



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

**Regular Meeting
City Hall, Commission Chambers**

**September 1, 2015
6:00 p.m.**

MINUTES

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

Planning & Community Development Director, Dori Stone spoke of the need to schedule upcoming work sessions with the Board members to discuss the amendments to the Historic Preservation Ordinance and the Orlando Avenue Design standards. She stated that since both issues are of equal importance and will require time for discussion, she proposed two work sessions for September 22nd and September 29th. Consensus of the Board members was to move forward in scheduling those workshops.

Approval of minutes – August 4, 2015

**Motion made by Mr. Sacha, seconded by Mr. Slocum to approve the July 7, 2015, meeting minutes.
Motion carried unanimously with a 6-0 vote.**

PUBLIC HEARINGS

REQUEST OF UNICORP NATIONAL DEVELOPMENTS, INC. TO: AMEND AND PROVIDE FOR FINAL CONDITIONAL USE APPROVAL FOR THE LAKESIDE CROSSING REDEVELOPMENT OF THE FORMER MT. VERNON INN PROPERTY IN ORDER TO ALLOW AN INCREASE IN THE SIZE OF THE PARKING GARAGE BY APPROXIMATELY 75 SPACES FROM A TWO AND A HALF LEVEL STRUCTURE TO A THREE LEVEL STRUCTURE ON THE PROPERTY AT 110 S. ORLANDO AVENUE.

Chair J. Johnston and R. Slocum announced that their firms have done work for Unicorp National Developments, Inc. and will not participate in the discussion or vote on the item. Both completed Form 8B, Memorandum of Voting Conflict, and that is included as a part of these minutes

Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing is the request by Unicorp National Developments, Inc. for their "final" amended Conditional Use approval for the expanded three level parking garage of 276 spaces. Mr. Briggs provided a brief overview of the history of the request; the approval process to date; the new plan submittals including the parking garage design; the landscape plan and the requested parking variance. He stated that the applicant is also requesting approval of a parking variance or exception for 3 spaces to allow "Smile Dental" to lease 3,000 square feet of the 16,800 square feet of retail space within this project. Mr. Briggs then described the changes that had been made to the parking garage design in concert with the City's new parking garage design guidelines. He stated that other than two small items included as conditions of approval, this parking garage conforms to the guidelines and is much improved over the earlier version seen by the Board.

Mr. Briggs summarized by stating that the public benefit to this amended Conditional Use request for an expanded parking garage is that the patrons of the Lakeside Crossing businesses will have 39 more parking spaces above and beyond the code requirements to use. Those 39 extra parking spaces will certainly help during the peak times for the three proposed restaurants. The appearance of a full 2-story parking garage at approximately the same height (25 feet) as the commercial buildings will look appropriate in terms of architecture and scale. Lastly, Mr. Briggs explained that the Development Agreement contains the entitlements provided, the variances or exceptions granted and the specific terms of the parking allocation for the project along with the requirement for a subsequent 'parking management plan' addressing how the parking will be used. He said that all of the applicant's plans are in order.

Staff Recommendation is for Approval of the Final Amended Conditional Use for the expanded parking garage with the following conditions to be added that relate to the final design of the parking garage and landscape plan:

1. The design elements of the parking garage as clarified in this staff report with respect to the parking garage and landscape plan are to be part of the design requirements for the parking garage.
2. That the planter box pattern needs to be continued on the 4 bay section facing south to New England Avenue, as well as the southern-most 4-bay section visible to the public facing west toward Orlando Avenue.
3. That the metal framing design within the openings must resemble building windows as much as possible, with metal framing of more equal dimensions in order to look like window framing, versus the upside down 'cross', as required by the design guidelines.

Chuck Woodall, Unicorp National Development, 7940 Via Dellagio Way, Suite 200, Orlando, FL, was present to respond to Board member questions and concerns. He requested consideration be given to the code exception for Smile Dental with regard to parking. He said that he feels that the dental office is a complimentary use to the project and the parking impact is not intensive. He responded to Board member questions and concerns.

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

The Board members expressed no concerns with the request.

Motion made by Mr. Sacha, seconded by Mrs. De Ciccio to grant final conditional use approval to the Lakeside Crossing Redevelopment of the former Mt. Vernon Inn property. This also grants approval of the applicant's request for a parking variance for Smile Dental for 12 spaces versus the 15 required per code. Motion carried unanimously 5-0 vote. J. Johnston and R. Slocum abstained.

REQUEST OF PHIL KEAN DESIGNS INC. FOR: AN ORDINANCE AMENDING THE "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS CHANGE THE FUTURE LAND USE MAP DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 652 WEST MORSE BOULEVARD.

REQUEST OF PHIL KEAN DESIGNS INC. FOR: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP SO AS CHANGE THE EXISTING ZONING DESIGNATION OF OFFICE (O-1) DISTRICT TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTY AT 652 WEST MORSE BOULEVARD.

REQUEST OF PHIL KEAN DESIGNS INC. FOR: CONDITIONAL USE APPROVAL TO REDEVELOP THE PROPERTY AT 652 WEST MORSE BOULEVARD, PROSPECTIVELY ZONED C-2, INTO ELEVEN (11) RESIDENTIAL UNITS, THAT ARE TWO AND THREE STORY IN HEIGHT WITH A TOTAL PROJECT SIZE OF 40,566 SQUARE FEET.

Mrs. De Ciccio announced that she is the owner of the subject property and that she will not participate in the discussion or vote on this item. She completed Form 8B, Memorandum of Voting Conflict, and that is included as a part of these minutes.

Planning Manager Jeffrey Briggs presented the staff report. He explained that this public hearing involves the request by the Phil Kean Design Group, who have a contract to purchase (contingent upon rezoning) the property at 652 West Morse Boulevard, just to the west of the Coop Restaurant. The property is 110 feet along Morse Blvd. and about 300 feet deep and is 29,190 sq. ft. (0.67 acres) in size. The existing two story office building and parking lot is to be removed for the redevelopment of this land. There are three combined requests to the City:

1. Change to the Comp. Plan future land use map from Commercial to Central Business District; and
2. Change to the Zoning Map from Office (O-1) to Commercial (C-2); and
3. Conditional Use for the construction of eleven residential townhouses, 2 & 3 stories in height with a total project size of 40,566 square feet.

Mr. Briggs discussed the CRA/Zoning background and history, project development standards, traffic impacts, and comprehensive plan policy and zoning criteria. This project is intended to be developed as fee simple townhouses pursuant to a replat (not as a condominium). He explained that the scale of this project and the materials presented allows the City to combine the Preliminary and Final Conditional Use approvals. The final civil engineering and landscape plans can be administratively approved. However, the Code requires two public hearings for approval by the City Commission for three story buildings within the Central Business District. He then discussed the terracing setback issues for the third floors and the rationale for a staff condition regarding compliance. Staff recommended approval of both the Preliminary and Final Conditional Use approvals with the following conditions:

1. That Building #2 visible from Morse Blvd. must be modified such that per Code "a significant portion of the top floor shall be terraced and stepped back from the exterior face of the lower floors" on the western and northern sides.
2. That zoning exceptions/variances are granted for the absence of third floor terracing and articulation for Buildings #3 and #4.
3. The electric transformer/switch gear and all backflow preventers shall be located where not visible from a public street and shall also be landscaped so as to be effectively screened from view.
4. Changes to the Welbourne Avenue parking arrangement are approved for the creation of three parallel parking spaces.
5. That a common area be provided in the rear (not in the right-of-way) for the placement of the 11 trash carts.
6. As the Applicant is not the owner of the Property, but rather is the purchaser under a contract for sale and purchase to buy the Property, unless specifically consented to by Owner in writing, no approval issued pursuant to the Application or any condition imposed in connection therewith, shall be binding upon the Property or the current Owner of the Property unless and until Applicant, or its successor or assign, acquires title to the Property. If Applicant or its successor or assign does not acquire title to the Property within one hundred fifty (150) days following the approval by the City Commission of this project and the expiration of any appeal period applicable thereto, the Conditional Use Permit shall be null and void.

Phil Kean, 229 Alexander Place, the applicant, stated that they agree and accept the conditions proposed by staff. He provided an overview of the proposed project with a 3-D fly-around presentation. 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 expressed no concerns with the request.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the ordinance amending the "Comprehensive Plan" and the Future Land Use Map so as change the future land use map designation of Commercial to Central Business District on the property at 652 West Morse Boulevard. Motion carried unanimously with a 6-0 vote. S. De Ciccio abstained.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the ordinance amending the official Zoning Map so as change the existing zoning designation of Office (O-1) district to Commercial (C-2)

district on the property at 652 West Morse Boulevard. Motion carried unanimously with a 6-0 vote. S. De Ciccio abstained.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to grant Conditional Use approval to redevelop the property at 652 West Morse Boulevard, prospectively zoned C-2, into eleven (11) residential units, two and three story in height with a total project size of 40,566 square feet in addition to the following conditions:

1. That Building #2 visible from Morse Blvd. must be modified such that per Code "a significant portion of the top floor shall be terraced and stepped back from the exterior face of the lower floors" on the western and northern sides.
2. That zoning exceptions/variances are granted for the absence of third floor terracing and articulation for Buildings #3 and #4.
3. The electric transformer/switch gear and all backflow preventers shall be located where not visible from a public street and shall also be landscaped so as to be effectively screened from view.
4. Changes to the Welbourne Avenue parking arrangement are approved for the creation of three parallel parking spaces.
5. That a common area be provided in the rear (not in the right-of-way) for the placement of the 11 trash carts.
6. As the Applicant is not the owner of the Property, but rather is the purchaser under a contract for sale and purchase to buy the Property, unless specifically consented to by Owner in writing, no approval issued pursuant to the Application or any condition imposed in connection therewith, shall be binding upon the Property or the current Owner of the Property unless and until Applicant, or its successor or assign, acquires title to the Property. If Applicant or its successor or assign does not acquire title to the Property within one hundred fifty (150) days following the approval by the City Commission of this project and the expiration of any appeal period applicable thereto, the Conditional Use Permit shall be null and void.

Motion carried unanimously with a 6-0 vote. S. De Ciccio abstained.

REQUEST OF REBECCA WILSON FOR: SUBDIVISION OR LOT SPLIT APPROVAL TO DIVIDE THE VACANT PROPERTY AT 1004 N. PENNSYLVANIA AVENUE, ZONED R-1A, INTO FOUR SINGLE FAMILY BUILDING LOTS. THE AVERAGE LOT DIMENSIONS ARE 60 FEET OF LOT WIDTH AND 9,528 SQUARE FEET OF LOT AREA. LOT DIMENSION VARIANCES ARE REQUESTED FROM THE 75 FEET OF LOT WIDTH REQUIRED FOR INTERIOR LOTS AND THE 85 FEET OF LOT WIDTH REQUIRED FOR A CORNER LOT.

Mr. Slocum announced that has done work for someone associated with the proposed project and that he will not participate in the discussion or vote on this item. He completed Form 8B, Memorandum of Voting Conflict, and that is included as a part of these minutes.

Planning Manager Jeff Briggs presented the staff report and explained that the Mrs. Rebecca Wilson, Attorney (representing the contract purchasers) is requesting subdivision or lot split approval to divide the property at 1004 N. Pennsylvania Avenue into four (4) single family lots. The zoning is R-1A. The property is now vacant. Variances are requested for each lot to be on average, 60 feet in width in lieu of the minimum 75 feet of lot width requirement. Building setback variances are also requested. He reviewed the zoning and comprehensive plan tests criteria for the request.

With regard to the zoning test, the R-1A minimum lot sizes are 75 feet of lot width and 8,500 square feet of lot area. All four (4) proposed lots range in size from 9,191 to 9,985 square feet so all meet the minimum lot area standard. However, variances are needed for all four (4) lots which average 60 feet in width versus the minimum R-1A lot width standard of 75 feet for interior lots and 85 feet for corner lots.

Mr. Briggs then discussed the comprehensive plan criteria and the surrounding neighborhood. There are 47 homes within this neighborhood within the 500 foot radius in Northwood Circle; homes within Park Place; Planning & Zoning Board

homes on Misty/Waterfall Lane and homes along Beloit/Pennsylvania Avenues. The average lot width of these 47 homes is 69.7 feet and the median lot width is 75 feet. There are 25% of these homes that are on lots less than 75 feet in width and the other 75% of the homes are on lots of 75 feet or greater. The staff also looked at the 'greater' neighborhood area encompassing all of the homes in Northwood Circle; all of the Pennsylvania Place development; all of Misty/Waterfall Lane homes and all of the Beloit/Pennsylvania townhomes. Within this 'greater' neighborhood area there are 91 homes. The average lot width of these 91 homes is 67.3 feet. The median lot width is 75 feet. There are 39% of these homes that are on lots less than 75 feet in width and 61% of the homes are on lots of 75 feet or greater. Bringing in smaller home sites within Pennsylvania Place and along Beloit/Pennsylvania Avenue helps the comparison. However, it is still a 'greater' neighborhood area that while it has more exceptions to the R-1A rule (39%), the majority of the homes (61%) either conform to or exceed the R-1A frontage requirements.

Mr. Briggs reviewed the development plans and setback variances. The applicant is also requesting building setback variances to be established as part of this subdivision. The setbacks shown for the front, rear and north sides conform to Code. The applicant is requesting setbacks for the corner lot, first floor 5 feet closer to Tantum Avenue (10 feet vs. 15 feet) than Code and to reduce the interior setbacks to 5 feet (from 7.5 feet). Staff has no objection to the interior lot setback changes that only affect these future homes. However, staff does not support the reduced street setback to Tantum Avenue which is less than the street setback for the home directly across that street on the opposite corner.

Mr. Briggs summarized by stating that based on the application of the Comprehensive Plan policy and Subdivision Code text using lot area size (square footage) this request does conform to the Zoning Test and Comprehensive Plan Test therefore the staff recommended denial. He said that if the P&Z Board recommends approval then staff would suggest the following conditions:

1. Building setback variances as requested are approved for interior lot line but not to any exterior lot lines.
2. If a rear access alley is developed then the access easement must be 24 feet wide and the eastern property line shall have a six foot brick privacy wall constructed as part of the required infrastructure.

Mr. Briggs responded to Board member questions and concerns.

Mr. Hahn announced that he had a conservation with Mr. John Awsumb, Project Coordinator, to hear background information on the project, but nothing was discussed in that conversation that will not be discussed during the public hearing.

Rebecca Wilson, Attorney, represented the contract purchaser of the property. She explained that the request for lot split is for four lots greater than 9,000 square feet. Each meets the minimum lot size requirement of 8,500 square feet, to be (on average) 60 feet in width, rather than the minimum 75 feet required. She discussed setbacks for the he presented an overview of the surrounding neighborhoods specifically as relates to lot areas and the zoning and comprehensive plan test criteria. She showed an image of a contemporary Santa Barbara style home which is the style of homes that the applicant intends to construct on the four lots. She noted that each of the proposed homes will be approximately 3,500-3,600 and will be marketed to empty nesters. She stated that a 24-foot access easement has been granted on the rear. In addition they are willing to build a six-foot masonry wall on the rear. Mrs. Wilson responded to Board member questions and concerns.

Peter and Heather Bryson, represented their parents who own 381 Tantum Drive. They stated that their family is opposed to this request because it would have a negative impact on their property. They expressed concern that there is not enough time to assess how the subdivision request will affect their property and how trash pick-up for the new homes will be accommodated.

The following neighbors spoke in support of the project: Mr. and Mrs. Frank Baker, 650 Northwood Circle; Tony Gray, 452 Sylvan Drive; John McDade, 450 Beloit Avenue; and Jim Savko, 390 Waterfall Lane. The neighbors in favor expressed overwhelming support for the redevelopment of the property and felt that it would be an asset to the existing neighborhood.

Mrs. Wilson was allowed the opportunity to address neighbor concerns. She addressed the concerns with regard to trash pick-up. She stated that pick-up would occur from the public right-of-way and that it would be from Pennsylvania Avenue. In addition, access width is not large enough to accommodate Waste Management trucks.

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

The Board members expressed no issues with the request. Their discussion included the extenuating factor that commercial businesses were diagonally across the street and on this "edge" location of the neighborhood, the proposed lot sizes were appropriate.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to grant the subdivision or lot split approval to divide the vacant property at 1004 North Pennsylvania Ave into four single-family building lots subject to the following conditions:

- 1) Building setback variances as requested are approved for interior lot line but not to any exterior lot lines.
- 2) If a rear access alley is developed then the access easement must be 24 feet wide and the eastern property line shall have a six foot brick privacy wall constructed as part of the required infrastructure.

Motion carried unanimously with a 7-0 vote.

REQUEST OF FERNA BERNSTEIN TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH A COMMERCIAL FUTURE LAND USE DESIGNATION TO THE ANNEXED PROPERTY AT 1566 W. FAIRBANKS AVENUE.

REQUEST OF FERNA BERNSTEIN TO: AMEND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH COMMERCIAL (C-3) DISTRICT ZONING ON THE ANNEXED PROPERTY AT 1566 W. FAIRBANKS AVENUE.

Planning Manager Jeffrey Briggs presented the staff report and explained that the commercial property at 1566 W. Fairbanks Avenue has been annexed. Now the City needs to establish a Commercial FLU designation on the Comprehensive Plan maps and Commercial (C-3) zoning on this property. The property now has the same Commercial FLU and C-3 zoning in Orange County, so there is no change. Staff recommended approval.

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

The Board members concurred with the request.

Motion made by Mr. Sacha, seconded by Mr. Slocum to amend the "Comprehensive Plan" Future Land Use Map so as to establish a Commercial Future Land Use designation to the annexed property at 1566 W. Fairbanks Avenue. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Slocum to amend the official Zoning Map so as to establish Commercial (C-3) district zoning on the annexed property at 1566 W. Fairbanks Avenue. Motion carried unanimously with a 7-0 vote.

NEW BUSINESS:

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

Date of Next Work Session Meeting: Tuesday, September 22 and Tuesday, September 29, 2015 at Noon
There was no further business. Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Lisa M. Smith, Recording Secretary

Planning & Zoning Board

Page 6

September 1, 2015