



CITY OF WINTER PARK Planning & Zoning Board

**Regular Meeting
City Hall, Commission Chambers**

**April 8, 2014
6:00 p.m.**

MINUTES

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

Approval of minutes – March 4, 2014

Motion made by Mr. Sacha, seconded by Mr. Slocum to approve the March 4, 2014, meeting minutes. Motion carried unanimously with a 6-0 vote.

PUBLIC HEARINGS

REQUEST OF PHIL KEAN DESIGNS FOR: APPROVAL OF A NEW TWO-STORY SINGLE-FAMILY HOME LOCATED AT 1215 VIA DEL MAR ON LAKE TUSCANY.

Planning & Community Development Director Dori Stone presented the staff report. She explained that Phil Kean Designs representing the owners (Mr./Mrs. Frost) is requesting approval for a new two-story single-family home at 1215 Via Del Mar on Lake Tuscany. This 19,781 sq. ft. lot has a home to be removed for this new project. The new proposed two-story home will be 6,252 sq. ft. which on this large lot is a FAR of 31.6% within the allotted base 33% FAR. This new home will have impervious lot coverage of 6,218 sq. ft. or 31.4% within the maximum 50%. She reviewed the issues of tree preservation, view from the lake, view of neighbors, As mentioned above, by moving the house forward by 11 feet into the front setback, this opens up more, and storm water retention. She summarized by stating that staff does not see any concerns with the new home as presented especially with the front setback at the 48 feet, as proposed. The plans meet the intent of the lakefront review criteria and the shift of the home benefits the neighbor's views as well as the preservation of the significant 56 inch live oak tree. Staff recommended approval of the request. She responded to Board member questions and concerns.

Darrin Frost, property owner, and Carrie with Phil Kean Designs were present to address any questions and concerns of the Board. She explained that in designing the home, the main concern was to preserve the tree and that they have met with staff from the City's Urban Forestry Division to address those concerns. They responded to Board member questions and concerns.

Sam Sabali, neighboring property owner, asked if the applicant's proposal would in any way hamper future development plans that he has for his property. It was explained to him that each request is reviewed on a case by case when an application is submitted. He said that he is not opposed to the applicant's request. No one else wished to speak concerning the request. Public Hearing closed.

The majority of the Board members did not have an issue with the request. Mr. Slocum did not support the setback of 10 feet. He feels that it is too tight, and thought that a compromise would be a better solution with regard to the side yard setback.

Motion made by Mr. Sacha, seconded by Mrs. De Ciccio to approve with the variance request, side setback variance of 10 feet on West side and 15 feet on East side. Motion carried 6-1. Randall Slocum voted in opposition to the motion.

REQUEST OF THE SYDGAN CORP. FOR: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY TO MEDIUM DENSITY RESIDENTIAL AND HIGH DENSITY RESIDENTIAL FUTURE LAND USE ON THE PROPERTIES AT 755/781/783/831/835 WEST CANTON AVENUE AND AT 437/439/441 NORTH CAPEN AVENUE, AND TO REVISE POLICIES IN THE FUTURE LAND USE ELEMENT RELATING TO THREE STORY BUILDINGS WITHIN THESE FUTURE LAND USE DESIGNATIONS AND THE POLICY DIRECTION FOR SUCH FUTURE LAND USE AMENDMENTS.

REQUEST OF THE SYDGAN CORP. FOR: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE SINGLE FAMILY RESIDENTIAL (R-1A) ZONING TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT AND HIGH DENSITY MULTI-FAMILY RESIDENTIAL (R-4) ZONING ON THE PROPERTIES AT 755/781/783/831/835 WEST CANTON AVENUE AND AT 437/439/441 NORTH CAPEN AVENUE.

REQUEST OF THE SYDGAN CORP. FOR: A LOT CONSOLIDATION UNDER SECTION 58-392 OF CHAPTER 58 "LAND DEVELOPMENT CODE" SO AS TO COMBINE THE PROPERTIES AT 755/781/783/831/835 WEST CANTON AVENUE AND AT 437/439/441 NORTH CAPEN AVENUE INTO ONE CONSOLIDATED PARCEL FOR A UNIFIED RESIDENTIAL DEVELOPMENT.

Planning and Community Development Director Dori Stone presented the staff report. She explained that the details of the applicant's future land use/rezoning request. She stated that staff recommends approving a compromise request. Staff believes there is logic for some land use density increase due to the proximity to the parking garage and the deep 250 foot lots on Canton Avenue. However, staff is recommending a compromise to the original request in achieving a step down in density as one travels away from the parking garage toward the single family context of Capen Avenue. She reviewed three maps for the Board members which showed: 1) the existing zoning; 2) the applicant's request; and 3) the planning staff's recommendation. Further, the staff's compromise recommendation is based on three planning principles. One is to visually screen the parking garage facility thereby enhancing the residential environment. Second is a logical step down in density and intensity as one travels west to east away from the four-lane roadway and into the interior of the single family neighborhood. Third is to maintain the character of Capen Avenue as a single-family residential neighborhood street. She reviewed the code provisions in the Land Development Code and Comprehensive Plan in regard to this specific request. Staff did not support the request for high-density residential at this time. Further, staff does not support 3 stories development on Canton Avenue. She added that staff has received numerous letters and a petition with over 130 signatures in objection to the request. Mrs. Stone responded to Board member questions and concerns.

Dan Bellows, the applicant, 411 West New England Avenue, was present to address questions and concerns of the Board. He stated that he was not aware that letters of opposition had been received by City staff so he was not prepared to respond to those concerns. He requested an opportunity to address any concerns that are brought up by residents at tonight's meeting. He provided the Board members with a history of the subject property, and his future plans for the subject properties. He stated that he would not be opposed to having a development agreement on the subject property. He said that he has no desire to build four or five stories and that he agrees to restrict development to a maximum of three stories. He requested to go to a 40 foot height

with 26 units and not 36. Further, he said that he feels that a 2-3 story mixed use building is appropriate for that location. He responded to Board member questions and concerns.

Kevin Kramer of David Weekly Homes addressed the Board with regard to the proposed townhome project. He said that the proposed product will have 2-car rear entry garages with one or two driveways fronting Capen. The square footage would range from 2000 up to 2500 square feet. The price point will be market driven, but will more than likely be in the \$400,000 range. He responded to Board member questions and concerns.

One person spoke in favor of this request: Jeff Hamilton, 2059 Woodlawn, Orlando, (owner of 438 North Capen), stated that he supports the request because the applicant is known for developing quality projects.

The following people spoke in opposition to the request: Bob Cambric, 1614 North McKinley Street, Hollywood, FL (represented Beverly Mathis of 730 North Canton—he also submitted a letter of opposition on her behalf as well as one on behalf of Eleanor and Alto Jennings at 751 North Canton). He also presented an analysis of this request with respect to the City's Comprehensive Plan; John Skofield, 358 Vitoria Avenue (owner of two properties in West Winter Park); Tony Robinson, 515 Mockingbird Lane, Altamonte Springs (owner of 810 West Canton Avenue); Marketa Collingsworth, 646 West Comstock Avenue; Mary Daniels, 650 West Canton Avenue (submitted a letter in opposition and a petition with over 130 signatures in opposition to the request); Pandora Taylor, owner of 851, 841 and 839 West Canton Avenues; Lurline Fletcher, 811 English Court; Kent Kersten, 654 West Canton Avenue; Donna Colado, 327 Beloit Avenue; Mary Randall, 1000 South Kentucky Avenue; John Bolden (represented his parents who live at 541 North Capen Avenue; Brandy Burton, 652 West Canton Avenue; Linda Faye Washington, 321 North Capen Avenue; Vickie Krueger, 200 Carolina Avenue; Linda Chappelle, 794 Comstock Avenue; and Steven Sconce, 630 Depugh.

Those that spoke in opposition expressed concern with the requests compatibility with the comprehensive plan. They were also opposed to the height and density of the proposed project and high density residential being so close to single family residential. They felt that the proposed project would drastically change the character of the established single-family residential of the community. Also that the applicant has not submitted any plans on what the proposed development would look like. The residents opposed the encroachment on the east and west side of Capen. They also expressed that the scale of the project was too large and that the proposed project would set a precedent and that it would not be affordable to the residents of the community. They also expressed concern with the lack of single-family residential for the proposed project, and the detrimental effect that this development would have on the Hannibal Square Community Land Trust's mission to provide quality affordable single family residential.

The applicant was allowed an opportunity to address the concerns of the neighbors. He spoke concerning the history of his redevelopment projects in West Winter Park. He re-stated his desire to build a quality residential product with 26 townhouses, that is fee simple residential not commercial and increasing the tax base.

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

Mrs. Stone discussed the Board's options for this particular request. Mr. Hahn stated that he would like to table the item and the Board discuss at a work session. He explained that the volume of information that was presented at the meeting was a lot to absorb and that he did not feel that the Board had the necessary tools to make a decision at tonight's meeting with regard to the Comprehensive Plan, zoning issues, and design issues. He said that he would like to have more time to review the analysis submitted by Mr. Cambric and also complimented the applicant on his place-making efforts in the community. He said that he feels that the Board should discuss this issue in a work session before making a decision. Mrs. DeCiccio agreed with Mr. Hahn. She said she would like to see the applicant and the community together, as well as come up with a vision for the area. Mrs. Stone suggested that the item be tabled to allow the applicant time to meet with the community and that will allow staff time to put together a special meeting. Mr. Sacha stated that he would like for the community to provide the Board with feedback as to what type of project they feel would be the best and most efficient use in that location. Mr. Weldon agreed with Mr. Sacha. Mr. J. Johnston had no issue with the work session but requested that it be at a date, time and location that is convenient for both board members and the community. Mr. R. Johnston urged the applicant to bring back to the board the details that would be

incorporated into a developer's agreement; that he address the Board's concerns with regard to "scope creep"; and that he bring back plans to show what the proposed development would look like. He stated that he would like to look at something tangible in order to make an informed decision. Mr. Hahn added that he feels that the meeting should address the following: that it should be project specific and address concerns of both the applicant and community; address the vision for what is proposed; and provide procedural guidance on how the Board should act.

Consensus of the Board was to table the request until the May 6, 2014, Planning and Zoning Board meeting. Motion made by Mr. Sacha, seconded by to table the request until the May 6th public hearing. Motion carried unanimously.

The Chairman recessed the meeting at 8:35 p.m. and reconvened at 8:40 p.m.

REQUEST OF BENJAMIN PARTNERS, LTD TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH A PLANNED DEVELOPMENT FUTURE LAND USE DESIGNATION TO THE PROPERTIES AT 970/1000/1008 LOREN AVENUE; 1141 BENJAMIN AVENUE AND 1313 LEWIS DRIVE IN CONJUNCTION WITH THE RAVAUDAGE PLANNED DEVELOPMENT.

REQUEST OF BENJAMIN PARTNERS, LTD TO: TO AMEND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH PLANNED DEVELOPMENT (PD-2) DISTRICT ZONING ON THE PROPERTIES AT 970/1000/1008 LOREN AVENUE; 1141 BENJAMIN AVENUE AND 1313 LEWIS DRIVE IN CONJUNCTION WITH THE RAVAUDAGE PLANNED DEVELOPMENT.

Planning and Community Development Director Dori Stone and City Attorney Katie Reischmann explained that at the time of application the four properties on Loren were owned by Bubbalous, Inc. and Sydgan was given authorization to represent them in this process. Mrs. Stone explained that since the initial application was filed, the applicant has acquired a majority interest in Bubbalous, Inc., and has revised the application noting this change as well as provided the necessary supporting documentation showing the change.

Mrs. Stone presented the staff report. She explained that Benjamin Partners Ltd. is the owner or has the authorization to apply for rezoning on the properties at 970/1000/1008 and 1306 Loren Avenue; 1141 Benjamin Avenue and 1313 Lewis Drive. She stated that the applicant desires to add these properties into the Ravaudage Planned Development (PD) and have applied for similar Planned Development FLU and PD-2 Zoning. All the surrounding properties owned by Benjamin Partners have Planned Development FLU designations and Planned Development (PD) zoning based on the Orange County BCC approvals of May 24, 2011. The annexation agreement with Ravaudage commits the City to honor and abide by those Orange County FLU and Zoning regulations. These Ordinances would do the same. This action does not increase the entitlements for the Ravaudage PD, but does allow more opportunity to fulfill those by adding more land and filling in out-parcels. Staff recommendation is for approval. Mrs. Stone responded to Board member questions and concerns.

Dan Bellows, 411 West New England Avenue, represented Benjamin Partners, Ltd. He explained Benjamin Partners is representing 1306 Loren Avenue, 1313 Lewis Drive and 1141 Benjamin Avenue to come into the PD. The Sydgan Corp. as an agent to Bubbalou's Inc. is requesting 970, 1000, and 1008 Loren Avenue to come into the PD. He noted that the appropriate authorization forms and other materials have been submitted to city staff. He provided clarity on concerns relating to the terms of the pre-annexation agreement. City Attorney Katie Reischmann responded that the City has statutory distinction. The applicant indicated is agreement with her comments. He responded to Board member questions and concerns.

Sam Meiner, 6319 Gibson Drive, Orlando, addressed the Board. He said that he and his wife are 22 ½ % owners of Bubbalou's Inc., (1302 Orange Avenue and also 1471 Lee Road). He stated that there are three properties where the ownership is in question. He provided the Board members further insight of his position on the ownership issue, and requested that the Board table the items and take no action until that is resolved. Chairman Johnston stated that this issue is a separate private matter and does not come under the jurisdiction of this Board. City Attorney Katie explained that the application complies with city code.

No one else wished to speak concerning the issue. Public comment portion closed.

Motion made by Mr. Sacha, seconded by Mr. Weldon to approve the comprehensive plan future land use map amendment for properties located at 970/1000/1008 Loren Avenue, 1141 Benjamin Avenue and 1313 Lewis Drive in conjunction within the Ravaudage PD. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Weldon to approve the official zoning map to establish PD-2 zoning on properties located at 970/1000/1008 Loren Avenue, 1141 Benjamin Avenue and 1313 Lewis Drive in conjunction within the Ravaudage PD. 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", ARTICLE I "COMPREHENSIVE PLAN" BY AMENDING THE GOALS, OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE ELEMENT RELATED TO THE PLANNED DEVELOPMENT FUTURE LAND USE DESIGNATIONS; COMBINING THE PD-1 AND PD-2 FUTURE LAND USE DESIGNATIONS, DELETING THE MAPS INDICATING THE CANDIDATE AREAS FOR PLANNED DEVELOPMENT FUTURE LAND USE AND DELETING THE PARAMETERS FOR THE CREATION AND ESTABLISHMENT OF PLANNED DEVELOPMENT ZONING DISTRICTS AND OTHER POLICY TEXT RELATING TO PLANNED DEVELOPMENT FUTURE LAND USE.

Planning & Community Development Director Dori Stone presented the staff report. She explained that one of the recommendations from the WRT study of the Comprehensive Plan was to combine the two Planned Development land use designations and to remove the development standards and other limitations that restricted the use of Planned Development future land use within the City. The policy changes are as follows:

1. Combines the PD-1 and PD-2 future land use designations into one PD future land use category.
2. Eliminates the four PD candidate area maps but maintains the geographic restriction to locations adjacent to four lane roadways such as Lee Road, Fairbanks Avenue, Orange Avenue, Denning Drive and Aloma Avenue and maintains that PD future land use is not intended or permitted for use within the Central Business District or the downtown core bounded by Fairbanks, Interlachen, Webster and Pennsylvania Avenues.
3. Removes parking garage FAR from the FAR calculations.
4. Eliminates the development standards text such as minimum and maximum parcel size, the lot coverage, setbacks, green space minimums, etc.
5. Eliminates the direction as to the establishment of PD Zoning districts as these have already been adopted.

Staff recommended approval of the request. Mrs. Stone responded to Board member questions and concerns.

No one wished to speak concerning the request. Public hearing closed.

Motion made by Mr. Weldon, seconded by Mr. Sacha to approve the amendments to the PD ordinance as recommended by staff. 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; ARTICLE I "COMPREHENSIVE PLAN" BY AMENDING THE GOALS, OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE ELEMENT RELATED TO THE MAXIMUM BUILDING HEIGHT WITHIN THE CENTRAL BUSINESS DISTRICT FUTURE LAND USE DESIGNATION.

Planning and Community Development Director Dori Stone presented the staff report. She explained that one of the recommendations from the WRT study of the Comprehensive Plan was to eliminate internal conflicts

between the Comprehensive Plan and the Land Development Code (Zoning Code) with respect to building heights. The one place that this conflict exists is within the Comprehensive Plan policies regarding building height within the Central Business District (CBD). The conflict is that the Comprehensive Plan establishes a fixed 30-foot maximum building height for two story buildings and a fixed 40 foot maximum building height for three story buildings within the CBD. The Comprehensive Plan does not provide within the definition of a "variance" any provision for approval of any additional height. However, in the Zoning Code, while the same 30 and 40 foot dimensions are established for two and three story buildings in the CBD, the Land Development Code allows for an exception or variance by the City Commission to permit up to five additional feet in building height. So the Land Development Code allows one to request a 35-foot tall, two-story building or a 45 foot tall, three-story building in the CBD, but the Comprehensive Plan prohibits it. The proposed Ordinance resolves those conflicts. It lets the Comprehensive Plan establish policy and the Land Development Code establish the maximum height standards. The attached pages show the Comp. Plan policies affected; the definition of a variance from the Comprehensive Plan and the Land Development Code provisions. Staff recommended approval of the request. Mrs. Stone responded to Board member questions and concerns.

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

Motion made by Mr. Sacha, seconded by Mr. Weldon to approve the proposed ordinance amending the building heights within the Central Business District. 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; ARTICLE I "COMPREHENSIVE PLAN" BY AMENDING THE GOALS, OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE ELEMENT RELATED TO REPEALING THE REQUIREMENT FOR A SUPERMAJORITY VOTE OF THE CITY COMMISSION TO APPROVE CERTAIN CONDITIONAL USES.

Planning and Community Development Director Dori Stone presented the staff report. She explained that this Comprehensive Plan amendment proposal from the planning staff seeks to achieve consistency in the approval of both Ordinances and Conditional Uses by removing three Policies in the Comprehensive Plan which impose the supermajority requirement for the approval of certain Conditional Uses. She explained that the City Attorney, Larry Brown, has previously prepared a legal opinion indicating that the City Charter sets forth that all Ordinances are adopted by the affirmative vote of a majority of the City Commission. As such, the Code sections that required either four votes or a supermajority of the City Commission to adopt an "Ordinance" were in conflict with the City Charter. As a result, in April, 2013 the City Commission adopted Ordinance 2909-13 which repealed the Policies in the Comprehensive Plan to remedy and remove those conflicts that required supermajority vote requirements needed for the adoption of Ordinances. At that time it was made clear that this conflict with City Charter only related to the adoption of Ordinances. There are other Policies of our Comprehensive Plan that require a supermajority for the adoption of certain types of conditional uses. The intent of the planning staff at this time is to achieve consistency of majority rule by also changing the Policies of the Comprehensive Plan which require supermajorities for the approval of certain Conditional Uses.

Mrs. Stone explained that there are two types of Conditional Uses which require a supermajority vote for approval:

1. Construction within the stream floodways and floodplains of the City. This relates to the two stream floodplain areas between Lake Sue and Lake Virginia and the north of Lake Maitland. This was put into the Zoning Code originally in the late 1980's due to the environmental sensitivity of construction within these stream floodplain areas. So when the current Comprehensive Plan was put together, this Policy reflected what already existed within the Zoning Code.
2. Construction of three story buildings within the Central Business District. Again due to the sensitivity of these projects to the character and ambiance of the CBD-Park Avenue area, this Policy and the companion zoning requirement came about with adoption of Comprehensive Plan in 2009. Staff recommended approval in order to achieve consistency in land development approvals. Mrs. Stone responded to Board member questions and concerns.

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

Motion made by Mr. Sacha, seconded by Mrs. De Ciccio to approve the proposed ordinance repealing the requirement for a supermajority vote of the city commission to approve certain conditional uses. Motion carried unanimously with a 7-0 vote.

NEW BUSINESS:

Date of Next Regular Meeting: Tuesday, May 6, 2014 @ 6:00 p.m.

Date of Next Work Session Meeting: Tuesday, April 29, 2014 at 12:00 Noon.

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

Respectfully submitted,

Lisa M. Smith
Recording Secretary