



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

**Regular Meeting
City Hall, Commission Chambers**

**October 3, 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. 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 Sheila De Ciccio to approve the September 5, 2017 meeting minutes. Motion carried unanimously.

PUBLIC HEARINGS:

REQUEST OF MARK AND CARYN ISRAEL FOR: APPROVAL TO CONSTRUCT A NEW 332 - SQUARE FOOT OPEN PORCH AND AIR CONDITIONED 867-SQUARE FOOT ADDITION TO THE SINGLE-FAMILY HOME LOCATED AT 728 KIWI CIRCLE ON LAKE OSCEOLA, ZONED R-1AAA.

Senior Planner, Allison McGillis, presented the staff report. She explained that Mark and Caryn Israel (property owners) are requesting approval to construct a new 332-square foot open porch and air conditioned 867-square foot addition to the single-family home located at 728 Kiwi Circle on Lake Osceola, zoned R-1AAA. This addition requires a variance to the code requirements for the side setbacks.

Mrs. McGillis reminded the Board that the property owners had received a lakefront site plan approval in August of 2017 which included a setback variance to the southern property line and subsequent to that approval, the applicant revised their proposed additions, which were deemed a significant change and also require a variance to the northern property line.

Mrs. McGillis review the issues of tree preservation, lakefront views and storm water retention. She summarized by stating that with the letter of no objection to the side setback variance to the northern property line, the plans meet the intent of the lakefront review criteria. Staff does not see any significant concerns with the proposed home as presented.

Staff recommendation is for approval of the request.

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

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

Motion made by Laura Turner, seconded by Laura Walda for approval to construct a new 332 - square foot open porch and air conditioned 867 – square foot addition to the single-family home located at 728 Kiwi Circle on Lake Osceola, Zoned (R-1AAA). The vote carried unanimously 7-0

REQUEST OF Z PROPERTIES FOR APPROVAL TO: APPROVAL TO CONSTRUCT A NEW 5,465-SQUARE FOOT SINGLE-FAMILY HOME LOCATED AT 1204 N PARK AVENUE ON LAKE MAITLAND, ZONED R-1AAA.

Senior Planner, Allison McGillis presented the staff report. She explained to the Board that Z Properties (representing the property owners) for approval to construct a new two-story, 5,465-square feet single-family home within the Twelve Oaks neighborhood located at 1204 N Park Avenue on Lake Maitland.

Mrs. McGillis stated that the property measures 16,592-square feet and is currently developed with a single-family home that is to be demolished. The proposed two-story home will be total of 5,465-square feet, excluding the porches, which yields a floor area ratio (FAR) of 33%. This new home will have impervious lot coverage of 6,343-square feet or 38%, which is within the maximum 50%. She also reviewed issues related to lake front views, tree preservation and storm water retentions. She summarized by stating that the plans for this project meet the intent of the lakefront review criteria and Staff sees no significant concerns with the proposed home as presented. Staff recommendation is approval for this request.

The Board heard public comments from: Bill Lawton, 1228 N Park Avenue; Charles Curry, 1218 N Park Avenue; Wilbur Davis, 1210 Park Avenue; Tom Lawton, 1208 Park Avenue and Sharon Hagle, 1220 N Park Avenue. The neighbors expressed concerns regarding parking during construction as the street is very narrow with limited mobility for traffic. They asked for the city staff to assist in avoiding such problem with construction parking and deliveries.

Zane Williams, 500 Sylvan Drive (builder) represented the applicant answered questions from the Board regarding parking concerns from neighbors. He presented a plan (which had not been shared with the City) on where construction staging and parking would occur.

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

The Board agreed with Staff's recommendation and assured the audience that the Building Department would not issue a permit without an acceptable construction management plan and that enforcement of such was key to this project.

Motion made by Ray Waugh, seconded by Owen Beitsch for approval to construct a new 5,465 square foot single-family home located at 1204 N Park Avenue on Lake Maitland, subject to the construction management plan outlined by staff. Motion carried unanimously with a 7-0 vote.

REQUEST OF ROLLINS COLLEGE FOR: APPROVAL OF THE FINAL BUILDING ELEVATIONS FOR THE FACILITIES BUILDING AT 450 W. FAIRBANKS AVENUE IN COMPLIANCE WITH THE CONDITION OF APPROVAL FOR THE CONDITIONAL USE.

Board member, Laura Walda, recused herself from this item as she is an attorney at the law firm representing the applicant, Lowndes, Drosdick, Doster, Kantor & Reed, 215 N Eola Dr, Orlando, FL.

Planning Manager, Jeff Briggs presented the staff report. He explained that on February 27, 2017 the City Commission approved the conditional use for the new Rollins College Facilities Building at 501 Holt and 450 W. Fairbanks Avenue. He stated that a condition of that approval was "that the final architectural elevations and materials of the building and screen wall be approved by the P&Z Board with input from the city architect". At that time, the elevations and "look" of the building was conceptual and thus the City/P&Z Board desired to approve the final design in terms of the aesthetic compatibility with the surrounding area and especially the adjacent neighborhood.

Mr. Briggs explained that Rollins College is now requesting approval of the Final Building elevations for the Facilities Building at 450 W. Fairbanks Avenue in compliance with that condition of approval for the conditional use. He reviewed the building elevations from the February 27th City Commission submittal and the final architectural elevations for the current design. He stated that the City Architect has worked with Rollins College and is in support of the design changes that have been presented for the Facilities Building. This is an upgrade to the architectural image in details and materials since the initial conceptual presentation. Staff recommendation was for approval.

Attorney, Rebecca Wilson of Lowndes, Drosdick, Doster, Kantor & Reed, 215 N Eola Dr, Orlando, FL, represented the Applicant. She reiterated comments made by Mr. Briggs regarding the applicant's request. Ms. Wilson reviewed the elevations for the Board.

No one 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 Laura Turner for approval of the final building elevations for the facilities building at 450 W. Fairbanks Avenue in compliance with the condition of approval for the conditional use. Motion carried unanimously with a 7-0 vote.

REQUEST OF DEBORAH CROWN AND BRANDON & JENNIFER LENOX FOR: SUBDIVISION OR LOT SPLIT APPROVAL TO DIVIDE THE LAKEFRONT PORTION OF THE PROPERTY AT 1486 ALABAMA DRIVE SUCH THAT THE ADJACENT HOME AT 1488 ALABAMA DRIVE WILL ACQUIRE THAT SPLIT PORTION OF THE LAKEFRONT ACROSS THE STREET FROM THESE TWO HOMES.

REQUEST OF THE CITY OF WINTER PARK TO: AMEND THE "SUBDIVISION REGULATIONS" SO AS TO ESTABLISH MINIMUM CRITERIA AND STANDARDS FOR THE SUBDIVISION OR SPLIT OF THE LAKEFRONT PORTIONS OF PROPERTIES LOCATED ACROSS THE STREET FROM THE PRINCIPAL RESIDENCE.

Planning Manager, Jeff Briggs, presented the Staff Report. He explained that Deborah Crown (owner of 1488 Alabama Drive) and Brandon & Jennifer Lenox (owners of 1486 Alabama Drive) are requesting subdivision or lot split approval to divide the lakefront portion of the Lenox property (across Alabama Drive on Lake Maitland) so that both properties may have a dock/boathouse and access to the Chain of Lakes.

Mr. Briggs explained that both parties desire to split off the western portion of the lakefront so that the Crown property at 1488 Alabama Drive can purchase and own a portion of the lakefront that is 20 feet wide at the street and 50 feet wide on Lake Maitland. He stated that the property is zoned (R-1AA) and total property is 125 feet across the lake, it is 105 feet across the street. Along with the purchase comes the existing boathouse owned by the Lenox. The split would leave the Lenox property at 1486 Alabama drive with a lakefront parcel that has 85 feet on the street and 75 feet on Lake Maitland. The Lenox would then build a new boathouse on their property, subject to approval from the Lakes & Waterways Board.

Mr. Briggs stated that the paramount concern for staff related to this request is the precedent set with regards to the other 84 instances in the City where the lakefront portion of the property is separated by the intervening street. Those situations exist, such as in this case on Alabama Drive on Lake Maitland, for a section of Osceola Avenue on Lake Mizell; for a section of Lakeview Drive on Lake Virginia and for a portion of Fawsett Road on Lake Sue. He noted that there are significant economic incentives for these 84 lakefront owners to consider the sale of a portion of their lakefront and a corresponding positive economic incentive for non-lakefront owners who live close to the lake to gain lakefront access. The Zoning Code has a stated goal of keeping the lakefronts "as natural as reasonably possible" and the negative effect for the City would be exactly the opposite if multiple additional boathouses could be built along the lakeshores.

Mr. Briggs went on to explain that in order to remedy this precedent concern and provide criteria for the future, the applicants and the staff are proposing a companion ordinance to amend the Subdivision Regulations to

establish criteria for the future. Once the City specifically adopts criteria then variances to those standards can be denied by the City Commission. The three criteria that the proposed ordinance establishes are:

1. That the same lot width standards apply to the lakefront portion of the property as they do to the principal residence, thus a variance is required;
2. That the split may be approved only when the benefiting lot is directly across the street from the parcel (which is defined as within 70 feet). In this way homes down the street or around the corner cannot benefit, and
3. That the end result is a consolidated property with both the lakefront and main residence property included in the deed and Property appraiser description, so that it cannot be sold off later to another third party.

Mr. Briggs summarized by stating that the ordinance criteria clarifies that any split is a variance, (so the City can deny); you must be directly across the street from the parcel (within 70 feet) and that you can't later decide to sell it off to a third party. From the analysis presented by the applicant and the staff's review there are only three other properties that could qualify to meet these criteria. Thus, the staff's concerns about the precedent setting nature of this approval are mitigated by the companion ordinance.

Staff recommendation is for approval of both the subdivision/lot split as well as the Companion Ordinance.

Mr. Briggs answered questions from the Board.

Attorney, Stuart Buchan of Swann Hadley Stump Dietrich & Spears, 200 E New England Avenue, Winter Park, FL, represented the applicants. He reiterated Mr. Briggs' review of the Comprehensive Plan where it states that Winter Park puts a high value on its lakefront homes because it is a characteristic that makes the City unique and in order to protect that, the City does not want more density on the lake. Mr. Buchanan stated that he feels this project accomplishes both goals of the City in that it creates, what is almost a lakefront estate, into a true lakefront estate as the property will have a boat dock, at the same time, because it is a unique circumstance, does not create more density since the crown house is already exists. Lastly, Mr. Buchanan stated that applicants agreed to and are in support of the text and language amendments to the code.

Applicant, Deborah Crown, 1466 Alabama Drive addressed the Board. She explained that at the suggestion of Staff, one of the first things she did was speak to the neighbors to explain the lakefront lot split request and make sure that they would be comfortable with the project. She presented a signed petition from the neighbors in support of the lakefront split.

Applicant, Brandon Lenox, 1486 Alabama Drive addressed the Board. He explained in preparing for this request he spent a considerable amount of time doing research on lakefront properties in the City of Winter Park. He presented information to the Board showing that this request is an isolated event and why it would benefit the City as well as the applicants. He answered questions from the Board related the shape of the portion of the lot being sold in this request and the location of the dock.

No one else wished to speak. Public hearing closed.

The Planning Board members discussed the combined requests and agreed that the Subdivision Code amendment was necessary to establish rules for these circumstances and to avoid a precedent for other such circumstances. The Board members agreed that since the Crown property was directly across the street and the immediate neighbors were in support that the split was acceptable in this circumstance.

Motion made by Ray Waugh, seconded by Laura Turner for subdivision or lot split approval to divide the lake front potion of the property at 1486 Alabama Drive such that the adjacent home at 1488 Alabama Drive will acquire that split portion of the lakefront across the street from these two homes. Motion carried unanimously with a 7-0 vote.

Motion made by Ray Waugh, seconded by Laura Turner to amend the “Subdivision Regulations” so as to establish minimum criteria and standards for the subdivision or split of the lakefront portions of properties located across the street from the principal residence.

Motion carried unanimously with a 7-0 vote

REQUEST OF CONDEV LAND LLC TO: AMEND THE FUTURE LAND USE MAP TO CHANGE FROM AN INSTITUTIONAL TO MEDIUM DENSITY RESIDENTIAL ON THE FIRST CHURCH OF CHRIST SCIENTIST PROPERTY AT 650 NORTH NEW YORK AVENUE, TO MATCH THE EXISTING MULTI-FAMILY (R-3) ZONING.

REQUEST OF CONDEV LAND LLC FOR: SUBDIVISION APPROVAL TO DIVIDE THE 2.38 ACRES OF THE FIRST CHURCH OF CHRIST SCIENTIST PROPERTY AT 650 NORTH NEW YORK AVENUE TO CREATE A NORTHERN PARCEL OF 1.43 ACRES TO BE USED FOR A FEE SIMPLE 16 UNIT TOWNHOUSE PROJECT AND TO CREATE A SOUTHERN PORTION OF 0.95 ACRES FOR POTENTIAL RECONSTRUCTION OF THE FIRST CHURCH OF CHRIST SCIENTIST.

REQUEST OF CONDEV LAND LLC FOR: CONDITIONAL USE APPROVAL FOR A THREE STORY, TOWNHOUSE PROJECT OF 16 UNITS IN EIGHT SEPARATE TWO-UNIT DUPLEX BUILDINGS, ON PROPERTY ZONED R-3.

Board member, Ray Waugh, recused himself from this item as his company, LandDesign, is contracted with Condev to provide landscape architectural services for the project.

Senior Planner, Allison McGillis, presented the Staff Report. She explained that Condev Land, LLC (prospective purchaser) is requesting the following:

1. Change of the Comprehensive Plan Future Land Use designation to Medium Density Residential at 650 North New York Avenue, to match the existing Multi-Family (R-3) zoning.
2. Subdivision approval to divide/split 2.28 acres of the First Church of Christ Scientist property at 650 North New York Avenue to create a northern parcel of 1.43 acres to be purchased by Condev Land, LLC, and leave the remaining 0.95 acres to be retained for potential reconstruction of the First Church of Christ Scientist.
3. Conditional Use for a three-story, 16-unit residential townhouse project.

Mrs. McGillis explained that the 16 new units will be developed as eight separate, three-story, two-unit duplex buildings. The individual townhome unit size is approximately 4,700-square feet, which yields a total project size of 68,394-square feet and a floor area ratio (FAR) of 110%, which is the maximum permitted in R-3 for three-story buildings. She noted that the project is meeting the remaining code requirements with respect to impervious coverage, lot coverage, setbacks and storm water retention.

Mrs. McGillis stated that the R-3 zoning code states that the maximum building height is 35 feet. The project is proposing a roof height of 35 feet, with exceptions for the chimneys and an additional one foot six inches for mechanical screening. She noted that unlike commercial districts, the (R-3) zoning code is silent for allowances for mechanical screening, so the excess height for the mechanical screening requires a variance. However, staff is in support of this small variance.

Mrs. McGillis reviewed issues related to traffic and parking, tree preservation, storm water retention. He noted that the project is intended to be developed as fee simple townhouses pursuant to a replat (not as a condominium).

Mrs. McGillis mentioned that the main reason there is a conditional use for this request is that this project is three stories in height. She noted that the Comprehensive Plan states that, except within the Central Business District geographical area, multi-family residential development within areas designated R-3, shall not exceed two stories in height unless approved via conditional use by the City Commission, which is why this request involves a conditional use and this project is just outside of the CBD boundary. In addition, such third floors must have a

maximum 12:12 roof slope (45 degree angle) for the third floor. This project achieves the intent of this policy to not have vertical three-story walls with an alternative method of compliance. Starting at the second floor eave height, the project is setback at a 45 degree angle, with terracing and enhanced setbacks for the third floor, such as in wedding cake manner, for the third floor walls facing streets or other properties. Staff feels that this alternative method achieves the same intent of the Comprehensive Plan policy to eliminate three story vertical walls.

Mrs. McGillis presented rendered views of the project showing the corners of Wipple Avenue and New York Avenue and renderings along Wipple Avenue. She summarized by stating that the location of this project is on the edge of the downtown Winter Park area, adjacent to the Winter Park golf course. Staff feels this provides adequate transition from the downtown area to the more residential area to the north, and has an attractive architectural appearance that is compatible with the surrounding properties.

Staff recommendation is for approval of the Future Land Use Amendment, Subdivision re-plat for fee simple ownership, and Conditional Use with the following condition:

1. That any electric transformers/backflow preventers, or trash bins shall be located where not visible from a public street or adjacent properties, and shall also be landscaped so as to be effectively screened from view.

Mrs. McGillis answered questions from the Board.

Steven Wennerstrom, Chairman of the Board for First Church of Christ Scientist, addressed the Board. Mr. Wennerstrom explained that the majority of the church voted in favor. He gave a brief history of how and why the church decided to move forward with this development. John Passione, 1513 Huntersville Place, Oviedo, FL. from First Church of Christ Scientist also explained the process that the congregation followed to come to this point and the desire to build a new modern Church facility.

Scott Webber, Director of Designs at ACI Architects, 955 N. Pennsylvania Avenue, Winter Park FL, gave a presentation showing the different facets of the townhome project and reiterated the information given by Mrs. McGillis in the Staff Report. He reviewed issues related to tree preservation, parking and style concepts for the design and architecture, explaining that the overall design encompassed a lot of styles influences of buildings and other structures throughout Winter Park.

Chris Gardner, Condev Land LLC, 1270 North Orange Avenue, Winter Park, FL, answered questions from the Board regarding parking and construction management.

The Board heard public comments from: Bunny Simmerson, 383 Sylvan Drive, Winter Park, FL; Ronald Richards, 383 Sylvan Drive, Winter Park, FL; in opposition to the request as Church parishioners.

No one else wished to speak. Public hearing closed.

Chairman Johnston explained that this was a Zoning approval in terms of code compliance and compatibility of the development. This is not a forum to decide whether this choice to sell and rebuild or renovate the existing Church is the best choice. That is a matter for the Church congregation to decide. The Board members then voiced their support for the request as it was deemed compatible with the area, in compliance with Code and architecturally a well- designed project.

**Motion made by Laura Walda, seconded by Sheila De Ciccio, to amend the Future Land Use map to change from an Institutional to Medium Density Residential on the First Church of Christ Scientist property at 650 North New York Avenue, to match the existing Multi-Family (R-3) Zoning.
Motion carried unanimously with a 7-0 vote.**

Motion made by Laura Walda, seconded by Sheila De Ciccio, for subdivision approval to divide the 2.38 acres of The First Church of Christ Scientist property at 650 North New York Avenue to create a

northern parcel of 1.43 acres to be used for a fee simple 16 unit townhouse project and to create a southern portion of 0.95 acres for potential reconstruction of The First Church of Christ Scientist. Motion carried unanimously with a 7-0 vote.

Motion made by Laura Walda, seconded by Sheila De Ciccio, for conditional use approval for a three story, townhouse project of 16 units in eight separate two-unit duplex building, on property zoned (R-3) with one condition:

- That any electric transformers/backflow preventers, or trash bins shall be located where not visible from a public street or adjacent properties, and shall also be landscaped so as to be effectively screened from view.

Motion carried unanimously with a 7-0 vote.

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE IV, "SIGN REGULATIONS" TO REVISE THE REGULATIONS FOR TEMPORARY AND PROHIBITED SIGNS, REVISING THE DEFINITIONS FOR SIGNS, PROVIDE MORE SPECIFICITY AND CLARITY TO EXISTING SIGN REGULATIONS; AND AMENDING PENALTIES, RELATING TO SNIPE SIGNS

Planning Manager, Jeff Briggs, presented a power point and explained that The City Commission provided direction to the staff to examine the sign code with a goal of reducing the number of signs in the City. To that end, the following changes to the Sign Code are suggested from the Planning, Building and Code Enforcement staff in order to help Code Enforcement in the regulation of signs and to reduce the proliferation of signs in the City; add regulations for new types of signs and to aid enforcement and removal of illegal temporary signs.

Mr. Briggs indicated that the two areas of focus on reducing the number of signs was to eliminate large temporary wood "for sale" or "for lease" sign by requiring that information be incorporated into the principal property sign. The other area for a reduction in signs is the removal of sandwich board or A-frame signs. The City Commission had discussed their removal city-wide while the staff had originally proposed allowing them to remain along Park Avenue, New England Avenue and Orange Avenue corridors. Staff recommendation is approval for this request.

No one else wished to speak. Public hearing closed.

The P&Z Board discussed the initiative and agreed with the goal to reduce the number of signs. The Board agreed that they were less concerned with the appearance of the A-frame signs in pedestrian oriented places like Park Avenue because generally those signs are screened from view of traffic by the on-street parking.

Motion made by Ray Waugh, seconded by Laura Turner for approval for City of Winter Park to amend Article IV, "Sign Regulations" to revise the regulations for temporary and prohibited signs, revising the definitions for signs, provide more specificity and clarity to existing sign regulations; and amending penalties, relating to snipe signs, as proposed by staff.

Motion carried unanimously with a 7-0 vote.

NEW BUSINESS:

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

Respectfully submitted,

Kim Breland
Recording Secretary