



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

**Regular Meeting
City Hall, Commission Chambers**

**May 3, 2016
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, Robert Hahn Ross Johnston; and City Attorney Dan Langley. Staff: Planning Manager Jeff Briggs and Recording Secretary Lisa Smith.

Approval of minutes – April 5, 2016 Regular Meeting minutes

Motion made by Peter Gottfried, seconded by Tom Sacha to approve the meeting minutes from the April 5, 2016, Regular Meeting. Motion carried unanimously.

PUBLIC HEARINGS:

REQUEST OF THE WINTER PARK HEALTH FOUNDATION, INC. FOR: APPROVAL OF THE FINAL CONDITIONAL USE FOR A NEW "PROJECT WELLNESS" FACILITY AT 2005 MIZELL AVENUE.

Planning Manager Jeff Briggs presented the staff report and explained that preliminary CU approval was granted to the project in November 2015. He reviewed the approvals that were granted as a part of that public hearing including:

1. A Comprehensive Plan text amendment to the Study Area "C" to enable their property at 2005 Mizell Avenue to be redeveloped with a floor area ratio or total building size of 98%.
2. A companion Zoning Code text amendment to enact the same floor area ratio of 98% for their property at 2005 Mizell Avenue.
3. Preliminary Conditional Use for the "Project Wellness" facility encompassing the 82,263 of wellness center, medical space and common public use area along with a companion 265 space parking garage, and
4. Development Agreement providing assurances as to the consolidation of the various properties and the re-platting of the site to provide the road vacating and new dedications necessary for the project.

In addition, the following conditions were added for the preliminary conditional use: That the storm water discharge from the project shall not into the streets but via a storm-water pipe conveyance system.

1. That the final CU use submission shall provide screening detail for the trash collection if it is not located within the parking garage.
2. That enhanced pedestrian circulation is considered for the final CU with respect to wider sidewalks and pedestrian street crossings.
3. That landscape screening or other screening is considered, as appropriate, for the rears of the Benmore Drive properties that will now "front" on the new roadway.

4. The electric transformer/switch gear and all backflow preventers shall be located where not visible from a public street to the degree possible and shall also be landscaped so as to be effectively screened from view.
5. That the Health Foundation, YMCA and the City work in partnership to develop plans for alternative recreation facilities for the 18 month construction period in order to serve the 3,000 members of the Wellness Center.

Mr. Briggs provided an overview of the request to grant final CU approval to the project. He noted that the project has not changed since the Preliminary Conditional Use was reviewed. The project still includes changes to the road network in this area. He discussed staff concerns with regard to parking garage aesthetics and landscape buffering. He summarized by stating that the public benefit to this request is that the citizens will have a new, improved and enlarged Wellness Center with ancillary health and wellness facilities. The "final" Conditional Use submittal for the project includes all the required submissions for "final" conditional use approval subject to the conditions outlined below. Staff recommended approval of the request subject to these amended conditions:

1. Garage landscape in accordance with sheet titled "West Garage Landscape" dated May 3, 2016.
2. On-site sewer lift station to have landscape screening with plan details to be approved by the City staff.
3. Pedestrian circulation and crosswalks to be approved as shown on the FCUP Plans.
4. Recommend City accept \$25,000 funding for Park Improvements.
5. Trash pickup limited 5am-7am.
6. New street to be named "Crosby Way."

Rebecca Wilson, 215 North Eola Drive, represented the applicant. She explained that the project is under the approved FAR, and complies with the conditions of the preliminary conditional use. She reviewed architectural renderings, parking garage aesthetics, and landscaping. She stated that trash pick-up will be between 5am-7am when there are fewer people on the street and crosswalks. They have been working with city staff the best location for a lift station. She said that a temporary plan that has been developed by the YMCA to accommodate the membership of the Crosby Wellness Center. With regard to park improvements, they have met with the staff of the Parks Department and there are no improvements are planned for Ward Park so it was decided to donate the \$25,000 for park improvements. She presented new conditions of approval at tonight's meeting and discussed the previous conditions that have been satisfied. Mrs. Wilson responded to Board member questions and concerns.

Mr. Briggs acknowledged the new conditions presented by the applicant. He stated that all of the conditions listed in the staff report have been satisfied and staff accepts the new conditions offered by the applicant.

Jody Alexander, District Vice-President, Central Florida YMCA responded to questions concerning the temporary plan that developed to accommodate the membership of the Crosby Wellness Center.

The following citizens spoke concerning the request: Pat McDonald, 2348 Summerfield Road and Linda Walker-Chappelle, 794 Comstock Avenue.

Rebecca Wilson noted that all of the oak trees are new, and that there are no residential neighbors in proximity to where the dumpsters are located.

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

The Board members were in support of the request.

Motion made by Tom Sacha, seconded by Peter Gottfried to approve the final conditional use request for a new "Project Wellness" facility at 2005 Mizell Avenue subject to the following conditions submitted by the applicant at the April 5, 2016, Planning and Zoning Board meeting:

1. **Garage landscape in accordance with sheet titled "West Garage Landscape" dated May 3, 2016.**
2. **On-site sewer lift station to have landscape screening with plan details to be approved by the City staff.**

3. **Pedestrian circulation and crosswalks to be approved as shown on the FCUP Plans.**
4. **Recommend City accept \$25,000 funding for Park Improvements.**
5. **Trash pickup limited 5am-7am.**
6. **New street to be named "Crosby Way."**

Motion carried unanimously with a 7-0 vote.

REQUEST OF MR. ROBERT MOORE TO: TO CHANGE FROM CENTRAL BUSINESS DISTRICT FUTURE LAND USE DESIGNATION ON THE PROPERTY AT 354 HANNIBAL SQUARE, EAST TO MEDIUM-DENSITY RESIDENTIAL AND FROM SINGLE FAMILY RESIDENTIAL TO MEDIUM-DENSITY RESIDENTIAL ON THE PROPERTIES AT 463 AND 455 WEST LYMAN AVENUE.

REQUEST OF MR. ROBERT MOORE TO: TO CHANGE FROM COMMERCIAL (C-2) DISTRICT ZONING TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTY AT 354 HANNIBAL SQUARE, EAST AND FROM SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTIES AT 463 AND 455 WEST LYMAN AVENUE.

REQUEST OF MR. ROBERT MOORE FOR: CONDITIONAL USE APPROVAL TO REDEVELOP THE PROPERTIES AT 326 AND 354 HANNIBAL SQUARE, EAST AND AT 465; 463 AND 455 WEST LYMAN AVENUE WITH A 12 UNIT, THREE STORY RESIDENTIAL PROJECT, PROVIDING FOR CERTAIN EXCEPTIONS AND FOR A DEVELOPMENT AGREEMENT, IF REQUIRED.

Randall Slocum stated that he is a part of the development team for this project and that he will not be participating in the discussion or voting on this item.

Planning Manager Jeffrey Briggs presented the staff report and explained that the applicant Mr. Robert Moore (property owner) is requesting the following:

1. Changing the Comprehensive Plan future land use designations of Central Business District future land use on the property at 354 Hannibal Square, East to Medium-Density Residential and on the properties at 463 and 455 West Lyman Avenue from Single Family Residential to Medium-Density Multi-Family Residential;
2. Changing the Zoning on the same properties to Multi-Family (R-3); and
3. Conditional Use for the three-story, duplex townhouse units, of 12 units, as shown on the plans submitted.

He provided an overview of the subject property to include the zoning Characteristics of the Property, comprehensive plan analysis, the zoning history of the Hannibal Square neighborhood, and the current request for the townhouse project. Mr. Briggs summarized by stating that staff recommends denial of the request to change the Comprehensive Plan future land use map and Zoning Map change to Multi-Family Residential (R-3) from Single Family Residential (R-1A). He said that staff recognizes the transitional nature of this block and the fact that the R-3 and C-2 zoning on this property have been part of the block since the redevelopment of the parking garage and the commercial to the north. Transitioning near a parking garage is difficult but the ability to consider low density residential future land use and R-2 zoning for new townhouse units at two stories in height is more in keeping with the existing, well established single family residential along Lyman than three story, 35-foot tall townhouses. He explained that the request for rezoning to R-3 violates the Comprehensive Plan policy which instructs the City that this exact type of application is to be "strongly discouraged". While there are commercial buildings and a parking garage to the north and to the west of this development site, there is also single family homes across the street to the south and directly next door to the east.

Mr. Briggs also indicated that the request also could be precedent setting for the properties to the east. The City's actions with respect to zoning must be fair and consistent. It will be difficult for the City to approve a Comprehensive Plan future land use change and rezoning to R-3 zoning in this case (in violation of the Comp.

Plan policy) and then deny it to the three adjacent properties directly to the east. Their arguments in favor will be similar to this request. Mr. Briggs also discussed design issues with the conditional use request and the variances or exceptions requested for the specific project. Staff recommendation is for denial of all the requests, as currently submitted for the reasons stated in this staff report. Mr. Briggs responded to Board member questions and concerns.

Rebecca Wilson, 215 North Eola Avenue, represented the applicant. She introduced the members of the development team. She strongly disagreed with the staff recommendation. She cited sections of the Zoning Code that she felt supported the approval of the request based upon compatibility with the surroundings. She highlighted the surrounding buildings and heights and talked about the details of the specific project indicating that they were not fully utilizing all of the density that R-3 permits. Her presentation addressed storm water retention, the parking for the project as well as the architecture and height of the project. She responded to Board member questions and concerns.

The following citizens spoke with concerns or in opposition to the requests: Stuart Oman; Keith Gerand, 282 West Lyman Avenue; Bob Cambric, 53 East Michael Gladden, Glenn Franklin, 445 West Lyman; Maria Bryant, 450 South Virginia Avenue; Mary Daniels, 650 West Canton; Lurline Fletcher, 811 English Court; Mary Randall, 1000 South Kentucky Avenue; Kathleen Kiely, 1800 Oneco; Martha Bryant-Hall, 331 West Lyman Avenue; Beth Hall, 516 Sylvan; Terry Murphy, 290 West Lyman Avenue; Pat McDonald and Barry Greenstein, 2348 Summerfield Road; Courtney Jackson, 840 Symonds Avenue; Laurel Habgood, 411 West Comstock Avenue; Forrest Michael, 358 West Comstock Avenue; and Linda Walker-Chapelle, 794 Comstock Avenue. The following citizens spoke generally in favor of the requests : Javier Omana, 400 West New England Avenue, Unit 14 (Support); Betsy Owens, 656 Park Avenue North; Christina Hite, 400 West New England Avenue, Unit 14 (Support);

Mrs. Wilson responded to comments with regard FAR and height. No one else wished to speak. Public Hearing closed.

Mr. Ross Johnston indicated that he did not support the requests and was concerned about the precedent that it would set with the three story buildings. He felt that the fact that the applicants were not fully utilizing the R-3 entitlements, as if it were an "R-3 lite", were not persuasive. Mr. Sacha indicated that property owners need to be aware that the zoning that exists when they purchase is likely to be the zoning that they must built to. Mr. Hahn stated that he felt that amongst the citizen comments, that the new voices from the David Weekly townhomes struck him as especially important because there "new" neighbors were voicing the same concerns as the "older" neighbors that the density and height proposed was too much. Mr. Gottfried stated that there wasn't an issue with the change from C-2 to R-3 but the increase in density from R-1A to R-3 was the concern and too much of an increase. Mr. James Johnston said that this was a case where both parties have compelling arguments but the intensity of the transition from commercial to single family is the issue.

Motion made by Peter Gottfried, seconded by Ross Johnston to deny the request to change from Central Business District future land use designation on the property at 354 Hannibal Square, East to Medium-Density Residential and from Single Family Residential to Medium-Density residential on the properties at 463 and 455 West Lyman Avenue. Motion carried unanimously with a 7-0 vote.

After discussion and advice from the city attorney on procedure.

Motion made by Peter Gottfried, seconded by Ross Johnston to deny the request to rezone the properties located at 345 Hannibal Square, East and 463 and 455 West Lyman Avenues, and the companion conditional use request. Motion carried unanimously with 7-0 vote.

REQUEST OF PHIL KEAN DESIGNS INC. TO: AMEND THE CONDITIONAL USE APPROVAL GRANTED ON OCTOBER 12, 2015, TO REDEVELOP THE PROPERTY LOCATED AT 652 WEST MORSE BOULEVARD IN ORDER TO DEVELOP 10 RESIDENTIAL

UNITS IN LIEU OF THE APPROVED 11 RESIDENTIAL UNITS, AND TO MODIFY THE APPROVED ARCHITECTURAL ELEMENTS.

Mrs. DeCiccio announced that she is the prior owner of the subject property, and no longer has an economic interest in the property.

Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing involves the request by Morse and Pennsylvania, LLC to amend the previously approved Conditional Use for redevelopment of the property located at 652 West Morse Boulevard, just to the west of the Coop Restaurant. He said that this amendment involves changing the proposed number of residential units to 10 in lieu of the approved 11 units, and to modify the approved architectural elements of the buildings. The applicant has also decreased the total building coverage by 233 square feet, and reconfigured the layout of the buildings to allow for additional greenspace in-between the five buildings. This has reduced the floor area ratio (FAR) from the originally approved 139.7% to 133.4%. He noted that the applicant has also made changes based on the Planning and Zoning Board recommendations from the September 1, 2015 meeting by terracing and stepping back from the exterior face of the lower floors. An additional three parallel parking spaces were created with the rearrangement of Welbourne Avenue. He said that the architectural elements of the buildings have also changed and the applicant is also working with the City's Parks and Recreation department to receive approval of their landscape plan. All other details of the original Conditions Use remain the same.

Mr. Briggs summarized by stating that the scale of this project and the materials presented allows the City to combine the amendments to the Preliminary and Final Conditional Use approvals; and the final civil engineering and landscape plans can be administratively approved. However, the Code requires, even with amendments, two public hearings for approval by the City Commission for three-story buildings within the Central Business District. Staff recommended approval of the amendment to the Conditional Use approvals subject to the following conditions:

1. 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.
2. That a common area be provided in the rear (not in the right-of-way) for the placement of the 10 trash carts.
3. That a Development Agreement incorporate a mutual use and maintenance provision for the adjacent city park land property as well as the construction of the three offsite parking spaces.

Mr. Briggs responded to Board member questions and concerns.

Jacob Farmer, 135 North Knowles Avenue, was present to address concerns of the Board. No one else wished to speak in favor of or in opposition to the request. Public Hearing closed.

Motion made by Tom Sacha, seconded by James Johnston to amend the Conditional Use approval granted on October 12, 2015 to redevelop the property located at 652 West Morse Boulevard in order to develop 10 residential units in lieu of the approved 11 residential units, and to modify the approved architectural elements. Motion carried unanimously with a 7-0 vote.

REQUEST OF THE MORNAY PARTNERSHIP LTD. TO: CHANGE FROM THE CURRENT PARKING LOT (PL) DESIGNATION TO A CENTRAL BUSINESS DISTRICT, FUTURE LAND USE DESIGNATION ON THE PROPERTY AT 226 HANNIBAL SQUARE, EAST.

REQUEST OF THE MORNAY PARTNERSHIP LTD. TO: CHANGE FROM MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 226 HANNIBAL SQUARE, EAST.

The requests were withdrawn by the applicant.

REQUEST OF CHARLES CLAYTON, JR. FOR: APPROVAL OF A NEW TWO STORY HOME AT #6 ISLE OF SICILY ON LAKE MAITLAND.

Planning Manager Jeff Briggs stated that the parties involved in this request have reached a settlement prior to the start of today's hearing in the form of an Agreement that addressed the issues in the staff report concerning additional landscaping to be added to the site and preservation of existing trees. That Agreement has been signed by the all parties, dated May 3, 2016 and introduced into the record. The Agreement will be subsequently converted to a recorded Agreement that will run with title to the land. As this was the only issue raised by staff, the staff recommendation was for approval subject to the plans presented and the agreement entered into the public record.

Mr. Jim Barnes, #7 Isle of Sicily, stated that a satisfactory agreement was reached. He thanked staff and Board members for the time spent in resolving the dispute. No one else wished to speak concerning the request. Public Hearing closed.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the construction of a new two-story home at #6 Isle of Sicily subject to the plans presented and the Agreement signed on May 3, 2016. Motion carried unanimously with a 7-0 vote.

NEW BUSINESS:

Date of Next Regular Meeting: Tuesday, June 7, 2016 @ 6 p.m. and Work Session: Tuesday, May 24, 2016 @ 12:00 noon

There was no further business. Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Lisa M. Smith
Recording Secretary