CITY OF WINTER PARK
Planning & Zoning Board

Regular Meeting
Welcome Center

MINUTES

July 10, 2012
5:00 p.m.

Chairman Krecicki called the meeting to order at 5:00 p.m. in the Welcome Center. Present: Drew Krecicki, Tom Sacha, Peter Gottfried, Randall Slocum, James Johnston and Robert Hahn, Alternate. Absent Sarah Whiting and George Livingston: Staff: Planning Director Jeffrey Briggs, Planning Technician Caleena Shirley and Recording Secretary Lisa Smith.

Approval of minutes – June 5, 2012

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the June 5, 2012, meeting minutes. Motion carried unanimously with a 7-0 vote.

LAKEFRONT SITE PLAN REVIEWS:

REQUEST OF MATT STANCHINA FOR: APPROVAL OF A NEW TWO STORY SINGLE FAMILY HOME AT 1206 N. PARK AVENUE IN TWELVE OAKS ON LAKE MAITLAND.

Planning Director Jeffrey Briggs presented the staff report. He explained that the applicant, Mr. Matt Stanchina, is requesting approval for a new two-story single-family home located at 1206 N. Park Avenue within Twelve Oaks on Lake Maitland. He said that the existing two story 4,791 square feet home is to be demolished. He noted that the proposed home is within the FAR and impervious coverage is within code requirements. He said that there are several factors that are dictating and limiting the design of this new home. One is that the existing swimming pool is being maintained. The second is the large amount of the lot that is not available for construction due to the 50 foot lakefront setbacks. The third factor is the very big and very nice 42 inch oak tree by the front corner of the new home. The home has been designed to save that tree. All of these factors place the new home in the same general location as the existing home to be demolished. Mr. Briggs addressed the issues of tree preservation, views from the lake and for the neighbors, and storm water retention. Mr. Briggs summarized by stating that staff has no concerns with the new home as presented. The existing house is two stories tall at the 10 foot setback to the Lawton’s property. Now the new home will have just the first floor at that existing 10 foot wetback and the second floor at 22 feet. So even though it is technically a variance, it is still much more of a better design from the neighbor’s perspective. Staff recommendation is for approval. He also noted that a letter has been received from Dr. Lawton, adjacent neighbor, citing no objections to the plans or the minor variance. Mr. Briggs responded to Board member questions and concerns.

David Runnels, Architect, 233 West Park Avenue, represented the applicant. He responded to Board member questions and concerns. No one else wished to speak in favor of or in opposition to the request. Public Hearing closed.
Mr. Gottfried expressed concern with how construction of the new home of the new home will be managed. Mr. Wiggins expressed that there is an ordinance in place that deals with that and requested that the Board impose that as a condition of approval.

Motion made by Mr. Krecicki, seconded by Mr. Slocum to approve the request subject to the following conditions:
1. At the time of permitting, the builder/architect submit a construction management plan that deals with traffic, hours of operation, contractors parking, noise and communication with the neighbors.
2. The impervious calculations for the driveway are submitted at the time of permitting.
Motion carried unanimously with a 7-0 vote.

PUBLIC HEARINGS:

REQUEST OF THE CITY OF WINTER PARK FOR: TO AMEND THE "ZONING REGULATIONS"; SECTION 58-75 “COMMERCIAL (C-2) DISTRICT,” TO REVISE THE PERMITTED USES ALONG PARK AVENUE, SOUTH OF COMSTOCK AVENUE.

Mr. Briggs explained that this agenda item amends the C-2 commercial zoning rules for the Central Business District area by proposing to revise the permitted uses along Park Avenue in the one block south of Comstock Avenue. This block of Park Avenue has struggled for many years. It is "cut-off" by City Hall for many pedestrians and also has challenges with available parking. Historically there has been more turnover and vacancies in this block than elsewhere along Park Avenue. In order to help with the "economy" of this one block of Park Avenue, south of Comstock Avenue, this ordinance proposes to allow all types of restaurants (not just fine dining restaurants) and to allow offices and salons on the ground floor (that otherwise are not permitted).

This proposed change has not been requested by the three property owners in this block. This is a staff generated proposal because staff believes will help the economic growth in this block without affecting the predominant character of the Park Avenue experience. It does have the support however of those owners.

This ordinance only affects the five properties on Park Avenue, south of Comstock Avenue (see map attached) which encompasses about 180 feet of length along Park Avenue. There are three property owners who collectively own the five properties and they have all been contacted about this proposed change.

This proposed change was discussed by the Economic Development Advisory Board at their June 12th meeting. The Board is in support of the change. Staff recommendation was for approval.

The Board questioned how restaurants are now regulated and Mr. Briggs responded that in 1982, the retail merchants were complaining that these restaurants were hurting the "Avenue" because all of the available parking was being dominated by the restaurant staff and customers. So in response to the merchants and other parking concerns, the City Commission established a Downtown Parking Advisory Commission to make recommendations on the parking issues in the downtown. Their recommendation on the zoning issue, which was adopted by the City Commission in early 1983, was to make the highest parking generators a "Conditional Use". The idea was that new restaurants then could be approved only when they had sufficient parking.

Ten years later in 2003, the Economic Development Advisory Board recommended a change to the zoning rules to allow "fine dining" restaurants to be treated as permitted uses versus conditional uses. The definition of "fine dining" restaurants are waiter/waitress table service versus front counter order or self service restaurants.

Since 2003, that zoning code change has allowed five new "fine dining" restaurants to locate along Park Avenue. They are the Orchid Thai, Paris Bistro, Prado, Bosphorus and Cocina 214. (Luma and Panera’s are...
also new since 2003 but they would have been permitted regardless since they have parking allocated within their building’s parking garage)

Mr. Briggs expressed his opinion that relaxing the rules for this one block of Park Avenue to allow any type of restaurant will not be detrimental to the overall character of Park Avenue as a retail shopping and fine dining restaurant district.

The following people spoke concerning the ordinance: Sally Flynn, 1400 Highland Road, expressed that she feels that the City should be very careful in lowering standards as that is the gateway to Park Avenue and the effect that it could have on the historic district. She also questioned how public notice was provided to the citizens concerning the ordinance. She said that she feels that notice should be given prior to the public hearing so that citizens can voice their concerns prior to the hearings.

Frank Hamner, attorney, represented the Holler Family and spoke regarding issues that they have had filling vacancies with the current standards in place.

Bee Epley, 151 North Orlando Avenue, spoke concerning the importance of Park Avenue.

Mr. Sacha indicated that his discussions years ago with Don Sexton, owner of the Orvis store, was that they struggled to get pedestrian traffic to come down to this block which was major reason they relocated. The Board consensus was that this block did need some help in relaxing the rules to aid in the leasing and retention of businesses. Mr. Gottfried and Mr. Slocum mentioned types of business such as a real estate office or hair salon that would be a good fit in this block. The Board expressed that they agreed with the existing regulations for the bulk of Park Avenue but this context was different.

The Board however expressed concern about opening the door to any kind of franchise fast food restaurant in this block that is a gateway to the core of Park Avenue. Mr. Kreckicki felt the hybrid which staff discussed where there was both the counter service option as well as table service was his preferred option. Mr. Hahn expressed that the City needs to proceed cautiously as this is the gateway entrance to the downtown for most visitors. Mr. Johnston said that his understanding from the Board discussion was that the goal was to be more flexible with certain types of counter service only restaurants just in this block but not necessarily every type of counter service only restaurant. He encouraged the Board to keep working on this with staff to hopefully find the solution. There was consensus to proceed in that manner.

Motion made by Mr. Kreckicki, seconded by Mr. Gottfried to approve the ordinance with the exception to delete the blue wording in item #6. Staff was instructed to bring that issue back to the board at a work session at a later date. Motion carried unanimously with a 6-0 vote.

**REQUEST OF THE CITY OF WINTER PARK FOR:** ATO AMEND THE “ZONING REGULATIONS”; SECTION 58-65 “R-1AAA LAKEFRONT DISTRICT,” AND SECTION 58-66 “R-1AA AND R-1A DISTRICTS” TO PROVIDE ALTERNATE SIDE SETBACKS FOR HOMES ON NARROW LOTS WITH REAR YARD PARKING.

Building Official George Wiggins explained to the Board members that on the weekend before the second reading by the City Commission (June 11th) of the single family "glitch" ordinance, the staff received a request from Mr. Poynter for a setback accommodation for architectural setback flexibility for new homes on small lots. He said that this would only apply if built with garages in the rear. The City Commission was interested in this change but wanted a recommendation from P&Z before proceeding. What this ordinance does (only on small lots 60 feet or less and only if the garage is located in the rear) is to remove the wedding cake setbacks (greater setbacks for the second floor). It increases the setback from six (6) feet to eight (8) feet on the non-driveway side while allowing the setback on the driveway side to be ten (10) feet versus the current requirement for an eleven (11) foot setback. It basically averages the side setbacks on the interior side from 6
feet - first floor and 11 feet – second floor to a consistent 8 feet. Under the current rules, if you do not want the wedding cake then both floors would be built a ten (10) foot setback. So the change is for two (2) feet. This change would accommodate certain architectural styles such as a Colonial or Italian Renaissance style of architecture. He said that this proposed change was sent to Norrie Winters, the City’s consultant regarding the form based code, and no negative feedback was received from him. Staff recommended that the Board accept the proposed change. Mr. Wiggins responded to Board members questions and concerns.

Bob Poynter, the property owner requesting the change was present to give the Board members an overview of his request. No one wished to speak in favor of or in opposition to the change. Public Hearing closed.

Motion made by Mr. Johnston, seconded by Mr. Gottfried to approve as recommended by staff. (An amendment was offered by Mr. Slocum that porch could go on either side. The amendment failed). Motion carried with a 5-2 vote. Messrs. Krecicki and Slocum voted no.

NEW BUSINESS:

Consensus of the Board members was to postpone the election of the Chairman and Vice-Chairman until the August meeting

There was no further business. Meeting adjourned at 6:30 p.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary