Chair James Johnston called the meeting to order at 6:00 p.m. in the Commission Chambers of City Hall. Present: James Johnston, Peter Gottfried, Tom Sacha, Randall Slocum, Shelia De Cicco, Peter Weldon and Robert Hahn. Absent: Ross Johnston. City Attorney: Dan Langley. Staff: Planning Manager, Jeff Briggs, and Recording Secretary Lisa Smith.

Approval of minutes – September 1, 2015

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the September 1, 2015, meeting minutes. Motion carried unanimously with a 7-0 vote.

PUBLIC HEARINGS

REQUEST OF ROLLINS COLLEGE TO: AMEND CHAPTER 58, ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO INSTITUTIONAL ON THE COLLEGE ARMS PROPERTY AT 315 HOLT AVENUE.

REQUEST OF ROLLINS COLLEGE TO: AMEND CHAPTER 58, ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP TO CHANGE THE ZONING OF LOW DENSITY RESIDENTIAL (R-2) DISTRICT TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ON THE COLLEGE ARMS PROPERTY AT 315 HOLT AVENUE.

Planning Manager Jeffrey Briggs presented the staff report and explained that the applicant Rollins College is requesting a comprehensive plan future land use map amendment from low density residential to institutional; and a zoning map amendment from low density residential (R-2) to Public, Quasi Public (PQP) for property located at 315 Holt Avenue commonly referred to as the College Arms. Mr. Briggs stated that the applicant plans to demolish the existing two-story building and parking lot to allow for the redevelopment of this land to move their child development center from the current on campus location to 315 Holt Avenue. Mr. Briggs discussed the history of the subject property to a new 5,050-square foot, one-story building as depicted on plans submitted to the Planning Department. Mr. Briggs reviewed the policies of the comprehensive plan and land development code regulations that relate to this particular project. He also reviewed the issues of traffic circulation, pick-up and drop-off, adequate parking, and playground noise.

He said that architecturally, the new Child Development Center will continue the Mediterranean architectural theme of the college campus. There will be a fenced playground area to the west of the building for outdoor child play and observation, but there will be no outdoor lighting for evening use. The new building will observe a 25-foot setback (versus the permitted 10 foot setback in PQP zoning) in order to maintain continuity with the existing R-2 setback of 25 feet and the prevailing setbacks of the other homes along Holt Avenue. The proposed floor area ratio (FAR) is 18%. Currently, the Child Development Center provides day care opportunities for members of the Rollins College community. The scale of the proposed building (one story) and the size of 5,050-square feet (FAR of 18%) is significantly smaller than the amount of building that would
be allowed under the R-2 FAR of 55%. The architectural style and traffic circulation all work to make the proposal compatible with the surrounding neighborhood.

The project that is proposed provides both an educational purpose and a societal amenity and together with the restrictions and limitations agreed to by the applicant proposed to be included in the Zoning ordinance, the neighborhood will be assured of compatible redevelopment. Staff recommendation is for approval of the request for Institutional FLU and PQP Zoning for 315 Holt Avenue with the condition that the Zoning Ordinance includes the restrictions and limitations matching the proposed project parameters. Mr. Briggs responded to Board member questions and concerns.

Rebecca Wilson, with the Lowndes Law Firm, 218 North Eola Drive, represented Rollins College. Mrs. Wilson noted that use of the subject property for the child care center has been in the Rollins Master Plan since 2009, in addition to being posted on the Rollins website. She introduced the members of the redevelopment team and discussed the surrounding land uses. She used a Power Point presentation to provide an overview of the project which included historical details, the current redevelopment proposal, the current site plan and architectural renderings of the proposed facility. She discussed comprehensive plan policies, storm water retention, landscaping, traffic circulation, location and times for pick-up and drop-off. She requested that the Board recommend approval of Future Land Use Map amendment to Institutional; and approval of rezoning with staff's conditions in addition to the following self-imposed conditions: FAR not to exceed 0.18, building not to exceed 5,100 gross square feet, height not to exceed one-story 35’, masonry wall on south and west, 25 foot front setback, no outdoor evening activity, and Rollins quality landscaping. Mrs. Wilson responded to Board member questions and concerns.

Diane Doyle, Director, Rollins Child Development Center, gave an overview of the child development center (to include the number of children served, daily activities for the children, and how it runs on a daily basis, and the history of the establishment). She responded to Board member questions and concerns.

Attorney Dan Langley noted that chapter 58-89 of the Land Development Code requires that the conditions be incorporated into a development agreement for a rezoning/map change. Mrs. Wilson expressed no opposition to the use of a development agreement for this project.

Thad Seymour, 1804 Summerfield Road, spoke in favor of the request. He gave history of the project from his perspective as a former President of Rollins College. He stated that it has long been the desire of the College for the Child Development Center to be housed in its own facility. In addition, the following people spoke in favor of the request: Todd McCaughey, 1167 Lakeview Drive; Marie Gilbert, 1000 Holt Avenue; Sally Miller, 222 Alexander Place; Gabriel Barnechi, 2180 Turkey Run; Ali De Maria, Winter Park Day Nursery; and William Sullivan, 1362 Richmond Road.

Brent Spain, Attorney, 4767 New Broad Street, Orlando, represented the College Quarter Neighborhood Association and a consortium of other property owners in the neighborhood. He distributed a binder and utilized a Power Point presentation that detailed the concerns and arguments against the proposed redevelopment. He explained that a planning study has been completed by Laura Diedenbach, AICP, Gainesville, who presented the details of a planning analysis that she conducted concerning the proposed request. She cited sections of both the comprehensive plan and land development code that explained why she did not feel that the request met the conditions of the city’s code and why various policies of the Comp. Plan precluded approval of the request.

The following residents spoke in opposition to the request: Pamela Smith, President, College Quarter Neighborhood Association, 451 Huntington Avenue, submitted a petition in opposition to the request; Judith Marlowe, 695 French Avenue; Mike Galyean, 746 McIntyre; John Carabatos, 330 Holt Avenue; Patrick Doyle, 748 McIntyre; Cynthia Strollo, 777 French Avenue. Those in opposition expressed concern that approval with have a negative impact on the current traffic patterns for the neighborhood; the appropriateness of the subject property for the use of the child development center; setting the precedent of a non-residential intrusion into the established residential neighborhood. They also expressed that they were not necessarily opposed to a child development center, but that this location may not be the best fit for their neighborhood.
Mrs. Wilson was allowed an opportunity to respond to those concerns raised. She said that the applicant would be willing to entertain a change in the R-2 code to eliminate the need to amend the comprehensive plan and change the zoning of the property and it would be a conditional use permit under the R-2 provisions of the code. She explained that this is a way to protect the neighborhood protection. She said they are willing to accept the restriction that the use be limited to a child development center only. Mrs. Wilson responded to Board member questions and concerns. Mr. Briggs stated that after hearing the arguments both for and against, the City staff opinion has not changed as expressed in the staff report. He stated that he feels that an approval of the request is legally defensible under the provisions of the City’s comprehensive plan and land development code policies.

The Chairman closed the public hearing. He opened up the item for Board discussion. Mr. Gottfried stated that he preferred the option of not rezoning or amending the comprehensive plan at this time and allowing the applicant to apply for a conditional use. He said that option would give the opportunity to discuss conditions and eliminates the precedent setting nature of the request. Mr. Weldon stated that he feels that the project is great for Rollins, and good for the City. If use of the property is limited to use as a child development center and all the other restrictions and limitations on future development are put in place within a development agreement then and only then would we have assurance to the neighborhood that no other use or larger development can go there without going back thru the P&Z/City Commission public hearing process. Mrs. De Ciccio agreed with the comments made by Mr. Weldon. Mr. Johnston stated that he understands the neighborhood concerns of encroachment. He pointed out that the subject property has been in continuous ownership by the applicant since 1969 and that much larger development could be done under the existing R-2 zoning. He stated that the property is not a part of the historic district and further that it has been in the Rollins master plan for this use for quite some time. He stated that as long as the use is limited to that of a child development center and the other restrictions are in place then he supports the request.

Motion made by James Johnston, seconded by Tom Sacha recommending approval of the request to amend Chapter 58, Article I, “Comprehensive Plan” to change the Future Land Use designation of Low Density Residential to Institutional on the College Arms Property at 315 Holt Avenue. Motion carried with a 6-1 vote. Peter Gottfried voted against the motion.

Motion made by James Johnston, seconded by Peter Weldon recommending approval of the request to amend Chapter 58, Article III, “Zoning” and the official zoning map to change the zoning designation of Low Density Residential (R-2) to Public, Quasi-Public (PQP) on the College Arms property at 315 Holt Avenue in addition to the following conditions:

1. FAR not to exceed 0.18
2. Building not to exceed 5,100 gross square feet
3. Height not to exceed one story (35 feet)
4. Construction of a masonry wall or fence with masonry pilaster on south and west
5. 25 foot front setback
6. No outdoor evening activity
7. Rollins quality landscaping
8. Use of the property is limited to a child development center only
9. All employees must park at the off-site location

Motion carried with a 6-1 vote. Peter Gottfried voted against the motion.

Chairman Johnston recessed the meeting at 8:20 p.m., and reconvened the meeting at 8:25 p.m.

REQUEST OF HWP PARTNERS LLP FOR: CONDITIONAL USE APPROVAL TO EXPAND THE HOLLER HYUNDAI DEALERSHIP AT 1150 N. ORLANDO AVENUE TO INCORPORATE THE FORMER SELF STORAGE PROPERTY TO THE REAR FRONTING ON SOLANA AND DIXON AVENUES FOR EXPANDED VEHICLE SALES, DISPLAY AND PARKING, ZONED I-1.
Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing is a request from the Holler Hyundai dealership at 1150 North Orlando Avenue to amend their Conditional Use Approval to expand the dealership to incorporate the former self-storage property at the rear fronting on Solana and Dixon Avenues to provide for expanded vehicle sales, display and parking. He noted that vehicle sales are a conditional use in the I-1 and C-3 zoning districts, and thus the expansion of a vehicle sales/service business requires this approval. Mr. Briggs reviewed the provisions of the Comprehensive Plan and Land Development Code and the history of the subject property. He summarized by stating that the use of this property for expanded vehicle sales, display and parking is compatible with the surrounding area and is in conformance with the policies of the Comprehensive Plan and Zoning Code provisions.

The one issue that has been raised is the appearance of the property in a location that will be next door to the new Whole Foods shopping center with thousands of visitors once completed. The applicant has provided a landscape plan for the new car display area but it does not address the portion of the existing dealership along Dixon Avenue that has no landscape buffer. Staff recommended approval of the request subject to the following condition that the perimeter street frontage landscape buffer be re-established with irrigation, and contain the hedges and trees around the entire site. Mr. Briggs responded to Board member questions and concerns. Mr. Langley read to the Board the Code section that outlined that the entire site (not just the new area) is subject to the conditional use review.

Andrew Solara represented the applicant. He stated that additional landscaping has not been discussed fully with Attorney Hamner, but they are not necessarily opposed to it and would not want to hold any approvals of the conditional use request. No one wished to speak in favor of or in opposition to the request.

The P&Z Board discussed how important it is for this car dealership to meet at least the minimum perimeter landscape code since the new Whole Foods development will bring many new visitors to this location when completed.

Motion made by Peter Weldon, seconded by Tom Sacha recommending approval of the conditional use to expand the Holler Hyundai dealership at 1150 North Orlando Avenue to incorporate the former self-storage property at the rear fronting on Solana and Dixon Avenues for expanded vehicle sales, display and parking, subject to the condition that the street frontage perimeter of the entire property be landscaped to city code requirements.

Motion carried unanimously with a 7-0 vote.

REQUEST OF ERLING FALK FOR: SUBDIVISION OR LOT SPLIT APPROVAL TO DIVIDE THE PROPERTY AT 1295 N. PARK AVENUE, ZONED R-1A, INTO TWO SINGLE FAMILY BUILDING LOTS.

Randall Slocum stated that he has a conflict and will not be voting on this item.

Planning Manager Jeffrey Briggs presented the staff report and stated that the applicant, Erling Falk, is requesting subdivision or lot split approval to divide the property at 1295 North Park Avenue into two single family lots. The current zoning is R-1A, and the property now holds one single family home, which is to be demolished. He reviewed the provisions of the Comprehensive Plan and Land Development Code regarding subdivision requests. The application meets all of the requirements of the Zoning Code, Subdivision Code and Comprehensive Plan. The applicant has provided a generalized front elevation for the types of home that their company builds. They have not developed site plans or more formalized plans at this time. They will comply with the normal single family development standards, setbacks, etc. Since the request conforms to the zoning requirements and comprehensive plan lot standards, the staff has not requested further plans. However, per our Subdivision Code, the City can condition any approval upon the subsequent submission, review and approval of house plans, as well as place conditions upon this approval. Staff recommended approval of the request. Mr. Briggs responded to Board member questions and concerns.
The applicant was present, and expressed his agreement with the recommendations of staff. No one wished to speak in favor of or in opposition to the request. Public hearing closed.

The P&Z Board members agreed that this request meets all the City Codes and no variances are requested.

Motion made by Tom Sacha, seconded by Peter Weldon recommending approval of the subdivision or lot split to divide the property at 1295 North Park Avenue into two single-family building lots. Motion carried with a 6-0 vote. Randall Slocum abstained.

REQUEST OF BETHEL BAPTIST CHURCH TO: AMEND CHAPTER 58, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 347 WEST NEW ENGLAND AVENUE.

REQUEST OF BETHEL BAPTIST CHURCH TO: AMEND CHAPTER 58, ARTICLE III, "ZONING" TO CHANGE THE ZONING OF MEDIUM DENSITY MULTIFAMILY RESIDENTIAL (R-3) DISTRICT TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTY AT 347 WEST NEW ENGLAND AVENUE.

Planning Manager Jeff Briggs presented the staff report and explained that this is a request by Bethel Baptist Church seeking approval to change the existing Commercial Future Land Use (FLU) designation in the Comprehensive Plan and Multi-Family (R-3) zoning to Central Business District (CBD) FLU and to Commercial (C-2) zoning on the property at 347 West New England Avenue. Bethel Baptist Church at 425 West Welbourne Avenue has been the owner this property since 1986. It was originally purchased by the Church to be used as overflow parking. However, the Church has rarely used the property for that purpose. As a result, the Church has made the decision to sell the property and is seeking a change in zoning in order to be able to market the property for commercial development. The property is a vacant lot at the northeast corner of Virginia and New England Avenues. The lot measures 50 feet by 130 feet, and equals a total of 6,500-square feet. In all these previous instances the staff recommendation was in favor of the CBD FLU and C-2 zoning. This was based on continuing the redevelopment pattern that had already occurred along New England Avenue. It also was based on the recognition that the City still has the review and approval control over all redevelopment since the Code requires Planning and Zoning (P&Z)/City Commission approval of any building/building addition over 500-square feet. Staff recommendation is for approval of the change to Central Business District Future Land Use and C-2 Zoning for the property at 347 West New England Avenue.

The applicant was present but did not wish to speak. No one wished to speak in favor of or in opposition to the request. Public Hearing closed.

The P&Z Board agreed that this change was consistent with those made by the City in the past for similarly situated properties.

Motion made by Tom Sacha, seconded by James Johnston recommending approval of the request to amend Chapter 58, “Comprehensive Plan”, so as to change the Future Land Use designation of Commercial to Central Business District on the property at 347 West New England Avenue. Motion carried unanimously with a 7-0 vote.

Motion made by Tom Sacha, seconded by Peter Weldon recommending approval of the request to amend Chapter 58, Article III, “Zoning”, to change the zoning designation of medium density multi-family residential (R-3) to commercial (C-2) and subject to a five-foot (5’) setback on New England Avenue. Motion carried unanimously with a 7-0 vote.

REQUEST OF NEW HOPE BAPTIST CHURCH FOR: CONDITIONAL USE APPROVAL TO USE THE PORTABLE BUILDINGS ON THEIR CHURCH PROPERTY FOR SUNDAY SCHOOL CLASSROOM SPACE AND FELLOWSHIP HALL ACTIVITIES IN CONJUNCTION WITH THE CHURCH 274 N. CAPEN AVENUE, ZONED (R-2).
Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing is a request from the New Hope Baptist Church to amend their Conditional Use Approval to convert the use of two portable buildings on their property from a proposed children’s day care facility (as originally approved) to Sunday School classroom and Fellowship Hall use at 274 North Capen Avenue. Mr. Briggs explained that in August 2012, the City granted Conditional Use Approval to New Hope Baptist Church to move two portable classroom buildings onto the Church property with the intention at that time, to use the buildings for children’s day care. Conditional Use approval is required for any new buildings built on Church property and it also says that “churches may not operate day nurseries, kindergartens or schools without first receiving conditional use approval for this use.” It has been a three-year process for New Hope Baptist Church to finish their renovations to the portables and to complete the driveway paving, parking spaces, storm water retention, landscaping and irrigation. As the attached letter from Pastor Phillips explains, the use of these buildings for child day care is no longer a viable option. The Church members who originally planned to volunteer to run the program have left the Church. As a result, New Hope Baptist Church now desires to use the buildings for Sunday School classroom space and Fellowship Hall activities. The Church itself is limited to only sanctuary space so these uses as Sunday School classrooms for children and adults as well as other Fellowship Hall functions will be complimentary to the Church. There is no added parking or traffic as the buildings only serve the existing congregation. Staff recommended approval of the request.

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

The P&Z Board members agreed that the use as requested is actually less intense with less impact for traffic and only on Sundays than the previous approval as day care.

**Motion made by Peter Weldon, seconded by Tom Sacha recommending approval of the conditional use request to use the portable buildings on the church property for Sunday School classroom space and fellowship hall activities in conjunction with the church at 274 North Capen Avenue. Motion carried unanimously with a 7-0 vote.**

**REQUEST OF THE CITY OF WINTER PARK FOR:** AN ORDINANCE AMENDING ARTICLE III, "ZONING" SECTIONS 58-87 SO AS TO UPDATE THE ORDINARY HIGH WATER ELEVATIONS OF THE LAKES WITHIN THE CITY AND PROVIDE FOR CLARIFICATIONS OF THE WATERFRONT REVIEW PROCEDURES.

Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing is primarily to consider an Ordinance to revise the ordinary high water elevations in the zoning code that establish the point at which the lakefront or other waterfront setbacks are measured. The elevation information used by FEMA to establish flood plain regulations and also used by surveyors has been the National Geodetic Vertical Datum of 1929 (NGVD 1929) based on a series of measurements from that time. Due to geographic differences across the nation, the base measurements were updated into the North American Vertical Datum of 1988 (NAVD 88). In 2009 FEMA converted all the flood plain maps across the nation to the NAVD 88 datum. From that time forward, surveyors have transitioned to the new elevations. There is a conversion formula and in summary the new elevations are about 0.8 feet lower. As a result, the City needs to update our ordinary high water elevations referenced in the zoning code from the 1929 datum to the 1988 datum as current surveys reflect those numbers. He briefly reviewed the data table.

Mr. Briggs explained that this Ordinance also addresses some other situations with respect to the water front reviews conducted by the P&Z Board to match current practice or for clarifications as follows:

1. With respect to storm water retention on water front lots, the zoning code now has a prescriptive retention requirement for the first inch of runoff. Typically there is ample land area to meet that design volume because the 50 foot minimum lakefront setback sets aside ample land to accommodate that amount of retention. However, this first inch volume has been a hardship on properties with many large oak and/or cypress trees along the lakefront. Digging a retention swale deep enough or big enough for that volume can cause serious damage to the root systems of those trees jeopardizing their survival. In
practice, what staff has recommended and what the P&Z Board has approved, is an alternative a retention berm system in these situations, versus digging a swale. The retention berm accomplishes the goal of providing retention in a qualitative rather than quantitative manner. This Ordinance includes the code amendment to clarify that established process.

2. Similarly, the Ordinance also addresses the situations where setback relief is needed in order to encourage tree preservation. The P&Z Board already has that authority and has exercised it judiciously to ease the impact on lake views and this would extend to tree preservation.

3. Lastly, the current Ordinance is not easily understood with respect to the regulations on walls and fences on water front lots. These text revisions will make those rules more understandable without changing any of the content. The ordinance also establishes how much of the lake frontage (10% maximum) can be covered by at grade patios, decks, fire pits, etc.

Staff recommended approval. 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 Tom Sacha, seconded by Peter Weldon recommending approval of the ordinance amending Article III, “Zoning”, Sections 58-87 so to update the ordinary high water elevations of lakes within the City and provide for clarifications of the waterfront review procedures. Motion carried unanimously with a 7-0 vote.

REQUEST FOR LAKEFRONT APPROVAL FOR: A NEW TWO-STORY, SINGLE-FAMILY HOME AT 850 VIA LUGANO.

Planning Manager Jeff Briggs presented the staff report. He explained that property owners Chase & Jovanna Heavener, are requesting approval to build a new two-story, single-family home at 850 Via Lugano on Lake Maitland. This 41,053-square foot lot is currently vacant. It was part of the Galloway Estate that was approved for subdivision by the City into three lots approximately six years ago. This is the third and last of those lots to be developed. Unique to this lot/property, one of the terms and conditions voluntarily offered by the Galloway Trust, at the time of the subdivision, was the dedication to the City of an easement to protect a strand of very nice live oak trees in the western portion of the lot. This circular easement is shown on the attached plans. He explained that faced with this “no-build” tree protection easement zone, the applicant’s designers have been creative in their arrangement of spaces. Mr. Briggs review the design challenges of this lot, FAR, tree preservation, view from the lake, view of the neighbors, storm water retention, the request for a front setback variance and encroachment into the tree easement. Staff recommended approval with the front setback relief to be considered as a variance from the Board of Adjustment. Mr. Briggs responded to Board member questions and concerns.

Steven Harris, Architect, represented the applicants. He provided the Board members with a detailed overview the applicant’s request and the dynamics of the subject property. Rebecca Wilson, Attorney, 218 North Eola Drive, and Charlie Clayton, Builder, 1230 North Park Avenue, also were present representing the applicants. They responded to Board member questions and concerns.

Motion made by Mr. Weldon, seconded by Mr. J. Johnston to approve the request including the requested setback variance. Motion carried with a 6-1 vote. Mr. R. Slocum voted against the motion.

REQUEST FOR LAKEFRONT APPROVAL FOR: A NEW TWO-STORY, SINGLE-FAMILY HOME AT 472 HENKEL CIRCLE.

Planning Manager Jeffrey Briggs presented the staff report. He explained that the applicants are requesting approval to build a new two-story, single-family home at 472 Henkel Circle on Lake Mizell. This 16,437 square foot lot will be redeveloped with a new home. The new proposed two-story home will be 5,424 square feet
exclusive of porches, terraces and balconies, which on this lot is a Floor to Area Ratio (FAR) of 33.0% at the allotted maximum base 33% FAR. He reviewed the issues of tree preservation, view from the lake, view of the neighbors, storm water retention, and the request for a setback variance for the pool deck. Staff recommended approval with the swimming pool deck setback relief to be considered as a variance from the Board of Adjustment. Mr. Briggs responded to Board member questions and concerns.

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

Motion made by Mr. Sacha, seconded by Mr. Weldon to approve the request subject to the swimming pool deck setback relief to be considered a variance from the Board of Adjustment as recommended by staff. Motion carried unanimously with a 7-0 vote.

NEW BUSINESS:

Date of Next Regular Meeting: Tuesday, November 3, 2015 at 6:00 p.m.
Date of Next Work Session Meeting: Tuesday, October 27, 2015 at Noon

There was no further business. Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary