Planning & Zoning Board
Regular Meeting Minutes

February 6, 2024 at 6:00 PM

City Hall Commission Chambers
401 S. Park Avenue

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

Absent
Alex Stringfellow, Melissa Vickers

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

1. Call to Order

Chairman Bornstein called the meeting to order at 6:00 p.m.

2. Consent Agenda

a. Approve the minutes of January 17, 2024.

Motion made by Warren Lindsey; seconded by Jim Fitch to approve the January 17, 2024 meeting minutes.

The motion carried unanimously by a 5-0 vote. (Alex Stringfellow and Melissa Vickers were 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 Edward Bharath for:** Approval to construct a new, two-story, 852 square-foot addition to the existing single-family home located at 2430 Venetian Way on the Venetian Canal of Lake Maitland, zoned R-1AA.

Mr. Lewis provided a summary of the request. He reviewed the area map, aerial, and site plan for the project. He discussed the front, side, and canal front setbacks for the property along with the floor-area-ratio and impervious lot coverage. He noted that the impervious coverage requirement is being met. He also noted that the project is a renovation of an existing house that is non-conforming. He then explained that because the renovation will not exceed 50% of the valuation costs of the structure as allotted by the Orange County Property Appraiser, the applicant is able to keep the non-conformities of the south side and rear setbacks. He added that staff had received a detailed breakdown of the cost estimate, which was approved and meets the standards of the City's Building and Permitting Department. Mr. Lewis went on to note that the proposed single story porch falls closely in line with the adjacent houses on either side of the property and views on the southern lot line are mitigated by an existing vegetation buffer. He then reviewed the proposed elevations, demo floor plan, and first and second floor plans. He then continued discussion on the lakefront criteria of approval, expressing that no trees would be removed and there were no issues with views from the lake. He indicated that the applicant's proposed stormwater retention swale is too close to two oak trees on the property, so staff added a condition that the stormwater swale be moved away from the trees and also rounded into a more natural shape and grade. Mr. Lewis noted that the neighbor to the north was in favor of the applicant's plans but wanted the existing eight-foot Podocarpus hedge on the north side lot line not to be extended to avoid interference with their views across the canal. He added that staff was including a condition that the hedge not be extended beyond its current location. He then indicated that the applicant had already started work on the project without the Planning & Zoning Board's approval and the City's Building Department's permit review process. He also indicated that the Building Department had taken all steps necessary to make sure that the work ceased and had been done properly and that anything done in the future would first have approval through both the Planning & Zoning Board and the permitting process.

Staff recommendation was for approval with the following conditions:

1. That the Podocarpus hedge on the north side lot line does not extend towards the canal front beyond the existing hedge line to avoid degradation of the traditional views of the water by the neighbors.
2. That the swale locations be redrawn into a more natural shape and that “swale #1” be adequately setback from the existing two oak trees that currently fall within its location per approval by the City’s Urban Forestry and Public Works Departments.

The Board inquired about how far the proposed home would be from the waterline, if the home is currently on a sewer or septic system, if a new septic tank could be required, and if fines had been levied for the applicant's premature start of construction on the home.

The applicant, Edward Bharath at 3670 Wilde Avenue, Winter Park, FL 32792 addressed the Board. He indicated that he was in agreeance with what had been presented by staff for the request.

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

The Board asked if the request needed to be re-advertised because of the premature start of construction. Staff replied that it did not need to be re-advertised.

Motion made by Vashon Sarkisian, seconded by Jim Fitch, for approval to construct a new, two-story, 852 square-foot addition to the existing single-family home located at 2430 Venetian Way on the Venetian Canal of Lake Maitland, zoned R-1AA with the following conditions:

1. **That the Podocarpus hedge on the north side lot line does not extend towards the canal front beyond the existing hedge line to avoid degradation of the traditional views of the water by the neighbors.**
2. **That the swale locations be redrawn into a more natural shape and that "swale #1" be adequately setback from the existing two oak trees that currently fall within its location per approval by the City's Urban Forestry and Public Works Departments.**

The motion carried unanimously by a 5-0 vote. (Alex Stringfellow and Melissa Vickers were absent from the meeting.)

b. **Request of Clermont Investment LLC for:** Conditional Use approval for a 170 seat restaurant, for the property at 610 W Morse Boulevard, zoned C-3A.

Mr. Harbilas provided a summary of the item. He noted that the restaurant The Coop had been located on the property until it closed down last year. He added that now the applicant was looking to lease the property for restaurant use again. He indicated that the restaurant has a 170 seat capacity. He also indicated that the property has 28 parking spaces onsite and that the applicant has secured a 10-year lease for an additional 29 parking spaces at a church across the street from the property.

Staff recommendation was for approval.

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

Motion made by Warren Lindsey, seconded by Michael Spencer, for Conditional Use approval for a 170 seat restaurant, for the property at 610 W Morse Boulevard, zoned C-3A.

The motion carried unanimously by a 5-0 vote. (Alex Stringfellow and Melissa Vickers were absent from the meeting.)

c. **Request of McCraney Property Company for:** Conditional Use approval under the provisions of the Orange Avenue Overlay in order to build a new 3-story, 29,500-square-foot office building on the vacant 1.88 acres located at 1100 Orange Avenue.

Mrs. McGillis noted that earlier in the day before the meeting, the applicant provided staff with an alternate site plan for the project substantially different from the one that was included in the Board's meeting packet. She explained that the City has a code provision affirming that anything produced by an applicant after the Board's meeting packet has gone out cannot be heard at the corresponding public hearing. She further explained that if the applicant wanted to move forward with the alternate site plan, the request would need to be re-advertised for a subsequent meeting.

City Attorney Langley addressed the Board and explained that Florida Land Development Code Section 58-90G, the provision that governs conditional use applications, clearly provides that the board only consider the plans that are in their agenda packet. He added that if there's a substantial change to the plans by the applicant, then the Board must not act until they receive the revised plans and the public is able to see the revised plans. He further explained that there is another provision in the same section indicating that if there is a substantial change in the applicant's plans, the City Commission must have that plan go back to the Planning & Zoning Board before they act upon it. He expressed that it would be a waste of time to proceed with a different plan since it would be kicked back to the Board.

The applicant's attorney, Becky Wilson, at 215 N. Eola Drive, Orlando, FL 32801 addressed the Board. Attorney Wilson stated that the applicant submitted an alternate site plan in reaction to requests in the staff report regarding a roundabout and a right-of-way. She noted that the applicant was happy to move forward with the site plan as presented in the Board packet and to consider any conditions the Board wanted to include. A brief discussion ensued between the Board, City Attorney Langley, and Attorney Wilson regarding proceeding with the original site plan and adding conditions. Attorney Wilson then expressed that the applicant desired to proceed with the hearing based on the site plan that was provided in the Board packet.

Mrs. McGillis provided a summary of the item. She noted that the applicant was requesting several waivers and to vacate a deed restricted greenspace easement located on the property. She provided details of the greenspace easement and explained why it was created. She indicated that the Board would have to decide if they wanted to allow the greenspace easement to be vacated and if they wanted to allow the space to be covered with pavement or soil. She then noted that the City had completed several traffic studies for the proposed roundabout at the Minnesota Avenue, Denning Drive, and Orange Avenue intersection to improve the traffic flow. Mrs. McGillis went on to note that the applicant was meeting the code requirements for Subarea I, the sidewalk upgrades for Denning Drive and Minnesota Avenue, stormwater retention, and parking. She then briefly spoke about the trees to be preserved and the Orange Avenue Overlay District (OAO) allowances for floor to ceiling height. She noted that a condition of approval would be needed to eliminate a few proposed parking spaces to preserve two oak trees. She continued discussion and stated that the applicant wanted a waiver of the 25% mixed use requirement of Subarea I. She then reviewed the applicant's landscape plan regarding meaningful open space and indicated that staff would like oak trees rather than palm trees used for shade. She added that the applicant had provided a shade analysis in an effort to show that palm trees provide as much shade as oak trees. Mrs. McGillis then explained that the applicant's request had been presented at the OAO Appearance Review Advisory Board meeting on January 17, 2024 and four architectural waivers were requested. She discussed each of the four waivers which were in regard to the third floor step back, the third floor overhang, articulation, and the screen wall height. She the noted that the OAO Appearance Review Advisory Board approved all requested waivers along with four additional recommendations.

Staff recommendation was to table the item until a revised site plan was produced.

The Board inquired about the applicant's request to have the greenspace easement vacated and the 10-foot third floor step back of the building meeting code requirements.

Attorney Wilson addressed the Board and provided background on the property and the greenspace easement and explained what the City would get in exchange for the open space. She then noted that the OAO came after the greenspace easement was placed on the property and then spoke about the mixed use requirements under the OAO. She indicated that the OAO is the only area of the City that has any type of architectural review requirement. She added that the OAO Appearance Review Advisory Board was in support of the architecture of the building, the waivers requested, and had expressed that the code needed to be changed regarding the screening of the A/C equipment on the roof top.

The applicant, Steven McCraney of 1216 N. Park Avenue, Winter Park, FL 32789 addressed the Board. Mr. McCraney provided some background on the project which started about 18 months ago. He indicated that the goal is to build a class A office building that will benefit the corridor to the City. He then noted that he had a volunteer community meeting regarding the project on January 25, 2024 and received positive feedback from the meeting. He added that he felt the project would provide various opportunities for employees and businesses within the City.

The Board inquired about how many people attended the community meeting out of the 284 that were invited.

A member of the applicant's architectural design team, Daniel Gordon with HuntonBrady Architects of 1111 Greenwood Street, Orlando, FL 32801 addressed the Board. Mr. Gordon spoke about the architectural details of the project. He also discussed the articulation of the building and its interaction with the streetscape and pedestrians. He noted that the recommendations made by the OAO Appearance Review Advisory Board had been added to the site plan. He indicated that the strict interpretation of the OAO guidelines would be detrimental to the quality of the building, so the OAO Review Board saw it fit to approve the applicant's requested waivers.

Chairman Bornstein requested to take a recess at 7:00 p.m. due to technical difficulties. The meeting resumed at 7:10 p.m.

Another member of the applicant's architectural design team, Maurizio Maso with HuntonBrady Architects at 333 South Garland Avenue, Orlando, FL 32801 addressed the Board and discussed the elevations for the project and the changes made per the recommendations by the OAO Appearance Review Advisory Board. He detailed the articulation of the eyebrow on the east elevation and the glass element.

Attorney Wilson addressed the Board. She spoke about the floor-area-ratio and parking for the project. She also briefly reviewed the revised site plan that was not included in the Board packet. She spoke about the changes made including those affecting the open space and the location of the building. She then continued discussion on the mixed use requirement, the City's office vacancy status, the City's code provisions that define a substantial change with regard to site plans, planting of oak trees rather than palm trees along Denning Drive, vacating the greenspace easement in exchange for maintaining the proposed meaningful open space, and allowing the zoning of only office for the project.

The Board inquired about the following:

- if a cafe had been considered for the mixed use requirement,
- how pedestrians would be able to use the meaningful open space,
- how the third floor balcony space would be utilized,
- the reason for the extra height of the mechanical screening wall,
- how far the mechanical screening wall would be from the edge of the building,
- if the applicant would be able to save the oak trees the City requires to be preserved,
- if retail on the first floor of the building had been considered,
- if the applicant had considered letting people from the park across the street

from the project park their vehicles at the office building,
- the definition of a substantial change to a site plan,
- and if the revised site plan would be a condition of approval.

City Attorney Langley explained that because it appeared that the applicant would be keeping the same open space percentage, same parking counts, and overall just moving the building back and shifting where the open space would be, it would not trigger one of the five criteria in the code that would deem it a substantial change from what was included in the Board's agenda packet.

The Board heard public comment from the following residents.

Damien Madsen of 350 E. Kings Way, Winter Park, FL 32789; Jeff Patterson of 400 S. Park Avenue, Winter Park, FL 32789; Fred Thimm of 1234 Orange Avenue, Winter Park, FL 32789; Sara Brady of 929 Garden Drive, Winter Park, FL 32789; and David Carmany of 1008 Genius Drive, Winter Park, FL 32789.

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

The Board asked for clarification of what would be placed in the greenspace in front of the building along Denning Drive on the revised site plan. Attorney Wilson confirmed that benches and palm trees would be in the greenspace. She also noted that the office building would be moved back from the right-of-way, 46.2-feet.

The Board then briefly expressed their thoughts on the request. The majority of the Board expressed favor for the revised site plan, although, there was also a concern expressed that the changes needed to be further discussed prior to the Board making a final decision.

Motion made by Warren Lindsey, seconded by Jim Fitch, to table the request to the March 5, 2024 Planning & Zoning Board meeting.

The motion failed by a 2-3 vote. (In Favor: Warren Lindsey and Jim Fitch. Opposed: Vashon Sarkisian, Michael Spencer, and David Bornstein. Melissa Vickers and Alex Stringfellow were absent from the meeting.)

The Board asked to review the recommendations from staff again. Mrs. McGillis went over the recommendations with the changes from the revised site plan submission.

Attorney Wilson recommended a motion that would encompass what the applicant was proposing and what staff had concerns about. She noted that the applicant would agree to provide the right-of-way that the City requested for the roundabout.

A brief discussion ensued about the articulation waivers for the project and clarification of what the Board motion would entail.

Motion made by Michael Spencer, seconded by Vashon Sarkisian, for Conditional Use approval under the provisions of the Orange Avenue Overlay in order to build a new 3-story, 29,500-square-foot office building on the vacant 1.88 acres located at 1100 Orange Avenue, with the following waivers and conditions:

Architectural Waivers:

- **Articulation – Elevations do not conform to the requirement to provide articulation offset four feet, material change, window, entryway or other breakup of the building façade at least every 30 feet, both vertically and horizontally.**
- **Screen wall height – 59′ requested where 53′ is the max allowed to hide the 12-foot-tall mechanical equipment from the right-of-way, subject to Building Official approval.**

Conditions:

- **That the setback for the right-of-way for a future roundabout be provided.**
- **That the 25% mixed use requirement be waived.**
- **That the open space easement be removed in favor of the open space shown on the revised plan.**
- **That the palm trees at Denning Drive and Minnesota Avenue be replaced with oak trees or another shade tree as approved by Urban Forestry.**
- **That the parking space next to the tree along Minnesota frontage be removed and the 16-inch oak tree within the green space easement be preserved.**

The motion carried unanimously by a 5-0 vote. (Melissa Vickers and Alex Stringfellow were absent from the meeting.)

d. **Request of Andrea Jacobs on behalf of the Villa Vienda Condominium at 221 Holt Avenue for:** Conditional Use approval to allow for the six existing condominiums to be used as a bed and breakfast, zoned R-3.
APPLICATION WITHDRAWN FOR RE-ADVERTISING

Mrs. McGillis expressed to the Board that the item had been withdrawn for re-advertising.

5. Action Items

6. Non-Action Items

7. Staff Updates

8. Board Comments

9. Upcoming Agenda Items

10. Adjournment

The meeting adjourned at 8:06 p.m.

Minutes approved by the Board on March 5, 2024.

ATTEST:

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/s/ Mary Bush