



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

**Regular Meeting
City Hall, Commission Chambers**

**May 9, 2017
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, Peter Gottfried, Tom Sacha, Randall Slocum, Shelia De Ciccio, Ross Johnston and Raymond Waugh. Absent: Robert Hahn. Also Present: City Attorney Dan Langley. Staff: Planning Manager Jeff Briggs 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 Randall Slocum, seconded by Tom Sacha to approve the April 4, 2017 meeting minutes. Motion carried unanimously.

PUBLIC HEARINGS:

REQUEST OF KIM NEITZEL FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" TO REVISE THE PERMITTED USES IN THE OFFICE ZONING DISTRICTS TO PERMIT VETERINARY CLINICS.

Planning Manager Jeff Briggs presented the staff report and explained that the Applicants, Kim and Jim Neitzel, owners of the Garden Veterinary Clinic at 308 E. Par Street would like to move their veterinary clinic to the property at 1479 Gene Street, which is a former medical doctor's office building. The building interior is perfect for their medical veterinary clinic needs and the site has plenty of parking. The only issue is that the property is zoned Office which allow medical clinics for people but not for animals. The Applicant is requesting to change that zoning distinction to include veterinary facilities.

Mr. Briggs went on to explain that the action is a P&Z Board recommendation on an Ordinance to amend the Office (O-1 and O-2) zoning codes to allow veterinary clinics as a permitted use, subject to limitations. The amended O-1/O-2 zoning text under permitted uses would allow "Veterinary clinics (but not 24 hour veterinary hospitals) provided that they are located in single tenant buildings and located at least two hundred (200) feet from the nearest residential building measured building to building. In addition, there shall be no overnight or weekend boarding of animals and no outdoor kennels, runs or cages."

The specific property that is requesting this amendment, 1479 Gene Street, meets these restrictions, but this Ordinance would change the Office zoning regulations city-wide. The City cannot change the zoning permitted uses just for one property.

Staff feels that this amendment will not have a negative impact on the community, and the proposed limitations will provide a buffer to residences within close proximity and to other tenants by limiting it to single tenant office buildings. Staff recommendation was for approval.

Chairman Johnston asked the Board if there were any questions for Staff. Board Member, Ross Johnston, asked if there was any recourse for neighbors in instances where animal noise became an issue. Mr. Briggs responded that there is a general recourse in the code about noise generated by any business causing a noise nuisance that is "clearly audible" within another tenant space. Thus, the Code Enforcement Board can enforce in those instances.

Applicant Kim Nietzel addressed the Board and stated that she has been a Veterinarian in Winter Park for 30 years and her business has grown considerably. She asked the Board to consider this building for her purposes as it has minimal renovations needed in order for her to run her business and keeps her prices economical for customers. The building has been vacant for 1½ years and Mrs. Nietzel indicated that she is hoping to purchase the building in the future. She addressed the animal noise concerns and informed the Board that the room where dogs would be kept during the day happens to be the old radiology room on the property which has lead walls and that being the case, animal noise, if any, would be minimal. Ms. Nietzel closed by saying that the property was a good fit for her business and there would be minimal renovations. She would also be doing some landscaping to enhance the property.

There was no public comment. The public hearing was closed.

There was consensus amongst the Board members that the restrictions were sufficient to protect adjacent property owners and a veterinary clinic was comparable to other medical uses already permitted in the office zoning districts.

Motion made by Tom Sacha, seconded by Randall Slocum to Amend the Office (O-1 and O-2) Zoning Code to allow veterinary clinics in the office zoning districts subject to limitations on a single tenant building and separation from residential as follows:

Motion carried unanimously with a 7-0 vote.

REQUEST OF FOCUSED STRATEGIES, INC. FOR: APPROVAL TO COMBINE SIDE YARD SETBACKS ON THE PORPERTY AT 1019 WEST FAIRBANKS AVENUE, ZONED COMMERCIAL (C-3) IN ORDER TO PERMIT NEW BUILDING AND REMODELING AT A ZERO FOOT SETBACK ON THE WESTERN PROPERTY LINE.

Planning Manager, Jeff Briggs, presented the staff report. Mr. Briggs explained that Focused Strategies, Inc., the owner of the property/building at 1019 West Fairbanks Avenue, zone (C-3) is proposing to demolish part of the building, construct additions to the building and renovate the interior for use as an office space, small 12 room hotel and one residential unit.

Since the existing building now sits on the western property line, they desire to construct the addition in line with the existing building with the same zero foot setback on the

western property line. This agenda item requests the P&Z Board to grant an approval to combine the side yard setbacks at the property located at 1019 West Fairbanks Avenue, zoned commercial (C-3), per the Code section below.

Mr. Briggs further explained that the existing building currently is setback zero feet from the property line, the new building must follow today's setback of five feet from the property. However, the C-3 zoning code states that if a person desires to combine the minimum side yard setbacks and provide them only on one side of the lot, the P&Z Board has the authority to approve what is in essence a variance to allow the zero foot side setback.

Sec. 58-76. Commercial (C-3) District.

(e) Development standards.

(2) If a person constructing a building within this district desires to combine the minimum side yard setbacks and provide them on only one side of the lot, a site plan showing the locations of the proposed building as well as the location of existing adjacent building must be submitted to the planning and zoning commission for approval prior to the issuance to a building permit to ensure sufficient compatibility with adjacent properties. This reduction to the required side setback however, shall not be permitted if adjacent to a residentially zoned parcel.

Mr. Briggs expressed that Staff does have some mixed feelings about the project given the uses that are supposed to be in this hotel, which in reality would be some apartments and retail space. Mr. Briggs went on to say, that ultimately the owner will making significant investment into the redevelopment of this property and that staff has made it very clear, both in notice and in personal contact to the adjacent property owner who is affected that this is a variance. Chairman Johnston asked Mr. Briggs if the adjacent property owners responded to the notice. Mr. Briggs indicated that the adjacent property owners did not respond. Staff recommendation is for Approval.

There was no public comment. The public hearing was closed.

There was some discussion amongst the Board and Staff about room number requirements per code, traffic access in and out of the property and future use of the property as it relates to the Comp Plan.

Motion made by Tom Sacha, seconded by Peter Gottfried for approval to combine side yard setbacks on the property at 1019 West Fairbanks Avenue, zoned commercial (C-3) in order to permit new building and remodeling at a zero foot setback on the western property line.

Motion carried unanimously with a 7-0 vote.

There was no further business. Meeting adjourned at 6:20 p.m.

Respectfully submitted,

Kim Breland
Recording Secretary