



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

**Regular Meeting  
City Hall, Commission Chambers**

**March 6, 2018  
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, Sheila De Ciccio, Raymond Waugh, Laura Walda, Adam Bert, Laura Turner and Owen Beitsch Absent: Bob Hahn. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Community Development, Dori Stone, Senior Planner, Allison McGillis and Recording Secretary, Kim Breland.

**APPROVAL OF MINUTES:**

**Motion made by, seconded by to approve the February 6, 2018 meeting minutes.  
Motion carried unanimously with a 7-0 vote.**

**PUBLIC HEARINGS:**

**REQUEST OF WINTER PARK DESIGN FOR:** APPROVAL TO CONSTRUCT A NEW 5,758 SQUARE FOOT SINGLE-FAMILY HOME LOCATED AT 1234 LAKEVIEW DRIVE ON LAKE VIRGINIA, ZONED R-1AAA.

Senior Planner, Allison McGillis, presented the staff report. She explained that Winter Park Design (representing the property owners) is requesting site plan approval to construct a new two-story, 5,758 square foot single-family home located at 1234 Lakeview Drive on Lake Virginia, zoned R-1AAA.

She reminded the Board that in July of 2017, the owner of this property and 1251 Lakeview Drive came before the Board to do a lakefront lot swap and lot reconfiguration. See attached survey for reference. The combined lot is what the Board is tasked with reviewing. The new combined 1234 Lakeview Drive property measures 16,159 square feet. It was previously developed with a single-family home that was demolished. The proposed two-story home will be total of 5,758 gross square feet, excluding the porches, garage and attic space. The floor area ratio (FAR) of this home yields 36%, which is within the maximum 38%. This new home will have impervious lot coverage of 7,919 square feet or 49%, which is within the maximum 50%.

Mrs. McGillis reviewed issues related to tree preservation and stormwater retention. She summarized by stating that the plans meet the intent of the lakefront review criteria and Staff did not see any significant concerns with the proposed home as presented.

Staff recommendation is for approval.

No one from the public wished to speak and the applicant volunteered to answer any questions. The public hearing was closed.

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

**Motion made by Laura Walda, seconded by Sheila De Ciccio approval to construct a new 5, 758 square foot single-family home located at 1234 Lakeview Drive on Lake Virginia, Zoned R-1AAA.**

**The motion carried unanimously with a 7-0 vote.**

**REQUEST OF Z PROPERTIES FOR:** SUBDIVISION OR LOT SPLIT APPROVAL TO DIVIDE THE PROPERTY AT 566 SYLVAN BOULEVARD COMBINED WITH 10 FEET FROM THE 1570 BRYAN AVENUE PROPERTY TO FORM TWO SINGLE FAMILY BUILDING LOTS. BOTH LOTS THEN MEET THE MINIMUM LOT SIZE REQUIREMENTS OF THE R-1A ZONING AND NO VARIANCES ARE REQUESTED.

Senior Planner, Allison McGillis, presented the staff report. She explained that Z Properties Group is requesting subdivision or lot split approval to divide the property located at 566 Sylvan Drive, combined with ten (10) feet from the eastern adjoining property, 1570 Bryan Avenue, into two single-family lots. The zoning of these properties is R-1A. She reviewed the "Zoning Test", "Comprehensive Plan Test", applicable codes and development plans for the property. She Summarized by stating Staff is recommending that a condition be placed that these homes be of varying architecture as the applicant has presented. The applicants will comply with the normal single-family development standards, setbacks, etc. The request meets all of the R-1A zoning requirements for lot sizes, and no variances are requested.

Staff recommendation is for approval with the following condition:

1. That the proposed homes be of varying architecture.

No one from the public wished to speak and the applicant volunteered to answer any questions. The public hearing was closed.

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

**Motion made by Laura Walda, seconded by Sheila De Ciccio for subdivision or lot split approval to divide the property at 566 Sylvan Boulevard combined with 10 feet from the 1570 Bryan Avenue property to form two single-family building lots with the condition that the homes be of varying architecture.**

**The motion carried unanimously with a 7-0 vote.**

**REQUEST OF VERAX INVESTMENTS, LLC FOR:** CONDITIONAL USE APPROVAL TO CONSTRUCT A TWO STORY, 20,000 SQUARE FOOT MEDICAL AND GENERAL OFFICE BUILDING ON THE PROPERTY AT 1111 WEST FAIRBANKS AVENUE, ZONED C-3.

Director of Planning and Community Development, Dori Stone, presented the staff report. She explained that this item is a Conditional Use request to build an approximately 20,000 square foot, two-story, medical and general office building at the vacant property located at 1111 West Fairbanks Avenue, Zoned (C-3). She stated that this is a property that the City currently owns (formerly the Aloma Bowl). She stated that in late 2017 the City issued Notice of Disposal for the property and the Applicant, Verax Investments, LLC was approved by the City Commission to process to move forward in the application process as well as to contract for sale. Therefore, the applicant has developed the attached Conditional Use package to receive the necessary entitlements to construct the building prior to closing on the property.

Mrs. Stone explained that the property is 1.63 acres in size. She stated that when the original proposal came in, it was discussed with the City Commission that there be a North/South placement of the building on the property, in order to gain parking on the north side of Comstock Avenue so a cross access agreement could be put in place with Verax Investments to get more parking in the City park itself. She stated that the applicants has provided two site plan options, both showing a two-story, medical/general office building. Option A is what was shown to the City Commission at the time this buyer was selected which locates the building in a north/south orientation on the eastern side of the property. Option B locates the building in an east/west orientation parallel to Fairbanks Avenue. Again excluding the Harper Street right-of-way and Walgreens, it provides for an 80-foot view shed across the parking lot toward MLK Jr. Park. This option is approximately 20,800 square feet in size, has a FAR of 30% which is below the code maximum of 45%. This option also meets all of the Code requirements with respect to building heights, setbacks, and impervious coverage.

Mrs. Stone reviewed the advantages of both options for the Board. She reiterated that the City Commission suggested, during the review of the NOD process, that the building should be located on the east side of the lot. This placement location was part of the overall contract for sale. The advantage of Option A is that it creates twice as much view shed (165 feet versus 80 feet) across the parking lot into MLK Jr. Park. The advantage of Option B is that the building screens more of the view of the parking lot along the Fairbanks Avenue frontage. This placement also coincides with the urban form that staff has developed for design guidelines along other corridors. Another advantage of Option B is that it allows more space for landscaping along the Fairbanks Avenue frontage. A disadvantage of Option B is that it faces the less attractive narrow side end wall of the building toward the 20,000 cars traveling east each day.

Mrs. Stone discussed issues related to architectural image, landscaping, traffic & circulation, stormwater retention and parking. She also explained to the Board that the Public Works department has requested that the project install a new eight (8) foot sidewalk along Harper Street from Fairbanks to Comstock Avenue to match the planned eight (8) foot sidewalk along Fairbanks Avenue. This will provide an adequate multi-use sidewalk leading into Martin Luther King, Jr. Park.

Mrs. Stone summarized by stating that the proposed location for this office building is compatible with the surrounding buildings and importantly there are no variances or exceptions requested. This is a positive infill development scenario if created in an architectural style that relates to the context of its location. The planning staff is not asking the P&Z Board to choose between Options A or B, however, if the Board has preference that can be conveyed to the City Commission as part of your recommendation. The proposed recommendation would be for both Options together with appropriate conditions of approval. She also mentioned that since the staff report was sent to the Board, staff is deleting the language in Condition #1 that references a specific architectural style.

Staff recommendation is for approval of both the preliminary and final conditional use with the following conditions:

1. That the final architectural elevations and materials of the proposed office building be subsequently approved by the P&Z Board and City Commission after input and dialogue with the city architect.
2. That the project shall be restricted to a non-interior illuminated monument sign and non-interior illuminated wall signage.
3. That the project incorporates the required bike parking.

4. That a Development Agreement be executed with approval from the city attorney that will permit joint use of 25 spaces after 5:00 p.m. on weekdays and all-day on the weekends, excluding over-night parking and that on-site signage shall indicate such.
5. That the final landscape plan meets the code requirements for species diversity.
6. That the project construct, an eight (8) foot wide sidewalk along Harper Street from Fairbanks to Comstock Avenue.

Mrs. Stone answered questions from the Board related to ingress and egress to and from the building, parking space count and City obligation for parking lot/cleaning maintenance.

David Lamm, 968 Lake Baldwin Lane, Orlando Florida, represented the applicant. He reiterated that Verax Investments has been working closely with Staff on the architecture. He stated that the applicant is asking the Board, as a condition of the contract, to approve, at minimum, the North/South elevation to be compliant with the contract, but also ask the Board to approve the East West elevation as a recommendation to the City Commission as the applicant believes, from a design standpoint, the East/West elevation is the better option as reviewed by Mrs. Stone in the Staff report.

He reviewed other design iterations that the applicant has been working on with City Architect, Brooks Weiss to show opportunities of architecture ideas where transparency is being used. He stated that the applicant is trying to make a building that is transparent, has a reflective feel, uses natural shading and has an elegant look and feel from the corner location.

Mr. Lamm answered questions from the Board regarding building use. He explained to the Board that the applicant is currently in discussion and negotiations with an anchor tenant which would make the building a high-tech medical specialty facility.

Mrs. Stone stated that by the City Commission's proactivity, they have asked for a North/South configuration with the desire to have the building set back from the street and obtain optimized parking. She reiterated that Staff does agree that the East/West configuration would work equally as well as both configurations meet the required FAR of 45%. Mrs. Stone noted that the approval of the property sale is contingent on the North/South configuration, however, should the Board find that while the North/South configuration is acceptable, the opinion of the Board is that the East/West configuration is the preferred option, to please do so when making their motion.

Mrs. Stone answered questions from the Board regarding the eight-foot sidewalk that will be constructed adjacent to the property for pedestrians, landscaping, and restricted parking.

The Board discussed both configurations and agreed that the East/West elevation was the preferred option.

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

**Motion made by Laura Turner, seconded by Ray Waugh for Conditional Use approval to construct a two story, 20,000 square foot medical and general office building on the property at 1111 West Fairbanks Avenue, Zoned (C-3), with the preference of the East/West orientation over the North/South orientation. In addition, the Board accepts Staff recommendations for approval with the amendment to Condition 1 as follows:**

- 1. The final architectural elevations and materials of the proposed office building, be subsequently approved by the P&Z Board and City Commission after input and dialogue with the city architect.**
- 2. That the project shall be restricted to a non-interior illuminated monument sign and non-interior illuminated wall signage.**
- 3. That the project incorporates the required bike parking.**
- 4. That a Development Agreement be executed with approval from the city attorney that will permit joint use of 25 spaces after 5:00 p.m. on weekdays and all-day on the weekends, excluding over-night parking and that on-site signage shall indicate such.**
- 5. That the final landscape plan meets the code requirements for species diversity.**
- 6. That the project construct, an eight (8) foot wide sidewalk along Harper Street from Fairbanks to Comstock Avenue.**

**The motion carried unanimously with a 7-0 vote.**

**REQUEST OF THE IRISH 31 RESTAURANT FOR:** CONDITIONAL USE APPROVAL FOR A CLASS III, (4COP) LIQUOR LICENSE IN CONJUNCTION WITH THEIR PROPOSED 130 SEAT RESTAURANT AT 510 S. PARK AVENUE WITHIN 1,000 FEET OF ROLLINS COLLEGE.

Senior Planner Allison McGillis presented the staff report. She explained that the request is a Conditional Use request to allow a new proposed Irish 31 Pub House & Eatery to be located at 510 S. Park Avenue to obtain a Class III City Liquor License with 130 seats when it is within 1,000 feet of Rollins College.

Mrs. McGillis showed the Board a street view of the location for the restaurant at the south end of Park Avenue. She explained that there are different rules for places with just beer & wine licenses versus those that can serve full liquor. She noted that in order to serve full liquor, there are generally two ways to obtain a State and City liquor license. The most common method is to obtain a State 4COP-SFS and City Class III Special liquor license, which means that a restaurant is a minimum of 3,000 square feet in size, can serve/seat 150 people and the revenue is at least 51% from food. Mrs. McGillis provided the Board with examples of other restaurants along Park Avenue that currently operate with State 4COP-SFS and City Class III Special liquor licenses. She stated that the alternative method for a full liquor license is to obtain the State 4COP and City Class III liquor license. However, those liquor licenses do not require any food sales at all and can be used for bars/lounges, liquor stores, etc.

Mrs. McGillis went on to explain that the proposed Irish 31 at 510 S. Park Avenue has the 3,000 square feet of floor area needed, but due to the interior constraints, they can only fit 130 seats inside and outside thus, they do not meet the requirement of 150 seats, which requires the Irish 31 to ask for a City Class III liquor license. She stated that in order to obtain a Class III liquor license (because it can be used for bars/liquor stores) the location must be more than 1,000 feet from a church or school. She noted that every location on Park Avenue is within that radius so the functional reality is this requirement reinforces the zoning prohibitions in the CBD which do not allow bars/lounges or liquor stores. As a result, the businesses with liquor licenses in the CBD are restaurants first and foremost and only secondarily cater to "bar" business.

Mrs. McGillis noted that the applicant and property owner understand the City's Code intention and propose to be a restaurant first and foremost and an Irish Pub secondarily. She stated since

the City Class III liquor license does not require food sales or full menus etc. there need to be conditions of approval that require the operation of this business and any successor at this location to function as a restaurant.

Staff recommendation is for approval subject to the following conditions:

1. That the business function as a full service restaurant in compliance with the Section 58-95 zoning definition of a 'fine dining restaurant' as follows: *Fine dining restaurant* means any establishment which is devoted to the retailing and on-premises consumption of meals and food where more than 50 percent of the gross revenue is derived from food sales versus alcoholic beverages. Additionally, fine dining restaurants shall meet all of the following criteria:
  - (1) A host or hostess should be regularly present to greet and arrange for seating of patrons;
  - (2) Food and beverage service (other than bar service) is provided via table service by servers;
  - (3) Dinnerware (utensils, plates, etc.) shall be non-disposable;
  - (4) Ordering, food service and payment is done at the table; and
  - (5) The menu shall consist of full dining cuisine with a range of appetizers, entrees and desserts along with appropriate selections of beverages.
  - (6) Payment at a counter/cashier may be allowed only and exclusively to accommodate take-out orders.

Mrs. McGillis answered questions from the Board.

Frank Hamner, Law Offices of Frank A. Hamner, P.A. 1011 N. Wymore Road, Winter Park, Florida represented the Applicant. He presented a floor layout of the restaurant and reiterated the interior constraints did not allow for 150 seats. He reviewed the Irish 31 menu to show that the establishment was first and foremost a restaurant.

Mr. Hamner answered questions from the Board regarding potential noise complaints. He stated that Irish 31 is not a sports bar and does not have wall of televisions throughout the restaurant. Mr. Hamner noted that Irish 31 is known for being an upscale family friendly chain of restaurants.

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

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

**Motion made by Laura Turner, seconded by Sheila De Ciccio for conditional use approval for a Class III, (4COP) liquor license in conjunction with their proposed 130 seat restaurant at 510 S. Park Avenue within 1,000 feet of Rollins College, with Staff recommendations.**

**The motion carried unanimously with a 7-0 vote.**

**REQUEST OF THE CITY OF WINTER PARK TO:** AMEND CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS TO ESTABLISH A COMMERCIAL FUTURE LAND USE DESIGNATION ON THE ANNEXED PROPERTY AT 1562 WEST FAIRBANKS AVENUE.

**REQUEST OF THE CITY OF WINTER PARK TO:** AMEND CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING REGULATIONS" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH A COMMERCIAL (C-3) ZONING DESIGNATION ON THE ANNEXED PROPERTY AT 1562 WEST FAIRBANKS AVENUE.

Senior Planner, Allison McGillis presented the staff report. She explained that at the request of the City of Winter Park, the Orange County Commission has adopted an interlocal agreement that has annexed the property at 1562 W. Fairbanks Avenue into the City. She stated that City needs to establish a Commercial Future Land Use designation in the Comprehensive Plan and Commercial (C-3) zoning on this property. The property now has the same Commercial FLU and C-3 zoning in Orange County, so there is no change.

No one from the public wished to speak and the applicant volunteered to answer any questions. The public hearing was closed.

Staff recommendation is for approval.

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

**Motion made by Sheila De Ciccio, seconded by Laura Walda to amend Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" and the Future Land Use Map so as to establish a Commercial Future Land Use designation on the annexed property at 1562 West Fairbanks Avenue.**

**The motion carried unanimously with a 7-0 vote.**

**Motion made by Sheila De Ciccio, seconded by Laura Turner to amend Chapter 58 "Land Development Code", Article III, "Zoning Regulations" and the Official Zoning Map so as to establish ad Commercial (C-3) zoning designation on the annexed property at 1562 West Fairbanks Avenue.**

**The motion carried unanimously with a 7-0 vote.**

**NEW BUSINESS:**

There was no further business. Meeting adjourned at 6:59 p.m.

Respectfully submitted,  
Kim Breland, Recording Secretary