



# Planning and Zoning Board Minutes

March 2, 2021 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 6:00 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, Assistant Director Public Works Don Marcotte, Engineer III Matthew Noonon, and Recording Secretary Mary Bush.

## 2. Approval of minutes

**Motion made by Ross Johnston, seconded by Laura Turner, to approve the February 2, 2021 meeting minutes.**

**Motion carried unanimously with a 7-0 vote.**

## 3. Public Hearing:

- CU #21-02. Request of Lake Spier Development LLC for: Conditional Use approval to allow for the development of ten (10) new, two-story, townhouses on the 1.28 acres at 1915 S. Lakemont Avenue, zoned R-2.

Mr. Briggs provided the Board an overview of the CU #21-02 request. Mr. Briggs explained that the property is zoned R-2 and, although the zoning allows for up to 12 units based on the acreage, the applicant asked to build only 10 townhomes. Mr. Briggs reviewed the site plan for the project with the Board. He noted that the applicant met with the City's Urban Forestry department prior to purchasing the property and received approval for all trees that were removed. Mr. Briggs also noted that the applicant plans to install a force main sewer line and collection system that will extend across Lakemont Avenue. The project will also include a water main upgrade and installation of a state-of-the-art storm water filtration and retention system, a new fire hydrant, two gazebos, and a small finger dock. The dock will be open to the residents of the townhomes and only canoes, kayaks, and paddle boards will be allowed. Mr. Briggs affirmed that the townhomes will not block any lake views of neighboring homes and there will be no traffic access to Lake Spier Drive. There will also be no trash trucks or dumpsters, only rolling carts, which the residents will take to Lakemont Avenue to have picked up by Waste Pro. Mr. Briggs explained that there will be a total of five parking spaces for visitors, who will also be allowed to park across the street at the public parking near Lake Baldwin Park. A fire gate equipped with a lock will be located at the back of the property on Lake Spier Drive for emergency fire department access only. Mr. Briggs also explained that the townhomes will be in the \$800,000 to \$1 million price range. Prior to the meeting, Staff forwarded to the Board various emails and letters received from neighbors concerned about the project and proposed changes.

Staff recommendation was for approval.

The Board inquired about the following:

- the condition for trash pickup for each townhome,
- allowance for vehicle parking at the nearby Lake Baldwin Park,
- the landscape plan requirements,
- gate access to the surrounding neighborhood from Lake Spier,
- revisions to the project plans regarding conditions for restricting access to the surrounding neighborhood,
- turnaround room for vehicles within the property,

- and the total floor area ratio (FAR) of the project.

Mr. Briggs addressed the Board's questions. He noted that there will be a built-in nook in each garage to store the trash carts and, since trash trucks and dumpsters are not allowed, the proposed trash set up will not be a condition. He also noted that there will be no access, except for emergency vehicles, from Lake Spier Drive into the surrounding neighborhood and that the project will not exceed the permitted 45% FAR.

The applicant, Shane Acevedo of 1817 Loch Berry Road, Winter Park, FL 32789 addressed the Board. Mr. Acevedo mentioned that he originally planned to build 11 townhomes for the project, but after meeting with the City reduced the amount to 10 to better accommodate the community. He also mentioned that no variances have been planned and the heavier density townhomes will be built closer toward Lakemont Avenue. Mr. Acevedo noted that he had spoken with residents of the surrounding neighborhood and assured that all residents will be able to contact him personally with any concerns during construction.

The Board inquired with the applicant about why townhomes rather than single family homes were chosen to be built, what the responsibility of the HOA would be, the possibility of extending the sewer system beyond the project boundaries, and if the lift station would be private as well as monitored.

Mr. Acevedo addressed the Board's inquiries and explained that townhomes with the planned price range work better for fee simple lots and the HOA will be responsible for all common areas, including the lawn maintenance. Mr. Briggs confirmed that the lift station will be private and cannot accommodate the homes in the surrounding neighborhood.

The Board heard public comment from the following residents:

Debbie Ivy of 1841 Lake Spier Drive, Winter Park, FL 32789 addressed the Board. Ms. Ivy spoke on concerns regarding conditional use code compliance, safety, privacy, access, dock use, and depreciation of home values.

Leanna DeAngelo representing Lucilva Walton of 1881 Lake Spier Drive, Winter Park, FL 32789 addressed the Board. Ms. DeAngelo expressed that she was in favor of the project and concept and feels that it will increase the property values and will bring in more residents to support small businesses.

Rick Wilson of 1891 Lake Spier Drive, Winter Park, FL 32789 addressed the Board. Mr. Wilson spoke on concerns regarding pollution abatement, flood protection, permit requirements for St. Johns River Water Management District, elevation of the units, installation and maintenance of the fire gate, and the depth and length of the gravity sewer system for future connections.

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

Mr. Spencer inquired about the walls around the ponds on the property and any safety concerns they might create. The applicant's Engineer of Record (EOR) Kim Fischer of 1614 White Dove Drive, Winter Springs, FL 32708 addressed Mr. Spencer's inquiry. She explained that the ponds are dry ponds with small 2-ft retaining walls, which do not create a safety issue. In response to the public comments, Ms. Fischer also noted that a St. Johns River Water Management District permit will be obtained, the pollution abatement is required for the greater of 1 inch over the entire site area or 2-1/2 inches of impervious area, and the ponds are sized for flooding for a 25-year, 24-hour storm event.

Further discussion ensued regarding the recourse for misuse of the fire gate and potential future modifications to the conditions for motorized crafts. City Attorney Dan Langley advised that provisions for approval of the project could be added to address both concerns.

**Motion made by Owen Beitsch, seconded by David Bornstein, for a Conditional Use approval to allow for the development of ten (10) new, two-story, townhouses on the 1.28 acres at 1915 S. Lakemont Avenue, zoned R-2 with the following conditions:**

- **No motorized watercraft use, mooring, storing, tying up or access shall be permitted upon or from the property or the property's docks. At the time of platting, a Declaration of Covenants, Conditions & Restrictions shall be recorded in the public records containing**

language acceptable to and enforceable by the City incorporating this restriction as a deed restriction binding upon the land.

- The emergency access gate to Lake Spier Drive to be provided as described in the plans approved with the conditional use shall be for the City of Winter Park's emergency vehicle use only and there shall be no pedestrian gate or other access point provided between the development and Lake Spier Drive. The homeowners association and lot owners shall not have access rights through the emergency access gate. The developer, at its expense, shall install the emergency access gate, emergency knock box and key box compliant with NFPA requirements. At the time of platting, a Declaration of Covenants, Conditions & Restrictions shall be recorded in the public records containing language acceptable to and enforceable by the City incorporating this restriction as a deed restriction binding upon the land. Further, the final plat shall dedicate to the City an emergency access easement for the City's use of the emergency access gate and setting forth the prohibition of access to Lake Spier Drive by the homeowners association and lot owners.

**Motion carried unanimously with a 7-0 vote.**

- ZTA #21-01. Request of the City of Winter Park for: An Ordinance to amend the Zoning Code to establish regulations for artificial turf including definitions, standards for pervious artificial turf and maintenance requirements.

Mr. Briggs provided a brief summary of the ZTA #21-01 request to the Board. Mr. Briggs reminded the Board that the ordinance had been reviewed and discussed between the Board and Staff at prior work sessions and revised accordingly. He noted that clear specifications were added to identify and define pervious and impervious turfs and the installation and maintenance guidelines for both.

Staff recommendation was for approval.

Mr. Fitch inquired about the frequency of maintenance required for the artificial turf and how it would be enforced. Mr. Briggs addressed Mr. Fitch's inquiry and referenced the maintenance condition in the ordinance and advised that the frequency would be specified in the turf installation agreement required by the ordinance. Mr. Stephenson noted that the frequency of maintenance would depend on the type of turf installed and the installer's guidelines. City Attorney Dan Langley recommended being cautious about creating a one-size-fits-all condition in the ordinance as the varied products may have different maintenance requirements.

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

**Motion made by Michael Spencer, seconded by Richard James, for approval of an Ordinance to amend the Zoning Code to establish regulations for artificial turf including definitions, standards for pervious artificial turf and maintenance requirements.**

**Motion carried unanimously with a 7-0 vote.**

#### **4. New Business:**

No new business.

#### **5. Planning Director's Report:**

No planning report.

#### **6. Board Update & Comments:**

Chairman Johnston requested, with unanimous Board agreement, to have the topics of annexation, fire department, police, schools, and taxation covered at the next work session.

#### **7. Upcoming Meeting Schedule:**

The next regular meeting will be held on April 6, 2021 and the next work session will be on March 23, 2021.

## Adjourn

Meeting adjourned at 7:26 p.m.

Respectfully Submitted,

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Mary Bush

Recording Secretary

Approved by Board on April 6, 2021.