



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

**Regular Meeting  
City Hall, Commission Chambers**

**April 3, 2018  
6:00 p.m.**

**MINUTES**

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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, and Laura Turner. Absent: Bob Hahn, Adam Bert and Owen Beitsch. 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 Laura Walda, seconded by Laura Turner to approve the March 6, 2018 meeting minutes with the amendment to add Laura Turner to the present board members list for the March 6<sup>th</sup> hearing. Motion carried unanimously with a 5-0 vote.**

**PUBLIC HEARINGS:**

**REQUEST FOR MR/MRS SEIDEL FOR:** APPROVAL TO CONSTRUCT A NEW 773 SQUARE FOOT POOL CABANA LOCATED AT THE LAKEFRONT PORTION OF 1251 LAKEVIEW DRIVE ON LAKE VIRGINIA, ZONED (R-1AAA).

Senior Planner, Allison McGillis, presented the staff report. She reminded the Board that in July of 2017, the owners of this property and 1234 Lakeview Drive were approved for a lakefront lot swap and lot reconfiguration. Last month the Board approved the plans for the 1234 Lakeview lot, and now the new lakefront lot for 1251 Lakeview Drive is what the Board is tasked with reviewing.

She stated that the new lakefront portion of 1251 Lakeview Drive measures 7,623 square feet. Per code, the lakefront portion of the principle single-family lot can be used for accessory structures, as the applicant is requesting. The proposed developments include a pool and pool cabana that will be total of 773 gross square feet, a swimming pool and deck, and a driveway. The floor area ratio (FAR) measures 10%, and the impervious lot coverage is 2,915 square feet or 38%, which are both well within the maximums permitted.

Mrs. McGillis reviewed issues related to tree preservation, views from the lake, view of neighbors and storm water retention. She summarized by stating that the plans meet the intent of the lakefront review criteria. Staff does not see any significant concerns with the proposed pool and pool cabana as presented. Staff recommendation is for Approval.

No one from the public wished to speak. The Public Hearing was closed. The Board agreed with Staff's recommendation and there were no questions.

**Motion made by Sheila DeCiccio, seconded by Laura Walda, for approval to construct a new 773 Square Foot pool cabana located at the lakefront portion of 1251 Lakeview Drive on Lake Virginia, zoned (R-1AAA). The motion carried with a 5-0 vote.**

**REQUEST OF THE SYDGAN CORP. FOR:** CONDITIONAL USE APPROVAL UNDER THE CLUSTER HOUSING PROVISIONS OF THE R-2 ZONING TO CONSTRUCT A TWO-STORY, FOUR-UNIT RESIDENTIAL PROJECT OF 10,556 SQUARE FEET ON THE PROPERTY AT 301 WEST COMSTOCK AVENUE, ZONED R-2.

Planning Manager, Jeff Briggs, presented the staff report. He explained that Sydgan Corp. (representing the property owner) is requesting Conditional Use approval under the Cluster Housing provisions of the R-2 zoning in order to construct a four unit, two-story residential project at 301 W. Comstock Avenue.

Mr. Briggs reviewed site and zoning parameters explaining that the property at 301 W. Comstock Avenue property measures 19,325 square feet per OCPA (0.44 acres), and is zoned Low Density Residential (R-2). He stated that the property is adjacent to the duplex townhomes and single-family homes of the David Weekly project and the FDOT railroad right-of-way and based on the 10/units per acre maximum density, this permits the 4 units proposed.

Mr. Briggs stated that the 4 new units will be developed in a single building with two units on the first floor and two units on the second floor. He noted each unit has their own two car garage and accessory living space on the second floor above the garage. He went on to explain that individual units range in size from 1,570 to 1,656 square feet with the detached garage (22 x 22) 484 sq. ft. and upstairs living space of 420-484 sq. ft. The total building size is 10,556 square feet which is at the maximum permitted FAR of 55%. The impervious coverage is 12,036 square feet at 62.2% is within the maximum permitted coverage of 65% and that the project also meets the 30% building lot coverage requirement.

Mr. Briggs stated that the required parking is provided by the two car garages for each unit, as well as the opportunity to park 5-6 visitor cars in locations on-site, as shown on the plans. The garages at 22x22 meet the architectural design standards for garages that allow one to comfortably park two cars in the garage.

Mr. Briggs reviewed the architectural appearance, set back variances and storm water retention. He summarized stating that the project in overall size (55% FAR) matches the density of the adjacent David Weekly buildings (duplexes and single-family homes). It is located at the dead end cul-de-sac of Comstock Avenue adjacent to the FDOT railroad right-of-way. The variances requested (tower height, gate feature and building corner) all result from the attempt to replicate as close as possible to the layout and look of the Barbour Apartments and the applicant is to be commended for the effort at recreating this historically important and attractive architectural product. Staff recommendation is for Approval. Mr. Briggs answered questions from the Board.

Dan Bellows (Sydgan Corp.), 411 West New England Avenue, represented the Applicant. He stated that FDOT, in conjunction with City of Winter Park, recently installed a wide bike path/pedestrian sidewalk from New York Avenue to Fairbanks Avenue and a fence was installed between the sidewalk and the train tracks so pedestrians are protected from the track. He asked for an opportunity to respond to public comments/questions.

The Board heard public comments from Scott Rost, 1000 Legion Place; Lee Ann Inman, 327 West Comstock Avenue; Maria Bryant, 450 South Virginia Avenue; Laurel Habgood, 411 West Comstock Avenue; Forest Michael, 358 West Comstock Avenue and Scott Goodkind, 266 West Lyman Avenue regarding concerns of the building setback to Comstock, parking, storm water retention and the potential of renting of garage units making the development an 8-unit dwelling

as opposed to the 4-unit dwelling being proposed. The most repeated concern was the ability of the garage square footage to become separate garage apartments.

Applicant, Dan Bellows, responded to public comments and questions from the Board. He addressed resident concerns related to parking and storm water retention indicating that the project has visitor parking beyond code and that he must meet the City's storm water requirements. He also explained that there is no intent to rent out the accessory living spaces above the garages as individual units. City Attorney, Dan Langley asked Mr. Bellows if he would be opposed if the Board, as part of the Conditional Use Approval, added a covenant/condition that would require the units above the garages to be tied to main units in the building so they cannot be rented or sold independently of each other. Mr. Bellows was not opposed to the condition.

No one else wished to speak; the Public Hearing was closed.

The Board conversed about neighbor concerns and discussion ensued about the concern of the ability of the garage living area to become separate garage apartments. The Board members expressed that they were satisfied with the amount of resident and visitor parking and the efforts to save the existing trees. They stated their recognition of the historic architecture and the hardship for the variances in replicating that design.

Chairman Johnston asked Dan Langley, City Attorney, if he could suggest some language to help as a condition regarding the concerns about the garage living space. Mr. Langley verbalized that language which was agreeable to the Board.

**Motion made by Ray Waugh with the language just suggested by the City Attorney, (as detailed below) which was seconded by Laura Turner for Conditional Use approval under the Cluster Housing provisions of the (R-2) zoning to construct a two-story, four-unit residential project at 301 West Comstock Avenue, with the following condition:**

- 1. The two-story garage and above garage room structure is an accessory structure to the principal residential structure, and in no event shall the two-story garage and above garage room structure be converted to function as its own principal use(s) or structure(s). The use of the two-story garage and above garage room structure shall remain an integral part of and inseparable from the use of the principal dwelling units within the principal residential structure building such that there shall be no more than a total of four residential dwelling units upon the property. Each of the four garages and above garage rooms within the two-story accessory structure shall be used only in conjunction with and appurtenant to title of, corresponding to and matching the dwelling units within the principal residential structure having the same unit numbers on the plan submitted with the conditional use application. None of the accessory two-story garage and above garage rooms, nor any portion thereof shall be leased, sub-leased, condominiumized or conveyed separate from the corresponding (matching unit numbers on the plan) principal dwelling unit(s) within the principal residential structure building. The owner(s) and tenant(s) of the principal residential dwelling unit(s) is/are prohibited from renting or leasing (including sub-leasing) out the two-story garage and the above garage room, or any combination or portion thereof, to a tenant which is different than the tenant of the corresponding residential dwelling unit within the principal residential structure. That the property owner shall execute and record a restrictive covenant enforceable by the**

**City of Winter Park with terms and in a form acceptable to the City which makes the aforesaid condition of conditional use approval restrictive covenant binding upon and running with the land. Said restrictive covenant shall prohibit condominiumizing the property and its improvements in such way that violates this condition or the intent thereof. Said restrictive covenant shall be executed and recorded prior to the issuance of any building permit for any structure constructed upon the property.**

**The motion carried unanimously with a 5-0 vote.**

**REQUEST OF THE CITY OF WINTER PARK TO:** AMEND CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING REGULATIONS" SO AS TO ADOPT NEW ZONING REGULATIONS BY ADOPTING A NEW MEDICAL ARTS ZONING DISTRICT AND AMENDING THE MULTI-FAMILY (R-3) DISTRICT AND PARKING LOT (PL) DISTRICT AS NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017.

Planning Manager, Jeff Briggs, presented the staff report and explained that the proposed Ordinance makes the changes required to implement the recently adopted new Comprehensive Plan adopted on April 24, 2017 within the City's Land Development Code, that were tabled for additional review by the City Commission in November 2017. He stated that the primary change to the new Medical Arts zoning district from the previous version was to remove the requirement for Master Plans which then granted the authority to staff to approve development consistent with the Master Plans. Instead, the same procedures and notice will be required for the approval of individual development projects within the Medical Arts zoning, as now are in effect for all the other zoning districts of the City.

Mr. Briggs note that the primary change to the Multi-Family (R-3) zoning district from the previous version was to remove the staff modifications that applied to projects with less than 15,000 square feet of land area. The current regulations for those properties then are unchanged. With respect to the Parking Lot change, it requires interconnecting easement between parking lots created in the future behind redevelopment along the north side of Fairbanks Avenue. Staff Recommendation is for APPROVAL of the Ordinance.

No one from the public 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 to amend Chapter 58 "Land Development Code", Article III, "Zoning Regulations" so as to adopt new zoning regulations changing the permitted, conditional and prohibited uses and development standards within the City by adopting a new Medical Arts Zoning District and amending the multi-family (R-3) District and Parking Lot (PL) District as necessary to implement the City of Winter Park, Comprehensive Plan, Goals and Objectives and Policies Document, dated April 24, 2017.**

**The motion carried unanimously with a 5-0 vote.**

**NEW BUSINESS:** None. Meeting adjourned at 6:00 p.m.

Respectfully submitted,  
Kim Breland, Recording Secretary