



## CITY OF WINTER PARK Planning & Zoning Board

Regular Meeting  
City Hall, Commission Chambers

January 8, 2013  
7:00 p.m.

### MINUTES

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Chair Whiting called the meeting to order at 7:00 p.m. in the Commission Chambers of City Hall. Present: Sarah Whiting, Tom Sacha, Peter Gottfried, Randall Slocum, Drew Krecicki and Robert Hahn. Absent: James Johnston Staff: Planning Director Jeffrey Briggs and Recording Secretary Lisa Smith.

#### Approval of minutes – December 4, 2012

**Motion made by Tom Sacha and seconded by Peter Gottfried, seconded by to approve the December 4, 2012, meeting minutes. Motion carried unanimously with a 6-0 vote.**

#### PUBLIC HEARINGS

Note: Mr. Slocum was a member of the development team and did not participate in the discussion or voting on this item. (Form 8B, Memorandum of Voting Conflict was completed by Mr. Slocum and is attached to these minutes).

**REQUEST OF LAKESIDE WINTER PARK LLC FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT 35,500 SQUARE FEET OF RETAIL, RESTAURANT AND OFFICE BUILDING SPACE ON THE PROPERTIES AT 111 AND 131 N. ORLANDO AVENUE, ZONED C-3.**

Planning Director Jeffrey Briggs presented the staff report. He explained that this item is a request by the Lakeside Winter Park LLC (UniCorp USA) (contract purchasers) to redevelop the Adventist Health Systems properties at 111 & 131 N. Orlando Avenue on Lake Killarney. The project consists of 35,500 square feet of one-story retail, restaurant and office/bank buildings. He said that in order to accommodate this project there are three Conditional Use approvals required (1) Project over 10,000 square feet; (2) drive-in tellers for branch bank and (3) restaurants with alcoholic sales within 300 feet of residential. He said that due to the project size, a city-wide notice of these public hearings has been mailed to all 15,500 households in the City as well as notices mailed to the property owners within 1,500 feet. He reviewed the site and context of the proposed project, gave an overview of the current development request, building heights, architectural elevations, tree preservation, storm water retention, landscaping, traffic impact, neighbor concerns.

He detailed the eight variances requested. Primarily the variances relate to the relaxation of the landscape standards within the new parking lot. The desire for the variances is to increase the yield of parking spaces which increases the yield of leasable building area. Again, as long as everyone's expectations are for the look of a shopping center parking lot those variances are acceptable. He said that there are two of the variances that the staff will recommend for denial: (1) lakefront setback and (2) parking.

He summarized by stating that this project can be a quality redevelopment and enhancement for this unique commercially zoned 3.86 acre lakefront location. If there were commercial properties on both sides of this location then the staff would be more lenient concerning some of the variances requested. However, it is a commercial project located next to 123 condominiums and about 200 -250 residents. As such, a large part of the staff's analysis has been how to insure this project does not undermine the peaceful enjoyment that the residents have within their homes and that the project does not harm their property values. As a result, many

of the staff's recommendations echo those from the Killarney Condominium HOA committee. Normally the "final" conditional use is perfunctory when just the final landscape, architectural and other engineering details are reviewed. However, in this case there are many "devils in the detail" matters that will be very important to review for the "final" conditional use. Amongst those are the potential location of a sanitary sewer lift station and how that will be screened and maintained. The grading plan including any fill to raise the site so that the storm water retention system functions, etc. will be important. Architectural plan details on the rear of the northern building and the street front facing loading dock and service yard will be very important. There also is the interface with the Lakes and Waterways Board that has jurisdiction on the "final" plans for the seawalls, docks, boardwalks, hardscape, filling of the lake and excavation of the "stream" amenity. The primary focus of this "preliminary" conditional use review is to determine the entitlements and variances. The outcome of the lakefront setback variance (50 feet in lieu of 75 feet); the parking variance (50 spaces) and the landscape island variances will determine the parking yield and thus the ultimate scale or entitlements for the project.

Staff recommendation is for approval of the "preliminary" conditional use subject to the following conditions:

1. That the project is limited to one restaurant located in the southern building with a maximum of 150 seats and thus limiting the parking variance to 20 spaces and that no indoor or outdoor amplified musical entertainment is permitted after 10:00 pm
2. That the northern building conform to the code required 75 foot lakefront setback and that the southern building also comply unless consent is granted by the Hillstone restaurant.
3. That the shoreline alterations and improvements including any seawalls, docks, boardwalks, hardscape, filling of the lake and excavation of the "stream" amenity be approved by the Lakes and Waterways Board, as required by Code.
4. That the "final" conditional use submittal and building setbacks be revised to preserve the existing oak tree buffer along the north property line and attempt to preserve some of the existing oaks adjacent to the main entrance and to include a wall/fence buffer along the northern property line.

Mr. Briggs responded to Board member questions and concerns.

Chuck Woodall, Unicorp, represented the applicant. He provided an extensive overview of the proposed project. He noted that a community meeting was held on the project with approximately 80 people in attendance. He presented the details of the proposed project by using a power point presentation. He also stated that the businesses that are not open at night will allow for extra parking after hours.

Joe Intunavich, Architect, discussed tree preservation. He said that they feel that the requested variances are reasonable because of the unique conditions of the property. They responded to Board member questions and concerns.

**Motion made by Mr. Gottfried, seconded by Mr. Slocum to table the request. Motion carried unanimously with a 6-0 vote.**

The following people spoke concerning the request:

Carol Lotspeich, Lk. Killarney resident, stated that she likes the new neighbors and is looking forward to working with them. She did note that at the community meeting, specific project details were not available. She provided the Board members with an overview of their main concerns which were noise, deliveries and pickups, security, the impact that the development would have on the development, the proximity of the proposed restaurant. She requested that if approved, amplified music be prohibited. She requested that they consider flipping the grocer next to the other retail. With regard to the requested variance, she said that they would prefer 75 feet versus 50 feet.

Bee Epley, Lk. Killarney resident, spoke concerning the noise. She noted that there are 40 residents that face the north side of the project. She requested that the noise levels be kept at 85 decibels or under.

Ruth Griffin, requested that the chain link fence on the north be replaced with a masonry wall. She explained that this will screen car lights, alleviate noise and provide security for them. In addition she said that a 6 foot wrought iron fence with wrought iron spikes will prevent trespassers and enhance visual aspects of project

along with a 10-foot landscape buffer with small shrubs and trees. She requested that the dumpster be placed on the north side of 17/92.

Sara Whitaker stated that she supports the project. She requested that there be no amplified music at all. She questioned how overflow parking, thru and turnaround traffic will be handled.

Conrad Necraso, 2130 Lake Drive, spoke concerning the vertical seawall. He noted that the wetland has been in existence since the 1970s. He was not supportive of the granting the variance on the setbacks.

Rochelle Kolin 225 Trismen Terrace, spoke concerning the entryway/gateway into the project. She wanted to know how the pedestrian crossing Morse Boulevard will be incorporated into the project.

Lurline Fletcher, 790 Lyman Avenue, spoke concerning traffic management for the project.

Chris Boushet, Manager of Hillstone Restaurant, spoke in opposition to the requested setback variance. He said that he feels that the applicant should be held to the same standards as their restaurant. He noted that much time and effort has been put into that location.

Mr. Woodall readdressed the board. He responded to the concerns brought up by the residents. He explained that the project cannot be flipped. He said that there will be a gateway created into the project and that it will be very similar to that of Rollins. He also stated that privacy and security barriers will be in place and that noise will be kept at around 55 decibels.

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

The Board members discussed several aspects of the project and after several minutes of discussion consensus of the Board was to table the request. The Board members decided that in order to make a better decision on the project, they would do a site visit with the applicant and the residents of the Lake Killarney condominiums.

**Motion made by Mr. Gottfried, seconded by Mr. Sacha to table the request. Motion carried unanimously with a 5-0 vote. Mr. Slocum abstained.**

**REQUEST OF TD BANK FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT A BRANCH BANK WITH DRIVE-IN TELLERS ON THE PROPERTY AT 810 N. ORLANDO AVENUE, ZONED C-3.**

Mr. Briggs gave the staff report and explained that this item is a conditional use request from TD Bank to establish a branch bank facility with drive-in tellers on the property at 810 N. Orlando Avenue (northeast corner of Orlando and Webster Avenues). He noted that the request requires conditional use approval because of the drive-in tellers. He reviewed the site and context of the proposed project, project plans, parking, traffic circulation and stacking for the tellers, storm water retention and landscape plan. He discussed other minor issues involving the dumpster location up front some 20 feet back from Webster Avenue and the need for an attractive walled enclosure (architecturally compatible to the bank building) and a more complete landscape screen on the two sides visible to the street. Also, the existing concrete fence on the eastern property line is in disrepair. No one is sure who has 'ownership' of this property line fence but the Dingman's (who own the adjacent property to the east) say the fence is not theirs. Thus, from the front of the Dingman's building out to Webster Avenue, the concrete fence either needs to be repaired or removed. If removed, then there needs to be some property line landscaping added. The Dingman's have agreed to either option. He summarized by stating that the site is adequately sized and the overall site plan design well suited for this type of project. Traffic generation will be lower for this TD Bank than for the previous BP gas station operation. The project meets all the code requirements, there are no variances requested and the drive-in components are designed to meet the peak stacking needs for the 'national' bank intended as the occupant.

Staff recommended approval with the following conditions:

1. That the proposed dumpster is enclosed with an architecturally compatible wall and that the landscape plan is modified to screen the two sides of the dumpster enclosure visible to the street.
2. That the eastern property line concrete fence (from the adjacent building out to the street) either be repaired or removed and if removed that landscaping be added to that eastern landscape buffer area.

Rebecca Wilson, Lowndes, Drosdick law firm, 215 North Eola Drive, Orlando, FL, and the project engineer from Bohler Engineering, represented the applicant. Ms. Wilson said that they agree with the comments in the staff report and the conditions of approval. No one else wished to speak concerning the request. Public Hearing closed.

In the Board discussion there was consensus that the site was adequately sized and designed for the intended use. They requested that the applicant determine the necessity for the dumpster and explore alternative locations or enhanced screening for it.

**Motion made by Mr. Krecicki, seconded by Mr. Sacha to approve the request subject to conditions recommended by staff and also giving consideration to the dumpster moving closer north. Motion carried unanimously with a 6-0 vote.**

**REQUEST OF ATLANTIC HOUSING PARTNERS, LLLP TO:** AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS CHANGE THE EXISTING DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE REAR PORTION OF THE PROPERTY AT 835 WEST CANTON AVENUE.

**REQUEST OF ATLANTIC HOUSING PARTNERS, LLLP TO:** AMEND THE OFFICIAL ZONING MAP SO AS CHANGE THE EXISTING ZONING DESIGNATION OF SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT ON THE REAR PORTION OF THE PROPERTY AT 835 WEST CANTON AVENUE.

Planning Director Jeffrey Briggs presented the staff report. He said that last month, the City Commission approved the Conditional Use and Development Agreement for the Atlantic Housing development of 105 affordable senior housing units on the properties at 550 N. Denning and 861 W. Canton. He stated that unfortunately, what was over-looked was the FLU and Zoning for the small piece of the project that will be used as the storm water retention area. During the City Commission public hearing it came to our attention that this small portion of the property (approximately 6,900 sq. ft.) is still zoned single family on the Official Zoning Map. This small parcel is a remnant of the property at 835 W. Canton Avenue that was consolidated into the 550 N. Denning Drive property. Atlantic Housing, the city staff and the seller believed that the zoning of this entire property (as indicted on the Orange County Property Appraiser's maps) was R-4. However, it is R-1A. Both the 2006 Development Agreement and the newly approved 2012 Development Agreement grant the density from this small remnant parcel based on the R-4 entitlements. While Atlantic Housing LLLP may rely upon the approved CUP and 2012 Development Agreement, they are concerned that potential lenders and their attorneys may have concerns about this remnant R-1A zoning. So in order to remedy any confusion or concerns, the City has volunteered to process a FLU amendment and rezoning to bring this into conformance with the parameters of the approved project. So, therefore, he said that this agenda item to change the FLU and Zoning of this small parcel to R-4 matches the rest of the project's zoning. Staff recommended approval. Mr. Briggs responded to Board member questions and concerns.

Rebecca Wilson, 215 North Eola Drive, Orlando, FL, represented the applicant. She said that they are in agreement with the comments in the staff report and the conditions of approval.

Lurline Fletcher, 790 Lyman Avenue, opposed increased density. No one else wished to speak concerning the request. Public Hearing closed.

**Motion made by Mr. Krecicki, seconded by Mr. Sacha to approve the comprehensive plan amendment. Motion carried unanimously with a 5-0 vote. Mr. Slocum abstained.**

**Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the zoning map amendment. Motion carried unanimously with a 5-0 vote. Mr. Slocum abstained.**

**REQUEST OF THE CITY OF WINTER PARK TO:** AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH A SINGLE FAMILY RESIDENTIAL FUTURE LAND USE DESIGNATION TO THE ANNEXED PROPERTY AT 500 EAST LAKE SUE AVENUE.

**REQUEST OF THE CITY OF WINTER PARK TO:** AMEND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH SINGLE FAMILY (R-1AA) DISTRICT ZONING ON THE ANNEXED PROPERTY AT 500 EAST LAKE SUE AVENUE.

Planning Director Jeffrey Briggs presented the staff report. He explained that Mr. Jeff Faine is the recent purchaser of the vacant property at 500 E. Lake Sue Avenue. He has made a voluntary request for annexation and the City needs to establish a single family FLU designation on the Comprehensive Plan maps and single family (R-1AA) zoning on this property being annexed into the City. The property now has the same single family FLU and zoning in Orange County so there is no change. He noted that this property is part of the "Stonehurst Drive" enclave so the City is pleased to annex one more property. The owners will soon start a new single family home on this vacant lot. They will be hooking up to the city sewer and the annexation saves them some money by being able to pay the "in-city" impact fee rates. Staff recommended approval. Mr. Briggs responded to Board member questions and concerns.

No one wished to speak in favor of or in opposition to the request. Public hearing closed.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the request to establish the comprehensive plan future land use map designation of single family residential on the annexed property at 500 East Lake Sue Avenue. Motion carried unanimously with a 6-0 vote.

Motion made by Mr. Krecicki, seconded by Mr. Sacha to approve the request to establish R-1AA single family zoning on the annexed property at 500 East Lake Sue Avenue. Motion carried unanimously with a 6-0 vote.

**NEW BUSINESS:**

There were no items of new business

There was no further business. Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Lisa M. Smith,  
Recording Secretary