



Planning and Zoning Board Minutes

August 6, 2019 at 6:00 p.m.

City Hall, Commission Chambers
Regular Meeting

1. Call to Order:

Chairman Ross Johnston called the meeting to order at 6:00 p.m. in the Commission Chambers of City Hall. Present: Ross Johnston, Ray Waugh, Chuck Bell, Adam Bert and Owen Beitsch. Absent: Laura Turner, Laura Walda, and Christian Swann. Also Present: City Attorney Dan Langley. Staff: Planning Director, Bronce Stephenson; Senior Planner Allison McGillis, Recording Secretary, Kim Breland.

2. Approval of Minutes:

Motion made by Ross Johnston, seconded by Laura Walda, to approve the July 9, 2019 meeting minutes. Motion carried unanimously with a 4-0 vote.

3. Public Hearings:

- **SUB #19-05 Request of Rex-Tibbs Construction For: Subdivision or Lot Split approval to divide the property at 2700 Wright Avenue, Zoned R-1A, into two lots with 67 feet of frontage on the street and 10,035 square feet of land area for each lot. Variances are requested for the proposed 67 feet of lot width in lieu of the minimum 78/85 feet of lot width required in R-1A zoning.**

Planning intern, Nicholas Lewis presented the staff report. Mr. Lewis explained the item was a request for lot split approval to divide the property at 2700 Wright Avenue, zoned R-1A, into two lots. He stated that the request is to subdivide the property in the north/south direction into two lots, which would result in a 65 and 69.41 feet of street frontage along Wright Avenue. The division would also result in a 10,129 and 10,816 square feet of land area for each lot. He stated that variances are being requested for the proposed lot widths and the applicant has proposed to dedicate to the City via permanent easement, the three healthy live Oak trees that are located in what would be the rear of the two subdivided lots.

Mr. Lewis provided slides showing that the property at 2700 Wright Avenue is a corner lot. He noted that the property could potentially be split in the east/west or north/south direction. The applicant has requested that the property be subdivided in the north/south direction along Wright Avenue in an effort to preserve the three healthy live Oak trees on the property. Presently there is a single-family home occupying the property that will be demolished. It was also mentioned that a lot split in the east/west direction would include the demolition of the oak trees in addition to the single-family home.

Mr. Lewis explained the City's review process for subdivision and lot split requests, which contains two criteria. The first is the zoning test that Staff uses to evaluate conformance of zoning criteria. The second is a lot conformance to subdivision code test, which is conformance to the neighborhood character. He went on to state that R-1A zoning requires 75 feet of frontage for interior lots and 85 feet of frontage along corner lots. In addition, R-1A zoning requires a minimum of 8500 square feet of land area. It was stated that both proposed lots meeting the minimum requirements for R-1A zoning. However, neither lot meets the minimum frontage standards. He explained that the proposed interior lot is 10 feet short and the proposed corner lot is 15.59 feet short of the requirement for R-1A Zoning.

Mr. Lewis stated that it was important to note that if the applicant were to subdivide the properties in the east/west direction along Winter Park Road, the only needed variance would be for five-feet of width required for the corner lot. It was stated that while that option would be less of a variance request, it would not allow for the preservation of the healthy live oak trees on the property.

Mr. Lewis stated that the practice outlined in the subdivision code is to look at the surrounding neighborhood to compare the standard lot sizes. The subdivision code dictates that the review area is within the five-hundred-foot radius of the subject property and is limited to the same zoning designation. The result is 53 lots in the neighborhood that have an average lot width of 73.6 feet and a median lot width of 71.4 feet. The average lot size of the 53 homes surveyed is 11,528 square feet and the median lot size is 9,714 square feet. Of the 53 lots, only 18 lots (or 34%) conform to the requirements of R-1A zoning, 35 lots (or 66%) have lot widths less than the code requires. A majority of the lots has widths ranging from 50 to 71 feet, therefore the proposed frontages of 65 and 69.41 feet compare favorably to the homes in the neighborhood even though they are short of the minimum zoning requirement.

Mr. Lewis stated that in recognition of the variance request, the applicant is proposing the deed restriction agreement for the three healthy live oak trees with widths of 40, 45, and 50 inches in diameter in the form of permanent tree easement if the variances are granted. He presented proposed conceptual elevations of the homes the applicant wishes to build on the properties. He noted that lot split requests such as this one provide the City with an opportunity to provide input to the developers to encourage variety and character in their design to enhance our single-family neighborhoods. Staff has recommended that the final front elevations of the homes be of varied architectural styles to each other to provide diversity to the neighborhood.

Mr. Lewis summarized by reiterating that if the applicant were to request to subdivide the property in the east/west direction, along Winter Park Road, there would only be a small variance request of five feet. However, such a division would cause the destruction of the three live oak trees at the rear of the property, plus the creation of two new driveways on Winter Park road, which is larger than Wright Avenue and would create more potential for traffic safety concerns. Therefore, while the variances while the frontages variances are greater dividing the property so that the lots front on Wright Avenue, the applicant agreement is to commit through a permanent tree easement to save these three significant specimen live oak trees as an important and valuable concession to the variance request. Based on this concession and the fact that this request compares favorably to a majority of the neighborhood, staff feels that the variance requests are acceptable.

To finalize, the staff recommendation was for approval with two conditions:

1. That the applicant enter into a tree preservation agreement with the City to preserve the three live oaks in the rear of the split lots.
2. That the final front elevations of the homes be of varied architectural styles to each other to provide diversity to the neighborhood.

Staff answered questions from the Board regarding square footage for the proposed homes, orientation of the lots in the original plat, architectural diversity process and evaluation, the tree preservation agreement, input from urban forestry regarding health of the trees, drip line and distance of construction near the trees and neighbor input.

Applicant, Fredrick Tibbs, Rex-Tibbs Construction, 181 Circle Drive, Maitland, Florida, addressed the board. He stated that he met with Urban Forestry to discuss preservation of the live oak trees. He answered questions from the Board regarding architectural diversity for the proposed homes.

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

The Board discussed the matter and questions were posed about the live oak trees health, methods to enforce architectural diversity, the legal form of the agreement (deed restriction running with title to the land) and the orientation of neighboring homes. After further the P&Z members expressed agreement with Staff recommendation.

Motion made by Owen Beitsch, seconded by Chuck Bell, for subdivision or lot split approval to divide the property at 2700 Wright Avenue, Zoned R-1A, into two lots with 67 feet of frontage on the street and 10,035 square feet of land area for each lot with the following conditions:

- 1. That the applicant enter into a tree preservation agreement with the City to preserve the three live oaks in the rear of the split lots.**
- 2. That the final front elevations of the homes be of varied architectural styles to each other to provide diversity to the neighborhood.**

Motion carried una-+ - nimonously with a 7-0 vote.

- ZTA #19-01 Request of the City of Winter Park for: An Ordinance of the City of Winter Park, Florida, Article IV of Chapter 58 of the Land Development Code concerning Sign Regulations relating to temporary signage; amendments to definitions; modifications for signage in C-2 zoning locations; clarifying types of prohibited signs; providing for conflicts, codification severability, and an effective date.**

Planning Manager Jeff Briggs presented the staff report; explaining that the item was a request from Staff for the Board to review and endorse changes to the sign code. He reviewed the requested modifications to the ordinance and provided back up materials to illustrate the changes. The requested changes were as follows:

The Ordinance revises the sizes of political campaign signs on residential properties. Currently, the City has a two (2) square foot limit while most other jurisdictions have a four (4) square feet sign limit. He noted all political candidates; national statewide, presidential, etc. candidates use a standard sign size of four (4) square feet. He stated that the City has run into issues due the current sign limit resulting in candidates having to order custom signs to advertise their campaigns in the City. Staff is working to achieve uniformity with the election signs. Mr. Briggs provided images of election signs, real estate signs and other kinds of "snipe" signs throughout the City of various sizes. He explained that the request size changes would create consistency in signs posted in the City.

The code is being updated because it is not legal to dictate how early signs are posted on a property. Thus, staff is removing the 45-day pre-election timeline that currently exists as election laws do not allow for the restriction of political signage to any number of days prior to an election. Staff is working to achieve uniformity with the canopy signs along Park Avenue as well as the areas zoned C-2 in the CBD and Hannibal Square. In addition, images of the other business canopy signs were provided to further show consistency of orientation and lighting.

Mr. Briggs provided images of properties where buildings were vacant or demolished, but the ground or pole signs remain. He explained that the new Code would require that when a building is demolished, the ground or pole sign is also demolished. Currently only the sign face must be removed. The new text emphasizes that all types of temporary signage, including campaign signs cannot be placed in the public right-of-way and cannot be placed on a property without the consent of the owner or the tenant of the property. This section also states the normal practice that such illegally placed temporary signage shall be subject to removal.

To finalize, staff recommendation was for approval.

Staff and the Board discussed issues related monument and canopy signs. Additionally, there was extensive discussion surrounding snipe and election signs including: the need for uniformity with other jurisdictions, size consistency, code enforcement issues, freedom of speech rules, length of time signs

can be posted on a property and aesthetics. City Attorney, Dan Langley stated that election signage is a very complicated first amendment issue. He explained that the US Supreme Court has made rulings in the last several years that have limited local government's ability to differentiate between different types of signs based on the content. He explained that regulations require the government to act in a neutral content manner when it comes to signage content. He discussed issue related to differentiating between signage by size and content and explained that it is very difficult to regulate signage at this time and the code changes staff is attempting to achieve are to give some balance to the issue. In-depth discussion ensued regarding the issue of signage signing and content. During the discussion, it was noted that the City Commission has asked staff to research and solutions to the signage issues in the City. Conversation continued regarding various aspects and concerns of the signage rules. The consensus of the Board was to not vote on this item at this time and move this item to a work session for further in-depth discussion and clarification of regulations.

Motion made by Owen Beitsch, seconded by Laura Turner, to table this item and continue the discussion during a work session.

The motion carried unanimously with a 7-0 vote.

4. New Business: None

5. Planning Director's Report:

Planning Director Bronce Stephenson informed the Board of staffing changes to the Planning Dept. The Planning Dept. will be adding a Planning Technician to take over the business licenses. In addition, this fall the Planning Dept. will be adding a Senior Transportation Planner to implement a new master transportation plan for the City.

Mr. Stephenson updated the Board on the Orange Avenue Overlay Steering Committee initiative. He informed the Board of the Orange Avenue Walk-Shop being held Tuesday, August 20, 2019, 4 p.m. - 7 p.m. and encouraged their participation.

Lastly, Mr. Stephenson informed the Board of the Planning videos that staff is working for placemaking, overlay districts and mixed-use. He explained that both the placemaking and overlay district videos had been completed and would like Board participation in the mixed-use video that will begin filming soon.

6. Board Update & Comments: None

Meeting adjourned at 7:28 p.m.

Respectfully,

Kim Breland, Recording Secretary