



**CITY OF WINTER PARK
Planning & Zoning Board**

**Regular Meeting
City Hall, Commission Chambers**

**August 5, 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, Peter Gottfried, Shelia De Ciccio, Tom Sacha, Robert Hahn and Ross Johnston. Absent: Randall Slocum and Peter Weldon. Staff: Planning Manager, Jeff Briggs and Recording Secretary Lisa Smith.

Approval of minutes – July 2, 2014

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the July 2, 2014, meeting minutes. Motion carried unanimously with a 6-0 vote.

PUBLIC HEARINGS

REQUEST OF FATIGATI ENTERPRISES FOR: SUBDIVISION OR LOT SPLIT APPROVAL TO SPLIT THE PROPERTY AT 2525 TEMPLE DRIVE INTO TWO SINGLE FAMILY LOTS. EACH LOT WOULD BE APPROXIMATELY 1.25 ACRES IN SIZE WITH 160 FEET OF FRONTAGE ON TEMPLE DRIVE, ZONED R-1AA. NO VARIANCES ARE REQUESTED.

Planning Manager Jeff Briggs presented the staff report and explained that the applicant, Fatigati Enterprises has a contract to purchase the property at 2525 Temple Drive and is requesting subdivision or lot split approval to divide the property into two lots. He said that no variances are requested since the proposed lot dimensions meet the R-1AA zoning standards, subdivision code requirements, and comprehensive plan policies. This is a 2.25 acre property and the two proposed lots will be approximately 1.12 acres in size with 160 feet of lot width or frontage. They far exceed the R-1AA lot minimums of 100 feet of frontage and 10,000 square feet of lot area, and importantly meet the Comprehensive Plan estate lot criteria, which is the limiting factor for this property. He reviewed the Comprehensive Plan policy criteria for “estate” lots and subdividing estate lots.

He explained that the applicant has not submitted development plans (house plans), but due to the lakefront location, the Planning Board will see those plans on a future agenda pursuant to the lakefront review authority in the zoning code. He noted that there are some very large live oak trees on this property. By dividing this property into just two lots there will be opportunities to design the homes to preserve the live oak trees that are a major selling point for this property. He summarized by stating that the request meets all the Comprehensive Plan, Subdivision and Zoning Code requirements for lot sizes and no variances are requested. Unlike our other rezoning and conditional use requests where there is often some discretion by the City based on context and compatibility, the case law with subdivision requests is that when a property meets the Code, they are entitled to an approval. Staff recommended approval of the request. Mr. Briggs responded to Board member questions and concerns.

Eric Kovar, represented the applicant, stated that they are appreciative of the positive recommendation from staff. He said that they have tried to honor the regulations in the Land Development Code and also that they are requesting no variances. He responded to Board member questions and concerns. No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

The Board members agreed that since the request meets all Comprehensive Plan, Zoning and Subdivision Code regulations and there are no variances the application was in full compliance with the City's regulations. The board confirmed that notices were sent to neighbors and noted no opposition to the request.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the request to subdivide the subject property into two single-family lots. Motion carried unanimously with a 6-0 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 III, "ZONING" AMENDING SECTION 58-71 "GENERAL PROVISIONS FOR RESIDENTIAL ZONING DISTRICTS SO AS TO ESTABLISH REAR AND FRONT SETBACKS FOR SINGLE FAMILY RESIDENTIAL PROPERTIES WITH SHALLOW LOT DEPTHS, SECTION 58-67 "LOW DENSITY RESIDENTIAL (R-2) DISTRICT" TO CORRECT A SINGLE FAMILY DWELLING COVERAGE ERROR AND MODIFY CERTAIN MISCELLANEOUS RESIDENTIAL PROVISIONS IN SECTIONS 58-65 & 58-66; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Building Official George Wiggins presented this item to the Board. He explained that the proposed ordinance provides appropriate rear and front setbacks to single family residential lots that are unusually shallow in depth. He presented examples of neighbors that contain such lots. He said that four other minor items are addressed to clarify and refine single family zoning rules for garages and articulation, elimination of an unneeded deed restriction requirement and correction of an error in the R-2 zoning district. Mr. Wiggins reviewed the proposed changes to the regulations in-depth, and responded to Board member questions and concerns. Staff recommended approval of the proposed changes.

Jim Lucia, 1218 Alabama Drive, (architect) spoke concerning the proposed changes. He said that he feels that they a good balance of scale, proportion and use of material. No one else wished to speak concerning the item. He thanked the City and Mr. Wiggins for involving local architects and builders every time a single family zoning change is proposed. Public Hearing closed.

Mr. Hahn stated that he fully supports what has been proposed and that staff has done a good job with the language clean-up. There was consensus from the other Board members of approval.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the proposed changes to Section 58-65, 58-66, 58-67 and 58-71 of the Land Development Code. Motion carried unanimously with a 6-0 vote.

SITE PLAN REVIEWS:

SPR 3:14 – REQUEST OF M/M BILL BRYAN FOR: APPROVAL OF A NEW TWO-STORY SINGLE-FAMILY HOME LOCATED AT 53 PALMER AVENUE ON LAKE MAITLAND

Planning Manager Jeffrey Briggs presented the staff report. He explained that applicants, Mr./Mrs. Bill Bryan via Gary Hancock, Architect - Winter Park Design and Paul Verlander, Landscape Architect are requesting approval for a new two-story single-family home at 53 Palmer Avenue on Lake Maitland. This 37,527 sq. ft. lot had an existing home which has been removed for this new project. The new proposed two-story home will be 8,080 sq. ft. which on this lot is a FAR of 21.5% within the allotted base 33% FAR. This new home will have impervious lot coverage of 15,230 sq. ft. or 40.5% within the maximum 50%. He reviewed the issues of tree preservation, view from the lake and view of neighbors, and storm water retention. He reviewed the applicants request for a swimming pool deck variance more in detail. He explained that the major design issue is the conflict or variance to the Zoning Code requirement as to the height of the swimming pool deck. He reviewed the Zoning Code in this regard. Mr. Briggs stated that the application has the swimming pool deck that is 9 to

10 feet above existing grade. So the swimming pool deck is 9-10 feet higher than the lakefront yard and 9-10 feet higher than the yards of the adjacent properties.

From staff's perspective, the variance for the swimming pool deck, 10 feet above grade is far too large a variance for the staff to support and staff believes that it will be precedent setting. Every other future property owner can cite the same rationale, "I have a steep grade and I don't want steps", so it will be unfair to deny others. Staff presented two scenarios for the Board. Mr. Briggs stated that staff recommendation is for denial but if the Board chooses to approve then he recommended adding the condition below:

1. Revisions to the storm water retention plan per staff's comments deemed sufficient by the City to minimize damage to the lakefront cypress trees and pine tree.

He explained that the other alternative is for approval subject to:

1. Revisions to the storm water retention plan per staff's comments deemed sufficient by the City to minimize damage to the lakefront cypress trees and pine tree, and
2. Revision to reduce the lakefront terrace/swimming pool deck to elevation 76 feet. (six feet above existing grade)

Mr. Briggs responded to Board member questions and concerns.

Paul Verlander, Verlander Landscape Architecture, 706 Turnbull Lane, represented the applicants. He reviewed the dynamics of the subject property in order to assist the Board gain a better understanding. He reviewed the elevation of the previous home and the challenges presented with the natural grade changes. He also discussed storm water and tree preservation. Mr. Verlander responded to Board member questions and concerns.

The applicant, Bill Bryan, also spoke concerning the request. He responded to Board member questions and concerns. No one else wished to speak concerning the request. Public Hearing closed.

The Board members discussed this issue at length. They expressed major concerns with the height of the pool deck both from the perspective of the lakeside as well as the impact on the privacy of the neighbors. Mr. Sacha and Mr. Gottfried confirmed that the swimming pool would be several feet above the height of the neighbor's swimming pool decks and voiced concerns about the impact on privacy. Mr. R. Johnston expressed his objection to the impact of the lake view. After considerable discussion of the details of the request and alternative remedies, the Board members agreed upon the following action.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the request with the alternative conditions proposed by staff:

1. **Revisions to the storm water retention plan per staff's comments deemed sufficient by the City to minimize damage to the lakefront cypress trees and pine tree, and**
2. **Revision to reduce the lakefront terrace/swimming pool deck to elevation 76 feet. (six feet above existing grade)**

Motion carried unanimously with a 6-0 vote.

NEW BUSINESS:

There were no items of new business.

Date of Next Regular Meeting: Tuesday, September 2, 2014 @ 6:00 p.m.

Date of Next Work Session Meeting: Tuesday, 26, 2014 at 12:00 Noon.

There was no further business. Meeting adjourned at 7:30 p.m.

Respectfully submitted,

Lisa M. Smith
Recording Secretary