Present: Vice-Chairman Patrick Doyle, Rick Swisher Drew Krecicki, Sara Whiting and Michael Dick. Absent: Chairman John Stevens

Staff: Planning Director Jeffrey Briggs; Sr. Planner Stacey Scowden, Planning Technician Caleena Shirley, and Recording Secretary Lisa M. Clark.

Approval of Minutes

Motion made by Mr. Dick, seconded by Mr. Krecicki to approve the minutes from the February 5th public hearing. Motion carried unanimously with a 5-0 vote.

Motion made by Mrs. Whiting, seconded by Mr. Dick to approve the March 4th public hearings, as amended. Motion carried with a 5-0 vote.

Mr. Briggs announced that the lakefront site plan review for the Graham residence at has been postponed at the request of the applicant.

PUBLIC HEARINGS

COMP 1:08 Request of the City of Winter Park to transmit a Public Schools Facilities Element for review by the Florida Department of Community Affairs as a future amendment addition to the City’s Comprehensive Plan.

Senior Planner Lindsey Hayes presented a power point description of the content of the public schools facility element. Her presentation included a review of the state mandated requirements, the collaborative process with the school board and other governments in Orange County, and the standards to be used in the affect on future development in the city. In summary this will implement a school concurrency process whereby developers of residential projects will need to obtain approval from OCPS that sufficient school classroom capacity exists or the developers will be required to pay a school capacity mitigation fee to equate to the true costs of building the needed classroom capacity. Ms. Hayes reminded the Board that every city in Orange County along with the Orange County government is adopting the same Comprehensive Plan text so that there is consistency in school concurrency across Orange County.

Ms. Hayes then introduced Mr. Andrew DeKandis, Senior Director of the Planning and Governmental Relations Department of Orange County Public Schools, 445 Amelia Avenue, Orlando, Florida. Mr. DeKandis made additional comments on the application of school concurrency in the faster growing areas of Orange County.
Chairman Doyle asked if anyone in the audience desired to comment on this matter. No one wished to speak and the public session was closed.

The Board members posed questions to Mr. DeKandis on specifics with regard to the capacity status of Winter Park schools. Additional questions were posed concerning the school concurrency process.

Mr. Krecicki indicated three (3) sections where it appeared that wording changes needed to be made or blanks that needed to be filled in, and subject to those minor revisions supported the transmittal. Fellow Board members were in agreement.

Motion made by Mr. Krecicki, seconded by Mrs. Whiting recommending transmittal of the request. Motion carried unanimously with a 5-0 vote.

CU 4:08 Request of Fields Motor Cars of Florida Inc. for Conditional Use Approval to build a new MINI car dealership at 951 N. Wymore Road (former Park Inn motel). This 2.6 acre property is proposed for redevelopment to accommodate a new three story showroom and four level parking garage of 196,678 square feet.

ZTA 2:08 Request of the City of Winter Park to amend Chapter 58, “Land Development Code”, Article III, “Zoning” so as to amend Section 58-75 “General Commercial (C-3) District” to provide that properties zoned C-3 on Wymore Road, north of Lee Road may qualify for conditional use approvals for car sales businesses.

Mr. Briggs gave the staff report. He explained that the agenda item has two components. One, a conditional use request by Fields Motor Cars, Inc., to build a new MINI car dealership at 951 N. Wymore Road, consisting of a new three story showroom and service building and a four level parking garage for the new car sales inventory, on property zoned C-3. He explained that it is a conditional use both because it is a building project over 10,000 square feet and also because any car sales business requires conditional use approval. The second item is an update to the C-3 zoning to allow this type of car sales conditional use in this location. He gave a detailed overview of the project to include the current property conditions, parking requirements, architectural appendages, FAR, and height. He indicated that the applicant has provided a traffic study which he stated that the traffic impact is much less than the previous use of the hotel. Staff recommended final approval of the request. Mr. Briggs responded to Board member questions and concerns.

Johan LaRose, represented the applicant and he answered questions from the Board concerning various aspects of the plans including signage, buffering to the adjacent building, fence detail, tree preservation issues, landscape plan, dumpster screening, and outdoor speaker systems.

Selby Weeks, 385 Douglas Avenue, answered questions from the Board concerning the storm water management system, building setbacks and other technical issues.

Will Graves, 3048D George Mason Avenue, addressed the Board in favor of the request. No one else wished to speak concerning the request. Public Hearing closed.

Board members posed additional questions and discussed amongst themselves various aspects the project. There was consensus as to the architectural style, scale and size being appropriate to that particular location. The board members asked Mr. Briggs questions concerning the zoning text amendment and its compliance with the comprehensive plan. Additional discussion ensued regarding signage, the outdoor P.A. system, and the potential for a FAR variance given the need for the new comprehensive plan to become effective.

Motion made by Mr. Krecicki, seconded by Mr. Swisher to approve the request with the following: (1) exterior sound system further reviewed by the city commission; (2) final approval contingent upon comprehensive plan adoption or variance approval by the Board of Adjustment; (3) signage to be static and must be approved thru the City’s signage approval process. Motion carried unanimously with a 5-0 vote.
Motion made by Mr. Dick, seconded by Mr. Krecicki to approve the zoning text amendment. Motion carried unanimously with a 5-0 vote.

CU 5:08 Request of Strollo’s Market & Café at 200 West Fairbanks Avenue for Conditional Use Approval to allow the sale and consumption of alcoholic beverages as a component of the 36 seat café due to this location being within 300 feet of residential properties.

Planning Director Jeffrey Briggs gave the staff report. He explained that the Strollo’s Cucina Due is a market, bakery, and quick service café. He stated that for matters relating to this application for conditional use it is important to note that the business closes at 9 PM. He noted that the criteria associated with this type of conditional use is to safeguard and protect adjacent residential neighbors from restaurant/bar establishments that can cause nuisances related to “overflow parking on residential streets, noise which is disturbing to the residential occupants or loitering of patrons within residential areas”. He further explained that a 9 PM closing time does not lend itself to create those conditions that we have experienced with other restaurants that late at night turn into a rowdy bar with late night noisy patrons. He noted that any change to those conditions requires a future conditional use application, notice to neighbors and rehearing by P&Z/City Commission. Staff recommended approval of the request subject to the condition that the hours of sale and consumption of alcoholic beverages ends at 9 PM and that no amplified musical entertainment is permitted.

Patti Strollo, the applicant, was present to address the concerns of the Board are requesting beer and wine only.

John Parent, 338 Vitoria Avenue, spoke in favor. He said that he feels that it is an enhancement to the entire area and will only add to their ability to remain open. Public Hearing closed.

The Board members discussed the request and agreed that this concept of market and café together with the limited hours is compatible with the adjacent neighborhood. The Board discussed whether an approval could be tied specifically to these individuals, but then agreed that as long as there is no significant change in the business, the approval may transfer to future owners.

Motion made by Mr. Dick, seconded by Mr. Krecicki to approve the request subject to staff recommendations. Motion carried unanimously with a 5-0 vote.

CU 6:08 Request of Savita Prasad at 2103 West Fairbanks Avenue for Conditional Use Approval to allow the operation of a car repair business from this property, zoned C-3.

Planning Director Jeffrey Briggs presented the staff report. He explained that this is a request by Savita Prasad, owner of Luxury Auto Specialists, LLC for a conditional use approval to allow a business that repairs/services motor vehicles at 2103 West. Fairbanks Avenue. This property is zoned C-3. It is the former Just Brakes repair business location, but the previous conditional use has expired after being vacant for 30 days, and a new approval via conditional use is needed. Mr. Briggs noted that based on the application, the business will be for automobile repair of Mercedes, Volvo, BMW and other high end vehicles. The hours of operation will be from 8:00 am to 5:30 pm Monday – Friday, and per the applicant there will be a maximum of 4 employees.

Mr. Briggs further explained that the City will embark on a 3 million dollar improvement program for West Fairbanks to install sanitary sewer and do other streetscape improvement in 2009. He said that this is a significant investment with the intended purpose of encouraging the street to evolve from the car sales and car repair businesses that are prevalent into a better environment as befits a gateway entrance into the City.

He summarized by stating that staff is willing considering the circumstances, to allow this type of car repair business to be reactivated provided it is for a short-term duration of up to three years until the Fairbanks Avenue improvement project is completed and redevelopment can begin. Staff recommended approval of the request subject to the following conditions:

1. All vehicle repairs are to be done inside the building.

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2. There can be no storage/parking of vehicles outside of the building, after the business closes each night.
3. No cars are to be labeled “For Sale or Lease” while on premises.
4. This approval is for a three (3) year term and expires on May 1, 2011. Prior to the issuance of an occupational license, a Developers Agreement shall be executed between the City, Property Owner and Tenant acknowledging and agreeing to these conditions which shall be recorded to run with title to the land for the benefit of any future purchaser.

Mr. Briggs responded to Board member questions and concerns.

Ms. Savita Prasad, 2103 West Fairbanks, explained that her business which she stated caters to high end vehicles. She indicated that when the lease agreement was signed, she was not aware that the location could not be used for auto repair. She expressed a desire to keep some vehicles on the property screened with an attractive fence. She responded to questions from Board members.

Harry May, 275 Orange Terrace Drive, spoke regarding traffic on the street. No one else wished to speak regarding the request. Public Hearing closed.

The board member discussed the request and agreed that given the three year time period limit it would be an appropriate interim use. The Board members discussed the issue of parking outside the building and whether to require any interim landscaping upgrades.

**Motion made by Mr. Krecicki, seconded by Mr. Swisher to approve the request with staff conditions as follows:**

1. All vehicle repairs are to be done inside the building.
2. There can be no storage/parking of vehicles outside of the building, after the business closes each night.
3. No cars are to be labeled “For Sale or Lease” while on premises.
4. This approval is for a three (3) year term and expires on May 1, 2011. Prior to the issuance of an occupational license, a Developers Agreement shall be executed between the City, Property Owner and Tenant acknowledging and agreeing to these conditions which shall be recorded to run with title to the land for the benefit of any future purchaser.

Motion carried unanimously with a 5-0 vote.

**MISC 1:08** Request of the City of Winter Park to amend Chapter 58 “Land Development Code”, Article V “Environmental Protection Regulations”, Division 1 “Storm Water Management” so as to prohibit storm water retention systems with grades above two feet of adjoining properties.

Planning Director Jeffrey Briggs presented the staff report. He explained that this ordinance is intended to correct a problem in our Code which does not include any prohibition on grade changes for properties needed for storm water retention compliance. Further, it would prohibit any grade increase over two feet to any property in connection with meeting the requirements for storm water retention. He said that this issue has come to light, unfortunately after-the-fact, with the new Breast Clinic project at 2200 Glenwood Drive. This neighborhood has a high existing ground water elevation. The design of storm water systems requires that the bottom of retention areas or exfiltration pipes must be two feet above existing ground water elevations. Then you need the retention volume storage area above that elevation. In this case the solution was to build up the parking lot about 4.5 feet above the natural grade of the adjoining properties and adjacent street. He stated that staff’s intent is that should not happen again; and that this ordinance cures that problem by prohibiting any grade change more than two feet for either above ground or underground storm water retention systems. Further, any special circumstance would then require a variance. Staff recommended approval of the request.

Mr. Briggs responded to Board member questions and concerns.

No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

**Motion made by Mr. Dick, seconded by Mr. Krecicki to approve the proposed ordinance. Motion carried unanimously with a 5-0 vote.**
An Ordinance of the City of Winter Park, Florida, amending Chapter 58 “Land Development Code”, Article III, “Zoning” repealing section 58-76 Limited Commercial (C-3A) District and adopting and substituting therefore a new section 58-76 entitled the Urban Use Zoning District, providing for purpose and intent, establishing permitted and conditional uses, providing for development standards, building setbacks, building heights and residential dwelling sizes, providing for density and lot coverage, providing for lot coverage bonus provisions, providing an effective date.

Mr. Briggs explained that the City Commission will be having a work session on the Comprehensive Plan which will include a discussion involving the urban use district. Mr. Doyle feels that the request should be tabled. The Board members agreed.

Motion made by Mr. Dick, seconded by Mrs. Whiting to table the request. Motion carried unanimously with a 5-0 vote.

Becky Furman, 215 North Eola Drive, addressed the Board after the motion. She urged the Board not to lose momentum. She reiterated that she feels that this is a unique opportunity to develop a unique piece of property and does not want the city to miss out on this redevelopment opportunity.

SITE PLAN REVIEWS

SPR 6:08 Request of M/M Dikeou for approval of revised pool, deck and covered pavilion at 900 Palmer Avenue on Lake Osceola, zoned R-1AAA.

Assistant Planner Stacey Scowden presented the staff report. She explained that at this time the Dikeou’s desire to change the location of the swimming pool/pool deck from the westerly portion of the house to the lakefront. This is a significant change from the original plans presented to P&Z and the neighbors, so it is necessary to bring the new pool design back to the P&Z for approval for consideration of the plans, visual impact upon the neighbors and accommodation of the grade changes. She also reviewed the issues of floor area ratio, impervious coverage, storm water retention and tree preservation. She continued by stating that the original pool location had no impact upon the neighbors. Clearly this revision puts the swimming pool in a more prominent and visible location that does alter the lake views of the neighbors. However, the new location is consistent with what we would typically see for lakefront homes. Adding the pavilion further impacts the neighbor to the west. The home was designed (per P&Z’s encouragement) with sensitivity to that neighbor by locating a one story portion of the home proximate to that neighbor. So we went to all the trouble of trying to be sensitive to the views and privacy concerns of that neighbor and then undid all that effort by now putting the pavilion on that side. STAFF RECOMMENDATION IS FOR APPROVAL of the swimming pool/pool deck relocation but DENIAL of the pavilion component. She responded to Board member questions and concerns.

Paul Verlander, Landscape Architect, and Mark Nasrallah, 507 North New York Avenue, represented the applicant. They responded to questions posed by board members

Marjorie Prouse, 834 Palmer Avenue, spoke in opposition. The roof obstructs the view of her house.

Joseph Prouse, 375 Brantley Club Place, addressed the Board with concerns that he had for the visual impact on his mother’s property.

Robert Pasternack, 4126 Lake Mira Drive, also addressed the Board on behalf of his mother-in-law (Mrs. Prouse). He discussed the height of the structures. He suggested that they eliminate some of the vegetation and drop the decking down. He requested that if the Board approve the pavilion structure, that the applicant’s move it to the western side of the property. No one else wished to speak concerning the request. Public Hearing closed.

The Board members discussed the request.
Motion made by Mr. Dick, seconded by Mr. Krecicki to approve the request as follows: (1) That the applicant bring the pool deck down .8'; (2) that the plantings on the western side of the property are to be removed or reduced in size so as not to block the neighbor’s view to the water; (3) that the decorative railing is to be corrected to be 30” in height; (4) the request to construct the pavilion is denied. Motion carried unanimously with a 5-0 vote.

There was no further business. The meeting adjourned at 9:45 p.m.

Respectfully submitted,