



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

**Regular Meeting
City Hall, Commission Chambers**

**September 5, 2017
6:00 p.m.**

MINUTES

Chairman Ross Johnston called the meeting to order at 6:00 p.m. in the Commission Chambers of City Hall Present: Ross Johnston, Bob Hahn and Owen Beitsch and Raymond Waugh. Absent: Adam Bert, Laura Walda, Laura Turner and Sheila De Ciccio. Also Present: City Attorney Dan Langley. Staff: Planning Manager, Jeff Briggs; Senior Planner, Allison McGillis and Recording Secretary, Kim Breland.

APPROVAL OF MINUTES:

Motion made by Ross Johnston, seconded by Raymond Waugh to approve the August 1, 2017 meeting minutes. Motion carried unanimously.

PUBLIC HEARINGS:

REQUEST OF HYATT DESIGN FOR: APPROVAL TO CONSTRUCT A NEW 4,875-SQUARE FEET SINGLE-FAMILY HOME LOCATED AT 1074 MCKEAN CIRCLE ON THE VENETIAN CANAL, ZONED R-1AA.

Senior Planner, Allison McGillis, presented the staff report. She explained that the applicant is requesting approval to construct a new 4,875-square feet single-family home located at 1074 McKean Circle on the canal between Lake Maitland and Lake Virginia, zoned R-1AA. Ms. McGillis stated that the property is currently developed with a single-family home that is to be demolished, and measures 16,889-square feet in size. The proposed one-story home will be total of 4,875-square feet in size including the front and rear porches, or 4,197-square feet excluding the porches, which yields a floor area ratio (FAR) of 27%. This new home will have impervious lot coverage of 6,295-square feet or 37.3%, which is within the maximum 50%.

Mrs. McGillis She reviewed the issues of tree preservation, view from the lake and views of the neighbors, and storm water retention. She summarized by stating that the plans meet the intent of the lakefront review criteria and staff had no significant concerns with the proposed home as presented.

Staff recommended approval of the request.

No one else wished to speak. The public hearing was closed.

The Board agreed with Staff's recommendation and there were no questions.

Motion made by Ray Waugh, seconded by Bob Hahn for Approval. Motion carried unanimously with a 4-0 vote.

REQUEST OF Z PROPERTIES FOR APPROVAL TO: APPROVAL TO CONSTRUCT A NEW 5,088-SQUARE FEET SINGLE-FAMILY HOME LOCATED AT 2505 TEMPLE DRIVE ON LAKE TEMPLE, ZONED R-1AAA.

Senior Planner, Allison McGillis, presented the staff report. She explained that the applicant is requesting approval to construct a new 5,088-square feet single-family home located at 2505 Temple Drive on Lake Temple, zoned R-1AAA. This property is currently undeveloped.

The proposed one-story home will be total of 5,088-square feet in size, which on this large lot that measures 49,878-square feet yields a floor area ratio (FAR) of 10%. This new home will have impervious lot coverage of 13,109-square feet or 26%, which is within the maximum 50%.

Mrs. McGillis reviewed the issues of tree preservation, view from the lake and views of the neighbors, and storm water retention. She summarized by stating that the plans meet the intent of the lakefront review criteria and staff had no significant concerns with the proposed home as presented.

Staff recommended approval of the request.

No one else wished to speak. The public hearing was closed.

The Board agreed with Staff's recommendation and there were no questions.

Motion made by Raymond Waugh, seconded by Bob Hahn for Approval. Motion carried unanimously with a 4-0 vote.

REQUEST OF DESHPANDE, INC. FOR: PRELIMINARY AND FINAL PLAT APPROVAL OF A 30 LOT, SINGLE FAMILY SUBDIVISION FROM THE CURRENT PROPERTIES OF 613/621/629 ELLEN DRIVE AND 503/511/519/524/525/532/600/601/604/618/619/624 COUNTRY CLUB DRIVE, WITH LOT DIMENSION VARIANCES REQUESTED FOR FIVE LOTS, ON PROPERTY ZONED R-2.

Planning Manager, Jeff Briggs presented the staff report. He explained that Deshpande Inc. (contract purchaser) is requesting approval of the preliminary and final plat to replat/subdivide properties on Ellen Drive and Country Club Drive, into 30 single family residential lots. The preliminary plat was approved by the City Commission on February 27, 2017, following a recommendation by P&Z, subject to certain conditions. On March 27, 2017 the property at 524 Country Club Drive, was rezoned to R-2 and the preliminary plat revised for the lakefront portion of this subdivision. The applicant subsequently has discovered a survey error that has resulted in the re-drawing of Lots 12-17 and there are new lot width variances for Lots 12 & 13, thus the preliminary plat re-do for those lots.

The Preliminary Plat was approved on February 27, 2017 with the following conditions:

1. That the final road design of Ellen Drive within the proposed 30 foot right-of-way be determined at the Final Plat stage pending resolution of the tree preservation evaluation and roadway design.
2. That the final architectural elevations of the homes consist of diverse architectural styles, front façades and roof materials with the City Architect to provide advice on style and materials variations to accomplish this objective.
3. That the approval is preliminary and recognizes that requirements for storm water retention, infrastructure or for the preservation of specimen trees may alter the final lot design and building yield at the Final Plat stage.
4. That as part of the Final Plat, the City will require traffic calming measures be implemented on the new roadways in the form of rollovers in order to calm or slow the speed of traffic on this cut-through route.

Mr. Briggs went on to explain that, relating to the preliminary plat, a survey error has resulted in the need to reshape Lots 12-17. All of these revised lots meet the 6,000 square foot lot size minimum. However, Lots 12 & 13 at 46.23 ft. & 48.04 ft. respectively do not meet the 50 foot lot width minimum size and variances are requested for those lot dimensions. Mr. Briggs reviewed issues related to infrastructure upgrades for sanitary sewer, water and electric, tree protection, zoning and lot size requirements, storm water retention and open space dedication, lakefront access and boathouses and lastly, a subdivision identification sign.

Mr. Briggs summarized by stating that from the City's perspective, this subdivision of 30 lots provides a good opportunity for redevelopment that can address most of the infrastructure deficiencies that exist in this area from the 1960's era construction. The conditions recommended below will assist to provide compatible development.

As of the date of this P&Z Board meeting, the final plat and related submittal documents have not been fully reviewed by the Public Works Department, City Surveyor and City Attorney; thus, the final plat is subject to further revisions to address review staff comments and to ensure compliance with Chapter 177, Florida Statutes and City Code requirements.

Staff Recommendation is for APPROVAL of the Final Plat, with the following conditions:

1. That the architectural elevations of the homes consist of diverse architectural styles, front façades and roof materials with the City Architect to provide advice on style and materials variations to determine if subsequent house designs conform to this requirement.
2. That the subdivision shall have a homeowners association ("HOA") pursuant to Chapter 720, Florida Statutes and be subject to a recorded Declaration of Covenants and Restrictions ("Declaration"). The Declaration shall be submitted for review and approval by the City Attorney. The Declaration shall include provisions for HOA maintenance of all common area tracts and the imposition and collection of assessments for the same and the lot owners' common use and enjoyment of common area tracts. The Declaration of Covenants and Restrictions and a deed conveying the common area tracts to the HOA along with necessary mortgagee joinder and consents and partial releases shall be recorded along with the final plat.
3. That the plat and the Declaration for the subdivision provides a 20 foot wide lakefront access tract such that it will allow access to the lake for the residents of this subdivision and those neighbors that historically made use of the lakefront access provided such residents are willing to pay the HOA association dues or who execute a Boat Access User Agreement and pay a onetime fee in order to provide for the required maintenance of this tract. To this end, such dues for non-subdivision residents may not be greater than those paid by the subdivision residents and that such Declaration may not be amended without the consent of the City Commission.
4. That the Final Plat contains the designation of mandatory boathouse/dock locations and the Plat shall indicate such and that the side setback may be one foot to the structure and zero to the roof eave and that the maximum width of any boathouse/dock shall be 16 feet and maximum distance into the lake shall be 30 feet from the ordinary high water elevation.
5. That this Final Plat approval recognizes that requirements for the preservation of specimen trees may alter the final lot design and building yield square footage and that the maximum permitted floor area ratio is not an entitlement to the affected building lots on the "Trees To Be Saved" plan presented by the applicant.
6. That the tree(s) and a substantial portion of the canopy of the shade trees shown in the "Trees To Be Saved" plan shall be preserved. However, when deemed necessary by Urban Forestry in order to preserve tree(s) and canopy, the building setback to an interior (same subdivision) property line may be reduced to a 5 foot one story and 8 foot two story side setback in lieu of the required 7 foot one story and 10 foot two story side setbacks and a 15 foot second story rear in lieu of the required 25 foot rear setback. This shall apply per the "Trees To Be Saved" plan to Lots #10, 11, 13, 14, 15, 19, 20, 22, 23, 26, and 28. All other lots shall meet the normal R-2 setback requirements. No permit for removal of

these trees will be granted by the City for a period of at least 25 years from the date of recording of this Plat unless the City Arborist determines that their condition, health or other non-economic factors warrant their removal.

7. That The City Commission may require traffic calming measures be implemented on Country Club Drive in order to calm or slow the speed of traffic on this cut-through route.
8. That the applicant grant to the City (at no cost to the City) certain utility easements necessary to provide public utility services to the subdivision in widths and locations as may be required by the Public Works Department.
9. That the applicant shall address all Public Works Department, City Surveyor and City Attorney final plat review comments and concerns before the final plat is approved by City Commission and the final plat is executed by the City and recorded in the public records. That in no event shall the City be required to execute or allow recording of the final plat unless and until the final plat complies with the requirements of Chapter 177, Florida Statutes and the City surveyor approves the plat as compliant with such and the final plat contains all plat notes, dedications, easements and information required by the City. No proposed lots shall be sold or conveyed unless and until the final plat is recorded.

Mr. Briggs answered questions from the Board related to traffic calming spacing.

Attorney, Tara Tedrow of Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola Drive, Orlando, Florida, represented the applicant. Ms. Tedrow reviewed the final plat presentation. She reiterated that the applicant received a thirty-one lot preliminary plat approval by the City Commission in February of 2017 and since then it was reduced to 30 lots.

Ms. Tedrow explained how the final plat improvements would benefit the area as well as existing homes not related to the project by way of undergrounding utilities, improvements with sewage and water as the development is moving away from septic tanks, redoing the roadway to improve Country Club Drive as well as Ellen Drive and adding street lighting. Ms. Tedrow reiterated that the applicant is agreeable to all of Staff's nine conditions of approval and explained the modification request to item six, she explained that as the applicant is asking for a five foot side setback in order to give all of the homes side-loaded or rear-loaded garages. The applicant is requesting that, "if" they were to accommodate lots where they could build side-loaded garages that it would be allowable to also have a decreased setback to five feet. Ms. Tedrow presented various designs to the board showing side and rear loaded garages as options for the new development and how the aesthetic appeal from the roadway would greatly enhance the neighborhood. She explained again that the applicant is requesting final plat approval subject to Staff's conditions, just modifying condition six to allow for the decreased 2 feet reduction on only those lots interior to the plat.

Lastly she mentioned to the Board that they have no problem installing three speed humps or rollovers that will be put on Country Club Drive. She noted the plat note in order to clarify that Tract B lake access is not a public access to Lake Killarney. Ms. Tedrow asked for the opportunity to respond to questions from the Board and public comments.

The Board heard public comments from: Attorney Allison Yurko, 921 Bradshaw Terrace, Orlando, FL 32806 representing David Robold; David Robold, 612 and 518 Country Club Drive and Gillian Higgins, 613 Country Club Drive. They spoke in support of the speed humps or rollovers citing significant speeding cut-thru traffic. Ms. Yurko and Mr. Robold also asked P&Z to establish setbacks from Lake Killarney that would preserve his traditional views of the lake. Ms. Higgin spoke about the large tree in her front yard very close to the street in terms of protecting that tree from construction impacts.

No one else wished to speak. The public hearing was closed.

There was discussion amongst the Board related to the items discussed by the neighbors. The Board was in agreement on the condition requiring the speed humps or rollovers. However, since the Board reviews each lakefront home on an individual case by case basis, the members expressed confidence that they could address the protection of lakefront views at that time. Chairman Johnston asked Mr. Briggs for a reaction to the request for the 5 foot side setbacks. Mr. Briggs responded that the request has merit for the garage portion of

the home but there is no reason to provide such setback variance for the rest of the home located behind the garage. Mr. Johnston expressed that he was not comfortable taking up a setback variance request applicable to all lots in the development that was not part of the materials provided to them; which had no prior staff review and which was just presented tonight. After further discussion it was mutually decided that there would be no modification to condition six and any decisions related lakefront setbacks would be decided on a case by case basis.

Motion made by Owen Beitsch, seconded by Raymond Waugh for Approval with the following conditions:

- 1. That the architectural elevations of the homes consist of diverse architectural styles, front façades and roof materials with the City Architect to provide advice on style and materials variations to determine if subsequent house designs conform to this requirement.**
- 2. That the subdivision shall have a homeowners association (“HOA”) pursuant to Chapter 720, Florida Statutes and be subject to a recorded Declaration of Covenants and Restrictions (“Declaration”). The Declaration shall be submitted for review and approval by the City Attorney. The Declaration shall include provisions for HOA maintenance of all common area tracts and the imposition and collection of assessments for the same and the lot owners’ common use and enjoyment of common area tracts. The Declaration of Covenants and Restrictions and a deed conveying the common area tracts to the HOA along with necessary mortgagee joinder and consents and partial releases shall be recorded along with the final plat.**
- 3. That the plat and the Declaration for the subdivision provides a 20 foot wide lakefront access tract such that it will allow access to the lake for the City of Winter Park staff for maintenance/special purposes, residents of this subdivision and those neighbors that historically made use of the lakefront access provided such residents are willing to pay the HOA association dues or who execute a Boat Access User Agreement and pay a onetime fee in order to provide for the required maintenance of this tract. To this end, such dues for non-subdivision residents may not be greater than those paid by the subdivision residents and that such Declaration may not be amended without the consent of the City Commission.**
- 4. That the Final Plat contains the designation of mandatory boathouse/dock locations and the Plat shall indicate such and that the side setback may be one foot to the structure and zero to the roof eave and that the maximum width of any boathouse/dock shall be 16 feet and maximum distance into the lake shall be 30 feet from the ordinary high water elevation.**
- 5. That this Final Plat approval recognizes that requirements for the preservation of specimen trees may alter the final lot design and building yield square footage and that the maximum permitted floor area ratio is not an entitlement to the affected building lots on the “Trees To Be Saved” plan presented by the applicant.**
- 6. That the tree(s) and a substantial portion of the canopy of the shade trees shown in the “Trees To Be Saved” plan shall be preserved. However, when deemed necessary by Urban Forestry in order to preserve tree(s) and canopy, the building setback to an interior (same subdivision) property line may be reduced to a 5 foot one story and 8 foot two story side setback in lieu of the required 7 foot one story and 10 foot two story side setbacks and a 15 foot second story rear in lieu of the required 25 foot rear setback. This shall apply per the “Trees To Be Saved” plan to Lots #10, 11, 13, 14, 15, 19, 20 22, 23, 26, and 28. All other lots shall meet the normal R-2 setback requirements. No permit for removal of these trees will be granted by the City for a period of at least 25 years from the date of recording of this Plat unless the City Arborist determines that their condition, health or other non-economic factors warrant their removal.**
- 7. That the project incorporate three speed humps along Country Club Drive.**
- 8. That the applicant grant to the City (at no cost to the City) certain utility easements necessary to provide public utility services to the subdivision in widths and locations as may be required by the Public Works Department.**

9. That the applicant shall address all Public Works Department, City Surveyor and City Attorney final plat review comments and concerns before the final plat is approved by City Commission and the final plat is executed by the City and recorded in the public records. That in no event shall the City be required to execute or allow recording of the final plat unless and until the final plat complies with the requirements of Chapter 177, Florida Statutes and the City surveyor approves the plat as compliant with such and the final plat contains all plat notes, dedications, easements and information required by the City. No proposed lots shall be sold or conveyed unless and until the final plat is recorded.

Motion carried unanimously with a 4-0 vote.

REQUEST OF O'TAY LLC FOR: CONDITIONAL USE APPROVAL TO BUILD A 43,264 SQUARE FOOT, TWO-STORY, OFFICE BUILDING WITH AN UNDERGROUND PARKING LEVEL ON THE VACANT PROPERTY AT 531 WEST MORSE BOULEVARD, ZONED C-2.

Board member, Owen Beitsch, recused himself from this item as his employer has done work for the applicant.

Dan Langley, city attorney, advised the Board that when a quorum is established for a P&Z meeting (4 persons) then as long as a majority of the Board (3 persons) can vote on an item, it can proceed.

Planning Manager, Jeff Briggs presented the staff report. He explained that this item is a conditional use request to build an approximately 42,068 square foot, two-story, office building with an underground parking level at the vacant property located at 531 West Morse Boulevard, on the northeast corner of Morse Boulevard and Pennsylvania Avenue, which is zoned C-2. He noted that while the plans show a 42,068 gross square foot office building of that total square footage, there is 24,106-square feet of enclosed office space. The enclosed office space is two-stories along the Morse Boulevard and a portion of the Pennsylvania Avenue frontages, and the remaining portion of the office space is contained within the second story portion cantilevered over the covered parking area. The covered parking area is 14,743 square feet on the ground-level. The underground parking level does not count towards the floor area ratio (FAR) or gross square footage calculations. Based on the gross square footage, the FAR is 122%, which is below the code maximum of 200%.

Mr. Briggs also noted that the proposed architectural design and height of this building is compatible with the surrounding properties. The faux windows along the façade of the cantilevered portion of the building hides the parking from view from the street. The building height is at the Code maximum of 30 feet. The Code allows for parapet walls to exceed this height up to five feet and elevator towers to exceed this height up to 10 feet. This plan incorporates parapet walls to add architectural interest and to screen and hide all the rooftop air-conditioning and mechanical equipment, as well as elevator towers that extend nine feet above the roof height in order to comply with the Building Code requirement to open to the rooftop to be able to service and replace rooftop air conditioning and mechanical equipment. Therefore, the visible height of the building ranges from 33 and a half feet to 39 feet.

The site plan shows a mechanical equipment room located adjacent to the single-family property. Staff has concerns with the noise from the mechanical ventilation equipment required for the underground parking level. Since this type of system is necessary and will likely have fans that run 24-hours a day, staff is recommending that it be placed as far away as possible from the single-family residences. The City Commission approved the Conditional Use request for the Trader Joe's/Lakeside project with a similar condition that an acoustical study was done for the noise created from air conditioner/mechanical equipment due to the close proximity to residences. This study yielded that 55 decibels was acceptable as measured at the property lines adjacent to residential, provided that this decibel level was maintained at all hours of the day.

Mr. Briggs reviewed the project with regard to parking, traffic & circulation, storm water retention, and site lighting. He informed the Board that there is currently a Lynx bus stop along the Morse Boulevard frontage of this property. The 3D architectural elevations of the Morse Boulevard view do not incorporate this bus stop. Staff is recommending that the applicant create an enhanced covered bus stop to provide shelter and bench seating for this Lynx stop.

Lastly, Mr. Briggs discussed the emails received from neighbors on Carolina avenue with concerns about the traffic from the underground parking level onto their residential street.

STAFF RECOMMENDATION WAS FOR APPROVAL of both the preliminary and final conditional use with the following conditions:

1. That the project shall be restricted to a non-interior illuminated monument sign and non-interior illuminated wall signage.
2. That the project incorporate an enhanced covered bus stop to provide shelter and bench seating for the Lynx stop along Morse Boulevard.
3. That a left turn only sign be placed at the exit from the below-grade parking ramp to control cars from turning right onto Carolina Avenue.
4. That the project place the mechanical ventilation equipment necessary for the underground parking where it will not create a noise nuisance for the adjoining residential properties; also that an acoustic study be performed to verify that this equipment will be operating at a maximum of 55 decibels, as measured at the property lines adjacent to residential, at all hours of the day.
5. That the project incorporate the required bike parking.

Mr. Briggs answered questions from the Board regarding alternative locations for the underground parking ramp and entrance.

Attorney J.J. Johnson of Sloan and Johnson, 3670 Maguire Boulevard, Suite 250, Orlando, Florida, represented the applicant. Mr. Johnson explained the applicant is looking to relocate its headquarters, therefore, the project will be largely owner occupied. He stated that the project would be a good fit for the site and for the City as far as creating jobs and tax revenue. He stated that the project is entirely consistent with the Comprehensive Plan and Land Development Code, including the Hannibal Square Neighborhood Commercial District and the Morse Boulevard design guidelines. The applicant has taken great care to design without need for a variance or special exception, therefore the design meets 100% of the code.

Mr. Johnson stated that the applicant has worked diligently to accommodate requests from staff and residents of the surrounding neighborhood, one major request that was received in comments and emails from residents was the location of storm water, originally the storm water was above ground at the corners of Carolina Avenue and Pennsylvania Avenue, some of the neighbors were concerned about the location of the storm water pond, the applicant went back to the design team and was able to accommodate the request by making the storm water pond an underground vault system. Mr. Johnson stated that another major concern of the neighbors is the lower level parking. He stated that due to design and location factors and having to comply with various codes and restrictions, there are some limitations to what can be done for parking, however, the applicant is agreeable to posting signs that say "No Right Turns Out Of The Exit", the applicant feels that the sign would deter the majority of people from making a right turn on to Carolina Avenue when exiting the garage. There was discussion between the applicant and the Board what traffic studies, if any, were done.

Lastly, Mr. Johnson mentioned that the applicant is agreeable to the following items that Staff requested, restricted non-interior illuminated signage, enhanced covered bus stop and noise control. Mr. Johnson asked for the opportunity to respond to public comments.

Randal Slocum of Slocum Platts Architects, 670 North Orlando Avenue, Maitland, Florida explained the design for the project and anticipated traffic movements. He explained that most of the traffic and parking throughout

the day would be coming from the above parking area on Pennsylvania Avenue and that the underground parking area on Carolina Avenue was solely for employee use. He gave a presentation indicating why, with this project, the underground entrance is most feasible on Carolina Avenue.

Development Manager, Vince Smith of Vince Smith Construction, 2129 Bluff Oak St, Apopka, FL, gave further clarification of the reasons for the underground garage being located on Carolina Avenue. There was discussion regarding restricted access options for the underground garage.

The Board heard public comments from: Lurline Fletcher, 811 English Court; Brian Gruber, 466 Carolina Avenue; Mary Daniels, 650 West Canton Avenue; Carolyn Weinstein, 524 Carolina Avenue and Courtney McDonald, 535 Carolina Avenue. These residents voiced their great concern regarding the underground garage placement and how it would affect pedestrians crossing the sidewalk attached to the ramp and how it would drive traffic to their residential street. There is a safety concern that number of children who walk down the sidewalk to their school bus stops. They requested a re-design so that their properties were not impacted by this traffic from the underground level.

No one else wished to speak. The public hearing was closed.

Discussion ensued amongst the Board and the applicant regarding the residents' concerns related to safety for children crossing the sidewalk in front of the entrance to the underground garage and what options would be available to prevent vehicles from speeding in or out of the garage and/or making right turns onto Carolina Avenue. The P&Z Board members felt that the driveway apron could be constructed (like the McDonald's on Fairbanks) where you have to turn in only one direction or otherwise drive over a curb. The P&Z Board members also discussed making the underground parking level a key pad or card entry system with a gate so that it only served employees thus limiting the number of vehicles. Lastly they discussed the possibility of a sound or light alert system for pedestrians but recognized that this might be more intrusive in front of homes than desired. After further comments from the Board addressing neighbor's concerns and compatibility, the Board made the following motion:

Motion made by Bob Hahn, seconded by Raymond Waugh to approve the conditional use request by Otay LLC to build a 43,264 Square Foot, two-story, office building with an underground parking level on the vacant property at 531 West Morse Boulevard, zoned (C-2), with the following conditions, relative to enhancing the function and design of the safety and security of the ramp for the lower level parking garage, in addition to Staff conditions:

- 1. That the project shall be restricted to a non-interior illuminated monument sign and non-interior illuminated wall signage.**
- 2. That the project incorporate an enhanced covered bus stop to provide shelter and bench seating for the Lynx stop along Morse Boulevard.**
- 3. That the project place the mechanical ventilation equipment necessary for the underground parking where it will not create a noise nuisance for the adjoining residential properties; also that an acoustic study be performed to verify that this equipment will be operating at a maximum of 55 decibels, as measured at the property lines adjacent to residential, at all hours of the day.**
- 4. That the project incorporate the required bike parking.**
- 5. That the project install a restricted access gate to the underground parking level to limit use to employees; that driveway curbing be installed to make the underground parking only have access toward Pennsylvania Avenue with a left turn only exit sign, and that the applicant should explore options for a pedestrian lights to warn drivers that a pedestrian is in the cross-walk.**

Motion carried unanimously with a 3-0 vote.

REQUEST OF KIMLEY-HORN & ASSOCIATES TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM AN OFFICE FUTURE LAND USE DESIGNATION TO A COMMERCIAL FUTURE LAND USE DESIGNATION ON THE SOUTHERN PORTION OF THE PROPERTY AT 1350 WEST FAIRBANKS AVENUE.

REQUEST OF KIMLEY-HORN & ASSOCIATES TO: AMEND THE OFFICIAL ZONING MAP TO CHANGE FROM OFFICE (O-1) DISTRICT TO COMMERCIAL (C-3) DISTRICT ZONING ON THE SOUTHERN PORTION OF THE PROPERTY AT 1350 WEST FAIRBANKS AVENUE.

Planning Manager, Jeff Briggs presented the staff report. He explained that this public hearing item involves two requests:

1. To change the Comprehensive Plan Future Land Use Map from Office to Commercial on the southern portion of the property located at 1350 West Fairbanks Avenue
2. To change the Zoning from Office (O-1) district to Commercial (C-3) district on the southern portion of the property located at 1350 West Fairbanks Avenue.

Mr. Briggs explained that the applicant is requesting to amend the Comprehensive Plan Future Land Use designation and Zoning on the southern portion of 1350 West Fairbanks Avenue to redevelop the combined properties of 1308/1324/1350 West Fairbanks Avenue with a Wendy's fast food restaurant with drive-thru and an office/retail building. The applicant ultimately needs three approvals from the City to build this project because of the fast food and drive-thru component. However, without the Comprehensive Plan Future Land Use Map amendment from Office to Commercial land use, and a companion rezoning from O-1 to C-3, the project cannot move forward.

Therefore, the application is divided into two parts with two separate public hearings. The first public hearings are on the two land use ordinances referenced above. If the P&Z Board votes to approve these land use changes, then the P&Z Board can move on to consider the Conditional Use request. If the P&Z Board votes to deny the land use ordinances, then no action can be taken on the Conditional Use. The Conditional Use matter will be tabled or continued until after the City Commission makes a decision on the land use ordinances.

Mr. Briggs pointed out to the P&Z Board that changes to the Comprehensive Plan are what are termed 'legislative' changes. They operate under what is called the 'fairly debatable' rule. If there are ten reasons why the City should approve and only one reason why the City should deny, the City can still deny as long as there is any legitimate reason. Similarly, if there are ten reasons why the City should deny and only one reason why the City should approve, the City can still approve.

STAFF RECOMMENDATION WAS FOR DENIAL of the Comprehensive Plan Future Land Use Amendment and Rezoning for the following reasons:

1. A recommendation for denial is consistent with the staff's recommendation for the adjacent McDonald's project in 2011;
2. The land use change enables a request for fast food establishments which generate significantly more traffic than would occur under the existing land use classifications. Given the existing traffic congestion in this area, it made no sense to change land use classifications that would increase and exacerbate the traffic issues at this location;
3. The land use change is not compatible with the City's plans for this gateway corridor entrance into the City or compatible with the \$20+ million dollar of public investments to improve the aesthetics of this gateway corridor.

Adam Smith, Vice President of Development for Leon Capital Group, 3500 Maple Avenue, Dallas, TX, represented the applicant. Mr. Smith explained that the request is specifically for the south portion of 1350 West Fairbanks, the other two parcels that the applicant owns, are already designated Commercial (C-3). Mr. Smith gave a presentation clarifying the overall square footage and conditions of the project. He showed

examples of other fast food uses in the area. He expressed the applicant's justifications for the zoning change. Lastly he addressed some of the Staff comments that the Board received regarding the site located in the West Fairbanks corridor, concerns of the area being considered "Fast Food Row". Lastly he asked the Board to take into consideration how many parcels in the entire city have this unique situation, where you have a site, specifically 1350 West Fairbanks that has two different designations, not only within the zoning map, but within the comprehensive plan as well. He stated that regardless of what's stated in the next portion of the project, he feels this ambiguity needs to be addressed.

James Taylor, Kimley-Horn Associates Orlando, 3660 Maguire Blvd., Orlando Florida, explained that his group was retained by the applicant to provide a traffic study for the project. He gave a presentation outline what the specific impact would be for this project. While he agreed with staff that fast food establishments can generate a tenfold increase in traffic over other retail and office development, most of that traffic is passerby trips meaning people who are already on the roadway.

Mr. Smith requested the opportunity to respond to public comments.

The Board heard public comments from: Carol Felsing, 1415/1419 Gene Street and Nort Northam, 120 Broadview Avenue. Ms. Felsing asked the Board to please not do anything to increase traffic on Gene Street. She indicated that the McDonald's causes a large amount of cut-thru traffic and it would hurt her property values to add another such fast food operation. Mr. Northam talked about the increase in cut-thru traffic in his neighborhood across Fairbanks Avenue since the McDonalds opened.

No one else wished to speak. The public hearing was closed.

There was great discussion from the Board regarding the Comprehensive Plan and where the City is with developing the Gateway. The Board explained that it has always been their priority for fast food on the south side of Fairbanks not to develop as stand-alone buildings. The P&Z Board members cited the significant traffic congestion that exists today and how this land use change could facilitate an even greater increase in traffic.

Motion made by Raymond Waugh, seconded by Bob Hahn to vote in favor of Staff's recommendation to deny amendment to the "Comprehensive Plan" Future Land Use map to change from an office future land use designation to a commercial future land use designation on the southern portion of the property at 1350 West Fairbanks Avenue.

Motion carried unanimously with a 4-0 vote.

Motion made by Bob Hahn, seconded by Raymond Waugh to deny amendment of the official zoning map to change from office (O-1) district to commercial (C-3) district zoning on the southern portion of the property at 1350 West Fairbanks Avenue

Motion carried unanimously with a 4-0 vote.

REQUEST OF KIMLEY-HORN & ASSOCIATES FOR: CONDITIONAL USE APPROVAL TO BUILD A 2,700 SQUARE FOOT, WENDY'S RESTAURANT WITH A DRIVE-THRU ON THE PROPERTIES LOCATED AT 1308/1324/1350 WEST FAIRBANKS AVENUE.

Motion made by Raymond Waugh, seconded by Bob Hahn to table the conditional use approval to build a 2,700 square foot, Wendy's restaurant with a drive-thru on the properties located at 1308/1324/1350 West Fairbanks Avenue.

Motion carried unanimously with a 4-0 vote.

REQUEST OF WEKIVA CAPITAL PARTNERS TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM AN OFFICE TO A MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION ON THE PROPERTIES AT 1424 AND 1428 GAY ROAD.

REQUEST OF WEKIVA CAPITAL PARTNERS TO: AMEND THE OFFICIAL ZONING MAP TO CHANGE FROM OFFICE (O-2) DISTRICT ZONING TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTIES AT 1424 AND 1428 GAY ROAD.

Planning Manager, Jeff Briggs, presented the staff report. He explained that Wekiva Capital Partners (contract purchaser) is requesting to change the Comprehensive Plan future land use designation and to rezone the properties located at 1424 and 1428 Gay Road from Office (O-2) to Medium Density Multiple-Family Residential (R-3). These two properties are part of a larger parcel purchase contract in the same ownership that are currently zoned R-3. This action would unify the entire combined property with R-3 zoning.

Mr. Briggs noted that the two properties at 1424 and 1428 Gay Road (Lots 5 & 6) are 17,775 square feet in size per OCPA. The other two properties in the purchase contract at 1419 and 1421 Trovillion Avenue are 56,338 square feet in size. Together, at the maximum 17 units per acre of the Medium Density future land use category and R-3 zoning, the combined property size of 74,113 square feet (1.7 acres) could support 29 units. The 1424/1428 Gay Road properties add 7 units to that total.

He stated the north of the combined site is Commercial development; to the east are office and commercial properties; to the south are the Killarney Bay Condos (zoned R-3) and to the west are the Chateau Du Lac Condos (zoned R-3). The re-designation from office to multi-family would match the R-3 zoning on the properties to the south and west. Mr. Briggs reviewed issues related to the analysis for the land use request and the project plan. He summarized by saying that the two properties at 1424 and 1428 Gay Road are 24% of the overall parcel size that is under contract for purchase. It is logical to the planning staff that this combined property, which is under one ownership, have a unified Comprehensive Plan and Zoning designation. In a location with the same R-3 zoning to the west and to the south and office/commercial zoning to the north and east, the requested land use designations are compatible. Since the traffic generation is more or less same, there is no added traffic impact from these changes in land use.

Staff Recommendation is for Approval of the Comprehensive Plan Future Land Use and Rezoning requests as they do not increase residential density and do not result in any larger traffic volumes.

Christopher Hughes, Principal for Wekiva Capital Partners, 225 West Canton Avenue, Winter Park, FL, represented the applicant. He stated that he agrees with Staff's presentation of the project and is sensitive to residents' concerns as he is a resident of the area as well.

The Board heard public comments from: Terri Godsell, 950 Killarney Bay Court; Jill Taylor, 740 Killarney Bay Court; David Gabbai, 401 Country Club Drive; Anne Marie Burns, 560 Killarney Bay Court and Charlene Cutter, 1500 Gay Road. They voiced concerns about existing traffic and what a future townhouse project might do to their property values.

The P&Z Board explained to the neighbors that before any residential project is built, those plans must come back to P&Z and City Commission for public hearing review and approval of those specific plans. They indicated that since these proposed changes don't increase traffic or change the potential residential density, it made sense for the entire site to have a unified land use designation.

Motion made by Raymond Waugh, seconded by Bob Hahn to amend the "Comprehensive Plan" Future Land Use map to change from an office to a Medium Density Residential Future Land Use designation on the properties at 1424 and 1428 Gay Road.

Motion carried unanimously with a 4-0 vote.

Motion made by Raymond Waugh, seconded by Bob Hahn to amend the official zoning map to change from Office (O-2) district zoning to Medium Density Multiple Family Residential (R-3) district zoning on the properties at 1424 and 1428 Gay Road.

Motion carried unanimously with a 4-0 vote.

REQUEST OF THE WINTER PARK RACQUET CLUB FOR: CONDITIONAL USE APPROVAL TO REDEVELOP THEIR PROPERTY AT 2111 VIA TUSCANY WITH A NEW KITCHEN BUILDING ADDITION, A REDEVELOPED 'SUGAR SHACK' SNACK AND BAR FACILITY AT THE SWIMMING POOL, ZONED PARKS/RECREATION (PR).

Planning Manager, Jeff Briggs, presented the staff report. He explained that the Winter Park Racquet Club at 2111 Via Tuscany is requesting Conditional Use approval to add a new kitchen building wing, redevelop the pool side snack bar and to add on-site parking. The WP Racquet Club is zoned Parks and Recreation (PR) and within that zoning district, private clubs such as golf clubs (WP Pines) or tennis clubs (Racquet Club) are conditional uses. The WP Racquet Club has submitted a revised master plan/site plan and building plans to illustrate the work to be done.

This request updates and replaces the master plan approved in September 2013. At that time, the WP Racquet Club received approval to add a new tennis court and to revise their parking lot/drives on their property. The parking lot reconfiguration, new sidewalks and new storm water retention system was implemented in 2014. The new tennis court is now under construction.

Mr. Briggs reviewed the three major components of the project, providing information regarding the new kitchen addition, new snack bar building and parking lot modifications. He also reviewed issues related to storm water retention. He summarized by stating that this project should be of benefit to the Racquet Club members (and neighbors) by expanding the number of on-site paved parking spaces. The storm water drainage impacts are being properly engineered. The new parking area in the front can be screened from view and is much preferable to the previous anticipated new tennis court in that same area.

Staff recommended approval of the request with one condition that the staff approve a wall and landscape plan that effectively screens the cars in the front parking lot from view from the street.

The applicant did not desire to address the Board and no one else wished to speak. The public hearing was closed.

The P&Z Board agreed with Staff's recommendation and there were no questions.

Motion made by Raymond Waugh, seconded by Bob Hahn to approve the Conditional Use request with one condition:

- 1. That the staff administratively approve a wall and landscape plan that effectively screens the cars in the front parking lot from view from the street.**

Motion carried unanimously with a 4-0 vote.

NEW BUSINESS:

There was no further business. Meeting adjourned at 9:13 p.m.

Respectfully submitted,

Kim Breland

Recording Secretary