem was solved with a 10 p.m. cut-off time for when noise that could be heard 50 feet away from an establishment. He stated that the rule has worked for Park Avenue, as it is primarily a restaurant district. He noted that the proposal would establish the same kind of limitation in Hannibal Square and allow for live entertainment at restaurants in that area, but not after 10 p.m. unless of a lower volume in nature.

Staff recommended approval of the requests.

Mr. Briggs answered questions from The Board. He provided maps outlining the Hannibal Square and Central Business Districts areas pertaining to the Ordinances and clarified what the current rules for noise are at present versus changes in the proposed Ordinance. In addition, Mr. Briggs

answered questions regarding citywide regulations versus regulations for Ravaudage and the number of businesses that stay open until 2 a.m.

No one from the public wished to speak. The public hearing was closed.

The Board agreed with the recommendations from Staff. The Board expressed that protection of residential neighbors from noise nuisances is a primary purpose of the city codes to protect the public's peaceful enjoyment of their residential homes and apartments. The consistency then for both business districts is warranted.

Motion made by Laura Turner, seconded by Laura Walda, to approve an Ordinance amending Chapter 62, Division 2, Noise and Disturbance Control, providing for the same noise controls that exist within the Central Business District to be applied within the Hannibal Square Neighborhood Commercial district.

The motion carried unanimously with a 7-0 vote.

Motion made by Laura Turner, seconded by Ray Waugh, to approve an Ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" Section 58-84 to provide for the same hours of sale of alcoholic beverages that exist within the Central Business District and the City at-large to be applied within the Hannibal Square Neighborhood Commercial district.

The motion carried unanimously with a 7-0 vote.

4. New Business: None

5. Planning Director's Report:

Mr. Stephenson informed the Board that the Senior Transportation Planner position has been posted for the Planning and Zoning Dept. with the hope that the position will be filled soon.

In addition, Mr. Stephenson noted that the Citywide notice has been circulated throughout the City for the Henderson Hotel project. Chairman Johnston requested the Henderson Hotel project be the subject of the October 29th work session.

Lastly, Mr. Stephenson provided the Board with an update on the Orange Avenue Overlay Steering Committee redevelopment efforts.

6. Board Update & Comments: None

Meeting adjourned at 6:58 p.m.

Respectfully,

Kim Breland, Recording Secretary