Mr. Krecicki called the meeting to order at 6:45 p.m. in the Commission Chambers of the Winter Park City Hall.

Present: Chairman Drew Krecicki Vice-Chairman Rick Swisher, Michael Dick, Sarah Whiting and George Livingston. Absent: Wendell Hays. Staff: Planning Director Jeffrey Briggs, Planning Technician Caleena Shirley and Recording Secretary Lisa Smith.

LAKEFRONT SITE PLAN REVIEW

SPR 2:11 Request of Mr. Majors for approval of a proposed second-story addition and remodel to his single-family home as well as the addition of a pool located at 2118 Lake Drive on Lake Killarney, zoned R-1A.

Planning Director Jeffrey Briggs gave the staff report. He explained that the applicant Mr. Majors is requesting approval for a proposed second-story addition and to remodel the single-family home to include the addition of a pool located at 2118 Lake Drive on Lake Killarney. Mr. Briggs reviewed the square footage and far of the existing home and the proposed addition and remodel. The existing home is 5,291 square feet and the proposed addition will be adding 2,737 sq. ft. for a total for a new total square footage of 8,028 sq. ft. That is 21% FAR within the permitted maximum of 33% FAR. He also noted that this project went through the Board of Zoning Adjustment on April 19th. He reviewed the approved variances granted by the Board of Zoning Adjustment. Further, none of the variances requested impacted any of the mature trees on site. The applicant is also ridding the property of two non-conformities – the pool in the front yard and the left over tennis court; neither of which met setbacks. Mr. Briggs also reviewed the issues, tree preservation, view from the lake, views of the neighbors, and storm water retention. Staff recommended approval of the request. She responded to Board member questions and concerns.

Mr. Tim Majors, the applicant, 2118 Lake Drive was present to respond to questions and concerns of the Board. He stated that he was in agreement with staff recommendations. 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 applicant installing a screening wall for the pool equipment and landscape plan review by staff as specified by Sec. 58-87 of the Land Development Code. Motion carried unanimously with a 5-0 vote.

Mr. Krecicki recessed the meeting at 6:57 p.m. and reconvened the meeting at 7:00 p.m.
Approval of minutes – April 5, 2011

Motion made by Mr. Dick, seconded by Mr. Krecicki to approve the April 5, 2011, meeting minutes. Motion carried unanimously with a 4-0 vote.

PUBLIC HEARINGS

REQUEST OF JIM HALL ON BEHALF OF SUNTRUST BANK TO: ANNEX THE PROPERTY AT 3201 CORRINE DRIVE AND THE ADJACENT ADJOINING RIGHTS OF WAY OF EAST END AVENUE AND NORTHWOOD BLVD.

REQUEST OF JIM HALL ON BEHALF OF SUNTRUST BANK TO: AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP SO AS TO ESTABLISH OFFICE AND COMMERCIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 3201 CORRINE DRIVE.

REQUEST OF JIM HALL ON BEHALF OF SUNTRUST BANK TO: AMEND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH OFFICE (O-2) AND LIMITED COMMERCIAL (C-3A) ZONING ON THE ANNEXED PROPERTY AT 3201 CORRINE DRIVE.

Mr. Briggs announced that the applicant has requested to table this item. Project relies on sanitary sewer which is the City of Orlando.

REQUEST OF BACKWORKS INC. TO: AMEND THE OFFICIAL ZONING MAP SO AS CHANGE THE EXISTING ZONING OF PARKING LOT (PL) DISTRICT TO OFFICE (O-2) DISTRICT AND SINGLE FAMILY (R-1A) TO PARKING LOT (PL) ON THE PROPERTY AT 1605 WEST FAIRBANKS AVENUE.

Planning Director Jeffrey Briggs presented the staff report. He explained that this request is from the Orlando Neurosurgery Group (Backworks Inc.), owners of the property at 1605 W. Fairbanks Avenue to change the zoning from Parking Lot (PL) to Office (O-2) so they can expand their parking lot and construct a new one story 3,000 square foot medical building. Mr. Briggs briefed the Board on the history of this property beginning in 2003 when the Orlando Neurosurgery Group purchased this property and received the zoning and conditional use approvals necessary for them to build their existing one story, 12,000 square foot medical office. At that time the property was commercially zoned on the Fairbanks frontage and residentially zoned (single family) on the back/lakefront portion. The City established office (O-2) zoning for the area where the medical building sits and parking lot (PL) zoning for the parking lot and retention area leaving the vacant lakefront property zoned single family residential. In January 2009 as part of the Comprehensive Plan adoption public hearing process, the Orlando Neurosurgery Group proposed the idea of a comprehensive plan future land use map change that would permit a new medical building on the lakefront. This met opposition from the adjacent neighborhood so the proposal was withdrawn. He said that today, the Orlando Neurosurgery Group has a new revised plan that seems to staff much more feasible, more compatible with the adjacent neighborhood and respectful of the lakefront environment. The new plan proposes to build a new one story 3,000 square foot medical building and its required parking in the current location of the storm water retention pond. The storm water retention pond would then be moved to the vacant lakefront parcel.

Mr. Briggs said that the project plans appear to be compatible with the adjacent properties as well as the lakefront environment. The office development to the east is arranged in the same fashion with their storm water retention on the lakefront. The new building is only one story in height. There is a six foot block privacy wall that divides this property on the east from the residential neighbors. The shape of the retention pond is designed to save some very nice trees and to be sensitive to the adjacent lakefront neighbor. The project plans show a total of 76 parking spaces will be created and as such does not require any parking variance from the City based the medical parking requirements of one
space for each 200 square feet. The existing 12,100 sq. ft. building needs 61 spaces and the new 3,015 sq. ft. building needs 15 spaces which together meet the code requirement for the 76 spaces.

Staff recommendation is for approval rezone from Parking Lot (PL) District to Office (O-2) District with the following condition: (1) That the City Attorney draft a development agreement to permit the use of the lakefront portion of the property zoned single family (R-1A) to be used for a storm water retention pond pursuant to the plans presented so that the future land use and zoning may remain residential. Mr. Briggs responded to Board member questions and concerns.

Don Ammerman, represented the applicants. He stated that he agrees with the staff report provided by Mr. Briggs. He gave the Board members an overview of the practice. He said that the office will be open Monday through Friday, during business hours only. He said that air conditioning units will be located on the west side away from the residential properties and that the trees will remain untouched. He responded to Board member questions and concerns.

Langston Stanley, 524 Olulu Drive, represented the Lake Killarney Homeowners Association. He stated that he feels that a precedent would be sent by approving this request. He said that they would like to see the building moved further south up to the existing building, and landscaping to be installed between the parking lot and drainage pond.

Mike McCovin, 1785 Killarney Drive, stated that he agrees with the comments made by Mr. Stanley. He also stated that he is worried about any “commercial creep” that will occur as a result of this request.

Chris Williams, 440 Olulu Drive, said that he does not see a great deal of change since the last time they were before the Board. He added that he does not see a compelling reason to allow encroachment into the residential neighborhood.

Woody Woodall, spoke concerning the request. He stated that he does not see any reason to encroach into residential property and further, there is ample commercial space along Fairbanks Avenue that could accommodate the practice.

Mr. Ammerman stated that he understands the concerns of the neighbors, but those are not workable for the project due to the existing approved building and maintaining the integrity of that building and it has been downsized to a usable size and the building has already been moved. He noted that the lakefront view will not change.

No one else wished to speak concerning the request. Public Hearing closed.

The Board members discussed the request. Mrs. Whiting said that she is comfortable with the building being where it is and also with the change to O-2 zoning. She added that she would like to see the 15 foot setback from the property line maintained. Mr. Krecicki said that he supports the requests the future land use designation is already office and further, this request precludes any development on the lakefront of a large single family home such as those the Board has reviewed. He said that he appreciates that they have maintained the trees. Mr. Dick stated that appreciates that the applicant has agreed to install a landscape buffer that will mature in a reasonable amount of time. He said that he also feels that the tree compensation fee should be paid at the time of building permit issuance, and that he agreed with the 15 foot setback. Mr. Swisher said that he has no problem with this particular application, but expressed concern about the future if this property is ever sold.

**Motion made by Mr. Krecicki, seconded by Mr. Swisher to approve the request subject to staff recommendation that the City Attorney draft a development agreement to permit the use of the lakefront portion of the property zoned single family (R-1A) to be used for a storm water**
retention pond pursuant to the plans presented and to incorporate the other representations made by the applicant in addition to the following:

1. Landscape the north side of the retention pond and parking lot to act as buffer to the lakefront residential property owners.
2. Adhere to the 15 foot building setback adjacent to residential and not the 11.5 feet as shown on the plan.
3. Tree compensation fee to be paid at the time of building permit issuance.

Motion carried unanimously with a 4-0 vote.

REQUEST OF WINTER PARK REDEVELOPMENT AGENCY LTD TO: AMEND THE OFFICIAL ZONING MAP TO CHANGE THE EXISTING ZONING OF COMMERCIAL (C-3A) DISTRICT TO COMMERCIAL (C-2) DISTRICT ON 400 WEST NEW ENGLAND AVENUE.

REQUEST OF WINTER PARK REDEVELOPMENT AGENCY LTD FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT A 470 SQUARE FOOT RESTAURANT PAVILION BUILDING WITH OUTDOOR PATIO SEATING INCLUDING WITHIN A GAZEBO STRUCTURE ON THE STREET FRONTAGE OF THE PROPERTY AT 400 WEST NEW ENGLAND AVENUE, ZONED C-3A OR C-2.

Planning Director Jeffrey Briggs gave the staff report. He explained that the rezoning portion of this request for 400 W. New England Avenue is to amend the Zoning Map from Commercial (C-3A) District to Central Business (C-2) District on property located on the southwest corner of New England and Virginia Avenues that holds the two-story Catherine Hall commercial and office building. Mr. Briggs stated that City’s Comprehensive Plan future land use designation for this property is Central Business District (CBD) and that corresponds to the C-2 zoning. He further explained that the CBD future land use does not conform to the existing C-3A zoning. The property owner is requesting that this zoning change so that the property can be brought into conformance with the Comprehensive Plan. Mr. Briggs provided background information on the request. He noted that the same rezoning request came to the Planning Commission on March 16, 2010, and was recommended approval by a 4-0 vote. Further, the same rezoning request came before the City Commission on April 26, 2010, but did not receive the required votes for approval. One reason cited for the dissenting votes was the zoning code reference to the submission of plans showing how the new C-2 zoning would be used. The applicant did not have any redevelopment plans at that time. The current application for C-2 zoning now includes plans for further development which is the accompanying conditional use request. While this may not be the ultimate build-out of this property, you will recall that any property in the CRA which has building construction or additions larger than 250 square feet must have those plans reviewed by the planning and zoning commission for a recommendation and approved by the city commission. So there is a safeguard that this C-2 zoning cannot be used for any other additional building without review and approval by the planning and city commissions.

Mr. Briggs discussed the details of the conditional use request. He said that the proposed development plans depict a 470 square foot “restaurant” pavilion building with outdoor patio seating and a gazebo building on the street corner. It is not really a restaurant per se, as you can see from the floor plan, as there is no kitchen or food preparation on premise. The idea is for it to be coffee, ice cream, during the day and then transition to wine/cheese/snack baskets in the evening. However, since it involves food and beverage consumption with outdoor patio dining, the restaurant category is the closest fit in the zoning code. Mr. Briggs said that technically these plans require a conditional use approval in both the C-2 zoning (as requested) and the existing C-3A zoning. So these structures and plans can be approved in either zoning district. In the proposed C-2 zoning, the pavilion and gazebo structures meet the front setbacks. In the existing C-3A zoning, a street front variance would be needed (in lieu of the required 10 foot setback) and that is possible via the conditional use approval. Staff recommendation is for approval of the rezoning to C-2. The City needs to conform the zoning to the CBD...
comprehensive plan designation and for approval of the conditional use as it conforms to code in the C-2 zoning or with the variances necessary in the existing C-3A zoning. Mr. Briggs responded to Board member questions and concerns.

Dan Bellows, the applicant, 400 West New England Avenue, stated that he was in agreement with staff recommendations. He responded to Board member questions and concerns.

Mr. Woody Woodall, spoke in favor of the request. He stated that he feels that an ice cream shop will be draw for that area of town. No one else wished to speak in favor of or in opposition to the request. Public Hearing closed.

The Board members expressed support of the request.

Motion made by Mr. Swisher, seconded by Mr. Dick to approve the request to rezone from C-3A to C-2 at 400 West New England Avenue. Motion carried unanimously with a 4-0 vote.

Motion made by Mr. Swisher, seconded by Mr. Dick to approve the conditional use request for the 470 foot restaurant pavilion building with outdoor patio seating including within a gazebo structure on the street frontage at 400 West New England Avenue. Motion carried unanimously with a 4-0 vote.

REQUEST OF SANDRA MILLER TO: AMEND THE COMPREHENSIVE PLAN SO AS CHANGE THE FUTURE LAND USE OF SINGLE FAMILY TO OFFICE AT 917 DUPONT AVENUE.

REQUEST OF SANDRA MILLER TO: AMEND THE OFFICIAL ZONING MAP SO AS CHANGE THE EXISTING ZONING OF SINGLE FAMILY (R-1A) DISTRICT TO OFFICE (O-2) DISTRICT AT 917 DUPONT AVENUE.

Planning Director Jeffrey Briggs presented the staff report. He explained that the property at 917 Dupont Avenue is a single family house that the owner wishes to convert to a small office. He said that a change to the Comprehensive Plan Future Land Use Map and Zoning Map is required. Further, he said that this is in the neighborhood, north of Lee Road, which was annexed into the City on March 31, 2004. The City subsequently established the same Comp. Plan and Zoning designations as previously existing in Orange County. He said that the site plan shows how this subject property can be converted to about an 1,100 square foot office by removing the two car garage and part of the home and then by building a driveway to three parking spaces in the rear and the required handicapped parking space in the front (where the required handicapped access to the office will occur). This will meet the city’s parking requirement of one space for each 250 square feet of office. The plan also shows how the required storm water retention will be provided. Mr. Briggs provided historical information concerning annexations and rezonings. The City has only had one other situation like this come up since the area was annexed in 2004. That was the property in a similar situation at 918 Beard Avenue, which was denied in March, 2006 for an office conversion. There was considerable neighbor opposition to that request at the time. Staff recommendation is for approval. Mr. Briggs responded to Board member questions and concerns.

Raphael Gonzalez, represented the applicant. He said that the property was once a rental property for the applicant. He responded to Board member questions and concerns.

The following neighborhood residents expressed overwhelming opposition to the request: Raymond Stephanos, Donna Eberhardt, 2302 Atomic Court, Delbert Fisher, 926 Early Avenue, Dave Erdman, 929 Dupont Avenue, Kristine DeNunzio, 1009 Dupont Avenue.

Millie Lugo, 3024 Kellington Drive, spoke in favor of the request.
No one else wished to speak concerning this request. Public Hearing closed.

The Board members briefly discussed the request. Consensus of the entire Board was that there was no compelling reason to approve the request and they also cited commercial encroachment into the residential neighborhood.

Motion made by Mr. Swisher, seconded by Mr. Dick to deny the request. Motion carried unanimously with a 4-0 vote.

REQUEST OF THE SHIPYARD EMPORIUM FOR: CONDITIONAL USE APPROVAL
TO EXPAND THE PERMITTED HOURS OF ALCOHOL SALES AND CONSUMPTION
FROM ENDING AT 10:00 PM DAILY TO 12:00 MIDNIGHT AT 200 W. FAIRBANKS
AVENUE, ZONED C-3.

Planning Director Jeffrey Briggs presented the staff report. He explained that the conditional use approval is required due to this location being within 300 feet of residential properties. Mr. Briggs provided background information on the request. He said that in April 2008, the City Commission approved the request by Strollo’s Market & Café (Strollo’s Cucina Due) for conditional use approval to allow the sale and consumption of alcoholic beverages within the restaurant/café component of the retail market. The conditional use was approved based upon the conditions that the hours of sale and consumption of alcoholic beverages end at 9:00 pm and that no amplified musical entertainment is permitted. Further, in November, 2008 the City Commission extended the hours until 10:00 pm. He said that the business has now been converted to the Shipyard Emporium. It is still the same floor plan and business model as a retail market, bakery and restaurant café with a small bar. The Shipyard Emporium wants to extend the hours for sale and consumption of alcoholic beverages up until 12:00 Midnight. Their position is that beer and wine sales will always be secondary and complimentary to patrons who are dining and it will not become a “bar” type setting. Staff is not willing to accept that the patrons after 10:00 pm are primarily coming for food. However, the question is not what the patrons are consuming. The question is whether the patrons or business is creating any nuisance, in this case related to noise, for those living directly behind this property. Based on the physical layout of the building and parking it does not seem as if those problems will develop.

Mr. Briggs said that one other important factor comes into play. He said that since this original conditional use approval in 2008, the City amended our Alcoholic Beverage code in 2009 so that now all establishments have to obtain an “extended hours” permit to allow the sale and consumption of alcoholic beverages after 11:00 pm. He said that if based upon complaints about noise, overflow parking, underage drinking, etc. the City can revoke that “extended hours” permit and restrict the hours to no later than 11:00 pm. That gives the City a real tool or threat that gets the attention of establishments if complaints arise. Staff recommendation is for approval. Mr. Briggs responded to Board member questions and concerns.

Kenneth Stokes, Executive Chef, was present to address concerns of the Board. He provided the Board members with an overview of the request.

Rev. Williams, 159 Pennsylvania Avenue, spoke concerning the request. He stated that he feels the request should be placed on hold until the City Commission makes a decision concerning the establishment hours. No one else wished to speak concerning the issue. Public Hearing closed.

The Board members expressed support of the request.
Motion made by Mr. Krecicki, seconded by Mrs. Whiting to approve the request to expand the permitted hours of alcohol sales and consumption from ending at 10:00 p.m. daily to 12:00 midnight. Motion carried unanimously with a 4-0 vote.

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

Respectfully submitted,

Lisa Smith,
Recording Secretary