



# Planning and Zoning Board Minutes

September 1, 2020 at 6:00 p.m.

Virtual | Winter Park, Florida

## 1. Present

Chairman Ross Johnston called the meeting to order at 6:01 p.m. Present: Jim Fitch, Laura Turner, Owen Beitsch, Ross Johnston, Michael Spencer, Richard James and David Bornstein. Also Present: City Attorney Dan Langley. Staff: Director of Planning & Transportation Bronce Stephenson, Principal Planner Jeff Briggs, Senior Planner Allison McGillis; Building Director George Wiggins, and Recording Secretary Mary Bush.

## 2. Approval of minutes

**Motion made by Ross Johnston, seconded by Richard James, to approve the August 4, 2020 meeting minutes.**

**Motion carried unanimously with a 7-0 vote.**

## 3. Public Hearing:

- ZTA #20-02 Request of the City of Winter Park for: An Ordinance Amending Article III “Zoning” to Amend Section 58-71; Concerning Lot Grading and Filling Requirements.

Mr. Wiggins provided the Board a brief summary of the ZTA #20-02 request. Mr. Wiggins explained that at any given time there is an average of 110 new single-family homes under construction, which has occurred even throughout the pandemic. Builders often bring in fill to elevate the grade of the floors of these newly constructed homes. Often times, especially on sloping properties, a substantial amount of fill is brought in and retaining walls are placed along the side of the property lines, higher than the natural grade. Given problems that have occurred in these cases, Mr. Wiggins views this as an opportunity to revise Section 58-71, General Provision for Residential Zoning Districts to improve the language and clarify issues with regard to fill and retaining walls. These new provisions will restrict the allowance of retaining walls that create an unnatural lot grade transition, unless approved by staff. Mr. Wiggins presented two example homes on Lake Killarney showing the retaining wall issue. He noted that there are many other similar homes throughout the City, some with even higher retaining walls up to six feet tall. The proposed ordinance would provide for stronger enforcement of the provisions on these homes.

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

The Board expressed their approval of the ordinance, including their appreciation of staff’s presentation of the request and adjustment of the language of the ordinance. They noted that the Board had discussed this matter at a previous public hearing and at a work session. Given the significant previous discussion they felt this Ordinance had been fully vetted by the Board.

**Motion made by Laura Turner, seconded by David Bornstein, for recommendation of an Ordinance Amending Article III “Zoning” to Amend Section 58-71; Concerning Lot Grading and Filling Requirements.**

**Motion unanimously carried with a 7-0 vote.**

- ZTA #20-03 Request of the City of Winter Park for: An Ordinance Amending Article VI “Subdivision and Lot Consolidation Regulations” to Amend the Procedures for Final Plats and Lot Splits and to Provide Regulations for the Permitted Floor Area Ratio Related to Subdivisions and Lot Splits Resulting in Four or Less Lots.

Mr. Briggs provided an overview of the item to the Board. He explained that this item addresses proposed changes to the subdivision code including changes and updates recommended by City Attorney Dan Langley. Mr. Briggs reported that requests to split lots into two lots are received about six to seven times a year. The majority of review time for these requests is spent on lot dimensions and determining comparable properties in the neighborhood as well as the potential effects on neighboring properties. A common situation that arises when splitting a property is that the maximum floor area ratio (FAR) increases from the 38% of the parent property to 43% for each of the new lots when split. The City is providing a density increase in two homes versus one home and also increased density in the amount of square footage to be built. Sometimes there have been conditions placed to limit the FAR to that of the parent parcel and sometimes not. In order to be consistent and to ensure fair treatment for all applicants, this policy issue needs to be decided. The staff felt that there are significant economic incentives that exists for lot splits, such that the City does not need to further incentivize lot splits with the added FAR. Staff recommended that the FAR is capped at the parent parcel’s allowed FAR limit.

The Board discussed the proposed ordinance. Various questions were raised regarding the following:

- side setbacks on a 100 ft. lot,
- the minimum lot width and the associated side setback,
- using a standard 38% FAR versus 43% city-wide,
- the specific recommendations for action to be presented to the City Commission,
- visual issues with the variation in FAR allowance per lot size.

Mr. Briggs addressed the FAR question explaining that previous policy decisions have been that higher yield is needed for smaller lots which have minimal square footage. Mr. Briggs also clarified that this provision applies to the lot splits of four or less. If desired, the Board could make a recommendation to the City Commission to create a standard FAR for all lots. Clarification on FAR allowance will enable staff to address public inquiries and applications more efficiently and with conformed responses.

Mr. Beitsch mentioned that he does not feel that home sales will be affected with a change to a lower universal FAR.

Chairman Johnston expressed his agreement with Mr. Beitsch’s sentiments.

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

**Motion made by David Bornstein, seconded by Owen Beitsch, for recommendation of an Ordinance Amending Article VI “Subdivision and Lot Consolidation Regulations” to Amend the Procedures for Final Plats and Lot Splits and to Provide Regulations for the Permitted Floor Area Ratio Related to Subdivisions and Lot Splits Resulting in Four or Less Lots.**

**Motion unanimously carried with a 7-0 vote.**

#### **4. New Business:**

Ms. McGillis explained to the Board that it has been decided that it would be better to review Granicus, the new meeting agenda software, at the next work session. It was initially planned for the Board to be provided with a presentation of Granicus to get them acquainted with its capabilities and how to use it. Staff will provide each Board member with the website address and their individual log-in information so they can personally obtain the meeting agenda packets. The agenda packets will continue to be sent directly from staff to the Board for the next few months until the Board is comfortable with using the system.

## 5. Planning Director's Report:

Planning Director Bronce Stephenson addressed the Board and provided updates on the following topics:

- Changes in department staff.
- Governor's extension of Executive Order allowing for virtual meetings through the month of September.

## 6. Board Update & Comments:

The Board discussed and requested the following:

- Have Advent Health install RRFB's at their crosswalk, on Lakemont Avenue as discussed in the past.
- Re-schedule the November P&Z regular meeting to Monday, November 2, 2020 due to November 3, 2020 being Election day.
- Add a second work session for the month on September 29, 2020 to discuss the Orange Avenue Overlay (OAO).
- Provide a financial update on business and public changes since the start of the pandemic in Winter Park.

## 7. Upcoming Meeting Schedule:

The next regular meeting will be held on October 6, 2020 and the next work session will be on September 22<sup>nd</sup>.

## Adjourn

Meeting adjourned at 7:12 p.m.

Respectfully Submitted,

Mary Bush

Recording Secretary