



Planning and Zoning Board Minutes

August 4, 2020 at 6:00 p.m.

Virtual | Winter Park, Florida

1. Present

Chairman Ross Johnston called the meeting to order at 6:00 p.m. Present: Jim Fitch, Laura Turner, Owen Beitsch, Ross Johnston, Michael Spencer, Richard James and David Bornstein. Also Present: City Attorney Dan Langley. Staff: Director of Planning & Transportation Bronce Stephenson, Principal Planner Jeff Briggs, Senior Planner Allison McGillis; Assistant Building Director Kris Stenger, Planning Intern Nicholas Lewis, and Recording Secretary Kim Breland.

2. Approval of minutes

Motion made by Laura Turner, seconded by David Bornstein, to approve the July 21, 2020 meeting minutes with the amendment provided by Laura Turner.

Motion carried unanimously with a 7-0 vote.

3. Public Hearing:

- SPR #20-10. Request of Michael and Angie Strasberg for: Approval to construct a new, two-story, 5,243 square foot, single-family home located at 2146 Lake Drive on Lake Killarney, zoned R-1A.

Planning Intern, Nicholas Lewis, explained that the item was a lakefront site plan review request for approval to construct a new, two-story, 5,243 square foot, single-family home located at 2146 Lake Drive on Lake Killarney, zoned R-1A.

Mr. Lewis explained that both the Floor Area Ratio and impervious lot coverage are within code maximums with FAR at 35.6% and impervious lot coverage at 41.2%. He noted that the Board was tasked with reviewing lakefront lot criteria (tree preservation, views from the lake, views of neighbors and storm water retention).

With respect to tree preservation, Mr. Lewis explained that the applicant is proposing to remove a 60" diameter laurel oak tree as part of the request. The tree was assessed by the City's Urban Forestry Department and it was determined that the tree was over-mature with poor branching structure. In addition, while relatively healthy at the crown, the tree contained deadwood and there is decay and boring activity in the trunk of the tree near its base. Mr. Lewis provided images of the tree showing the presence of Ganoderma, a fungal organism, which indicates the presence of decay. The Urban Forestry Department recommendation was for removal.

With respect to views from the lake, Mr. Lewis explained that the lot has a minimal grade drop from the front of the home to the lakefront. The rear deck has been designed not to exceed the 3-foot height code requirement. In terms of views of neighbors, the average lakefront setback is 67-feet calculated by the lakefront setbacks adjacent within a 200-foot radius of the subject property. The applicant has proposed the home to be located at the 67.9-foot setback from the lake and the pool deck to be at the located at the minimum 50-foot lakefront setback.

In terms of stormwater retention, the applicant has proposed multiple stormwater swales throughout the property, which will be sized to meet the City's code requirements.

Mr. Lewis summarized by stating that overall, the proposed home is compatible with the natural grade of the property and ensures water pollution from stormwater run-off will be minimized. Elevations for

the front and rear of the home were provided. No variances were requested and the home meets the lakefront review criteria.

Staff recommendation was for approval.

There were no questions for staff regarding the request.

Applicant Greg Hyatt with Hyatt Design, 1213 N. Orange Avenue, Suite B, Orlando, FL 32804 stated that he was present for questions from the Board. There were no questions for the applicant.

No one from the public wished to speak. The public hearing was closed.

The Board agreed with the Staff recommendation.

Motion made by Owen Beitsch, seconded by Richard James, for approval to construct a new, two-story, 5,243 square foot, single-family home located at 2146 Lake Drive on Lake Killarney, zoned R-1A.

Motion unanimously carried with a 7-0 vote.

- SPR #20-11. Request of Daniel Cohen and Esther Kovacs to: Modify the P&Z approval granted on July 9, 2019 in order to enlarge the porch as a component of a two-story, addition to the single-family home located at 2104 Venetian Way on Lake Maitland, zoned R-1AAA.

Mr. Briggs explained that the item was a request to modify the approval from P&Z Board granted on July 9, 2019 for additions to the home located at 2014 Venetian Way on Lake Maitland, zoned R-1AAA.

Mr. Briggs explained that in July of 2019, the Board approved additions for the existing home and approved including a lakefront setback of 77 feet between the home and the porch. He showed aerial views of the home and the previously approved site plan showing a small porch protruding from the home. The applicant has since decided to expand the porch across the entire façade of the lakefront of the home. Images of the current site plan were presented showing the new lanai porch on the ground floor and open roof porch on the second floor with living areas to the right and the left ends of the porch.

Mr. Briggs explained that the proposed porch is larger than the 500-square feet maximum which is a significant change requiring site plan approval from the Board. He noted that In July of 2019 the Board had determined that the 77-foot setback not damaging or impairing traditional views of the lake, and there no issues related to stormwater retention area or tree preservation. He added that the proposed addition conforms to all design review criteria and Staff recommendation was for approval.

Mr. Briggs answered questions from the Board regarding changes to the impervious surface area.

Applicant Zoltan Kecskes, 1211 Via Estrella Winter Park, FL, represented the Cohens and stated that he was present for questions.

No one from the public wished to speak. The public hearing was closed.

The Board agreed with the Staff recommendation.

Motion made by Owen Beitsch, seconded by Laura Turner, to modify the site plan approval granted on July 9, 2019 in order to enlarge the porch as a component of a two-story, addition to the single-family home located at 2104 Venetian Way on Lake Maitland, zoned R-1AAA.

Motion carried with a 7-0 vote.

- ZTA #20-05 Request of the City of Winter Park for: An Ordinance to Amend the Land Development Code to specify coop accessory structure regulations for backyard chickens in the Chapter 58, subsection 58-71(i); Amend Chapter 18, Subsection 18-16 to allow the keeping of backyard chickens; and adding Subsection 18-18, "General Conditions for the keeping of backyard chickens pilot program", to allow up 50 permits of up to four hens per household.

Assistant Building Director, Kris Stenger, explained that the request was for the proposed backyard chicken pilot program Ordinance. He explained that at the April 8, 2020 City Commission meeting,

Commissioner Weaver requested the program be brought forward for discussion and at the April 13, 2020 Commission meeting, Staff provided a draft ordinance based on existing ordinances from Orlando and Maitland. The Commission recommended that the City implement a pilot program compliant with setbacks and limited permits and that the Ordinance be reviewed by KWPBS and P&Z Boards prior to the Ordinance being brought back to the Commission for final approval.

Mr. Stenger explained that the KWPBS Board reviewed the ordinance on July 13, 2020 and approved the Ordinance with basic recommendations in regard to screening the proposed chicken coops.

The updated draft Ordinance included the following criteria:

- 24-month Pilot Program
- Permit Required (Building official)
- Require Photos/Site Plan of coop
- Follow up inspection
- 50 permit maximum
- Maximum 4 chickens
- Single Family Homes Only
- Prohibited in Front Yards
- Max Height 7'
- Personal Use Only
- No slaughtering on premises
- Requires proof of UF/IFAS Class Completion

Mr. Stenger reviewed topics discussed at the April 8, 2020 Commission meeting which included reasons to keep backyard chickens, such as fresh egg supply, composting and teaching children responsibility. In addition, he reviewed the topics covered in the UF/IFAS Extension training class.

He provided data showing similarities and differences from neighboring City programs including the maximum number of permits issued, permit fees, cost of IFAS Extension class, maximum number of chickens allowed per home, and chicken coop structure and setback code requirements. He provided images indicating where coop structures would be located on residential lots, and discussed the setback requirements.

Mr. Stenger reiterated the Ordinance was for a 24-month pilot program that would include reviews that would take place and based inspections and compliance, would then be reviewed by the Commission for next steps and consideration for an extension. He noted that the related inspections would be conducted by the sustainability staff over throughout the duration of the program.

Mr. Stenger answered questions from the Board regarding program criteria for lake front properties, chicken coop structure, chicken care enforcement, and the number of permits (50) allowed in the pilot program. During the discussion, the Board proposed to reduce the number of permits to 25 for the pilot program to better determine the amount of interest from the community.

Further discussion was held regarding whether the chickens would be allowed to wander outside of the coop, neighbor concerns/input and setback requirements for side yard structures, and further addressed causes that would result in permit revocation during the program. In the discussion it was clarified that the program prohibited attached/multi-family dwellings such as duplex and townhomes from participating.

No from the public wished to speak. The public hearing was closed.

The Board continued to discuss the following issues:

- Number of allowed permits for the pilot program
- Potential for the chickens to provoke coyotes and other predators to come into the neighborhoods.
- Neighbor input/consent
- Side yard structures
- Number of infractions considered prior to permit revocation.

The majority of the Board members agreed that the number of permits should be reduced to 25, chicken coop structures should be restricted to backyards and program participants should have consent of adjacent neighbors to take part in the program. Chairman Ross Johnston spoke in opposition of the program and expressed concerns related to predators entering neighborhoods, noise and smell issues and lack of neighbor consent.

Discussion ensued regarding the concerns that there were no set criteria for revoking permits as part of the program. It was explained that the city's Building Inspectors would conduct initial inspections for the chicken coop structures and then the city's Sustainability staff would continue all code enforcement related inspections, acting as inspectors under the authority of City's Building Official. City Attorney, Dan Langley, added that program participants would be subject to noise odor and other ordinances in the City. The Board accepted that Building staff would handle enforcing any violations.

Motion made by Michael Spencer, seconded by Richard James, for recommendation of an Ordinance to Amend the Land Development Code to specify coop accessory structure regulations for backyard chickens in the Chapter 58, subsection 58-71(i); Amend Chapter 18, Subsection 18-16 to allow the keeping of backyard chickens; and adding Subsection 18-18, "General Conditions for the keeping of backyard chickens pilot program", with the following amendments:

1. Reduce the number of program permits to 25.
2. Only allow coops in back yard, no side yard structures.
3. Require contiguous neighbor approval.

Motion carried with a 6-1 vote. (Chairman Ross Johnston voted in opposition of the recommendation)

4. New Business: None

5. Planning Director's Report:

Planning Director Bronce Stephenson addressed the Board and provided updates on the following topics:

- Changes in department staff.
- Governor's extension of Executive Order allowing for virtual meetings through the month of August.
- Ordinances for Lot Grading & Artificial Turf will be made into separate Ordinances and discussed at the August 11 work session.

6. Board Update & Comments:

Board member Dr. Owen Beitsch suggested that the Board clarify in the chair's opening statement that public hearings that come before P&Z are quasi-judicial hearings, and that people who speak during these hearings are supplying testimony that may be critical or essential to a decision. The Board agreed with this suggestion and directed staff to discuss the wording of the addition with the city attorney.

Additionally, the Board discussed and requested the following:

- Monthly updates on the status of the OAO Ordinance revisions.
- Schedule multiple work sessions in the near future to discuss and prepare for OAO Ordinance prior to the November 2020 P&Z meeting.
- Request to the City Commission to allow P&Z to meet in person to discuss and review applications coming before the Board.
- Work session regarding Fairbanks Avenue design standards and future development.
- Printed copies of the Comprehensive Plan and Land Development Code for Board members.

Meeting adjourned at 7:46 p.m.

Respectfully,

Kim Breland, Recording Secretary