



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

**Regular Meeting
City Hall, Commission Chambers**

**June 7, 2016
6:00 p.m.**

MINUTES

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

Approval of minutes – May 3, 2016 Regular Meeting minutes

Motion made by Tom Sacha, seconded by Randall Slocum to approve the meeting minutes from the May 3, 2016, Regular Meeting. Motion carried unanimously.

PUBLIC HEARINGS:

APPEAL OF THE INTERPRETATION AND DETERMINATION OF THE BUILDING AND ZONING OFFICIAL: REGARDING THE INTERPRETATION AND DETERMINATION THAT BOATHOUSES ARE A PERMITTED USE WITHIN OFFICE ZONING DISTRICTS AND AS SPECIFICALLY APPROVED AT 2682 WEST FAIRBANKS AVENUE.

Planning Manager Jeffrey Briggs presented the staff report. He explained that the City has received an appeal pursuant to Section 58-94 of the Zoning Code contesting the Building and Zoning Official's (George Wiggins) interpretation and determination that a boathouse and dock is a permitted use of the property at 2682 West Fairbanks Avenue, which is zoned office (O-1). Mr. Briggs provided the Board members with a review of the history and relevant codes as relates to this request. He explained that based on the pattern established in the Zoning Code and the many years of practice as seen by the examples stated herein, the Building and Zoning Official with the advice and consent of the City Attorney has concluded that a boathouse and dock can be constructed within an office zoning district in the City of Winter Park. Mr. Briggs and the City Attorney Dan Langley responded to Board member questions and concerns.

The following people spoke concerning the request: Attorney Arthur Baker, 200 South Orange Avenue, Suite 2300; Rodney Kincaid, 861 Morse Boulevard; Joe Pacey, 275 Sterling Avenue (owns 2693 West Fairbanks Avenue); Bruce Woodburn, 4080 Shorecrest Drive; Tom Gay, 4141 Edgewater Drive, Nick Dancaescu, 701 Driver Avenue; Scott Grier, 4062 Shorecrest Avenue.

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

After a considerable amount of discussion, consensus among the Board members was to table the request until the July 5th public hearing to allow the residential property owners adequate time to locate the orange county restrictions and to return to the Board with reasonable restrictions.

Motion made by Tom Sacha, seconded by Bob Hahn to table the request until July 5, 2016. Motion carried unanimously

REQUEST OF THE MORNEY PARTNERSHIP LTD. TO: AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION FROM A MEDIUM DENSITY RESIDENTIAL DESIGNATION TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 226 HANNIBAL SQUARE, EAST.

REQUEST OF THE MORNEY PARTNERSHIP LTD. TO: AMEND THE ZONING FROM PARKING LOT (PL) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 226 HANNIBAL SQUARE, EAST.

REQUEST OF THE MORNEY PARTNERSHIP LTD. FOR: CONDITIONAL USE APPROVAL TO REDEVELOP THE EXISTING PARKING LOT PROPERTY AT 226 HANNIBAL SQUARE, EAST WITH A SINGLE UNIT RESIDENTIAL PROJECT OF THREE STORIES IN HEIGHT.

Planning Manager Jeffrey Briggs presented the staff report. He explained that the applicant, the Morney Partnership Ltd. (property owner) is requesting the following:

1. Change to the Comprehensive Plan future land use designation from Medium-Density Multi-Family Residential to Central Business district on the property at 226 Hannibal Square, East;
2. Change to the Zoning on the same property from Parking Lot (PL) to Commercial (C-2); and
3. Conditional Use for a three-story building holding one single residential unit, as shown, on the plans submitted.

Mr. Briggs reviewed the requests to change the Future Land Use and Zoning of the subject property, and the conditional use request. He discussed staff's concerns with regard to the proposed change to C-2 (Central Business District), FAR, necessary variances and the conditional use request. Staff recommended denial of the request to change the Comprehensive Plan future land use map to Central Business District and the Zoning Map change to Commercial (C-2). As outlined previously, everything that the applicant desires to accomplish in their proposed plan submittals, can be accomplished by simply changing the Zoning from Parking Lot (PL) back to the Multi-Family (R-3) zoning that was in place prior to the change to PL in October, 2000. The R-3 Zoning then conforms to the current Comprehensive Plan designation and the City doesn't need to amend the Comprehensive Plan. Thus, staff recommends APPROVAL of the rezoning to R-3.

Mr. Briggs then discussed his concerns with the Conditional Use request. The site and location is on the transitional edge of a business district adjacent to residential. That location does not seem to be the appropriate place to build the largest building possible (42 feet in total height) within 3 feet of the property lines. Under the current Parking Lot (PL) zoning, the applicant cannot build anything, because the only permitted use is for a surface parking lot. The value gained by to the applicant from the rezoning to R-3 is the ability to now build a 2,600 square foot residence. It would seem to be a reasonable compromise by the applicant to gain the ability from the City to build a 2,600 square foot, two-story residence and only have to compromise with a two-story building versus three stories.

Staff Recommendation is as follows:

1. DENIAL of the request to change the Comprehensive Plan future land use designation of Medium-Density Multi-Family Residential on the property at 226 Hannibal Square, East;
2. APPROVAL of the change of Zoning on the same property from Parking Lot (PL) to Multi-Family Residential (R-3); and
3. APPROVAL of the Conditional Use together with the setback variances required, pursuant to a two-story residential building located in the rear of the property.

Dan Bellows, the applicant, 411 West New England Avenue, gave the Board members an overview of the request.

The following people addressed the Board concerning the request: Mary Daniels, 650 Canton Avenue; Lurline Fletcher, 811 English Court; and Martha Bryant-Hall, 331 Lyman Avenue. No one else wished to speak concerning the request. Public Hearing closed.

The Board members extensively discussed the pros/cons of the request. Mr. Gottfried complimented the applicant on the decades of development of the Hannibal Square business district and felt that this project was also in keeping with those plans and designs. Mr. Waugh also expressed that the proposed building is consistent with the surrounding development and would help finish out this block versus an unattractive parking lot. Mr. Hahn indicated that he understood the concerns expressed by neighbors and the staff that this project was too large for this location on the edge of residential. Ms. DeCiccio expressed that she was comfortable with the building but not the rezoning to C-2. Mr. Sacha agreed that the project itself was not objectionable but there were too many unknowns with C-2 zoning and if it could be built with R-3 zoning in conformance with the Comprehensive Plan then that was his preference. Mr. Slocum expressed that he felt that the scale of the building was definitely not compatible with this interior location at the three stories proposed.

Motion made by Mr. Sacha, seconded by Mr. Hahn for DENIAL of the request to change the Comprehensive Plan future land use designation of Medium-Density Multi-Family Residential to Central Business District on the property at 226 Hannibal Square, East.

Motion carried with a 4-2 vote. The Board voted as follows: Tom Sacha, Bob Hahn, Randall Slocum and Shelia De Ciccio voted in favor of the motion. Raymond Waugh and Peter Gottfried voted against the motion.

Motion made by Mr. Sacha, seconded by Mr. Hahn to APPROVE, alternatively a change of zoning on the same property from parking lot (PL) to multi-family residential (R-3) as recommended by staff.

Motion carried unanimously with a 6-0 vote.

Motion made by Mr. Sacha, seconded by Raymond Waugh to approve the Conditional Use together with the setback variance required, to allow a three-story, single unit residential building per the plans presented.

Motion carried with a 4-2 vote. The Board voted as follows: Tom Saha, Raymond Waugh, Shelia De Ciccio and Peter Gottfried voted in favor of the motion. Randall Slocum and Bob Hahn voted against the motion.

REQUEST OF THE LADYBIRD ACADEMY FOR: CONDITIONAL USE APPROVAL TO DEVELOP AND OPERATE A DAY CARE AND PRE-SCHOOL WITHIN A NEW ONE STORY 13,000 SQUARE FOOT BUILDING TO BE CONSTRUED ON THE PROPERTIES AT 1424-1428 GAY ROAD AND 1419-1421 TROVILLION AVENUE ON PROPERTIES ZONED O-2 AND R-3.

Planner Allison McGillis, gave the staff report and explained that the applicant, Ladybird Academy, requests Conditional Use approval to develop a one-story, 13,000-square foot daycare and pre-school on the properties located at 1421 and 1419 Trovillion Avenue (zoned R-3) and 1424 and 1428 Gay Road (zoned O-2). Both R-3 and O-2 zoning districts allow for a daycare with a Conditional Use. The existing buildings located on these properties are to be demolished for redevelopment of this land. She provided a detailed overview of the request to include site and context, the project proposal, traffic/mobility impacts, tree preservation and landscaping, and storm water retention. She summarized by the stating that the scale of the proposed building (one-story) and the size of 13,000-square feet (FAR of 17.6%) is significantly smaller than allowable building area. The architectural style and traffic circulation all work to make the proposal compatible with the surrounding neighborhood. The applicant has also provided adequate buffering of the outdoor playground from

the surrounding residences. She noted that the application package submitted by the applicant is intended to provide the detail needed for both the “preliminary” and “final” conditional use approvals. Aside from the two items previously mentioned, (landscaping and wall design) which can be conditions of approval, everything else appears to have been provided. Staff recommendation is for approval of the Conditional Use request subject to the following conditions:

1. The final design of the wall surrounding the playground and building shall be reviewed and approved by the P&Z Board.
2. The final landscape design including trees to be removed onsite be reviewed and approved by the P&Z Board.

She responded to Board member questions and concerns.

Derek Sekala, represented the Ladybird Academy. He introduced the members of the development team: Solange Dao of Dao Consultants Inc., 1110 East Marks Street, Orlando; and Patricia Crews-Tice, 606 Courtlea Cove Avenue, Winter Garden. They provided the Board members with a comprehensive overview of the proposed daycare, traffic stacking and the traffic impact study. They responded to Board members and concerns.

The following people addressed the Board concerning the request: Joan Cason, 1915 Woodcrest Drive; David Dotherow, 1500 Gay Road, #3A; Janice Erickson, 1500 Gay Road, #17D; Jackie Moore, 1500 Gay Road, #B10; Dominick Serago, 510 Killarney Bay Court; Pamela Dressel, 1500 Gay Road #17A; Stephanie Barnes, 620 Killarney Bay Court; Jessica Petravich, 630 Killarney Bay Court; Terry Duke, 650 Killarney Bay Court; and David Robold, 612 Country Club Drive. Their concerns were about the increase in traffic, the traffic congestion already present in the area and the negative affect that the playground noise would have on their quiet and peaceful use of their residences.

The applicant was allowed an opportunity to rebut to address the concerns of the neighbors.

No one else wished to speak. Public Hearing closed.

Mr. Slocum expressed that he was originally comfortable with the request but upon learning more tonight about the impact of this facility on traffic and the neighbors, he did not think that the location was compatible with the proposed use. Mr. Hahn stated that he agreed and that such a facility would be better located on a more arterial roadway better able to handle the traffic. Other Board members expressed concerns about the impacts from traffic and the playground activities.

Motion made by Mr. Hahn, seconded by Mr. Slocum to DENY the conditional use request of the Ladybird Academy. The motion to DENY was based on the following findings that the increase in traffic for the day care/preschool use versus that permitted under the existing permitted zoning was detrimental to the surrounding area, and that the noise from the playground activities would be detrimental to the peaceful and quiet environment of the adjacent residential properties and would negatively affect property values.

Motion carried with a 5-1 vote. Tom Sacha voted against the motion.

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE I, “COMPREHENSIVE PLAN” SO AS TO ADD AND AMEND POLICIES IN THE TEXT OF THE FUTURE LAND USE ELEMENT AND WITHIN THE WEST FAIRBANKS CORRIDOR STUDY AREA “L” SO AS TO REVISE AND ADOPT

NEW POLICIES CONCERNING BUSINESS TYPES TO BE PROHIBITED WITHIN SPECIFIED GATEWAY CORRIDOR ENTRANCES INTO THE CITY OF WINTER PARK.

The Planning and Zoning Board has discussed at the January 5th meeting, at the February 17th work session, and at the April 5th meeting, the issue involving the Comprehensive Plan regulations for certain business types along the West Fairbanks gateway corridor. This Comprehensive Plan amendment solves the issue of the fast food/fast casual restaurants by deleting that Policy and relying upon the new city-wide policy. The intention was never to prohibit fast casual restaurants from developing along the West Fairbanks corridor and treating fast food with or drive-in components the same as is done through-out the rest of the City is logical. There are other existing situations in the City where drive-in's exist compatibly with adjacent or nearby residential such as the McDonald's and Panera Bread on Aloma and the Krispy Kreme and Steak 'n Shake. The other business types on the exclusion list have ample other locations along other commercial corridors to conduct business. Staff recommended approval. Mr. Briggs responded to Board member questions and concerns.

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

The Board members expressed that they had taken considerable time in discussing these issues at previous meetings. It made sense to extend the protections to other gateway areas of the City, as well as Fairbanks Avenue.

Motion made by Tom Sacha, seconded by Shelia De Ciccio recommending approval of the ordinance amending chapter 58 "Land Development Code" Article I, "Comprehensive Plan" so as to add and amend policies in the text of the future land use element so as to revise and adopt new policies concerning business types to be prohibited within specified gateway corridor entrances into the City of Winter Park.

Motion carried unanimously with a 6-0 vote.

NEW BUSINESS:

Date of Next Regular Meeting: Tuesday, July 5, 2016 @ 6 p.m. and Work Session: Tuesday, June 28, 2016 @ 12:00 noon

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

Respectfully submitted,

Lisa M. Smith
Recording Secretary