



Planning and Zoning Board Minutes

November 2, 2020 at 6:00 p.m.

721 W. New England Avenue | Virtual | Winter Park, Florida

1. Present

Chairman Ross Johnston called the meeting to order at 6:01 p.m. Present: Jim Fitch, Owen Beitsch, Ross Johnston, Michael Spencer, Richard James and David Bornstein. Also Present: City Attorney Rick Geller. Staff: Director of Planning & Transportation Bronce Stephenson, Principal Planner Jeff Briggs, Senior Planner Allison McGillis, Transportation Manager Sarah Walter, and Recording Secretary Mary Bush.

2. Approval of minutes

Motion made by Ross Johnston, seconded by Michael Spencer, to approve the October 6, 2020 meeting minutes.

Motion carried unanimously with a 6-0 vote. (Vice Chair Turner was not present for the meeting.)

3. Public Hearing:

- SPR #20-14 Request of Lazarus Development Group for approval to construct a new two-story single-family home at 520 Country Club Drive on Lake Killarney.

Ms. McGillis provided the Board a brief summary of the SPR #20-14 request. Ms. McGillis explained that there would be no tree removals and the existing grade of the property would be increased from 80-ft to 87.4-ft, which is within the maximum allowed height per code. She noted that the applicant is proposing to place a swell near the lakefront and to tie into the master drainage system of the re-plat neighborhood for storm water retention. Ms. McGillis also mentioned that the City Commission previously decided that the average setback would be determined based on the existing homes in the re-platted areas prior to them being demolished. The average existing lakefront setback prior to demolish was 64.3-ft. Overall the plans meet the lakefront review criteria.

Staff recommendation was for approval.

The Board briefly discussed the item. The Board raised questions regarding the following:

- the height of the grade in comparison with original grade and adjacent lots,
- the possible need for retaining walls and/or swells,
- prior changes made to codes pertaining to the project,
- effects on lake views,
- and the developer discussing concerns with neighboring property owners.

Applicant Robert Lazarus with Lazarus Development Group, 607 Trumpet Place, Kissimmee, FL 34747 addressed the Board's questions. Mr. Lazarus affirmed in his comments that there was no fill brought into the lot.

The board heard public comment from the following resident:

David Robold of 612 Country Club Drive, Winter Park, FL 32789 addressed the Board. Mr. Robold mentioned that the excavation of the lot is moving fill around and increasing the grade level. Mr. Robold would like the grade to be lowered and detailed plans provided for the public to review. He also suggested that fill should be added between the house and its north side to allow for proper drainage to the stormwater swale.

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

Motion made by Owen Beitsch, seconded by David Bornstein, for approval to construct a new two-story single-family home at 520 Country Club Drive on Lake Killarney.

Motion failed with a 1-5 vote. (Owen Beitsch voted in favor of recommendation. Vice Chair Turner was not present for the meeting.)

- SPR #20-16 Request of Mr./Mrs. Panepinto for approval to construct a new two-story home at 1615 Roundelay Lane on Lake Sylvan.

Mr. Briggs provided a brief overview of the SPR #20-16 request to the Board. Mr. Briggs explained that the property plans include a walk out basement and a pool that is on the same grade as the basement, which aligns with the setbacks of the only neighboring property. Mr. Briggs also mentioned that a letter was received from the neighbor of the property requesting that conditions be added regarding storm water and the protection or replacement of existing hedges on the property line.

The Board briefly discussed the item. The Board raised questions regarding the following:

- the ability to enforce certain conditions by the Planning and Zoning Board,
- trimming or removal of certain tree canopy on the property,
- and how to enforce prompt remediation of storm water issues that may arise during development.

Mr. Briggs addressed the Board's questions. Mr. Briggs mentioned that all parties involved are working together to come to agreements with the property plans, any major tree removal will have a comparable replacement, and the City's Code Enforcement will address any storm water issues.

Staff recommendation was for approval.

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

The Board agreed with the Staff recommendation and the neighbor's additional conditions.

Motion made by Michael Spencer, seconded by Owen Beitsch, for approval to construct a new two-story home at 1615 Roundelay Lane on Lake Sylvan with conditions regarding storm water and the protection or replacement of existing hedges on the property line.

Motion carried with a 6-0 vote. (Vice Chair Turner was not present for the meeting.)

- SUB #20-04 Request of Z Properties for subdivision or lot split approval to divide the property at 1530 Wilbar Circle into two single family lots.

Mr. Briggs provided the Board a brief summary of the SUB #20-04 request. Mr. Briggs explained that a 1926 bungalow home of historic merit lies on the north side of the property by Walnut Avenue. The subdivision code was previously amended to justify variances for lot splits of this kind. Mr. Briggs further explained that the existing bungalow home will be restored with a small addition to the rear and a new home will be built on the rest of the lot.

Staff recommendation was for approval.

Mr. Bornstein inquired whether or not the attached garage would be renovated as well. Mr. Briggs advised that it would also be renovated.

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

The Board expressed their appreciation to the applicant for the historic preservation and their adherence to all requirements. The Board agreed with the Staff recommendation.

Motion made by David Bornstein, seconded by Richard James, for approval to divide the property at 1530 Wilbar Circle into two single family lots.

Motion carried with a 6-0 vote. (Vice Chair Turner was not present for the meeting.)

- ANNEX #20-03; CPA #20-04; RZ #20-04; CU #20-05 Request of Chris Tracy for the annexation of 1800 Karolina Avenue; establishment of Parking Lot future land use and Parking Lot (PR) zoning

and Conditional Use for a two-story, 10,022 square foot office building on the combined properties of 1801/1805 W. Fairbanks Avenue and 1800 Karolina Avenue.

Mr. Briggs provided the Board a brief summary of the request. Mr. Briggs explained that the request combines the properties of 1801 and 1805 West Fairbanks Avenue and 1800 Karolina Avenue. The property at 1800 Karolina Avenue is not within the City limits and is being proposed for annexation of the rear property. This will provide zoning and a Comprehensive Plan designation that will allow it to be used as a parking lot for the redevelopment of the entire property into a conditional use two-story office building. A brick wall would be built around the parking lot with landscaping and street trees along the exterior of the wall. The parking lot lighting will reflect downward; dumpsters will be placed close to the building; there will be no driveways onto residential streets; and a landscaped pedestrian safety zone will be placed along the frontage sidewalk.

Staff recommendation was for approval.

The Board briefly discussed the item. The Board raised questions regarding the following:

- the public transportation modifications on Fairbanks Avenue for improved pedestrian flow,
- the possibility of bike lanes in the area,
- the required traffic mitigation to avoid pushing traffic back into the neighborhood,

The Board expressed their concerns regarding providing more setback from the street for future requests and keeping with the aesthetic nature of the neighborhood.

The applicants' representative Michael Clary, of 1377 Richmond Road, Winter Park, FL addressed the Board. Mr. Clary reported that the applicants have met with Commissioners and staff to obtain input regarding the project. He also added that there is a possibility of relocating the existing cell tower on property or changing it to a monopole at the expense of the applicants.

The board heard public comment from the following residents in favor of the request:

Charles Brenner, 1828 Killarney Drive, Winter Park, FL and Davis Helsby, 438 Lakeview Avenue, Winter Park, FL.

The board heard public comment from the following residents in opposition of the request:

Zach Stovall, 1877 Karolina Avenue, Winter Park, FL; Christopher Rank, 1880 Karolina Avenue, Winter Park, FL; Larry Harlow, 1871 Karolina Avenue, Winter Park, FL; Kerry McPhillips, 2110 Karolina Avenue, Winter Park, FL; and Adam Abraibesh, 1957 Biscayne Drive, Winter Park, FL.

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

The Board further discussed the item and shared concerns regarding the continued maintenance of the greenspace, sidewalk, and wall as well as keeping all requirements consistent for future businesses.

Motion made by Owen Beitsch, seconded by David Bornstein, for the annexation of 1800 Karolina Avenue; establishment of Parking Lot future land use and Parking Lot (PR) zoning and Conditional Use for a two-story, 10,022 square foot office building on the combined properties of 1801/1805 W. Fairbanks Avenue and 1800 Karolina Avenue with an additional condition for maintenance and consistency between future businesses and the following conditions as recommended by staff:

1. That the project grant to the City an access easement across the parking lot at the entrance/exit traffic aisle so that the adjacent properties may be interconnected for access to/from Clay Street.
2. That one EV charging station be installed for the parking space adjacent to the Handicapped spaces.
3. That the applicant partner with the City to implement a landscape pedestrian safety zone along the Fairbanks Avenue frontage, as deemed feasible.
4. That the applicant provides a pedestrian easement for the sidewalk improvements to be implemented along the Fairbanks Avenue frontage.

Motion carried with a 5-1 vote. (Jim Fitch voted in opposition of the recommendation. Vice Chair Turner was not present for the meeting.)

- ZTA #20-09; CU #20-08 Request of McLaren Orlando LLC for an Ordinance to amend the Commercial (C-3) Zoning Code Text to establish a new Conditional Use for “Specialty Transportation Business” and for Conditional Use approval for such business at 1111 S. Orlando Avenue.

Mr. Briggs provided the Board an overview of the request. Mr. Briggs elaborated on the history of the property and area, noting that the Orchard Supply store located on the property closed down in 2018 and has been on the market ever since. Mr. Briggs explained that the parking variance is not feasible for most businesses or office types. The applicant has requested to use the space and convert the corner of Orlando Avenue and Miller Avenue into a greenspace accessible to the community. Although the City is not able to completely prohibit the use of car dealerships, it can prohibit the areas of the City that allow the use in the Comprehensive Plan. There is a lengthy process to amend the Comprehensive Plan policies. The applicant has requested that the City allow a code change and a conditional use in an effort to quicken its ability to move forward with the proposed project. The code change would identify the applicant’s business as a Specialty Transportation Business rather than a standard car dealership in order to gain allowance for the conditional use. Staff expressed concerns of the proposed process and technique of the applicant to gain project approval.

Staff recommendation was for denial. Staff recommended that the applicant complete an amendment to the Comprehensive Plan in order to seek approval for their project.

Mr. Stephenson advised that a code change for Specialty Transportation Businesses could be applied to various scenarios that would place the City in undesirable situations. Mr. Stephenson reminded the Board that the City shall prohibit certain business types, which include new or used car sales businesses, along the frontage of roadway corridors. Car dealerships are concentrated north of Webster Avenue or Lee Road.

The Board briefly discussed the item. The Board raised questions regarding the following:

- what the applicant should come back to request from the Planning and Zoning Board,
- the possible uses for the existing Orchard Supply building,
- the size and any notable design features of the proposed building,
- the proposed building being either a remodel or rebuild,
- parking obligations and possible vacate of zoning restrictions if the building is to be a rebuild,
- and the possible changes to the parking allowance if the proposed business is closed in the future.

The Board was provided a presentation of the request by Mary Solik, P.A, land use counsel; Chris Hardaman, Principal of McLaren Orlando, LLC; Tom Roach, General Manager of McLaren Orlando, LLC; Frank Kilgore, P.A., general counsel; Michael Szemansco, design architect of Synthesis Architects; Chris Wright, landscape architect of Varelli Partners; and Bruce Taylor, civil engineer of Dave Schmitt Engineering.

The Board further discussed the item sharing concerns regarding the onsite maintenance service of vehicles, noise mitigation between fencing on the neighborhood side, the commonality of customized buildings to suit similar requirements in other locations, the overall cost of the improvements, and the use of the Specialty Transportation Business designation in other municipalities.

The board heard public comment from the following resident in favor of the request:

Michael Clary, 1377 Richmond Road, Winter Park, FL

The board heard public comment from the following residents in opposition of the request:

Jim Sherris, 1270 Miller Avenue, Winter Park, FL; Richard Tharp, 1255 Indiana Avenue, Winter Park, FL; Dr. Nolan Kline, 1554 Cavendish Road, Winter Park, FL; and David Brunell, 1554 Cavendish Road,

Winter Park, FL. Staff received 17 letters from residents via email, all of which were in opposition to the request.

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

The Board expressed their positive interest in the project but was opposed to the location for it. The Board would like the applicant to address the Comprehensive Plan issue; the logistical, safety and design issues; the sound barrier and buffer issues; and to properly and sufficiently address the needs and concerns of the surrounding neighborhood.

The Board offered the applicant to either have the item tabled or proceed with Board votes as presented. Applicant requested to have the item tabled. The item was tabled to the next Planning & Zoning public hearing on December 1, 2020.

- ZTA #20-10 Request of the City of Winter Park for an Ordinance to amend the Office (0-1) Zoning Code Text to establish a new Conditional Use for restaurants and other food and beverage establishments within office buildings of three or more stories.

Mr. Stephenson provided the Board a brief overview of the ZTA #20-10 request. Mr. Stephenson explained that there are some buildings that were built with certain initial uses in mind but no longer utilize them, such as banks that have large lobbies. The request proposes to amend the zoning text for adaptive re-use for these buildings to use 25% of their bottom floor area for some type of food service restaurant or the like. Mr. Stephenson added that the amendment is in line with the Comprehensive Plan and will not be allowed for new construction.

The Board briefly discussed the proposed ordinance. The Board raised questions regarding the following:

- initial requests for the conditional use,
- trash removal responsibility and process,
- possible issues with floor area ratio (FAR),
- and the status concerning conditional use and Orange Avenue Overlay (OAO).

The Board expressed concerns regarding the ultimate demand or lack thereof for the ordinance, possibility for disturbance to residences, and the retrofit of a restaurant aspect into a non-restaurant establishment.

Mr. Stephenson addressed the Board's questions. Mr. Stephenson mentioned that there is already an applicant for the use of the ordinance; the office buildings will manage the process of trash removal; and the restaurants will be adapted to the current FAR of the office building, being conditional use utilizing existing footprints.

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

Motion made by David Bornstein, seconded by Owen Beitsch, for an Ordinance to amend the Office (0-1) Zoning Code Text to establish a new Conditional Use for restaurants and other food and beverage establishments only within existing office buildings of three or more stories.

Motion carried with a 4-2 vote. (Michael Spencer and Jim Fitch voted in opposition of the recommendation. Vice Chair Turner was not present for the meeting.)

4. New Business:

No new business.

5. Planning Director's Report:

No Planning Director's report.

6. Board Update & Comments:

No Board updates or comments.

7. Upcoming Meeting Schedule:

The next regular meeting will be held on December 1, 2020 and the next work session will be on November 17th.

Adjourn

Meeting adjourned at 9:31 p.m.

Respectfully Submitted,

Mary Bush

Recording Secretary