Planning & Zoning Board
Regular Meeting Minutes

April 2, 2024 at 6:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present
David Bornstein, Vashon Sarkisian, Jim Fitch, Warren Lindsey, Michael Spencer, Melissa Vickers

Absent
Alex Stringfellow

Staff Present
Director of Planning and Zoning Allison McGillis, Planning and Zoning Consultant, Jeff Briggs, Senior Planner/Zoning Official John Harbilas, Planner II Nicholas Lewis, Planner I Corinna Lundgren, Administrative Coordinator Mary Bush

1. Call to Order

Chairman David Bornstein called the meeting to order at 5:59 p.m.

2. Consent Agenda

a. Approve the minutes of March 5, 2024.

Motion made by Mellissa Vickers, seconded by Vashon Sarkisian, to approve the March 5, 2024 meeting minutes.

The motion carried by a 6-0 vote. (Alex Stringfellow was absent from the meeting.)

3. Public Comments (for items not on the agenda): Three minutes allowed for each speaker

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

4. Public Hearings (Public participation and comment on these matters must be in person.)

a. Request of Z Properties Group, Inc. for Conditional Use approval to redevelop the site at 111 S. Knowles Avenue with a three-story, 11,280-square-foot building on property zoned Commercial (C-2).

This item has been requested to be tabled by the Applicant until the May 7, 2024 meeting

Mr. Lewis announced that the item had been tabled to the May 7, 2024 Planning & Zoning Board meeting.

b. Request of Michael Wenrich for approval to construct a new, two-story, 6,597 square-foot single-family home located at 1098 McKean Circle on the canal connecting Lakes Maitland and Osceola, zoned R-1AA.

Mr. Lewis provided the Board with a summary of the item. He presented an area map and an aerial of the property. He noted that the applicant was meeting all of their setback, floor-area-ratio, and impervious coverage requirements. He also noted that the applicant was requesting to remove three trees that were well within the buildable area of the lot. He indicated that staff was comfortable with the tree removals as long as they were subject to a condition of approval that the trees be fully mitigated through the City's Urban Forestry Department and tree removal ordinance. He then reviewed the applicant's proposed site plan and noted that the proposed home would be set back from the rear of each adjacent neighboring home, so there would be no issues with the views of the neighbors. He also noted that there would be no issues with the views from the lake and all stormwater requirements would be met.

Staff recommendation was for approval with the following condition:

- That the trees requested for removal be fully mitigated per the requirements of Urban Forestry and the City Tree Removal Ordinance.

The Board inquired about what type of trees would be used to replace the ones to be removed and if there had been any comments received from the neighboring property owners.

The applicant, Michael Wenrich of 865 Nottingham Street, Orlando, FL 32803 addressed the Board and indicated that he was the architect for the project and was there to answer any questions that the Board might have about the project.

The Board asked Mr. Wenrich if the original boathouse would stay on the property. Mr. Wenrich indicated that the intent was to preserve and protect the boathouse but he was not quite sure yet what that might entail because it needed structural rehabilitation.

Motion made by Warren Lindsey, seconded by Melissa Vickers, for approval to construct a new, two-story, 6,597 square-foot single-family home located at 1098 McKean Circle on the canal connecting Lakes Maitland and Osceola, zoned R-1AA, with the following condition:

- **That the trees requested for removal be fully mitigated per the requirements of Urban Forestry and the City Tree Removal Ordinance.**

The motion unanimously carried by a 6-0 vote. (Alex Stringfellow was not present for the meeting.)

c. Request of Michael Wenrich for approval to construct a new, two-story, 10,025 square-foot single-family home located at 581 Sylvan Drive on Lake Osceola, zoned R-1AAA.

Mr. Lewis provided the Board with a summary of the item. He presented an area map and an aerial of the property. He indicated that the Board had previously approved this request, but the applicant had since made changes to the plans that require Planning & Zoning Board approval. He noted that the applicant wanted to relocate the detached garage from the southern lot line to the northern lot line with the removal of a 28-inch caliper oak tree. Mr. Lewis explained that the City's Urban Forestry Department had assessed the tree to be removed and deemed it in good health. Then the applicant provided a letter from a certified arborist that says the tree is not in good health. The City's Urban Forestry Department deemed the applicant's letter not to be up to industry standards. The department then completed another assessment on the tree. Based on the reassessment, the City's Urban Forestry Department felt that the root system of the tree and of a nearby tree of a similar size that had recently fallen were damaged during the original construction of the home. The department then agreed that mitigation was okay for the specimen tree. Mr. Lewis continued discussion, noting that the applicant wanted to add a fire pit area within the 50-foot rear setback. He added that the fire pit was well within the 5% allowable impervious area and did not qualify as a structure as there would be no component of it greater than three feet in height.

Staff recommendation was for approval with the following condition:

- That the trees requested for removal be fully mitigated per the requirements of Urban Forestry and the City Tree Removal Ordinance.

The Board asked for clarification of the type of oak tree that would be removed and expressed concerns about the Urban Forestry Department's change in their decision about the removal of the oak tree. A brief discussion ensued.

The applicant, Michael Wenrich of 865 Nottingham Street, Orlando, FL 32803 addressed the Board. He explained about the aforementioned letter not meeting industry standards and noted that the applicant's arborist submitted another letter that meets industry standards just prior to the meeting.

The Board inquired about the proximity of the tree to the property line and whether or not any neighbors of the applicant's property had expressed issues with the request. Mr. Lewis noted that staff had not heard from any neighbors regarding the request.

Motion made by Vashon Sarkisian, seconded by Jim Fitch, for approval to construct a new, two-story, 10,025 square-foot single-family home located at 581 Sylvan Drive on Lakes Osceola, zoned R-1AAA, with the following condition:

- **That the trees requested for removal be fully mitigated per the requirements of Urban Forestry and the City Tree Removal Ordinance.**

The motion unanimously carried by a 6-0 vote. (Alex Stringfellow was absent from the meeting.)

d. Request of Z Properties for approval to construct a new, two-story, 11,728 square-foot single-family home located at 1602 Summerland Avenue on Lake Maitland, zoned R-1AAA.

Mr. Lewis provided a summary of the item. He noted that the item had been continued from the prior month's Planning & Zoning Board meeting. He then presented an area map and an aerial of the property. He noted that the applicant was proposing 17% floor-area-ratio and 30% impervious lot coverage for the project, which are both less than the code requirement. He also noted that the lakefront setback average is 68 feet and the applicant was proposing a setback of 81.2 feet. He added that the proposed home would be set back from the rear of both neighboring lakefront homes adjacent to the applicant's property. Mr. Lewis indicated that the applicant was asking for a setback of 23 feet in lieu of the 30-foot setback required by code for the first floor on the south lot line. He added that the applicant was also asking for a setback of 30 feet in lieu of the required 40-foot setback for the second story on the north lot line. He also indicated that although there are several existing specimen trees within the buildable area of the property creating the need for the requested setback variances, no trees were being requested for removal. He then briefly reviewed the applicant's drainage plan and first floor site plan. He noted that the applicant was proposing a seven-foot encroachment past the 30-foot required setback for the home's carport and multiple swales that would exceed the required coverage for impervious surface and stormwater runoff. Mr. Lewis mentioned that letters had been received from both the neighbor to the north and the neighbor to the south of the applicant's property with regard to their approval of the applicant's request but with conditions. The neighbor to the south wanted a condition that the applicant would not be able to place vegetation greater than 60 inches in height within 60 feet of the ordinary high water line. The neighbor to the north who owns three of the adjacent properties to the applicant's property wanted to note for the record that adequate access to the drainage easements shared between their properties and the applicant's property was being worked out, that there is a potential possibility for a right-of-way annexation in between their three adjacent properties, and that the applicant needed to address the stormwater on the property with adequate retention. Mr. Lewis then briefly presented and discussed the applicant's elevations and renderings for the request, noting that there were no issues with the views from the lake.

Staff recommendation was for approval with the following condition:

- Any landscaping in the area within 60-feet of the ordinary high-water line along both lot lines be maintained at a height no taller than 60-inches in order to preserve the traditional views of the water by each adjoining neighbor.

The applicant, Zane Williams of 1333 Alberta Drive, Winter Park, FL 32789 addressed the Board. Mr. Williams indicated that he was there to answer any questions that the Board might have about the project.

The Board asked if there would be any linear ponds on the project and if there were any concerns expressed by the owners of the neighboring properties that had not been addressed.

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

The Board expressed that they were pleased that the applicant had preserved all of the trees on the property, did not build to the allowed maximum for the lot, was being very accommodating with the neighbor concerns, and would be implementing dry retention ponds.

Motion was made by Jim Fitch, seconded by Vashon Sarkisian, for approval to construct a new, two-story, 11,728 square-foot, single-family home located at 1602 Summerland Avenue on Lake Maitland, zoned R-1AAA, with the following condition:

- **Any landscaping in the area within 60-feet of the ordinary high-water line along both lot lines be maintained at a height no taller than 60-inches in order to preserve the traditional views of the water by each adjoining neighbor.**

The motion carried unanimously by a 6-0 vote. (Alex Stringfellow was absent from the meeting.)

e. Request of Verax Florida, LLC to Annex the Properties at 1820 & 1824 Karolina Avenue, and establish Parking Lot (PL) Future Land Use and Zoning, rezone the south 1,000 square feet of 1800 Karolina Avenue from Parking Lot (PL) Future Land Use and Zoning to Commercial (C-3) Future Land Use and Zoning, and for Conditional Use approval to build a two-story, 18,790 sq. ft office building on the combined properties at 1801 & 1805 W. Fairbanks and 1800, 1820, & 1824

Karolina Avenue.

Mr. Harbilas provided the Board with a summary of the item. He noted that there were four parts to the request which involved annexation, a Comprehensive Plan amendment, rezoning, and a conditional use. He provided some background on the history of the lot noting that there had been a previously approved application by the former owner of the property for a smaller office building but that was never built. He added that the current applicant had acquired more land, which yields the applicant the ability to build a larger building. He then discussed the applicant's request for annexation of the lots. He noted that certain protections are required due to the existing residential neighborhood located behind the property. He also noted that an overhang will encroach over 1,000 square-feet of the parking area, so the applicant was requesting to rezone the portion of encroachment from Parking Lot (PL) to Commercial (C-3). Mr. Harbilas then briefly reviewed the applicant's landscape plan noting that staff asked the applicant to provide shade trees instead of Ligustrums wherever possible. He went on to note that the applicant had given the second floor a larger footprint than the ground floor to provide some visual interest and articulation on the façade, so the applicant was requesting a small variance for the second floor overhang and to encroach into the required 10-foot setback. Mr. Harbilas then briefly discussed the conditions for approval recommended by staff.

Staff recommendation was for approval with the following conditions:

- Property will grant to the City, an access easement across the parking lot in line with the entrance/exit curb cut, to ensure cross access to adjacent properties is available for future redevelopment to the west.
- A covered bus stop to be proved by the Applicant, at the Lynx stop on Fairbanks Ave, which falls within the Property frontage.
- Where approvable by FDOT and the City, canopy trees will be planted along the Fairbanks Ave. and Clay St. frontages.
- Property will provide a sidewalk easement to the City, for the improvements along Fairbanks Ave. and Clay St. frontages.

The Board inquired about the following:

- if there was any detail of the proposed wall along Karolina Avenue,
- the landscaping requirements for the wall,
- if there would be lighting in the parking lot area,
- if there had been any new development along the north side of Fairbanks Avenue that was required to plant shade trees,
- the number of proposed parking spaces,
- how to prevent light from filtering into the adjacent residential area,
- if there had been any neighbor complaints regarding the request,
- what occupied the property prior to the application,
- if the lots adjacent to the applicant's properties would be landlocked,
- if the proposed parking exceeds the requirement by code,
- clarification regarding the only entrance to parking being on Clay Street,
- clarification of which lots are owned by the applicant,

- and if the proposed wall can be higher than six feet.

The applicant's representative, David Lamm with Lamm & Company Partners at 968 Lake Baldwin Lane, Orlando, FL 32814 addressed the Board. He provided background on the property and its previous ownership. He noted that the property had a ground lease to a cell tower company with access easements on the lot for the power companies utilizing the cell tower located in the middle of the lot. He explained that the applicant wrapped the proposed building around the cell tower to try and hide it because the owners of the cell tower do not want to come to an agreement to remove it. Mr. Lamm then indicated that the proposed overhang is part of a medical need for coverage during pickup and drop off for medical patients. He went on to explain that the encroachment variances the applicant was asking for were to break up the walls of the building to create three dimension to it and allow for street and canopy trees. He also indicated that the applicant was looking forward to working with staff to create a decorative wall with a landscape buffer along the parking lot for a distinct look for the City's corridor. He then noted that photometrics had been submitted with the application, which would be used to adhere to the requirement of shielding light from the residential area.

The Board inquired about the kind of trees that would be planted and the intended design for the wall along the parking lot.

The applicant's architect, Joel Setzer with Dap Design architecture firm spoke on the material to be used for the exterior of the building and the proposed architecture, noting that the applicant was planning to do textured stucco for the exterior.

The Board inquired about the following:

- if there had been any consideration for colors besides white for the exterior of the building,
- how long the cell tower had been on the property,
- how the cell tower was currently separated from passing pedestrians,
- if the cell tower made any noise,
- where the electrical lines of the cell tower run to,
- if there were any environmental issues with rays from the cell tower,
- if there were any people working in the cell tower compound during the day,
- and clarification of the pickup and drop off area for medical patients.

A brief discussion ensued about the face of the second floor of the building along Fairbanks Avenue. The Board expressed that it would be preferred to have it more transparent.

The Board heard public comment from the following residents:

Charles Brenner of 1828 Killarney Drive, Winter Park, FL 32789; Zach Stovall of 1877 Karolina Avenue, Winter Park, FL 32789; Robert Breedlove of 1997 Karolina Avenue, Winter Park, FL 32789; Noel Beaulieu of 1921 Karolina Avenue, Winter Park, FL 32789; and Christopher Rank of 1880 Karolina Avenue, Winter Park, FL 32789.

Julie Smith of 1879 Karolina Avenue, Winter Park, FL 32789 conceded her time to Zach Stovall.

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

The applicant's manager, Ravi Gandhi of 265 East Rollins Street, Orlando, FL 32804 addressed the Board. Mr. Gandhi expressed that he is a resident of Winter Park and understands the concerns of the residents. He indicated that the applicant wanted to make the corridor look more attractive but is hindered by space. He noted that the new building will bring in a higher standard of clients to the area. He then expressed that the applicant's goal was to improve Fairbanks Avenue to make it a more attractive and favorable place for all residents.

The Board inquired about the following:

- clarification of the applicant's stormwater plan,
- the zoning of the applicant's lots,
- how strict office hours for the building can be maintained,
- and the depth of the proposed parking spaces.

A brief discussion ensued regarding shortening the depth of the parking spaces to create extra room to increase the landscaping buffer along Karolina Avenue. The applicant's civil engineer, Mitch Collins indicated that the applicant could reduce the head-end parking spaces from 20 feet to 18 feet to create the extra room.

The Board shared mixed feelings regarding the application, although, there was an overall consensus of the site being a difficult one to redevelop. There were also concerns shared regarding the potential affects on the adjacent residential neighborhood related to lighting and noise, the future office hours for the building, and enforcement of the landscape maintenance for the vegetative buffer. The Board expressed that they would like to see a wider buffer on Karolina Avenue and the applicant have a neighborhood meeting to get feedback from the residents.

Chairman Bornstein disclosed that he had completed projects in the past with David Lamm's architecture company, Lamm & Company Partners.

Motion was made by Warren Lindsey, seconded by Melissa Vickers to table the item to the June 4, 2024 Planning & Zoning Board regular meeting.

The motion failed by a 2-4 vote. (In Favor: Melissa Vickers and Warren Lindsey. Opposed: David Bornstein, Vashon Sarkisian, Michael Spencer, and Jim Fitch. Alex Stringfellow was absent from the meeting.)

Motion was made by Warren Lindsey, seconded by Melissa Vickers to table the item to the May 7, 2024 Planning & Zoning Board regular meeting.

The motion carried unanimously with a 6-0 vote. (Alex Stringfellow was absent from the meeting.)

f. Request of the City of Winter Park for an Ordinance amending Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-83 "Orange Avenue Overlay District (OAO)" to revise the definitions of building story and mixed-use, providing for codification, severability, conflicts and an effective date.

Mrs. McGillis provided a summary of the item. She explained that after the McCraney Property Company, the first applicant to redevelop within the Orange Avenue Overlay (OAO), recently went through the public hearing process the Commission directed staff to revise a few sections of the code to make them clearer on the Commission's intent. The revisions involved making the definition of mixed-use more specific regarding the allowed categories of use and how many of the categories can be deemed a mixed-use, revising the definition of a building story to be clear about what is meant by between the surface of a floor and the floor plate, and a scriveners' error to replace "or" with "and" in regard to building height allowance in Subarea D.

Staff recommendation was for approval.

The Board asked for more clarification regarding the Subarea D height allowance and of the floor plate revision. A brief discussion ensued.

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

Motion was made by Melissa Vickers, seconded by Warren Lindsey, for an Ordinance amending Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-83 "Orange Avenue Overlay District (OAO)" to revise the definitions of building story and mixed-use, providing for codification, severability, conflicts and an effective date.

The motion carried unanimously by a 6-0 vote. (Alex Stringfellow was absent from the meeting.)

5. Action Items

6. Non-Action Items

7. Staff Updates

Mrs. McGillis noted that the terms of the Board appointments of the previous Mayor Phillip Anderson and the Board appointments of the previous Commissioner Sheila DeCiccio were extended to May 30, 2024. She added that the new Board appointments would become effective at the June Planning & Zoning meeting. She also noted that it was Melissa Vickers last meeting as she needed to step down from her Board seat to run for a judicial appointment.

8. Board Comments

The Board requested that the applicant, Verax Florida, LLC come back to their next hearing with a detail of tree options and a wall design. The Board also inquired about the different wall heights allowed in Winter Park. A brief discussion ensued regarding wall height in relation to the Verax Florida, LLC application.

9. Upcoming Agenda Items

10. Adjournment

The meeting adjourned at 8:15 p.m.

Minutes approved by the Board on May 7, 2024.

ATTEST:

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/s/ Mary Bush, Recording Secretary