



Planning and Zoning Board Minutes

December 1, 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 6:06 p.m. Present: Jim Fitch, Owen Beitsch, Laura Turner, 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, Transportation Manager Sarah Walter, Building Director George Wiggins, and Recording Secretary Mary Bush.

2. Approval of minutes

Motion made by Ross Johnston, seconded by David Bornstein, to approve the November 2, 2020 meeting minutes.

Motion carried unanimously with a 7-0 vote.

3. Public Hearing:

- SPR #20-15 Request of Norma Desmond Properties LLC for approval to construct a new two-story single-family home at 315 Virginia Drive on Lake Virginia.

Mr. Briggs provided the Board a brief summary of the SPR #20-15 request. Mr. Briggs mentioned that there is a significant grade drop on the lakeside of the home that, per code, allows a basement to be added to the floorplan and an increase in the 3-ft maximum grade height allowed for the pool deck. The design standard for an increase of this kind is a maximum 5-1/2 ft above grade. Mr. Briggs added that the applicants have taken steps to preserve several trees on the property and create adequate storm water retention around the home. Based on input from surrounding neighbors, staff recommends a requirement of replacing old podocarpus along the east side of the home with bamboo screening and a construction management plan to organize parking of contractors and equipment during construction.

Staff recommendation was for approval with the added conditions of bamboo screening and a construction management plan.

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

- if the screening material is required to be bamboo,
- code requirements regarding the use and finish of the basement space,
- the offsetting from the stem wall on the lakeside,
- the likelihood that the two existing trees on the south side of the property will survive the construction of the circular drive.

Mr. Briggs and the applicant's landscape architect Scott Redmon of Redmon Design Company, 92 S. Lakewood Circle, Maitland, FL 32751 addressed the Board's questions. Mr. Redmon affirmed in his comments that the lakeside of the pool will be heavily landscaped from all sides and that the pool setback is about 40 feet behind the average lakefront setback of other neighboring pools.

The board heard public comment from the following resident:

Tyler Doggett of 375 Virginia Avenue, Winter Park, FL 32789 addressed the Board. Mr. Doggett expressed concerns regarding the proximity of the proposed driveway to the property lines, landscape screening, buffer space, drainage, the cabana roof height, and the set back of the summer kitchen.

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

Motion made by Laura Turner, seconded by David Bornstein, for approval to construct a new two-story single-family home at 315 Virginia Drive on Lake Virginia with the following conditions:

- install dense privacy screening, bamboo recommended, between the home and the adjacent home at 375 Virginia Drive,
- provide a construction management plan relaying the aspects of deliveries, construction parking, etc.,
- and that the applicant meet with the adjacent neighbors to understand their concerns and to provide a contact person for any issues during the construction process.

Motion carried with a 6-1 vote. (Owen Beitsch voted in opposition of the recommendation.)

- SPR #20-17 Request of Mr./Mrs. Abernethy for approval to construct a new two-story home at 405 Virginia Drive on Lake Virginia.

Mr. Briggs provided a brief overview of the SPR #20-17 request to the Board. Mr. Briggs explained that there is also a significant grade drop on the lakeside of this home. The applicants obtained a letter of consent from their adjacent neighbor and had a survey conducted of the neighbor's pool, which was 5-1/2 ft above grade. After review of the survey, the Board of Adjustments reduced the applicants' maximum allowed pool height to 5-1/2 ft above grade. Mr. Briggs also noted that there are three large live oak trees. One will need to be removed to accommodate the design of the home. However, the applicants recognized this and their purchase contract was contingent upon approval from Urban Forestry to remove the trees subject to compensation with other installations. Given the condition of the tree, as cited by Urban Forestry and with compensation, the removal was approved.

Staff recommendation was for approval, per Urban Forestry requirements.

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

The Board agreed with the staff recommendation including the condition of the tree removals with proper compensation.

Motion made by Michael Spencer, seconded by David Bornstein, for approval to construct a new two-story home at 405 Virginia Drive on Lake Virginia with the following condition:

- all approved tree removals are compensated per Urban Forestry requirements.

Motion carried with a 7-0 vote.

- CPA #20-05; RZ #20-05; CU #20-06 Request of Goodlives, LLC to amend the Comprehensive Plan Future Land Use Map and Official Zoning Map to change from Commercial (C-3) to Central Business District (C-2); to amend the Future Land Use Maximum Height Map to enable a three-story maximum height; and for Conditional Use approval to construct an 11,245-square-foot, three-story building on the property at 301 N New York Avenue.

Mrs. McGillis provided the Board a brief summary of the request. Mrs. McGillis noted that the change from the existing C-3 zoning to the C-2 zoning will permit a larger floor area ratio (FAR); the building height limit requested is well within the FAR and compatible with surrounding properties; and that the project's total FAR includes underground parking and the building's stairwells, elevator shaft, storage, etc. Mrs. McGillis added that the first floor will be open to the public and will include wellness services, retail, and nutritious food and beverages as well as four additional public parking spaces on the exterior.

Staff recommendation was for approval.

Chairman Johnston inquired as to whether or not the existing curb cuts on New York Avenue would be vacated and traffic re-routed to the backside of the property. Mrs. McGillis advised that they would be vacated.

The applicant's Attorney Rebecca Wilson, 215 North Eola Drive, Orlando, FL 32801, briefly addressed the Board. Ms. Wilson noted that the second floor of the property will be the physical location for the

clients of the Goodlives virtual wellness application. Ms. Wilson also noted that the top floor of the building will include a garden area.

Chairman Johnston inquired as to what is zoned on the first floor. Ms. Wilson advised that in the area there will be a walk-up counter where small take out items can be ordered by clients and the public and a few seats in case they want to have a cup of coffee while they wait.

The board heard public comment from the following resident:

Nabil Besile of 311 New York Avenue, Winter Park, FL 32789 addressed the Board. Mr. Besile inquired about whether or not the project plans had any possible connection to any contract for additional parking spaces with any other land in the vicinity.

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

Motion made by Owen Beitsch, seconded by Laura Turner, for approval to amend the Comprehensive Plan Future Land Use Map and Official Zoning Map to change from Commercial (C-3) to Central Business District (C-2); to amend the Future Land Use Maximum Height Map to enable a three-story maximum height; and for Conditional Use approval to construct an 11,245-square-foot, three-story building on the property at 301 N New York Avenue.

Motion carried with a 7-0 vote.

- CPA #20-06; RZ #20-06; CU #20-07 Request of Winter Park Historic Hotels Group to vacate portions of Killarney Drive and Fairview Avenue, and in return, creating open space/park areas, amend the Comprehensive Plan Future Land Use policy text to add a new policy for this specific property, amend the Zoning Code Commercial (C-3) and Open Space Recreational (PR) text to provide for the allowances above for only this specific property, amend the Future Land Use/Zoning Map from Single Family (R-1A) and Office on 2.09 acres of this site to Commercial (C-3) and 0.88 acres to Open Space Recreational (PR), and Conditional Use approval for the specific hotel project of a 5-story, 132-room hotel with associated restaurant, ballroom/meeting space, and 235-space parking garage with one floor of underground parking

THIS ITEM WAS CONTINUED TO THE TUESDAY, JANUARY 5TH, 2021 PLANNING & ZONING BOARD MEETING AT 6PM.

- APP #20-01 Request to appeal Building Official determination for issuance of roof permit at 975 Greentree Drive relating to boathouse to allow increase in roof height to 11 feet above the existing deck of the boathouse.

Mr. Wiggins provided the Board a detailed overview of the APP #20-01 request. Mr. Wiggins noted that after careful review of the applicable ordinances, a building permit was issued to increase the height of the deck roof up to 11-ft. Thereafter, an appeal was established contesting the allowance. Mr. Wiggins presented and reviewed the project plans and the applicable zoning code specifications with the Board. He informed them that the boathouse was lower than the allowed boat deck height and the existing deteriorating roof was to be replaced with a new higher sloped roof. Mr. Wiggins explained that the existing boathouse is a non-conforming structure and the changes being proposed will make it more conforming to current codes. Mr. Wiggins also noted that the boathouse application was not required to go before the Lakes and Waterways Board for review due to specifications per code regarding lakefronts and boathouses.

Staff recommendation was for approval of the permitted roof height variance.

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

- the specific height change requested by the boathouse applicant,
- the current status of construction,
- clarification of the issue needing to be resolved and ruled on,
- the possible effects of a ruling on any ordinances,
- clarification of the interpretations made by the appellants' attorney,
- the need for increasing the roof height of the boathouse,
- when a significant change is being made to an existing non-conforming use,

- if specifications for volume are in the zoning code,
- and any visual impairments that would exist due to the increase in the boathouse roof height.

City Attorney Dan Langley addressed the Board and clarified the purpose of the appeal and what specifically was being asked of the Board to do with regard to the appeal.

The appellants' Attorney Rebecca Wilson, 215 North Eola Drive, Orlando, FL 32801, briefly addressed the Board, providing a presentation regarding the appeal and zoning codes. Ms. Wilson provided background on the history of the boathouse and challenged staff's interpretation of the zoning code in relation to non-conformity of the boathouse, the flatness of the boathouse roof, the FAR of the boathouse, and requirement of the application to go before the Lakes and Waterways Board.

The boathouse applicant's Attorney Douglas Gartenlaub, 200 South Orange Avenue, Suite 200, Orlando, FL 32801 briefly addressed the Board, providing a presentation regarding the appeal and the zoning codes. Mr. Gartenlaub provided information on the stated grounds for the appeal, background on the boathouse application, the height of the roof in relation to the FAR of the boathouse, and further interpretation of the zoning codes to support the interpretations made by staff.

City Attorney Dan Langley addressed Board questions and elaborated on his review of the matter and reasons for supporting staff's interpretation of the zoning codes in relation to the approved permit, non-conformity, and the Lakes and Waterways Board requirements.

Further discussion ensued by Mr. Stephenson, Mr. Wiggins, and Ms. Wilson regarding the zoning code, interpretation of non-conforming structures, and Board questions.

The Board further discussed the item requesting and hearing legal input from the City Attorney Dan Langley.

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

Motion made by Laura Turner, seconded by Richard James, to uphold the City's interpretation of the zoning code and for denial of the appeal of Building Official determination for issuance of roof permit at 975 Greentree Drive relating to boathouse to allow increase in roof height to 11 feet above the existing deck of the boathouse.

Motion carried with a 7-0 vote.

- 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. Stephenson provided the Board a brief overview of the request. Mr. Stephenson explained that the item was heard at the last Planning and Zoning Board meeting on November 2, 2020, but was tabled by the applicant for 30 days to allow for more community outreach and to implement the recommendations received from the Board and public comment. Mr. Stephenson noted that staff had not received any indication that there had been any changes or updates to the project within the 30 days. Mr. Stephenson advised that staff's recommendation was still for denial of the request as staff does not support creating new code definitions to accommodate an individual purpose for a specific project, and which could place the City in undesirable situations.

The applicant's land use counsel, Mary Solik, 121 South Orange Avenue, Suite 1500, Orlando, FL 32801, briefly addressed the Board. Ms. Solik advised that the applicant had to seek extensions of certain contract terms for the project due to the 30-day continuance, which took several weeks to secure. Ms. Solik noted that at the same time the applicant was internally re-evaluating the feasibility of the Winter Park location. Due to these reasons, community contact with Harper Place Homeowners Association and Orwin Manor Homeowners Association was delayed until after the Thanksgiving holiday. Ms. Solik mentioned that a site walk had been completed with the President of the Orwin Manor HOA, who invited the applicant to make a community presentation at their next resident meeting. Ms. Solik also mentioned that talks with the President from the Harper Place HOA had been very positive and

supportive and that a significant landscape plan was currently being work on for the west side of the project near the Harper Place townhomes. Ms. Solik also added that the applicant planned to continue to complete more community outreach to gain greater support for the project.

Vice Chairman Turner inquired whether or not the meeting with the Orwin Manor HOA President included any other Board members.

The principal of McLaren Orlando, LLC, Chris Hardiman, 1736 Indiana Avenue, Winter Park, FL 32789, addressed the Board member's question. Mr. Hardiman noted that he had spoken with two members of the Board but the meeting was only with the Board President.

The board heard public comment from the following resident:

Nolan Kline of 1554 Cavendish Road, Winter Park, FL 32789 addressed the Board. Mr. Kline expressed concern regarding pedestrian safety and adverse traffic conditions.

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

Mr. Stephenson addressed Board questions and mentioned that staff's main concern is the proposed process and technique of the applicant to gain project approval.

The Board briefly discussed the item and raised questions and concerns regarding the following:

- other possible uses for the lot,
- the location of the project,
- the timeline of the project.

Motion made by Jim Fitch, seconded by Owen Beitsch, for denial of 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.

Motion carried with a 6-1 vote. (Jim Fitch voted in opposition of the denial.)

4. New Business:

No new business.

5. Planning Director's Report:

Mr. Stephenson provided a brief update on the logistics of future Planning and Zoning meetings. The Board inquired about timing for focusing on annexation and topics for the next Planning and Zoning work session. The Board requested to have the topics of annexation, lakefront issues, non-conformities, and ordinance issues added to the next few work sessions for the new year. Due to the lack of substantial topics for the next Planning and Zoning Board meeting, the Board unanimously cancelled the December 14, 2020 work session.

6. Board Update & Comments:

No Board updates or comments.

7. Upcoming Meeting Schedule:

The next regular meeting will be held on January 5, 2021 and the next work session will be on January 26, 2021.

Adjourn

Meeting adjourned at 9:24 p.m.

Respectfully Submitted,

Mary Bush

Recording Secretary