CITY OF WINTER PARK  
Planning & Zoning Commission

Regular Meeting
Commission Chambers

November 3, 2009
7:00 p.m.

MINUTES

The meeting was called to order by Mr. Krecicki at 7:00 p.m. in the Commission Chambers of the Winter Park City Hall.

Present: Chairman Drew Krecicki, Vice-Chairman Rick Swisher, Michael Dick, and Carolyn Cooper. Sarah Whiting was absent. Staff: Planning Director Jeffrey Briggs, Director of Building and Code Enforcement George Wiggins, Sr. Planner Stacey Scowden, Planning Technician Caleena Shirley, and Recording Secretary Lisa M. Clark.

Approval of minutes – October 6, 2009

Motion made by Mr. Dick, seconded by Mr. Krecicki to approve the October 6, 2009, meeting minutes. Motion carried unanimously with a 4-0 vote.

Public Hearings:

REQUEST OF RANDOLPH REAL ESTATE LLC TO ANNEX THE PROPERTY AT 639 OVERSPIN DRIVE AND TO CHANGE THE EXISTING COMPREHENSIVE PLAN AND ZONING DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO OFFICE SO THE EXISTING HOME AT 639 OVERSPIN DRIVE MAY BE CONVERTED TO AN OFFICE AND THE REAR YARD USED AS EXPANDED PARKING.

Planning Director Jeffrey Briggs gave the staff report. He explained that this is a request from Randolph Real Estate LLC (Doctor Ajayi) who has the medical office and sleep lab at 2660 West Fairbanks Avenue (corner of Fairbanks and Overspin, west of I-4). He stated that Dr. Ajayi has the adjacent single family property at 639 Overspin Drive under contract; and he would like to annex that property into the City and change the Comprehensive Plan and Zoning from single family residential to office to combine that property for added a woman’s sleep lab space and parking. Dr. Ajayi’s building is 3,000 sq. ft. of medical space on the first floor used during the day and the second floor is a similar 3,000 sq. ft. of sleep lab that is used only at nights. Dr. Ajayi’s property has 22 parking spaces which exceeds the 15 spaces required for medical use on the first floor (one per 200 sq. ft.) and the City and Dr. Ajayi entered into an agreement that prohibits his use of the second floor during the daytime as medical office space, restricts the second floor usage to sleep lab use at night, and covers the any potential future sale or change in use of the building.

Mr. Briggs provided further insight into the parking conditions of the site. The parking issue stems from the daytime turn-over in the medical office space as the sleep study work concludes by 7:00 am. For a brief period his staff was parking along Overspin Drive. However, after the City received complaints and those complaints were relayed to Dr. Ajayi, he secured leased parking off-site for his employees.
Dr. Ajayi is interested in combining the adjacent property at 639 Overspin Drive into a unified development to accomplish two goals. First, it will provide another 10 on-site parking spaces for patients or staff. Second, his plans are to convert the current residence to a sleep lab for women. The current sleep lab is only for pediatric (children) use. That residence building will not be used as medical clinic exam space but only as sleep lab. Dr. Ajayi is willing to incorporate those commitments into a formal agreement. He discussed Comprehensive Plan and Future Land Use/Rezoning issues for the property and neighborhood concerns.

Staff recommended approval of the request subject to the following conditions:

1. That the existing development agreement be amended or redone (per advice from the city attorney) to incorporate the current conditions related to parking and permitted usage as well as to incorporate new conditions that the building at 639 Overspin be tied via binding lot agreement to the existing property at 2660 W. Fairbanks and thus require approval of the City to be split, sold separately or used other than in conjunction with the office building at 2660 W. Fairbanks and that the use of the building be confined to the sleep lab usage as proposed.
2. That vehicular access from Overspin Drive is prohibited.
3. Any change to those existing or proposed conditions requires a future application, notice to neighbors and rehearing by P&Z/City Commission.

Dr. Ajayi, 2660 W Fairbanks Avenue, addressed the Board concerning his request. Dr. Ajayi provided the Board members with an overview of the history of his practice and also provided further insight into the parking at his building. He detailed improvements that would be made to the property if his request is approved. He responded to Board member questions and concerns.

Rick Tracy, Capital Development Group, responded to questions concerning the degree of the renovations and duration. He explained that the anticipated timeframe to renovate the home would be approximately 2-3 months. He also responded to questions concerning storm water infiltration which he noted that the project is too preliminary to address those issues.

Bernard Postell, 657 Overspin Drive, spoke in opposition to the request. He discussed conditions on the rear portion of the property and the impact that it will have on the existing drainfields, lighting, and the affect it will have on his property values. He also pointed out that there is a sink hole on the site.

Linda Postell, 657 Overspin, added that the initial parking situation took longer than two weeks to resolve.

Matt Thilmony, owner of the property at 668 and 689 Overspin Drive, spoke in favor of the request. No one else wished to speak concerning this issue. Public Hearing closed.

The Board members discussed the request. Mr. Krecicki stated that he supports the request, however, expressed concern with parking and the geotechnical reports. Mr. Swisher stated that traditionally he is not a fan of commercial encroaching onto residential property. He said that he could support if the building were treated as ancillary building restricting construction to single-story in an effort to protect the existing single-family residential. Mr. Dick detailed his concerns regarding future use of the property should it happen to change hands and parking. Commissioner Cooper pointed out that the Comprehensive Plan does not give specific policy guidance and the recently approved form base code exercise does not address Fairbanks Ave west of I-4. She pointed out that the interior lot across the street from the subject property had already been zoned commercial by Orange County. The board discussed where the line of demarcation between Commercial properties facing Fairbanks and interior Single Family homes would best serve the City’s objective in the out years and how to protect the Single Family homeowners from adverse effects of the adjacent Commercial properties.

Commissioner Cooper stated that she was in favor of the annexation and could support a rezoning of the Single Family home to Parking Lot for use of the Commercial property but was not supportive of allowing 24 hour/day office usage of a Single Family home within 10 feet of another Single Family home.
Motion made by Mr. Dick, seconded by Mrs. Cooper to table the request w/the stipulation that any concerns that the Board members have must be relayed to staff who will relay to the applicant. Motion carried unanimously with a 4-0 vote.

REQUEST OF DR. ALEXANDER JUNGREIS FOR CONDITIONAL USE APPROVAL TO ADD TENNIS COURT LIGHTING TO THE EXISTING TENNIS COURT AT 1360 ALABAMA DRIVE, ZONED R-1AA.

Planning Director Jeffrey Briggs presented the staff report. He stated that the applicant is requesting conditional use approval to allow the installation of tennis court lights for the existing tennis court on their property at 1360 Alabama Drive. He provided details of the code in this regard. He explained that tennis courts were made a conditional use in all residential zoning districts about 15 years ago due to concerns about their size/impervious coverage, their associated fencing and night lighting. He said that the property at 1360 Alabama Drive has an existing tennis court that has been in place for many years and was built prior to the conditional use requirement. However, at this time the owners along with the reconstruction of the home on this lot, desire to add tennis court lighting.

He reviewed the site plan and photometric plan that was submitted to staff. Four lights are planned which per code cannot exceed 16 feet tall inclusive of the pole and fixture. The photometric plan does show some light creepage within the first ten feet of the adjacent property (Marshall’s @ 1292 Alabama) before diminishing. The staff was concerned about this until the site visit revealed huge tall hedges along this common property line on the Marshalls side. He added that letters of consent have been provided from the three adjacent neighbors. The only one really affected is the Marshall’s. You will note their letter specifies the lights be turned off no later than 9:00 pm Sundays thru Thursdays and 10:00 pm on Fridays and Saturday. It is not just the light but also the noise associated with the tennis court that is the rationale for the cut-off time. The applicants are fine with that as a condition of approval. This is only the second time we have had a tennis court conditional use request that staff can remember. The other tennis court approved for the Holler’s at 225 Palmer Avenue also included tennis court lighting.

Staff recommended approval subject to the condition that the tennis court lights be turned off no later than 9:00 pm Sundays thru Thursdays and 10:00 pm on Fridays and Saturday. He further noted any change to that condition requires a future conditional use application, notice to neighbors and rehearing by P&Z/City Commission.

Jamie Beck, the lighting specialist for the applicant, was present to address any concerns of the Board. No one wished to speak concerning the request. Public Hearing closed.

Motion made by Mr. Krecicki, seconded by Mr. Dick to approve the request subject to the condition that the tennis court lights be turned off no later than 9:00 p.m. Sundays thru Thursdays and 10:00 p.m. on Fridays and Saturday. Further, any change to that condition requires a future conditional use application, notice to neighbors and rehearing by P&Z/City Commission and that the restriction should run with the land recorded in a development agreement or other deed covenant. Motion carried unanimously with a 4-0 vote.

REQUEST OF THE CITY OF WINTER PARK TO TRANSMIT TO THE FLORIDA DEPT. OF COMMUNITY AFFAIRS AN AMENDMENT TO CHAPTER 58 “LAND DEVELOPMENT CODE”, ARTICLE I, “COMPREHENSIVE PLAN” SO AS TO AMEND AND UPDATE THE CAPITAL IMPROVEMENT ELEMENT TO REFLECT THE REVISED FIVE YEAR (FY 2010 – FY 2014) CAPITAL IMPROVEMENTS PLAN AND NARRATIVE PURSUANT TO THE REQUIREMENTS OF CHAPTER 163, FLORIDA STATUTES.
Planning Director Jeffrey Briggs presented the staff report. He explained that on October 6, 2009, the Planning Commission approved transmittal of a Comprehensive Plan amendment to the Florida DCA to update our Five Year Capital Improvement Plan. He explained that staff inaccurately reported the demise of the SunRail commuter rail program and inaccurately deleted it from the capital improvement commitments for the City. He said the interlocal agreement that the City has with Orange County remains in effect and the Florida Legislature has called for a special session in December to take up the legislative actions necessary to authorize and fund this project; and, it was premature to remove the financial commitments made by the City for the SunRail project.

He added that staff could not take a Comprehensive Plan amendment on to the City Commission that was significantly different from what was approved by the Planning Commission in October. So this action to transmit has been re-advertised for public hearing and action. The only two major changes from the existing CIP are as follows:

1. The City is taking an entirely different approach to complying with the unfunded mandate to provide an alternative potable water supply, per the required Water Supply Plan. First we believe we can live with the limits imposed via the City’s consumptive use permit from St. Johns. We also believe that expanding the use of reclaimed water for lawn irrigation and sincere efforts at water conservation can be effective in providing more potable water for consumption rather than for irrigation.

2. The Parks and Recreation CIP now reflects the City Commission approved fund raising projects for Fleet Peoples Park and Mead Garden.

Further, the Parks section has been updated per P&Z’s request to add in the 1.21 acres of the west central park ‘meadow’ (former parking lot B) to the park calculations. Staff recommended approval.

No one wished to speak concerning this issue. Public Hearing closed.

The Board members briefly discussed the item. Mrs. Cooper requested that the expansion of Central Park fund raising item be added to the Parks and Recreation CIP as we currently show for Mead Gardens and Fleet peoples parks. She also questioned the "bond issue" notation included in the Mead Garden line item. Mr. Dick noted some typos and other corrections that were provided to Mr. Briggs.

Motion made by Mr. Dick, seconded by Mr. Krecicki to approve the request as submitted by staff with the addition of the Central Park project as discussed and with the corrections provided by Mr. Dick. Motion carried unanimously with a 4-0 vote.

Site Plan Reviews

SPR 5:09 REQUEST OF MR./MRS. HELLER FOR APPROVAL OF A NEW SINGLE FAMILY HOME AT 656 N. INTERLACHEN AVENUE ON LAKE OSCEOLA.

Assistant Planner Stacey Scowden presented the staff report. She reviewed the issues of floor area ratio, impervious coverage, views of the neighbors and the lake, storm water retention and tree preservation. Staff recommended approval of the request subject to the following conditions: (1) the height is adjusted to conform to the existing elevation; and (2) the storm water retention volumes be revised to retain 2” of storm water runoff. Since this is not a code requirement yet, staff was asking the Heller’s if they would provide the two inches instead of the 1 inch out of courtesy. She responded to Board member questions and concerns.

The applicants were present along with Landscape Architect Scott Redmon to address questions raised by the Board members. One of the neighbors was present, however, did not express any objections or concerns to the request. No one else wished to speak concerning this request. Public Hearing closed.

Motion made by Mr. Krecicki, seconded by Mr. Dick to approve the request subject to the following conditions:

1. The height is adjusted to conform to the existing elevation.

2. The storm water retention volumes be revised to retain 2” of storm water runoff.
3. Final plans show all setbacks (front, rear and side) on civil engineering plans.
4. The future pergola/cabana is not a part of this application.
5. Clarification that the 39.8 feet is from the existing grade.

Mrs. Cooper offered an amendment to the motion as follows: provide access to the 30 foot sewer easement on the southern portion of the property. Motion carried unanimously with a 4-0 vote.

**New Business**

The Board members briefly discussed upcoming meetings and Board appointments.

There was no further business. Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Lisa M. Clark,
Recording Secretary