



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

**Regular Meeting
City Hall, Commission Chambers**

**May 5, 2015
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, Vice-Chairman Peter Gottfried, Tom Sacha, Shelia De Ciccio, Randall Slocum, Ross Johnston and Peter Weldon and Robert Hahn. Staff: Planning Manager, Jeff Briggs, and Recording Secretary Lisa Smith.

Approval of minutes – April 7, 2015

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the April 7, 2015, meeting minutes. Motion carried unanimously with a 7-0 vote.

PUBLIC HEARINGS

REQUEST OF PHILIP KEAN FOR: SUBDIVISION OR LOT SPLIT APPROVAL TO DIVIDE THE PROPERTY AT 456 WEST LYMAN AVENUE INTO TWO BUILDABLE LOTS, EACH WITH 50 FEET OF LOT WIDTH AND 3,750 SQUARE FEET OF LOT AREA. SUBDIVISION VARIANCES ARE REQUESTED FOR THE 50 FOOT LOT WIDTH AND 3,750 SQUARE FEET OF LOT AREA IN LIEU OF THE 75 FEET OF LOT WIDTH AND 8,500 SQUARE FEET OF LOT AREA REQUIRED IN THE R-1A ZONING.

Planning Manager Jeffrey Briggs gave the staff report and explained that Phil Kean, is requesting subdivision or lot split approval to divide the property at 456 West Lyman Avenue into two single family lots. The zoning is R-1A. The property now holds one single family home, which is to be demolished. He reviewed the provisions of the Zoning and Comprehensive Plan Tests as relates to lot split review and approval. He reviewed the subject lots and compatibility with the surrounding neighborhood, the applicant's plan to redevelop, the requested variances, setbacks and impervious coverage. He also discussed the special Zoning Code for setbacks established for one-story homes. He said that this was put in place several years ago for hardships with shallow lots just such as these.

Mr. Briggs summarized by stating that from the staff's perspective, the lot width and size variances are reasonable given that 80% of the homes in this immediate neighborhood area are on 50 foot wide lots. The City has seen very nice new homes constructed on such small lots as these requested within those blocks in the area between Denning; New England; Capen and Lyman. At one-story as required by this Code provision the new homes would be compatible with the street character. Staff recommended approval of the request subject to the one-story plan proposal. Mr. Briggs responded to Board member questions and concerns.

Phil Kean, 229 Alexander Place, provided an overview of his request with a 3-D fly-a-round. He agreed with the staff recommendation. Mr. Kean 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 discussed the request and agreed that the dominant characteristic of this immediate neighborhood was of small homes on 50 foot wide lots. The Board asked Mr. Kean whether he preferred the one-story or two-story plan. Mr. Kean stated that he likes both but understood that the one-story version would be more compatible with the neighborhood and it also benefits him by making the living area more usable versus the loss to stairways. Mr. Johnston noted that in this case the staff is relying upon the "median" approach to compatibility of lot sizes which will also be important in the next public hearing.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to grant subdivision or lot split approval to divide the property at 456 West Lyman Avenue into two buildable lots, each with variances for 50 feet of lot width and 3,750 square feet of lot area, subject to the condition that development be limited to the one-story proposal per the setbacks indicated, as recommended by staff.

Motion carried unanimously, by a 7-0 vote.

REQUEST OF ADAM BERT & TODD ALBERT FOR: SUBDIVISION OR LOT SPLIT APPROVAL TO DIVIDE THE PROPERTY AT 500 FAIRFAX AVENUE INTO TWO BUILDABLE LOTS, EACH WITH 50 FEET OF LOT WIDTH AND 12,500 SQUARE FEET OF LOT AREA. SUBDIVISION VARIANCES ARE REQUESTED FOR THE 50 FOOT LOT WIDTH IN LIEU OF THE 100 FEET OF LOT WIDTH REQUIRED IN THE R-1AA ZONING.

Planning Manager Jeffrey Briggs presented the staff report and explained that the applicants, Adam Bert & Todd Albert are requesting subdivision or lot split approval to divide the property at 500 Fairfax Avenue into two single family lots. The zoning is R-1AA. The property now holds one single family home. Variances are requested for each lot to be 50 feet in width in lieu of the minimum 100 feet of lot width requirement. He reviewed the provisions of the Zoning and Comprehensive Plan Tests as relates to lot split review and approval. He reviewed the subject lots and compatibility with the surrounding neighborhood, the applicant's plan to redevelop, the requested variances, setbacks and impervious coverage. He added that each proposed building lot in this request is approximately 50 feet wide and have lot areas of 12,500 square feet. The R-1AA minimum lot sizes (for new lots) are 100 feet of lot width and 10,000 square feet of lot area. Thus, variances are needed for the two lots at 50 feet in width.

Mr. Briggs summarized by stating that based on the strict application of the Code and the traditional method of using the 500 foot radius for Comprehensive Plan comparison purposes, this subdivision request does not conform to the Zoning Test (it needs variances) or the Comprehensive Plan Test of the neighborhood comparison (based on average and median lot sizes). Using the "median" method, there are 22 properties on Fairfax and Richmond Road (71%) that are 50-53 feet wide and the median lot width is 50 feet. However, adding in the 11 larger homes in the Bonnie Burn Circle neighborhood raises the median lot width to 62.4 feet. All 8 other homes on the south side of Fairfax Avenue are on 50 foot lots. However, while the P&Z Board has the factual justification for denial based on those requirements, the P&Z Board can also recognize and acknowledge that these two proposed lots are the same size (50 feet wide) as the 8 adjoining neighbors and that a "comparison" per the Comp. Plan could be based on the 71% of the lots within the immediate area are 50-53 feet wide (discounting the Bonnie Burn lots). While the P&Z Board has some latitude in the perspective on this request, the planning staff felt compelled to recognize the zoning variances and that the traditional method of doing neighborhood comparison by full 500 foot radius method does not support the request. Staff recommended denial. Mr. Briggs responded to Board member questions and concerns.

Adam Bert, 500 Fairfax Avenue, presented his case to subdivide the subject property. He stated that his original plan was to renovate the existing home, but has since discovered that is not feasible. He explained his requested variance and stated that his request meets all setback requirements for the two new homes. He stated that he understood that given the stream-front location, the actual plans must come back to P&Z for approval. He presented a petition with neighbor signatures in support of his request.

Kathryn Campbell, 1351 Richmond Road, spoke in opposition to the request. She stated that she is concerned with the diminished lake access at College Point. She said that she feels that if the lot split is approved, that dilutes the surrounding neighbor's ownership of the lake lot.

Mike Langley, 1169 Lakeshore Drive, Clermont, represented his mother Marilyn Langley who lives next door (to the east) at 534/536 Fairfax Avenue. His mother is very concerned with the loss of privacy, the reduced setbacks, parking and loss of aesthetics that would result from an approval. He indicated that if the property is maintained at 100 feet wide, the side setback is 13-15 feet and if approved to be 50 feet then the side setback reduces to 7.5 feet. He expressed having a new large house 6-8 feet closer that is permitted now and to have that happen by variance is not fair to his mother and diminishes her property value.

Al Cooper, architect for the applicant, spoke concerning the concept plans that had been prepared for P&Z.

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

The Board members discussed the request. Mr. J. Johnston stated that he does not have a problem with the request and feels that smaller homes are a better fit with the surrounding neighborhood and fit into the existing character of the immediate area. He pointed out that the previous request which was approved by the Board needed variances for both the width and total area of the lot and this applicant is requesting a variance for only the width. Mr. Hahn stated that he agrees the comments made by Mr. J. Johnston and the applicant's architect to keep the focus on the lots on Fairfax Avenue. Mr. Weldon stated that he did not support the request. He expressed concern with the impact on the neighbor that narrower setbacks would have on adjacent neighbor's property. He generally agreed with the statements of Messrs. Johnston and Hahn, but wanted to see a different plan for this property split, as a flag lot which would maintain the existing setbacks for a 100 foot wide property. Mr. Gottfried stated the he supported the request and felt that the immediate neighborhood and not the homes across the creek on Bonnie Burn Circle should be the guide. He did not feel that it was a flag lot situation. Mrs. De Ciccio, R. Johnston and Sacha spoke that they also supported the request.

Motion made by Mr. J. Johnston, seconded by Mr. Sacha to approve the request to grant subdivision or lot split approval to divide the property at 500 Fairfax Avenue into two buildable lots with variances for the 50 foot lot width in lieu of the 100 feet of lot width required in the R-1AA zoning.

The motion was approved by a 6-1 vote with Mr. Weldon voting against the motion to approve.

REQUEST OF THE WINTER PARK RACQUET CLUB INC. TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM SINGLE FAMILY RESIDENTIAL TO OPEN SPACE AND RECREATION DESIGNATION ON THE PROPERTY AT 2011 VIA TUSCANY.

REQUEST OF WINTER PARK RACQUET CLUB INC. TO: AMEND THE OFFICIAL ZONING MAP TO CHANGE FROM SINGLE FAMILY (R-1AA) DISTRICT ZONING TO PARKS AND RECREATION (PR) DISTRICT ZONING ON THE PROPERTY AT 2011 VIA TUSCANY.

REQUEST OF WINTER PARK RACQUET CLUB INC. FOR: CONDITIONAL USE APPROVAL TO AMEND THE SITE PLAN LAYOUT FOR THE RACQUET CLUB TO ADD THE PROPERTY AT 2111 VIA TUSCANY, ELIMINATE THE NORTH DRIVEWAY AND MAKE OTHER SITE MODIFICATIONS.

Planning Manager Jeffrey Briggs presented the staff report and explained that the Winter Park Racquet Club at 2111 Via Tuscany has a contract to purchase the adjacent single family home at 2011 Via Tuscany. The 2011 Via Tuscany property is designated Single Family in the Comprehensive Plan and zoned R-1AA. The Racquet Club is asking for the Comprehensive Plan change from Single Family to Open Space and Recreation and for the Zoning change from Single Family (R-1A) to Parks and Recreation (PR) for the property so that they may use the property as part of the Club's activities.

This acquisition is beneficial to the Racquet Club for as number of reasons:

1. Acquiring the 2011 Via Tuscany property 'squares off' the Racquet Club property. Actually the north 30 feet of that property is an easement for the driveway of the Racquet Club.
2. Acquiring the 2011 Via Tuscany property allow the Club to widen the south entrance road/driveway for two-way traffic flow. That then permits eliminating the "north" driveway. The attached plan shows how that area can be improved with more green space, outdoor patio and pedestrian/bike path. It also removes the traffic impacts (noise/head lights) onto those adjacent residential neighbors to the north.
3. Acquiring the 2011 Via Tuscany property allow the existing house to be converted for Club purposes such as administrative office space, an expanded tennis pro shop and for storage.

Mr. Briggs reviewed the Conditional Use component of this request. It contemplates the elimination of the driveway on the north side of the tennis courts, a new patio area, and pedestrian/bike path in that area. It also contemplates a full sized regulation tennis court to be built up in the front where the City had previously approved an undersized new tennis court.

Mr. Briggs explained that any proposed uses of the 2011 Via Tuscany property are conceptual at this point. This approval would allow the City to permit interior renovations to the home for use by the Racquet Club and for the connection of the two properties for circulation. However, if there are major changes to the building (additions over 500 square feet) or major changes to the site layout (such as parking in the front yard) then those would require a future conditional use review/approval at subsequent public hearings. Given that there are adequate protections for the neighbors from the City approval processes, this property acquisition will not provide for something unforeseen that could be a nuisance for the neighbors. He noted that as a point of information, the Winter Park Racquet Club is not a tax exempt entity. They pay property taxes on their current properties and thus would continue to pay property taxes on this newly acquired property.

Mr. Briggs summarized by stating that the Winter Park Racquet Club has voluntarily made several very significant safety, aesthetic and environmental improvement to their properties in recent years. The parking and driveways have been redone to add extra parking spaces and improved vehicle safety. New sidewalk/bike paths have been added to increase pedestrian safety. New storm water retention areas have been added and underground clay separators have been installed to improve the quantity and quality of the drainage systems. This acquisition of the property at 2011 Via Tuscany continues that program by improving traffic safety (two-way drive) and squaring off the Club's boundaries. It does not represent an increase in the number of activities or traffic to/from the Racquet Club. Staff recommended approval of the request. Mr. Briggs responded to Board member questions and concerns.

Mr. Gottfried disclosed that he is a member of the Racquet Club. He explained that he has spoken to the City Attorney and there is no conflict that prohibits him from voting on or participating in the discussion of this item.

John Gigliotti, 2233 Azalea Place, represented the Racquet Club. He explained that he is a neighbor, member and also serves on Club's the long range planning committee. He stated that there have been improvements to storm water, parking lot and landscaping. He noted that they have been working with the Sutton's in an effort to traffic calm their ingress/egress to their driveway. He said that redevelopment will be conforming to the existing single family neighborhood. Mr. Gigliotti responded to Board member questions and concerns.

Charlie Madden, Madden Engineering, spoke regarding Board member concerns with regard to the location and configuration of the boat ramp. He also explained the improvements that have been made at the racquet Club for storm water drainage including the clay separators and increased retention areas.

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

The P&Z Board agreed that the addition of this property can be done without impact upon the neighbors and that the City conditional use requirements would apply if anything major is done to the acquired property.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the request to amend the "Comprehensive Plan" Future Land Use Map to change from single family residential to open space and recreation designation on the property at 2011 Via Tuscany.

Motion carried unanimously by a 7-0 vote.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the request to amend the official zoning map to change from single family (R-1AA) district zoning to parks and recreation (PR) district zoning on the property at 2011 Via Tuscany.

Motion carried unanimously by a 7-0 vote.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the request for a Conditional Use to amend the site plan layout for the Racquet Club to add the property at 2111 Via Tuscany, eliminate the north driveway and make other site modifications.

Motion carried unanimously by a 7-0 vote.

REQUEST OF ICON RESIDENTIAL FOR: CONDITIONAL USE APPROVAL TO REDEVELOP THE 3.45 ACRES OF PROPERTIES COLLECTIVELY REFERRED TO AS 1800 LEE ROAD, INCLUDING THE TAX PARCELS OF 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 LEE ROAD FOR A 30 UNIT TOWNHOUSE DEVELOPMENT (CLUSTER HOUSING), ON THESE PROPERTIES ZONED R-2.

Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing involves the request of Icon Residential for the redevelopment of the properties collectively referred to as the 1800 Lee Road property that are all in the same ownership but which have separate property addresses of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road. All of the properties have a Low Density Residential future land use designation in the Comprehensive Plan and are zoned Low Density Residential (R-2). The request is to for Conditional Use approval under the R-2 provision for Cluster Housing to redevelop the properties with 30, two-story townhouses. There are currently eight one-story duplexes on this property (16 units) which will be demolished to make way for this redevelopment. Project Site is 3.45 acres. Mr. Briggs discussed the R-2 zoning requirements and the proposed dimensions of this project, preliminary and final Conditional Use approvals, history of the Property, compatibility with adjacent properties, traffic/mobility impacts and detailed the current redevelopment proposed by the applicant. The proposed redevelopment consists of approximately 82,000 square feet of total residential buildings which yield townhouse units of an average size of 2,733 square feet inclusive of a two car garage for each unit. Mr. Briggs briefly touched on the concerns and comments received from other departments.

Mr. Briggs concluded by stating that the staff recognizes that in 2007 the City approved a redevelopment plan for this property with a similar concept (two-story townhouses) and density (27 units). This location is on a four lane arterial State Highway (Lee Road) with 35,500 cars/day and sits in between two office buildings. The one negative impact is that the storm water exfiltration design is causing the loss of many significant oak trees. Overall, the applicant has provided a plan that meets the requirements of the Comprehensive Plan and Land Development Code. The only items to define further are the boat docks/gazebo and exterior wall design. After significant review, staff has analyzed the Conditional Use and is recommending approval subject to the following special conditions:

1. The Icon Residential project entitlements comprise 30 residential two-story townhouses of approximately 82,000 total square feet which may be sold as fee simple units subject to the City's review and approval of the re-plat, covenants/restrictions and HOA documents by staff and city attorney.
2. The final number, location and design of the docks and gazebos shall be reviewed and approved by the Planning & Zoning Board but may not exceed accommodations for more than 10 boats/jet skis and the re-plat covenants/restrictions and HOA documents shall reflect this restriction.
3. The final design of the privacy wall along Lee Road shall be reviewed and approved by the Planning & Zoning Board.

Mr. Briggs responded to Board member questions and concerns.

Brian Kiraly, 2190 South Belcher Road, Largo, represented Icon Residential. He stated that the applicant agrees with the staff report and the conditions as presented by Mr. Briggs. He further discussed parking, architectural details, ingress/egress. He confirmed that the applicant will build a private lift station for this project. Mr. Kiraly and Mr. Ryan Studzinski of Icon Residential responded to Board member questions and concerns.

The following people addressed the Board concerning the request: Bob Maska, 1820 Lee Road; Paul Gauding, 1121 Park Green Place; Bee Epley, 151 North Orlando Avenue; Linda Young, 1808 Lee Road; Karen Gray, 1832 Lee Road; Resident of 1814 Lee Road; Perry Pryor, 1830 Lee Road. The existing residents within the properties that spoke expressed concern about the impact on the existing cove, additional boat docks, the proposed height of the townhomes, traffic on Lee Road, the loss of trees, and the impact that the redevelopment would have on the existing wildlife. The residents that reside at the property currently expressed frustration over the upkeep of the property, their displacement and expressed frustration that no one from the ownership, management or prospective buyers would talk to them or provide them any information for them to plan for the future.

No one else wished to speak. Public Hearing closed.

The Planning Board members expressed sympathy to the residents that no one on the ownership or development side had made any effort to provide information regarding their future. However, the Chairman noted that a lease agreement provides rights and privileges to the tenants but also provides the opportunity for the owners to redevelop their property at the end of the lease periods. The role of the P&Z Board then is limited to review of those prospective plans if the ownership decides to redevelop.

The Board members noted that the redevelopment plans were in conformance with the R-2 code regulations and no variances were requested. Mr. Gottfried added that the St. Johns WMD reviews the storm water system and impacts upon wetlands and thereby impacts on wildlife. The Board agreed that the items to return for further review were important for the ecology of the lake and for the aesthetics of project.

Motion made by Mr. Weldon, seconded by Mr. Gottfried to grant conditional use approval to redevelop the 3.45 acres of properties collectively referred to as 1800 Lee Road, including the tax parcels of 1746/1800/1802/1806/1810/1814/1818/1824/1828/1832 Lee Road for a 30 unit townhouse development (cluster housing), on these properties zoned R-2 subject to the following conditions requested by staff:

- 1. The Icon Residential project entitlements comprise 30 residential two-story townhouses of approximately 82,000 total square feet which may be sold as fee simple units subject to the City's review and approval of the re-plat, covenants/restrictions and HOA documents by staff and city attorney.**
- 2. The final number, location and design of the docks and gazebos shall be reviewed and approved by the Planning & Zoning Board but may not exceed accommodations for more than 10 boats/jet skis and the re-plat covenants/restrictions and HOA documents shall reflect this restriction.**
- 3. The final design of the privacy wall along Lee Road shall be reviewed and approved by the Planning & Zoning Board.**

Motion carried unanimously by a 7-0 vote.

**REQUEST OF SEBAALI/HERRERA FOR: CONSTRUCTION OF NEW A RESIDENCE AT
1205 VIA DEL MAR ON LAKE TUSCANY**

Planning Manager Jeffrey Briggs presented the staff report. He explained that Mr. Sam Sebaali & Ms. Clara Herrera (owners), are requesting approval for a new two-story single-family home at 1205 Via Del Mar on Lake Tuscany. The existing home will be removed for this new project. He stated that the new proposed two-story home with walkout basement on the lakeside will be 5,075 square feet, not including the 1,852 square foot basement, which does not count in the FAR. Mr. Briggs reviewed the issues of FAR, setbacks, tree preservation, view from the lake, view of the neighbors, and storm water retention. Staff recommended approval of the request.

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

Motion made by Mr. Sacha, seconded by Mrs. De Ceccio to approve the construction of a new residence at 1205 Via Del Mar. Motion carried unanimously.

NEW BUSINESS:

Date of Next Regular Meeting: Tuesday, June 2, 2015 at 6:00 p.m.

Date of Next Work Session Meeting: T.B.D.

There was no further business. Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Lisa M. Smith
Recording Secretary