



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

**Regular Meeting
March 7, 2017
City Hall, Commission Chambers
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, Tom Sacha, Randall Slocum, Shelia De Ciccio, Ross Johnston, Robert Hahn and Raymond Waugh. Also Present: City Attorney Dan Langley. Members Not Present: Peter Gottfried. Staff: Planning Director Dori Stone, Planning Manager Jeff Briggs, Planner Allison McGillis, City Architect Brooks Weiss, and Recording Secretary Kim Breland.

Chairman Johnston reiterated the purpose of the Planning and Zoning Board and the format of the meeting.

APPROVAL OF MINUTES

Motion made by Tom Sacha, seconded by Robert Hahn to approve the February 7, 2017. Motion carried unanimously.

Chairman Johnston also stated that for the final item of the hearing, he would need to recuse himself due to conflict of interest. Tom Sacha nominated Ross Johnston to chair that part of the meeting, seconded by Randall Slocum. The temporary chair position was approved unanimously.

PUBLIC HEARINGS:

REQUEST OF DESHPANDE, INC TO: AMEND THE FUTURE LAND USE MAP TO CHANGE FROM A SINGLE FAMILY FUTURE LAND USE DESIGNATION TO LOW DENSITY RESIDENTIAL ON THE PROPERTY AT 524 COUNTRY CLUB DRIVE.

REQUEST OF DESHPANDE, INC TO: AMEND THE ZONING MAP TO CHANGE FROM SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO LOW DENSITY RESIDENTIAL (R-2) ZONING ON THE PROPERTY AT 524 COUNTRY CLUB DRIVE.

REQUEST OF DESHPANDE, INC TO: AMEND THEIR PRELIMINARY SUBDIVISION PLAT ENCOMPASSING THE CURRENT LAKEFRONT PROPERTIES AT 524/532/600/604 COUNTRY CLUB DRIVE TO REVISE THE LOT SIZE DIMENSIONS OF THE PROPOSED SIX LAKEFRONT LOTS AND TO INCLUDE A COMMON AREA LAKEFRONT TRACT.

Randall Slocum recused himself from this item.

Planner Allison McGillis gave the staff report and explained that this item has three requests for this area. The first two requests are for 524 Country Club Drive to change

the future land use and zoning of this property from single family (R-1A) to low density (R-2). The third request is to amend the preliminary PLAT subdivision approval that was in the agenda from last month, particularly the lakefront properties, lots 4-9. The out-laying properties include all of the lots in the preliminary PLAT request; 524 Country Club Drive is the only lot designated Single Family (R-1A). The applicant plans to build this lot as a single family home, but would like to rezone the property to (R-2). It currently exceeds the lot size and width standards for an (R-1A) lot as well as a single family (R-2) lot. This request is also to reconfigure these lakefront properties which reduces the size of lots 4-9 and creates excess land for a 20ft access tract for this project between lots 8 and 9 shown in the plan diagram in last month's request. From staff's perspective, this amendment to last month's request does not increase the residential density along the lakefront properties because both result in 6 lakefront homes. There is also a public benefit to creating the lakefront access tract, if the developer allows other residents of the subdivision to enjoy lake views, launch kayaks etc.

Staff explained that the city's Lakes and Water Ways Board has the authority to weigh in on the size and location of any dock, boathouse or gazebo on the lakefront lots, but the Planning and Zoning Board has the authority on the approval of the lakefront homes per normal review of lakefront criteria and these plans will come in as the homes are developed.

The only issue with this zoning request is the impact on the adjacent property at 518 Country Club Drive which is not part of the preliminary PLAT. If lot 9 remains zoned (R-1A), then the maximum FAR is 43% and the maximum house size is 3900 sq. ft. and when the property is rezoned to (R-2), then the maximum FAR is 55% and the maximum house size grows 1000 sq. ft. to just under 5,000 sq. ft.

Staff is suggesting a condition of approval to provide an appropriate transition and house sizes along Country Club Drive changes from (R-1A) to (R-2) zoning. Staff is recommending averaging the maximum 43% FAR for (R-1A) lots and the maximum 55% for (R-2) lots which results in 49% FAR and then the maximum house size for this new lot 9 at (R-2), would be 4,444 sq. ft. and would provide the appropriate transition from (R-2) to (R-1A).

Ms. McGillis then asked if there were any questions from the Board, there were no questions.

STAFF RECOMMENDATION IS A CONDITION OF APPROVAL of the three requests with one condition:

1. in order to provide an appropriate transition and house sizes Country Club Drive changes from (R-1A) to (R-2) zoning, this can be done by averaging the maxim 43% FAR for (R-1A) lots and the maximum 55% for (R-2) lots which results in 49% FAR and then the maximum house size for this new lot 9 at (R-2), would be 4,444 sq. ft. and would provide the appropriate transition from (R-2) to (R-1A).

Tara Tedrow, Attorney at Lowndes, Drosdick, Doster, Kantor & Reed, PA, 215 North Eola Drive, represented the applicant. Ms. Tedrow reiterated that the request is for an amendment and rezone as well as amending some lot dimension on lots 4-9. She showed lot 524 Country Club Drive in the presentation and pointed out that the project is consistent and compatible with the surrounding residential development because it is all of a low density or of a single family residential zoning, (R-1A) and (R-2), the subdivision under contract is zoned (R-2). The future land use for the surrounding area is zoned low density and single family as well. Ms. Tedrow pointed out that the project will not

increase any density issues in the area and the criteria needed for approval have been satisfied and is line for staff's recommendation for approval. She also agreed with staff's condition of approval to limit the FAR to 49% rather than 55% which brings down the overall maximum house size to 4,444 sq. ft. would be permitted on the site if approved. The presentation showed the proposed revised lot dimensions of lots 4-9 needed to accommodate the 20 ft. access tract. Revisions allow for the surplus land to be used for the access tract.

Board Member Tom Sacha asked Ms. Tedrow what types of controls the developer would have for the access strip, would there be a fence, and how will it be maintained?

Ms. Tedrow responded that the fencing allowed for the access tract will be per code, the final detail has not been decided, but the access tract is not contemplated to be public access.

Mr. Sacha asked if there would be some type of control, not just an open lot. Ms. Tedrow confirmed the access tract would have a method of control per code.

Dan Langley, Assistant City Attorney asked who owns the access tract for the lake; Ms. Tedrow responded that the HOA owns and controls the access tract. The HOA information

Ross Johnston asked if there was a maintenance agreement for the access tract as residents in the area expressed concern about the area being overgrown. Ms. Tedrow confirmed that information on the HOA and the maintenance agreement will be submitted with the final Plat.

Chairman Johnston asked if there was anyone in the audience who had questions regarding the issue.

David Robold, 612 Country Club Drive objected to zoning change at lot 9. He expressed concern regarding future zoning issues and access tract was unnecessary, perhaps leading to more traffic in and out of the area.

Ms. Tedrow was allowed an opportunity to rebut. She responded that access to the lake was not being taken away from the existing homeowners as some residents at the last hearing were concerned that with the new zoning, the access would be taken away. Ms. Tedrow also stated that the new design would be more compatible and consistent with single family residential nature which is similar to Mr. Robold's existing home.

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

Chairman Johnston asked Mr. Briggs if the condition attached to the issue was related to the zoning of R-3. Mr. Briggs confirmed this and added that the ramp for the access tract was under the jurisdiction of the Lakes and Waterways Board, if anything were to be built, the residents would be given notice.

Motion made by Tom Sacha, seconded by Raymond Waugh for APPROVAL of Request of Deshpande, Inc. to amend the future land use designation to low density residential on the property at 524 Country Club Drive.

Motion carried unanimously with a 7-0 vote.

Motion made by Tom Sacha, seconded by Raymond Waugh for APPROVAL of Request of Deshpande, Inc. to amend the official zoning map to change from single family residential (R-1A) to low density (R-2) district zoning on the property at 524 Country Club Drive to include the request from staff to change the FAR of the property at 524 Country Club Drive.

Motion carried unanimously with a 7-0 vote.

Motion made by Tom Sacha, seconded by Ross Johnston for APPROVAL to amend their preliminary subdivision plat encompassing the current lakefront properties at 524/532/600/604 Country Club Drive to revise the lot size dimensions of the proposed six lakefront lots and to include a common area lakefront tract.

Motion carried unanimously with a 7-0 vote.

REQUEST OF VILLA TUSCANY HOLDINGS, LLC FOR: CONDITIONAL USE APPROVAL TO BUILD A THREE STORY, 41,352-SQUARE FOOT, 24-UNIT, 51 BED, MEMORY CARE FACILITY AT 1298 HOWELL BRANCH ROAD, ZONED MULTI-FAMILY RESIDENTIAL (R-3), PROVIDING FOR CERTAIN EXCEPTIONS

Planning Manager Jeff Briggs presented the staff report. Mr. Briggs reminded the Board that this issue was on the agenda for a lengthy public hearing in October of 2016 and the Board found the Memory Care Facility compatible for the location and the actual design and project layout, dimensions, etc. compatible to the area and the Board voted in October 7-0 that the use of the property was acceptable for Memory care versus permitted use of townhouses.

Mr. Briggs reviewed the conditions from the Board related to the variance revisions associated with the building height and proximity to the lake, the upgrade to the traffic light and parking, remarking that the major variances have been disposed of. Lastly, Mr. Briggs stated that new trees will be brought in to the site in order to meet both the code and to fill in the lakefront area in order to screen the view of the facility for those neighbors living across the lake.

STAFF RECOMMENDATION IS A CONDITION OF APPROVAL of this project with the following conditions:

1. Lower scale monument sign
2. Expense to upgrade the traffic signal the corner of Howell Branch and Temple Trail
3. Public works needs sidewalk and drainage easements
4. Once construction begins demolition and land clearing, Urban Forestry be present to access further what trees can be preserved.

Mr. Briggs addressed the concern from the community that the facility is too large for the property regarding the size of the facility and explained that at 34,000 sq. ft., the facility is comparable to condominium building with 10 units at 3,000 sq. ft. each, the building would be 30,000 sq. ft., comparable to the Memory Care facility.

Chairman Johnston asked if the height was comparable as well and Mr. Briggs confirmed that it was.

Mr. Briggs went on to say that while this request could be denied, based on compatibility, it is likely that the prospect of townhomes could be built on the property,

comparable in size, which is what lead Staff to recommend approval with the conditions specified.

Mr. Briggs asked if there were any questions from the Board and responded to questions regarding neighbor awareness to the revised plans.

Attorney Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor and Reed, 215 N. Eola Dr., represented the applicant. She reviewed the property measurements, building changes and revisions required by the Board in the October meeting. Using the site plan presentation, Ms. Wilson highlighted the major areas of the property including the wall a long Temple Lake, landscaping, setbacks to the high water mark, the wetland, traffic light, parking and emergency access. Ms. Wilson gave an overview showing that the project overall is well within the code specifications for the area and property.

Chairman Johnston asked the Board if there were any questions for the applicant. There were no questions.

Chairman Johnston asked if there was anyone in the audience who would like to speak on the issue.

Nancy Freeman and Barry Render, representing the homeowners in the area did a presentation to the P&Z Board expressing their concerns and issues with the project.

The Board received comments from the following citizens: Katherine Sagstad, 1111 Via Lugano; Cheryl Malone, 2400 Temple Drive; Barbara Diaz, 1048 Tuscany Place, Anna Cowin 1020 Via Merano Ct., Jim Kragh 1024 Tuscany Place, Sarah Danziger, 1049 Tuscany Place; Alie Weber, 303 Sandlewood Trail; Bob Halback, 1160 Howell Branch Road; Kevin Robinson, 3024 Temple Trail; Dennis Woodson II, 2923 Cove Trail; Barry Render, 2630 Via Tuscany; and Nancy Freeman, 1055 Tuscany Place.

Ms. Wilson was allowed an opportunity to rebut. She reiterated that the property and project are within code specifications. She addressed concerns related to traffic, parking, tree coverage and preservation.

Chairman Johnston asked the Board if there were any questions for the applicant. There were no questions. The Public Hearing was closed.

Robert Hahn reiterated that he wanted to be on record saying that the insinuation that the Board is profiteering from this application, which has been said in some of the correspondence, is inappropriate. He went on to say that he does believe this project is a compatible land use and it is a need that the community has and if the application is not approved, it is sending a message that the community is not taking care of its senior citizens.

Randall Slocum added that the applicant has shown great sensitivity and huge improvements with the architecture scale. He in support of all changes related to this project.

Tom Sacha echoed Mr. Slocum's sentiment regarding this project and believes this facility will work well in this community and is full support of the project.

Ross Johnston asked for clarification on what the future building use could be under the zoning (R-3). Robert Hahn responded that at the end of the request there is a comment

for a development agreement if required and perhaps Ross Johnston's inquiry regarding future building use could be incorporated for as part of the development agreement.

Sheila De Ciccio remarked that she felt this facility was a good use for the property.

The Board also discussed the possibility of adding a future building use clause to the development agreement for the property.

Motion made by Tom Sacha, seconded by Bob Hahn to Approve the Conditional Use for the Assisted Living/Memory Care Facility at 1298 Howell Branch Road subject to the following conditions:

1. That the Project be limited to a monument sign.
2. That the traffic signal upgrades necessary for this Project are the expense of the applicant.
3. That the project grant to the City the requested sidewalk and drainage easements.
4. That the site clearing and tree removal be done in coordination with Urban Forestry and that options for further tree preservation be explored at that time.

Motion carried unanimously with a 7-0 vote.

REQUEST OF OPPIDAN HOLDINGS LLC FOR: CONDITIONAL USE APPROVAL TO BUILD AN ORCHARD SUPPLY HARDWARE STORE OF APPROXIMATELY 39,877 SQUARE FEET IN SIZE ON THE CURRENT SITE OF THE ALOMA BOWL AT 2530 ALOMA AVENUE, ZONED COMMERCIAL (C-3) AND PROVIDING FOR CERTAIN EXCEPTIONS AND FOR A DEVELOPMENT AGREEMENT, IF REQUIRED.

Planning Manager, Jeff Briggs, presented the staff report. He described the Aloma bowl property and reminded the Board the project would demolish the Aloma Bowl building and rebuild a building, Orchard Supply, in generally the same location with parking in the front and side. He presented comparison between the existing Orchard Supply store on Orlando and the one proposed by the applicant, landscaping and tree preservation, traffic impact, storm water retention, design and project signage.

Attorney Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor and Reed, 215 N. Eola Dr., represented the applicant. Ms. Wilson introduced the project engineer, Peter-Jon Sutch who presented information regarding the project revisions. The applicant is in agreement with the Staff conditions, save and except a few minor conditions:

1. On the first condition of approval, the applicant is requesting to be allowed to use the existing pole sign, but improve it in accordance to the graphics presented.
2. There is a small change in regard to the off street, offsite parking rather than there being 21 parking spaces there will be 24 parking spaces
3. Regarding the electric transformer and switch gear, the applicant is asking that the back flow preventers be landscaped to be effectively screened from view rather than not located at the public right-of-way, because they have to be located at the right-of-way

Chairman Johnston asked the Board if there were any questions for the applicant

Mr. Sutch and Ms. Wilson responded to questions from the board regarding the size of the proposed building project versus the existing building on Orlando Avenue,

clarification on the parking spaces in the variance request, and measurements of the existing pole sign existing on the property.

The Board received comments from the following citizens: Destiny Walton, 3474 Balsam Drive; Gerald Allison, 63 Pine Arbor Drive; Tina Saile, 5422 Albert Drive; Jim Odom, 4709 Swansneck Place, Richard Elliott, 4570 Ocean Beach Blvd; David Reynolds, 232 N. Park Avenue; Steve Miller, 110 Detmar Drive; Cynthia Allison, 722 Carnation Drive; Stacy Rodriguez, 2687 Merrie Oaks Road; Danielle Allison, 722 Carnation Drive; George Busenlehner, 1621 Aster Drive; Deb Fields, 5468 Peaco Place; Ann Higbie, 190 Ward Drive; and Jim Cook.

Ms. Wilson was allowed an opportunity to rebut. She addressed the public's concern regarding the sale of the Aloma bowl and clarified that the City is not involved with the sale of the Aloma Bowl and the request being addressed is for site plan and parking variance proposed for the new project.

Ms. Wilson then responded to questions from the Board regarding signage related to design and height restrictions and offsite parking.

Motion made by James Johnston, seconded by Randall Slocum to approve the Conditional Use to construct a 39,877 square foot Orchard Supply Hardware store at 2540 Aloma Avenue, subject to the staff conditions and modifications from the applicant as follows:

1. That the project is approved with the building signage as presented and in consideration of the exception provided for wall signage, that the Aloma Avenue primary sign be limited to monument signage with non-interior illumination and dimensions as presented by staff in lieu of a pole/pylon sign.
2. That the project's landscape plan be supplemented by adding an additional landscape island via the loss of one parking space on the western parking row.
3. That the loading and service area screen walls for the dumpsters and loading dock be of comparable decorative design materials to the main building.
4. That the off-site parking agreement with Panera must include provisions which indicate that 24 off-site spaces are to be utilized by Orchard Supply to meet the minimum parking requirements established by the City via this Conditional Use approval and that those 24 spaces may not be used by Panera or any predecessors in title in the future for restaurants remodeling or expansion toward any increase in seating on that property above the 151 seats now allowed.
5. The electric transformer/switch gear shall be located where not visible from a public street. Backflow preventers shall be landscaped so as to be effectively screened from view.
6. That the project shall comply with the City's bicycle parking ordinance and provide at least 14 bike parking spaces.

REQUEST OF BFC NEW ENGLAND LLC FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT A THREE STORY MIXED USE BUILDING OF 52,601 SQUARE FEET IN SIZE WITH PARKING IN A BASEMENT LEVEL ON THE PROPERTY ZONED (C-2), AT 158 EAST NEW ENGLAND AVENUE AND PROVIDING FOR CERTAIN EXCEPTIONS AND FOR THE APPROVAL OF A DEVELOPERS AGREEMENT PERTAINING TO THE PROJECT.

Chairman James Johnston recused himself as Chair. Planning Manager, Jeff Briggs, presented the staff report. Mr. Briggs reminded the Board that this project was reviewed, November 1st, 2016 and since there was a time lapse, Mr. Briggs assured the board that project has been re-advertised and properly noticed to keep in ordinance with the public notice requirements. Mr. Briggs went on to talk about accomplishments from the November meeting related to building location, architectural design, the exceptions to the third floor setbacks, and other building functions and access. Mr. Briggs reviewed the power point presentation related to parking for this project. He indicated that Staff is in support of the variance requested by the applicant, forty parking spaces (25% of the requirement) and the commitment by the applicant's to add this to the development agreement.

Mr. Briggs discussed topic of the shared parking at Bank of America parking garage, the building has 287 spaces of which there is a significant amount of empty spaces that are available for the employees to utilize, for the bank, restaurants and offices. Mr. Briggs mentioned that Staff feels the 197 that are allowed to use the parking garage, should be the number used in terms of occupancy. He went on to explain the difference in the applicant's numbers for parking space use is because the restaurants at the Bank of America are not open for lunch. Therefore, there are no employees for those establishments, using the parking spaces during the day. Mr. Briggs discussed the Staff's concerns regarding the possibility of any restaurant at that property existing or in the future, could open for lunch and thus, issues to parking spaces could arise. Mr. Briggs expressed that Staff is not comfortable with allowing any larger credit to the new building than the float exists now between the commitment to the 197 parking spaces and the 90 spaces that are open. A variance is required to the parking standard that is in the Bank of America parking garage. Lastly, from Staff's perspective there are not enough parking spaces open for daytime restaurant use.

Staff supports the project and architectural exceptions. With respect to parking, Staff is supports using the 3 parking spaces per thousand and the 90 parking spaces in the Bank of America parking garage to be used for this project. Staff is not in support of daytime restaurant use. Staff believes the applicant needs to make provisions in the basement of the parking lot for use by visitors.

Ross Johnston asked if the Board if there were any questions for Staff.

Mr. Briggs responded to the Board's questions related to regulating restaurant seats for daytime use.

City Attorney, Dan Langley, stated for the record that Board held a workshop on February 21st, concerning this application and incorporating into the record, the discussion during the workshop.

Attorney Mickey Grindstaff, Shutts and Bowen, LLP, 300 South Orange Avenue represented the applicant. Mr. Grindstaff addressed the concerns related to the concern of daytime use of parking spaces. He informed the Board that the applicant has entered into a lease agreements for one of the restaurants which is currently night time only. Mr. Grindstaff went over the differences between Staff's recommendations for the request, versus the applicant's. He went on to present information as to why the applicant would like to move forward with the request as is for the additional parking space. The Applicant accepts Staff's Approval with the five conditions stated, except that the applicant would like to change condition number three to read as follows:

1. The restaurant seats shall be limited to no more than one hundred (100) seats for lunch, i.e. 11:00 a.m. and 2:00 p.m. during weekdays, except for weekdays during which there are special events sanctioned by the city, such as the annual art festival, etc.
2. The restaurant seats shall not be limited to 100 seats, i.e. after 4:00 p.m. weekends or holidays reserved by the City.

Mr. Grindstaff added that the applicant is willing to accept the conditions requested by Staff and in addition, the applicant is requesting to be allowed to have one hundred seats in a restaurant, for a three hour period, during weekdays, utilizing the 25 extra parking spaces, which Staff acknowledges exist, in the Bank of America parking garage.

Mr. Grindstaff answered questions from the Board related to the limiting the allotment of seats to one of the two restaurants that will be on site and limiting the other restaurant to dinner only. Mr. Grindstaff also responded to questions regarding regulatory compliance for the restaurants related to seating.

Daniel Butts responded to questions from the Board related to how the parking spaces would be accessed during daytime hours, limiting the number of seats to the restaurants during lunch hours, guaranteed parking for people visiting the offices, how the applicant will ensure that valet services is not using extra parking spaces for patrons during daytime hours and clarification on the number seats for evening parking.

The Board received comments from the following citizens: Allen Deveau, 306 South Park Avenue; Carol Roosefelt, 1400 N. New York Avenue; Donna Collado, 327 Beloit Avenue; Ann Higbie, 190 Ward Drive.

Ross Johnston closed the public session and asked the Board if they had any comments.

Sheila De Ciccio expressed concerns regarding parking and stated that she could not support the petition.

Raymond Waugh remarked that the applicant is proposing a shared parking solution unrelated to the public parking issue in Winter Park.

Randall Slocum expressed his concerns regarding controlled parking with limited open use access. He would be in support of this project if the lunch portion of request was removed.

Motion made Tom Sacha, seconded by Ray Waugh to Approve the Conditional Use request with the five conditions recommended by staff but modifying #3 to allow up to 100 restaurant seats for daytime usage. Randall Slocum, Shelia De

Ciccio and Ross Johnston voted against the motion to approve. Tom Sacha, Ray Waugh and Bob Hahn voted in favor of the motion to approve. The vote was 3-3.

Respectfully submitted,

Kim Breland
Recording Secretary