



# Planning and Zoning Board Minutes

October 5, 2021 at 06:00 p.m.

Hybrid Meeting  
401 S. Park Avenue | In-Person and Virtual | Winter Park, Florida

## Call to Order

Chairman Richard James called the meeting to order at 6:00 p.m. Present: Jim Fitch, Richard James, Michael Spencer, Melissa Vickers, Alex Stringfellow, David Bornstein, and Vashon Sarkisian. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Transportation Bronce Stephenson, Principal Planner Jeff Briggs, Planner I Nicholas Lewis, Planning Specialist Aaron Hull, Sustainability Planner Vanessa Balta, Assistant Director of Communications & Public Engagement Craig O'Neil, Keep Winter Park Beautiful & Sustainable Board Chairman Ben Ellis, and Recording Secretary Mary Bush.

## Consent Agenda

Motion made by Jim Fitch, seconded by Alex Stringfellow to approve the September 7, 2021 meeting minutes.

**Motion carried unanimously with a 6-0 vote. (Michael Spencer was not present for approval of the minutes.)**

## Staff Updates

### Sustainability Action Plan Update Draft

Ms. Balta provided the Board with a brief update on the Sustainability Action Plan (SAP). She noted that the update to the plan included revisions based off of feedback received from various Boards. The revisions include the following:

- Revisions to baselines, where necessary, for more complete and accurate data collection and analysis, new category on Climate Resiliency, and actions related to racial equity.
- Integration of discussion and feedback from
  - Joint virtual Keep Winter Park Beautiful & Sustainable Advisory Board work sessions
  - City staff follow-up discussions
  - Public comments and Community online survey responses from over 200 respondents
  - Input from Community Organizations
- Plans and policies from neighboring communities in FL and local government sustainability offices in the Southeast

Ms. Balta reviewed some of the main objectives of the plan with the Board. She elaborated on the City's adopted definition of sustainability. She also discussed climate resiliency, ensuring a healthy, livable, and sustainable community, reducing regional impact of greenhouse gases, and tackling renewable energy and electric transportation. Ms. Balta noted that the plan also tracks climate resiliency, energy and water, natural resources, and transportation over time. She then presented a snap shot of action items through 2025 that is to be provided to staff each year to help meet long-term objectives.

The Board expressed appreciation for the revisions and the current draft of the plan. The Board also inquired about the plan leading into a budget cycle request for project funding and whether or not the City is considering initiatives to promote solar in residential properties.

## Public Comments (for items not on Agenda)

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

## Non-Action Items

No non-action items.

## Action Items

- SPR #21-09 Request of Ernest and Anne-Marie Jones for approval to construct a new, two-story single-family home located at 797 Pinetree Road on Lake Maitland, zoned R-1AAA.

Mr. Briggs provided the Board a brief summary of the SPR #21-09 request. He noted that there had been disagreement between the applicant and a neighbor of the property regarding storm water, but a solution of a condition of approval had been agreed to earlier in the day by both parties. Mr. Briggs presented aerials of the property to the Board. He noted that the proposed solution to the storm water issue was to approve the request with a condition of installing a physical barrier, such as a wall or a FDOT type D curb. The physical barrier would eliminate water coming from the applicant's property onto the neighbor's property. Mr. Briggs noted that a footer cannot be dug for a privacy wall for the entire length of the property due to possibly impacting an underground storm water pipe that runs down part of the property line, but a FDOT type D curb can be installed. He also noted that there is no impact to any trees or view and there are no grading issues.

Staff recommendation was for approval with the condition that a wall or FDOT type D curb be installed along the length of the property in order to preclude water going from the subject property onto the neighboring property to the south.

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

**Motion made by Alex Stringfellow, seconded by David Bornstein, for approval to construct a new, two-story single-family home located at 797 Pinetree Road on Lake Maitland, zoned R-1AAA with the following condition:**

- That a wall or FDOT type D curb be installed along the length of the property in order to preclude water going from the subject property onto the neighboring property to the south.

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

- SPR #21-10 Request of Matthew Morgan for approval to construct a new, two-story single-family home located at 1214 N. Park Avenue on Lake Maitland, zoned R-1AAA.

Mr. Briggs provided the Board a brief summary of the SPR #21-10 request. He presented aerials of the existing home which has a previous screened pool enclosure that exceeds the mandatory 50-ft setback. He noted that the new home will come into conformance with the 50-ft setback. He also noted that there are no issues with the grade of the lot and no impact to trees or views. Mr. Briggs indicated that the applicant would also be adding storm water retention as required by code.

Staff recommendation was for approval.

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

**Motion made by David Bornstein, seconded by Alex Stringfellow, for approval to construct a new, two-story single-family home located at 1214 N. Park Avenue on Lake Maitland, zoned R-1AAA.**

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

- SPR #21-11 Request of Konkol Custom Homes for approval to construct a new, two-story single-family home located at 1395 Alberta Drive on Lake Osceola, zoned R-1AAA.

Mr. Briggs provided the Board a brief summary of the SPR #21-11 request. He presented aerials of the existing home proposed to be removed. The new home will be closer to the street side of the lot but will not be any closer to the lake side of the lot than the existing home. Mr. Briggs noted that the lot is steep causing challenges with conveyance of water. The property to the west of the lot currently has water intrusion issues from the applicant's property. Mr. Briggs mentioned that to resolve the issues, a new retaining wall will be placed to the left side of the new home to form a barrier to eliminate water run off onto the neighboring properties. The applicant agreed to extend their retaining wall out to the street so that the neighbor would have the choice to remove or not remove their existing wall. Mr. Briggs also noted that the applicant will be installing underground

pipng from the gutters to direct water down to the lakefront retention area. The new home will also have a walk out basement on the lakeside.

Staff recommendation was for approval.

The Board inquired about whether or not both retaining walls were to be built by the applicant and if all storm water would be diverted underground and run back to the north end pond.

The Board heard public comment from the following resident:

James Lien, an adjacent neighbor of the applicant, at 1375 Alberta Drive, Winter Park, FL 32789 addressed the Board. He expressed that several feet of the applicant's property had shifted over time onto his property. He stated that he had spoken to the applicant's builder about the issues and feels that a retaining wall or FDOT curb in the proper place could benefit both parties. He also wanted to confirm the exact footage of the new home, which he stated that the builder noted it to be a 6083-sq ft home.

Mr. Stephenson briefly reminded the Board about the criteria their authority is based on for planning and zoning matters.

The applicant's builder David Konkol of Konkol Custom Homes at 500 N. Maitland Avenue, Suite 313, Maitland, FL 32751 addressed the Board. He noted that the retaining wall would be extended on the west side to the sidewalk as well as down toward the lake.

The Board inquired about the exact square footage of the proposed home and any limitations for the extent of the retaining wall going toward the lake.

**Motion made by Michael Spencer, seconded by Melissa Vickers, for approval to construct a new, two-story single-family home located at 1395 Alberta Drive on Lake Osceola, zoned R-1AAA with the conditions as agreed to by the applicant that the wall would be extended out to the property line and that the FDOT curb be extended down to the seawall from the ends of the wall locations shown on the plans.**

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

- SPR #21-12 Request of Daryl Carter for approval of additions to the existing home at 740 Palmer Avenue to include a new garage, porte-cochere and swimming pool/cabana on Lake Osceola, zoned R-1AAA.

Mr. Briggs provided the Board a brief summary of the SPR #21-12 request. He presented arials of the existing home and noted that the applicant will not be demolishing the home but renovating it with additions. Mr. Briggs also noted that the applicant proposed to add a pool, cabana building, a garage addition, and a single car porte-cochere. He added that the applicant had done extensive landscaping along the property line removing overgrown shrubbery, which has allowed for more lake view for the adjacent neighbor. Mr. Briggs indicated that the open porte-cochere would be at a 20-ft setback to the canal which would necessitate a variance from the required 50-ft setback. Mr. Briggs expressed that the structure would not be visible to the adjacent neighbor due to screening from the surrounding landscape. Prior to the meeting the applicant's neighbor provided the Board with an email expressing concerns with the possible view of the porte-cochere and request of a 25-ft setback rather than the 20-ft setback as proposed by the applicant.

Staff recommendation was for approval.

The applicant, Daryl Carter of 2614 N. Westmoreland Drive, Orlando, FL 32804 addressed the Board. He noted that he tried to look at moving the porte-cochere but did not desire the outcome of what it would take to do it.

The applicant's builder, Derrick Koger of Derrick Builders, Inc at 705 East Oak Street, Suite D, Kissimmee, FL 34744 addressed the Board. He noted that the existing home has a two car garage and the applicant desired a three car garage. He indicated that building a three car garage was not advised due to the bulkiness and disproportion that it would create. He advised the applicant to build a porte-cochere instead. He was notified that the neighbor to the north asked for a five foot reduction. The applicant then asked for the request to be tested out. Mr. Koger noted that it would compromise the composition of the front of the home and there would be limited room for maneuvering around the parked vehicles.

The Board expressed their appreciation for the plans for the home and inquired about whether or not the applicant would commit to leaving the porte-cochere open and the year the home was built.

**Motion made by Vashon Sarkisian, seconded by Jim Fitch, for approval of additions to the existing home at 740 Palmer Avenue to include a new garage, porte-cochere and swimming pool/cabana on Lake Osceola, zoned R-1AAA.**

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

- ANNEX #21-02; CPA #21-07; RZ #21-05 Request of the 3217 Corrine LLC to annex the Properties at 3303 and 3313 Corrine Drive and utilize the south 63 feet of 1813 Northwood Terrace Drive to establish Commercial (C-3A) and Parking Lot (PL) Future Land Use and Zoning in order to build a two-story, 8,750 sq. ft. commercial/office building on the combined properties.  
**THIS ITEM WAS TABLED TO THE NOVEMBER 2, 2021 REGULAR PLANNING & ZONING BOARD MEETING.**
- ZTA #21-02 Request of the City of Winter Park for an Ordinance to amend the zoning code related to superseding clauses.

Mr. Briggs provided the Board a brief summary of the ZTA #21-02 request. He noted that the City Commission wants to be more specific and transparent when dealing with language in the Comprehensive Plan and zoning changes that specify to the extent that there are any other unknown conflicts in the code that the new provisions supersede those as a catch all.

City Attorney, Dan Langley prepared the ordinance at the direction of the City Commission. He addressed the Board and stated that he saw the need to propose slight modifications to subsection one to clarify the applicant for zoning map and text amendments, what constitutes a bona fide interest in property, that it is not only a person who has a property under contract but also has the consent of the existing property owner, and also that staff can proceed with proposed revisions to the Land Development code.

Staff recommendation was for approval.

The Board inquired about whether or not an applicant would be in conflict with an approval if they did not meet a superseding code requirement.

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

**Motion made by Melissa Vickers, seconded by Alex Stringfellow, for an Ordinance to amend the zoning code related to superseding clauses.**

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

Chairman James called for a recess at 7:08 p.m. and reconvened the meeting at 7:23 p.m.

- Request of the City of Winter Park for consideration and appropriate action for the Ordinances to modify the Land Development Code to create a Zoning Overlay District known as the Orange Avenue Overlay (OAO).

Mr. Stephenson provided the Board an overview of the request. He briefly reviewed the Comprehensive Plan policy for mixed use designation. He also summarized the history of the Planning and Zoning Board's actions taken on the Comprehensive Plan policy with regard to the Orange Avenue Overlay District. The Board had been provided by staff a redline version of the policy that included changes discussed during work sessions. Mr. Stephenson added that the City Commission made a few amendments at their first reading on September 27, 2021 when they approved the Comprehensive Plan Ordinance, so staff had to make minor changes to the zoning code to have consistency within the document. He noted that the Comprehensive Plan is currently going through the expedited State review process, which can be tracked online through the Florida Papers section of the Florida Department of Economic Opportunity (DEO) website with the review number ESR2102 for Winter Park. Mr. Stephenson also noted that votes on all amendments and the main motion would take place when the Chairman called for a vote, then each amendment would be restated and a roll call vote would be taken.

Staff recommendation was for approval of the Ordinance to amend the Land Development Code Language to create the Orange Avenue Overlay District development standards.

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

**Motion made by Richard James, seconded by Alex Stringfellow, for approval of the redline version of the Ordinances to modify the Land Development Code to create a Zoning Overlay District known as the Orange Avenue Overlay (OAO).**

**Motion carried unanimously with a 6-0 vote. (David Bornstein recused himself from voting due to having a small ownership in a parcel of land within the Orange Avenue Overlay District.)**

### **Board Comments**

Chairman James made a recommendation to discuss Planned Unit Residential District (PURD) and the Corrine Drive application at the next work session.

Mr. Stephenson noted that the position of Planner III has been filled and the new planner will be starting soon. He also introduced to the Board, Nicholas Lewis who is the new Planner I for the Planning and Transportation Department.

### **Adjournment**

Meeting adjourned at 7:39 p.m.

/s/ Mary Bush.

Approved by Board on November 2, 2021.