



CITY OF WINTER PARK Planning & Zoning Board

**Regular Meeting
City Hall, Commission Chambers**

**January 7, 2014
6:00 p.m.**

MINUTES

Chairman Johnston called the meeting to order at 6:00 p.m. in the Commission Chambers of City Hall. Present: James Johnston, Chairman, Randall Slocum, Shelia De Ciccio, Ross Johnston, Tom Sacha, Peter Gottfried, Peter Weldon. Absent: Robert Hahn. Staff: Planning Manager Jeffrey Briggs and Recording Secretary Lisa Smith.

Approval of minutes – December 3, 2013

Motion made by Mr. Sacha and seconded by Mr. Gottfried, to approve the December 3, 2013, meeting minutes. Motion carried unanimously with a 7-0 vote.

LAKEFRONT SITE PLAN REVIEWS

SPR 3:12 REQUEST OF MR. MATT STANCHINA: FOR APPROVAL OF A NEW SWIMMING POOL FOR THE NEW SINGLE-FAMILY HOME LOCATED AT 1206 N. PARK AVE IN TWELVE OAKS ON LAKE MAITLAND, ZONED R-1AAA.

Planning Manager Jeffrey Briggs presented the staff report and explained that on July 12, 2012 the P&Z Board approved the new lakefront home for Mr. Matt Stanchina at 1206 N. Park Avenue in Twelve Oaks on Lake Maitland. He said that originally the plan was to keep the swimming pool intact and incorporate it into the new home. However, they have now decided to rebuild the swimming pool/pool deck. Since the existing swimming pool intrudes into the 50 foot lakefront setback, so will the rebuilt swimming pool, and this requires P&Z approval. The site plan shows the new swimming pool and the plan also shows the outline of the existing swimming pool water and pool deck. The site plan also includes the calculation of the amount of pool area within the setback now and the amount that will be via the replacement pool. He noted that it is generally the same amount of encroachment. He also reviewed the issues of tree preservation, view from the lake, view of neighbors, and storm water retention. Mr. Briggs summarized by stating that staff has no concerns with the new home as presented except with the patio and swimming pool deck elevations, as previously discussed with the applicant. Staff recommended approval of the request. Mr. Briggs responded to Board member questions and concerns.

Cory Mills, landscape architect offered to answer any questions from the Board. No one else wished to speak concerning the request. Public Hearing closed.

Mr. J. Johnston asked if everyone was satisfied with the plans and information provided. There was consensus from the Board members that the application satisfied the lakefront review criteria.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the request. Motion carried unanimously with a 7-0 vote.

REQUEST OF LAKESIDE WINTER PARK LLC TO: AMEND THE CONDITIONAL USE SITE PLAN APPROVAL FOR THE LAKESIDE WINTER PARK PROJECT AT 111 N. ORLANDO AVENUE, ZONED C-3, TO ELIMINATE THE 4,500 SQ. FT. RETAIL/OFFICE BUILDING IN THE SOUTHEAST PORTION OF THE SITE FOR A 7,000 SQ. FT. RETAIL/OFFICE BUILDING AND REQUESTING A VARIANCE OF 15 PARKING SPACES.

Mr. J. Johnston and Mr. Slocum explained that they would not be participating in the discussion or voting on this item as their firms had done work for the applicant in the past. (Form 8B, Memorandum of Voting Conflict was completed by both and is attached to these minutes).

Planning Manager Jeffrey Briggs presented the staff report and explained that the applicant, Lakeside Winter Park LLC (Unicorp USA), is requesting to amend their conditional use approval for their Lakeside project on the property at 111 N. Orlando Avenue to revise and substitute a 7,000 square foot building for the 4,500 square foot building previously approved and requesting a parking variance of 15 spaces. He explained that the City Commission approved the "preliminary" conditional use with a proposed 4,000 square foot branch bank in the southeast portion of the development. When the "final" conditional use came back for approval, the building was slightly revised to a 4,500 square foot retail/office building. At this time, the developer has a specific tenant for that building but they need 7,000 square feet for their business which is the rationale for this request to amend the site plan and the parking variance associated with it.

Mr. Briggs further explained that the original approved plan allows circulation around the building and the new plan (in the packet) contains two dead-end driveways. Both the Public Works Department traffic engineering and Police Department traffic staff have recommended against the creation of these dead-end parking lots areas as they create traffic safety hazards as cars need to back up out of them when drivers discover that no spaces are open. Staff has conveyed this issue to the applicant. They have presented today a site plan revision to remedy this issue but further impacts the parking variance

Mr. Briggs explained that the parking variance results from the combination that the parking yield on-site is reduced and square footage is increased from 4,500 sq. ft. to 7,000 sq. ft. which generates the need for added parking for that 2,500 sq. ft. increase which adds up to the variance requested of 18 spaces. The 18 spaces are 10% of the total parking.

Mr. Briggs summarized by stating that staff was reluctant to recommend approval primarily because of the popularity and cult following of the Trader Joe's. Normally there would be enough float between the businesses to allow about a 10% reduction in the parking provided. But from everything we have heard about Trader Joe's popularity and regional draw, parking is likely to be at a premium. It is one thing for customers to complain and the response is that "Well they meet the Code" and another to know they were granted a 10% parking variance. Mr. Briggs responded to Board member questions and concerns.

Chuck Woodall, with Unicorp USA, was present to address Board member concerns and provide the details of the current request. He spoke regarding the proposal for which the Board is making a determination on and gave the Board an overview of the type of traffic that this type of business will generate. Mr. Woodall also spoke concerning Trader Joe's traffic and his plans for traffic management. He said that he feels that once the project opens, the traffic will stabilize. He said that a deal has been made with the Mt. Vernon for 15 parking spaces. He responded to Board member questions and concerns.

The following people spoke in opposition to the requested variance (all owners of condo units in the Lake Killarney development): Sara Whitaker, 1028 West New Hampshire Street; Chris Sweeny, Unit #105, Jonathan Glover, Unit #215; and Bee Epley, Unit #209. Also entered into the record was a letter of opposition from Hillstone restaurant. They requested that the City's parking code be upheld and voiced concerns that the project could create overflow parking issue at the Lake Killarney Condos. They expressed support for the project, but are very concerned about the flow of traffic and the granting of parking variances.

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

Mr. R. Johnston spoke concerning Trader Joe's traffic and "cult following". He said that he does not agree with the applicant statements concerning traffic and believes that parking will be at a premium with only two Trader Joe's in the metro Orlando area that draws destination customers from the five county area. He said that he feels very strongly that the parking lot will be swamped and there will be spillage onto the adjacent properties and create traffic issues. He asserted that he is against granting any parking variances. Mr. P. Weldon said that he feels that the request of a 10% parking variance extends beyond the reasonable judgment for how the Board grants parking variances. He said that he does not support the request as presented, but is willing to listen if confirmed long-term public parking off-site contracts are presented that address the variance needs as outlined by the developer. Mrs. De Ciccio agreed with the previous comments. She expressed strong concern about the impact of the traffic that the development will have on the people around and businesses around it. Mr. Sacha agreed and indicated that we have to see what the parking needs are before granting such a significant variance. Mr. P. Gottfried said that he feels that the site is going to have heavy usage and that there will be traffic and parking issues.

Motion made by Mr. Weldon, seconded by Mr. R. Johnston to deny the request. Motion carried unanimously with a 5-0 vote. (Mr. J. Johnston and R. Slocum abstained.)

REQUEST OF MR./MRS. TRUBY TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH A SINGLE FAMILY FUTURE LAND USE DESIGNATION TO THE ANNEXED PROPERTY AT 612 E. LAKE SUE AVENUE.

REQUEST OF MR./MRS. TRUBY TO: TO AMEND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH SINGLE FAMILY RESIDENTIAL (R-1AA) DISTRICT ZONING ON THE ANNEXED PROPERTY AT 612 E. LAKE SUE AVENUE.

Planning Manager Jeffrey Briggs presented the staff report. He noted that the subject property is located in the Stonehurst Drive enclave. He explained that M/M Truby own the subject property at 612 East Lake Sue Avenue and they have made a request for voluntary annexation. He said that the purpose of these two ordinances is to establish City a zoning designation and comprehensive plan future land use designation. He added that it is the same as when they were in the county. Staff recommended approval. Mr. Briggs responded to Board member questions and concerns.

No one wished to speak concerning these items. Public Hearing closed.

Motion made by Mr. Sacha, seconded by Mr. Gottfried recommending to amend the Comprehensive Plan future land use map so as to establish a single family future land use designation on property located at 612 East Lake Sue Avenue. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Gottfried recommending to amend the Official Zoning Map so as to establish single family residential (R-1AA) zoning on property located at 612 East Lake Sue Avenue. Motion carried unanimously with a 7-0 vote.

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", SECTION 58-84, RELATING TO NON-RESIDENTIAL ZONING DISTRICTS AND THE CONDITIONS REQUIRED FOR A SPECIAL EVENT; PROVIDING FOR, SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

Planning Manager Jeffrey Briggs presented the staff report. He recapped the issues that were discussed at the last P&Z meeting. He said that the issues have been addressed and the proposed ordinance has been revised by the City Attorney. As background, he explained that this Ordinance is in response to an issue that developed last year when a private organization asked for a "special event permit" to hold an "arts festival" event at the same time as the City's annual Spring Arts Festival in March. The competing event was not held but they were soliciting approval from the Winter Park Village and other commercial property owners in the downtown to stage their event at the same time and thereby benefit from the attendance already in the City for the city sponsored event. Further, the City Commission has expressed interest in protecting the tradition of the Spring and Autumn Art Festival recognizing the vast number of hours that volunteers spend on preparations for and the hosting of these events. Thus, the City Attorney has drafted this proposed ordinance. He explained that the revision creates a non-compete window of 30 days (was 45 days) on either side of these traditional city sponsored art festivals. It only applies to those two events (which was another change per P&Z) and it applies equally to owners and tenants (another P&Z change). Since the rules for "special events" are in the Zoning Code, the P&Z Board needs to make a recommendation on this ordinance. Staff recommendation is for approval. Mr. Briggs responded to Board member questions and concerns.

No one wished to speak concerning this item. Public Hearing closed.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the proposed ordinance. Motion carried unanimously with a 7-0 vote.

NEW BUSINESS:

There were no items of new business.

Date of Next Work Session Meeting: Tuesday, January 28, 2014 at 12:00 Noon.

Date of Next Regular Meeting: Tuesday, February 4, 2014 at 6:00 p.m.

There was no further business. Meeting adjourned at 6:55 p.m.

Respectfully submitted,

Lisa M. Smith
Recording Secretary