



Planning and Zoning Board Minutes

November 5, 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, Laura Turner, Christian Swann, Owen Beitsch, and Laura Walda. Absent: Adam Bert. Also Present: City Attorney Dan Langley. Staff: Planning Director, Bronce Stephenson; Senior Planner Allison McGillis and Recording Secretary Kim Breland.

2. Approval of Minutes:

Motion made by Chuck Bell, seconded by Laura Walda, to approve the October 1, 2019 meeting minutes. Motion carried unanimously with a 7-0 vote.

3. Public Hearings:

The applicant, Atrium Management, requested to defer the items on the agenda referring to the Henderson Hotel request until the January 7, 2020 Planning and Zoning Board meeting.

Board Member Laura Walda recused herself from this item due to a colleague from her law firm representing the applicant.

Motion made by Laura Turner, seconded by Ray Waugh, to defer the items on the agenda referring to Henderson Hotel until the January 7, 2020 Planning and Zoning Board meeting.

The motion carried unanimously with a 7-0 vote.

- **SPR #19-15 Request of Steven Kyle Brown For:** Approval to construct a new, two-story, 6,511 square foot, single-family home located at 1212 N Park Avenue On Lake Maitland, Zoned R-1AAA.

Senior Planner Allison McGillis presented the staff report explaining the item was a lakefront site plan review for a new, two-story, 6,511 square-foot, single-family home at 1212 N Park Avenue, which is located on Lake Maitland within the Twelve Oaks neighborhood. She explained that the current home on the property would be demolished and the applicant was proposing a new home with a 28% Floor Area Ratio and an impervious lot coverage of 39%, both of which are in the maximums permitted by code.

Mrs. McGillis noted that the property was unique in that it has lake frontage on both sides of the lot and the 50-foot front setback would apply the front and rear sides of the home and would limit the buildable area of the lot.

With regard to tree preservation, Mrs. McGillis explained that the applicant had proposed to remove five protracted trees of which some are in poor condition. She stated that due to the unique circumstances of the lot, removal of the trees was acceptable and noted that the Cypress trees near the rear lakefront and the front lakefront were being preserved to keep the lakefront as natural as possible.

Mrs. McGillis state that with respect to stormwater retention the applicant was prosing stormwater swales throughout the lot sized to meet code requirements. In terms of relation to lake views, she stated that the proposed home will not impair the views of the homes on either side of it and provided exhibits showing views of the new home in relation to those existing homes. In addition, the lot is relatively flat and there were no grading issues with the request.

Lastly, Mrs. McGillis showed elevations of the proposed home and stated that overall, the plans met the intent of the lakefront review criteria and no variances were requested.

Staff recommendation was for approval.

Mrs. McGillis answered questions from the Board as to whether the or not the private driveway at Twelve Oaks should be factored into the impervious calculation. Mrs. McGillis explained that because the driveway was a required driveway that all of the properties needed, therefore it is not typically included in the impervious calculation and noted that the Building Department had made that determination in the past for all of the homes in Twelve Oaks.

There were no further questions for Staff and no questions for the applicant.

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

The Board agreed with Staff's recommendation.

Motion made by Laura Walda, seconded by Chuck Bell, for approval to construct a new, two-story, 6,511 square foot, single-family home located at 1212 N. Park Avenue on Lake Maitland, zoned R-1AAA.

Motion carried unanimously with a 7-0 vote.

- **SPR #19-14 Request of Ferrarini Custom Homes For: Approval to construct a new, two-story, 8,232 square foot, single-family home located at 2008 Venetian Way on Lake Maitland, Zoned R-1AAA.**

Senior Planner Allison McGillis presented the staff report and explained that the item was a lakefront site plan request for a new, two-story, 8,232 square foot, single-family home located at 2008 Venetian Way on Lake Maitland. She stated that the current home was to be demolished and the applicant was proposing a new home with a floor area ration of 35.8% with increased side setbacks as presented and an impervious lot coverage of 42.7% both of which are within the code maximums.

Mrs. McGillis stated that in terms of tree preservation, the applicant proposed to remove one 42-inch Cypress tree that is within the desired building footprint at the south east side of the lot. She noted that the Urban Forestry Department had assessed the tree and determined that it was healthy with no significant visible defects. She explained that applicant has stated that there are no reasonable alternatives or accommodations to be made on the site plan to save the tree, and noted that planning staff had not seen any evidence of alternative site plans. In addition, Mrs. McGillis reiterated that the applicant was proposing to save five other cypress trees along the lakefront and in that regard, the applicant was meeting the intent of the lakefront review criteria to keep the lakeshore as natural as possible when viewed from the water.

Mrs. McGillis stated that in relation to stormwater retention, the applicant proposed to place swales throughout the lot that would be sized to meet the code requirements. She stated that the lot was relatively flat and there were no issues with the deck height. In terms of lake views, the home would not impair the views of the adjacent properties since it is proposed behind the setback of the adjacent homes, which is 75-feet.

Lastly, Mrs. McGillis presented elevations of the home from all four sides and stated that overall, the plans met the intent of the lakefront review criteria and no variances were requested.

Staff recommendation was for approval.

The Board asked Mrs. McGillis to clarify the definition of “intent” as it related to the lakefront review criteria and the cypress tree the applicant proposed to remove from the property. Mrs. McGillis explained that the code for lakefront criteria states that the lakefront must be kept as natural as reasonably possible. She stated that in terms of the property, when the lot is viewed from the lake, the same amount of tree coverage would be seen. Mrs. McGillis stated the Staff would prefer that the proposed tree be saved, but the applicant was meeting the intent of the code.

Discussion ensued between Staff and the Board regarding the location of the tree in relation to the proposed “desirable” buildable area. Staff clarified that the tree was located in the middle of the pool deck area according to the landscape plan and Planning Director Bronce Stephenson explained that the applicant’s desire was to have an outdoor patio, which would necessitate removal of the tree. Additionally they discussed the possibility of modifying the 10% of the 50-foot setback to the lake in order to save the tree while still allowing the applicant to build a pool patio.

Designer, Dirk Arace, 3563 Terra Oaks Court, Longwood, FL represented the applicant addressed the Board. He explained that he was working with the pool and landscape designers for the home and stated that there were 6 or 7 Cypress trees beyond the house. He stated that whether the 42-inch cypress tree was removed or not, the view from the lake would be the same. He stated that the keeping the canopy of the tree would put constant shade over the open pool deck and rear structure. Mr. Arace explained that the applicant has worked diligently to get the best setback due to the angular front setback and the extensive distance from the road on the unique lot and the applicant was not encroaching into the 75-foot setback and expressed concern that tree may not survive the construction of the pool. In addition, Mr. Arace discussed tree replacement and mitigation requirements with the Board and Staff.

The Board heard public comment from:

John Skolfield 358 Vitoria, Winter Park, FL. Mr. Skolfield spoke in favor of saving the cypress tree.

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

An in-depth discussion ensued amongst the Board and Staff regarding the preservation of the 42-inch cypress tree. Topics discussed were the age and health of the tree and lack of alternative plan submissions with options to preserve the tree. The Board felt that the applicant had not attempted to create a site plan that would save the tree. The Board members agreed unanimously that preserving the tree should be a condition of approval for the applicant’s request.

Motion made by Chuck Bell, seconded by Ray Waugh, for approval to construct a new, two-story, 8,232 square foot, single-family home located at 2008 Venetian Way on Lake Maitland, zoned R-1AAA with the following conditions:

- 1. The 42-inch Cypress tree located at the southwest corner of the property line, between the 50-foot and 75-foot setbacks, as shown on the landscape plan be preserved.**
- 2. Tree preservation plan be submitted at time of building plan to ensure the area is protected.**

The motion carried unanimously with a 7-0 vote.

After the motion there was further discussion regarding what would happen to the tree if after reviewing the landscape plans further, it was deemed the tree could not be saved. It was stated that if the applicant could not meet the condition of approval, the applicant would have to return to the Planning and Zoning Board to request a modified approval. Mr. Stephenson noted that the decision would be up to the Building Department to make sure the condition was met as part of construction.

- **CU #19-11 Request of The Sydgan Corp. For: Conditional Use Approval to add a third-story onto the existing two-story garage and guest house building to the rear of the three-story building at 411 West New England Avenue, Zoned C-2.**

Senior Planner Allison McGillis read the staff report and explained that the item was a Conditional Use request to add a third story onto the existing two-story garage and guesthouse building in the rear of 411 West New England Avenue, which is, zoned C-2. She stated that all third stories whether an addition or new building in the Hannibal Square district require a Condition Use.

Mrs. McGillis stated that the addition measured 616 square feet in size and provided a map indicating where the addition would be located. She explained that the addition would be internal to the block and only visible from the eastern side of S. Virginia Avenue. She noted the entire property measures 6,500 square feet in size and its C-2 zoning allows for a 200% Floor Area Ratio (FAR). The existing buildings on the property currently have a Floor Area Ratio of 139% and with the 616 square foot addition; the total FAR would increase to 149%, which is still in the maximum allowable by code.

Mrs. McGillis provided exhibits of the floorplans of each of the stories in the back of the building outlining the third-story addition. She stated that the addition would be a den for the existing residence on the third story of the building and provided slides of existing views of the property and elevations of the proposed addition.

Mrs. McGillis summarized by stating that overall the request meets all of the code requirements, no variances were requested and no additional parking is needed for the addition since it was added on square footage for the third-story addition.

Staff recommendation was for approval.

There were no questions for Staff.

Applicant Dan Bellows, 411 West New England Avenue, Winter Park, FL addressed the Board explaining that he is the property owner and the third floor of the building was his primary residence. Mr. Bellows stated that his family was expanding which was the reason for building the addition to his home. He noted one of the tenants (Dr. Trevisani) who rents the second floor of the building was present at the hearing who had expressed concerns with issues related to roofing construction previously done on the property. Mr. Bellows stated that he and the tenant (Dr. Trevisani) spoke prior to the hearing and he agreed, for the record, that they had negotiated days and times (Tuesdays, Thursdays and Saturdays) when Mr. Bellows could work on the construction of the addition and not impede Dr. Trevisani's business. Lastly, Mr. Bellows noted that he appreciated Dr. Trevisani's comments and he would work around the doctor's schedule.

Mr. Bellows then answered questions from the Board regarding views of neighbors and timeline for construction of the addition.

The Board heard public comment from:

Thomas Trevisani 1320 Bridgeport Drive, Winter Park FL addressed the Board. Dr. Trevisani thanked the Planning and Zoning Board for their service to the community and explained that he enjoyed having his practice located at the applicant's building. He recounted his experience

during the roof repair and explained how it affected his practice. He explained that he had come to the hearing to get direction from the Board, but after speaking with Mr. Bellows, believed that the construction of the addition would have minimal impact on his practice. He explained his concerns with needing unobstructed parking and access to the front door for his patients and stated that as long as he and Mr. Bellows agreed to a construction schedule, everything should be ok.

John Skolfield, 358 Vitoria Avenue, Winter Park, FL addressed the Board. He commended Mr. Bellows for his contributions to the development of New England Avenue and stated that he was in support of the request.

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

Mr. Bellows answered questions from the Board regarding ADA access during the construction on the addition. Mr. Bellows stated there would be no obstructions that would impede ADA accessibility during construction.

In addition, the Board asked Mr. Bellows if there would be a development agreement between himself and Dr. Trevisani. Mr. Bellows stated that Dr. Trevisani would be writing a letter to Mr. Bellows with his conditions and Mr. Bellows would then agree and sign the letter. The Board advised that a letter of agreement would server to protect both parties.

The Board agreed with Staff's recommendation.

Motion made by Christian Swann, seconded by Laura Turner, for Conditional Use approval to add a third-story onto the existing two-story garage and guest house building to the rear of the three-story building at 411 West New England Avenue, Zoned C-2.

The motion carried unanimously with a 7-0 vote.

4. New Business: None

5. Planning Director's Report:

Mr. Stephenson reviewed the upcoming public hearing schedule and explained that there were a number of application requests on the roster for both the December 2019 meeting and the January 2020 meeting. The consensus of the Board was to start the December 3, 2019 public hearing at 4:30pm to accommodate the number of proposed items on the December agenda and to split the January public hearings into two sessions (January 7th and January 14th) to accommodate the items for the January agenda.

6. Board Update & Comments:

Board member Owen Beitsch requested that Staff consider changing the order by which voting was done for agenda items at the public hearings. Staff agreed to change the voting order.

Meeting adjourned at 7:20 p.m.

Respectfully,

Kim Breland, Recording Secretary