Planning & Zoning Board Regular Meeting Minutes

June 11, 2024 at 6:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present
David Bornstein, Jason Johnson, Bill Segal, Jim Fitch, Alex Stringfellow, Warren Lindsey, Michael Spencer

Absent
None

Staff Present
City Attorney Dan Langley, Director of Planning and Zoning Allison McGillis, Planning 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 6:00 p.m.

2. Selection of Chair and Vice Chair

Motion made by Michael Spencer, seconded by Alex Stringfellow, to nominate David Bornstein as Chair of the Board. Mr. Bornstein accepted the nomination.

By a roll call vote, the motion carried 5-2.

Motion made by Alex Stringfellow, seconded by Warren Lindsey, to nominate Michael Spencer as Vice-Chair of the Board. Mr. Spencer accepted the nomination.

By a roll call vote, the motion carried 4-3.

3. Consent Agenda

a. Approve the minutes of May 7, 2024.

Motion made by Warren Lindsey, seconded by Alex Stringfellow, to approve the May 7, 2024 meeting minutes.

The motion carried unanimously by a 7-0 vote.

4. 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.

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

a. SPR #24-08. Request of Charles Clayton Construction for approval to construct a new, two-story, 17,435 square-foot, single-family home located at 1190 N. Park Avenue on Lake Maitland, zoned R-1AAA.

Mr. Lewis provided a summary of the item. He noted that both the floor-area-ratio and the impervious lot coverage met code, all setback requirements were being met, no variances were being requested, and the existing structure had been demolished. He then reviewed the applicant's site plan and noted that no specimen trees were being removed, multiple swales were proposed for the property meeting the retention requirements, and the views from the lake and the views from the neighbors would not be infringed upon. He indicated that the applicant was proposing a sports court in the northwestern corner of the property but was not proposing any fence or wall component for it at that time.

Staff recommendation was for approval with the following condition:

- That any future wall or fence around the proposed sports court be limited to six feet in height.

The Board inquired about any neighborhood comments received regarding the request, and if any lighting would be addressed for the sports court.

The applicant, Charlie Clayton at 940 Old England Avenue, Winter Park, FL 32789 addressed the Board and indicated that there had been a lot of back and forth communication with staff regarding the design of the project to meet the code requirements.

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

Motion made by Warren Lindsey, seconded by Jason Johnson, for approval to construct a new, two-story, 17,435 square-foot, single-family home located at 1190 N. Park Avenue on Lake Maitland, zoned R-1AAA, with the following condition:

- **That any future wall or fence around the proposed sports court be**

limited to six feet in height.

The motion carried unanimously by a 7-0 vote.

b. SPR #24-09. Request of Z Properties for approval to construct a 1,375 square-foot addition to the existing single-family home located at 1290 N. Park Avenue on Lake Maitland, zoned R-1AAA.

Mr. Lewis provided a summary of the item. He briefly discussed the Comprehensive Plan policy regarding preservation of lakefront estates. He noted that the applicant had obtained approval for historic designation of the property and a variance for splitting the lot. He also noted that the floor-area-ratio, impervious lot coverage, and the lakefront setback all met code requirements. He indicated that the applicant was proposing two additions to the lakefront home; a detached office space and guest suite and an attached two-car garage. He also indicated that the Board needed to re-approve the variances for the additions that had been approved at a previous hearing for the lot split. Mr. Lewis then noted that no specimen trees were being removed, multiple swales were proposed for the property meeting the retention requirements, and the views from the lake and the views from the neighbors would not be infringed upon. He then reviewed the proposed elevations for the additions and noted that the architecture would match that of the existing historically designated lakefront home.

Staff recommendation was for approval with the following conditions:

- That the proposed additions be approved for architectural integrity matching that of the existing historic structure by the Historic Preservation Board.
- That an additional 15 feet of bamboo be installed along the eastern lot line towards the lakefront.

The Board inquired about any proposed tree removals and the reason for the extra feet of bamboo screening condition.

The applicant, Zane Willams at 1333 Alberta Avenue, Winter Park, FL 32789 addressed the Board and indicated that he was available for any questions.

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

Motion made by Jason Johnson, seconded by Bill Segal, for approval to construct a new, 1,375 square-foot addition to the existing single-family home located at 1290 N. Park Avenue on Lake Maitland, zoned R-1AAA, with the following conditions:

- That the proposed additions be approved for architectural integrity matching that of the existing historic structure by the Historic Preservation Board.

The motion failed by a 3-4 vote. (In Favor: Bill Segal, Jason Johnson, and Michael Spencer. Opposed: Jim Fitch, Warren Lindsey, Alex Stringfellow, and David Bornstein.)

Motion made by Warren Lindsey, seconded by Alex Stringfellow, for approval to construct a new, 1,375 square-foot addition to the existing single-family home located at 1290 N. Park Avenue on Lake Maitland, zoned R-1AAA, with the following conditions:

- **That the proposed additions be approved for architectural integrity matching that of the existing historic structure by the Historic Preservation Board.**
- **That an additional 15 feet of bamboo be installed along the eastern lot line towards the lakefront.**

The motion carried unanimously by a 7-0 vote.

c. CU #24-08. Request of Rollins College for Conditional Use and Special Permit approval to build a 45,842 square foot Rollins Faculty & Staff housing building of 30 units that is a combination of two and three stories.

Mr. Briggs provided a summary of the item. He noted that the property is mostly vacant except for the existing Dan Hunter apartments. He then briefly discussed the applicant's previous plans and noted that the applicant was currently presenting two new plan options to the Board. He then reviewed both site plans. He noted that site plan Option #2 included a pocket park on the corner of Virginia and Welbourne Avenues. He then discussed the proposed elevations for the project, noting the Mediterranean architectural styling, and the differentiation in height along the building and its varied roof elements, including a two-story portion of the building. Mr. Briggs went on to discuss the City's code requirements for unit density. He noted that the applicant was asking for four of the non-conforming units of the Dan Hunter apartments to be added to the density of the project by City Commission approval of a "special permit". He also noted that the project was significantly smaller in floor-area-ratio density than what is entitled by the City's R-3 zoning. He went on to discuss the project's parking allocations and why 58 parking spaces were being proposed for the 30 units of the project instead of the 75 parking spaces required by code.

Staff recommendation was for approval of site plan Option #2 with the following conditions:

- Rollins shall provide a 5-foot easement along the West Welbourne Ave for City to install on-street parking and street trees in bump-outs

- Approval shall prohibit undergrad and grad housing and no classroom instruction space
- Property to remain subject to ad valorem taxes unless otherwise permitted by FL statutes
- Landscape plan approved by city staff with no drainage swales along the Welbourne Avenue frontage to inhibit the landscape design
- Construction plans to indicate laydown area during construction
- Lease of units by Rollins College shall be a minimum of 6 months; only plants and patio furniture on patios and balconies
- Solar on roof (specs TBD)
- Rollins and City to coordinate on undergrounding of powerlines

The Board inquired about the following:

- the number of units and parking spaces allowed per code,
- the applicant's removal of the community benefit agreement condition to maintain the property as faculty and staff housing,
- the number of parking spaces proposed for the parking on Welbourne Avenue,
- creating a condition to require a pilot program if the applicant applied for a waiver of ad valorem taxes,
- the process of ensuring the designs and elevations presented to the Board are what is built,
- whether staff had any information on the parking ratios for the project,
- how the special permit request is evaluated,
- where the restriction of the applicant to no less than six-month leases for the units would be documented,
- if all of the lots fronting Welbourne Avenue needed to adhere to the code's two and a half story requirement,
- if there had been any pilot programs done for any other project in the City,
- how the additional Welbourne Avenue parking and construction costs would be paid,
- the applicant's Exhibit B - Agreement of Transferee document,
- if it would be permissible through the conditional use to increase density above the existing density regardless of the settlement agreement,
- and if there had been a recent community meeting conducted by the applicant.

Discussion ensued regarding the applicant's Exhibit B - Agreement of Transferee document. City Attorney Langley clarified that the document had been delivered to the City recently and was from Holt Properties, LLC and Rollins College and executed by the Vice President of Rollins College. Discussion then ensued about the date of the document, who owned the property at the time the Agreement of Transferee was executed, and how New England Partners who previously owned the property would be able to assign their rights and obligations under the agreement without an assignment document.

The applicant's attorney, Becky Wilson at 215 N. Eola Drive, Orlando, FL 32801 addressed the Board. Attorney Wilson discussed the background of the Agreement of Transferee, what properties were subject to the agreement, and who signed the agreement. She also discussed the total number of units that were being proposed for the project and why they were being proposed.

The applicant's developer, Alan Ginsburg at 300 S. Interlachen Avenue, Winter Park, FL 32789 addressed the Board. He provided some background on the project and explained why the college wanted to complete it. He noted that the college wanted to build high quality and attainable housing in which the rent would be subsidized by the college. He also spoke about the college's intent regarding a community benefit agreement and how the project would benefit the community, as well as the college's intent regarding ad valorem taxes.

The applicant's architect, Rob Schaeffer at 726 Andover Circle, Winter Springs, FL 32708 addressed the Board. He noted that he was asked by the applicant to make the proposed building look nice and more aesthetically appealing to the community. He indicated that part of his strategy to accomplish the request was to push certain parts of the building back, add landscape pockets in between the various segments of the building, and add unique elements throughout the building. He then discussed the architectural details of the building and the revisions that were made.

The Board inquired about the following:

- how the materials for the building were selected,
- the function of the grass parking on the site plan options,
- what units would the architect suggest be eliminated if the project needed to be reduced to 26 units,
- what percent of the parking is included in the stormwater retention system,
- if the college was willing to sign a community benefit agreement,
- if the college was willing to pay toward police and fire services under a pilot program
- and what impact fees the applicant would be subject to.

The Board heard public comment from the following residents:

Mark Butner of 325 W. Welbourne Avenue, Winter Park, FL 32789; Robert Higgins of 190 S. Virginia Avenue, Winter Park, FL 32789; Beth Hall of 516 Sylvan Drive, Winter Park, FL 32789; Michael Dick of 100 S. Virginia Avenue, Winter Park, FL 32789; Gigi Papa of 1440 Hibiscus Avenue, Winter Park, FL 32789; and Jim Constantine of 430 W.

New England Avenue, Winter Park, FL 32789.

Jill Butner of 325 W. Welbourne Avenue, Winter Park, FL 32789 ceded her time to Mark Butner.

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

Attorney Wilson addressed the Board and noted that Rollins College currently has 28 units on a portion of the property and 14 of the units are on New England Avenue and the other 14 units are part of the project. She added that the applicant wanted to tear down the 14 units within the project area and rebuild. She also noted that the college was willing to re-add a community benefit agreement to the application.

Mr. Ginsburg addressed the Board and indicated that the applicant was willing to agree to a 30-year community benefit agreement restricting the use of the building for faculty and staff housing only, and to commit to the presented architectural design of the building.

The Board shared their thoughts on the project. Discussion ensued regarding the date of the Agreement of Transferee, concerns regarding whether the project complies with the code, the validity and the enforceability of the settlement agreement, what community benefits the project would provide, requiring the applicant to pay some share of a city tax that represents police and fire services, and tabling the item.

Motion made by Warren Lindsey, seconded by Jim Fitch, to table the item to the July 2, 2024 Planning & Zoning Board meeting to allow the applicant to conduct another community meeting, the City attorney to create a draft of a pilot program, and the applicant to come back with a new community benefit agreement.

The motion carried by a 4-3 vote. (In Favor: Warren Lindsey, Jim Fitch, BIll Segal, and Jason Johnson. Opposed: Alex Stringfellow, David Bornstein, and Michael Spencer.)

d. CU #24-06. Request of Verax Lakemont, LLC for Conditional Use approval to construct a two-story, 17,626-square foot medical office building on the vacant 1.213 acres of properties at the northwest corner of Aloma and Lakemont Avenue including the properties listed as 1851/1861/1871 Aloma Avenue and 443/453 N. Lakemont Avenue, zoned Office (O-2) and Parking Lot (PL) districts.

Mr. Briggs provided a summary of the item. He noted that there is a live oak tree at the corner of Lakemont and Aloma Avenues and one by the residential property line that would be preserved. He added that the applicant would receive credit for the parking spaces that would not be feasible to create in order to preserve the trees. He then briefly discussed the parking requirement for the property under its intended medical use. He went on to discuss the architectural details of the project, access to the property and how it would affect traffic to and from the adjacent streets, the portion of the property that would be used for right-of-way dedications along Lakemont Avenue to create a double left lane, the applicant's proposed landscape and photometric plans, and the applicant's proposed underground stormwater retention plan.

Staff recommendation was for approval with the following conditions:

- That the parking spaces along the western edge of the building be shortened in length from 20 feet to 18 feet (18 feet is code) in order to shift the building 2-feet to the west to allow 5-feet of landscape area up against the eastern wall of the building.
- That the right-of-way dedications described above be made prior to certificate of occupancy for the building and that in the interim until the road is widened, the applicant landscape such areas.
- That the property owner will grant to the City, a cross-access easement, to ensure cross access to adjacent properties is available for future redevelopment to the west.
- That there be a six-foot wall made of stone, concrete, or masonry along the northern property lines to provide an appropriate buffer to the residential properties.

The Board inquired about the possibility of left turns onto Lakemont Avenue from the property, the zoning of lot #25, if any of the neighbors had suggested making any of the adjacent streets one way to reduce cut through traffic, and if there would be single or multiple tenants for the project's building.

The applicant, Mitch Collins at 801 E. South Street, Orlando, FL 32801 addressed the Board and indicated that he was available to answer any questions.

The Board inquired about who would be the tenant of the building. A brief discussion then ensued with the potential tenant, Javier Miller of 1555 Glencoe Road, Winter Park, FL 32789, about the intended hours of operation.

The Board heard public comment from the following residents:

Beth Hall of 516 Sylvan Drive, Winter Park, FL 32789; Laura Laboda of 1765 Edwin Boulevard, Winter Park, FL 32789; and Barry Laboda of 1765 Edwin Boulevard, Winter Park, FL 32789.

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

Mr. Collins addressed the Board and spoke about access to the property at the corner of Lakemont and Aloma Avenues, and the general height of the building and the height of the tower features of the project.

A brief discussion ensued regarding the maximum allowed height of buildings and parapets, if the project's square footage adhered to code, the distance from the rear of the building to the rear property line, concerns regarding the cross access easement, the possibility of including as a condition for right turns only out of the Lakemont Avenue exit from the property during the peak hours, the number of trips generated by the use of the project regarding traffic, and if the applicant's proposed dumpster location was the best option available.

Motion made by Alex Stringfellow, seconded by Michael Spencer, for Conditional Use approval to construct a two-story, 17,626-square foot medical office building on the vacant 1.213 acres of properties at the northwest corner of Aloma and Lakemont Avenue including the properties listed as 1851/1861/1871 Aloma Avenue and 443/453 N. Lakemont Avenue, zoned Office (O-1) and Parking Lot (PL) districts, with the following conditions:

- **That the parking spaces along the western edge of the building be shortened in length from 20 feet to 18 feet (18 feet is code) in order to shift the building 2-feet to the west to allow 5-feet of landscape area up against the eastern wall of the building.**
- **That the right-of-way dedications described above be made prior to certificate of occupancy for the building and that in the interim until the road is widened, the applicant landscape such areas.**
- **That the property owner will grant to the City, a cross-access easement, to ensure cross access to adjacent properties is available for future redevelopment to the west.**
- **That there be a six-foot wall made of stone, concrete, or masonry along the northern property lines to provide an appropriate buffer to the residential properties.**

The motion carried unanimously by a 7-0 vote.

e. ZTA #24-03. Request of the City of Winter Park for an Ordinance establishing Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-97 "Community Engagement".

Mrs. McGillis provided a summary of the item. She reviewed the details of the proposed ordinance. She briefly discussed who would be subject to the ordinance, the notice and location requirements, the required evidence of the meeting, and the requirements addressing the feedback from the meeting.

Staff recommendation was for approval.

The Board inquired about the required meeting report being included in the agenda packet for the subsequent public hearing.

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

Motion made by Jason Johnson, seconded by Michael Spencer, for approval of an Ordinance establishing Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-97 "Community Engagement".

The motion carried unanimously by a 7-0 vote.

f. CPA #24-02/RZ #24-02. Request of City of Winter Park for:

- An Ordinance amending Chapter 58, "Land Development Code", Article I "Comprehensive Plan" Future Land Use Map to change the Future Land Use designation of Office to Institutional Future Land Use on the city-owned property located at 655 N. Wymore Road.
- An Ordinance amending Chapter 58, "Land Development Code", Article III, "Zoning" and the official Zoning Map to change from Office (O-1) Zoning to Public, Quasi-Public (PQP) Zoning on the city-owned property at 655 N. Wymore Road.

Mrs. McGillis provided a summary of the item. She noted that the property was previously owned by the Florida Department of Transportation and was planned to be used for a fire training facility and potentially a fire station for the City of Winter Park.

Staff recommendation was for approval.

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

Motion made by Jason Johnson, seconded by Michael Spencer, for approval of an Ordinance of The City of Winter Park, Florida Amending Chapter 58, "Land Development Code", Article I "Comprehensive Plan" Future Land Use Map so as to change the future land use designation of Office to Institutional on the property at located at 655 N. Wymore Road; and an Ordinance of The City of Winter Park, Florida Amending Chapter 58, "Land Development Code", Article III, "Zoning" and the Official Zoning map so as to change from

office (O-1) Zoning to Public, Quasi-Public (PQP) Zoning on the property at 655 N. Wymore Road.

The motion carried unanimously by a 7-0 vote.

g. CPA #24-03/RZ #24-03 Request of City of Winter Park for:

- An Ordinance amending Chapter 58, "Land Development Code", Article I "Comprehensive Plan" Future Land Use Map to change the Future Land Use designation of Office to Institutional Future Land Use on the city-owned property located at 1401 Howell Branch Road.
- An Ordinance amending Chapter 58, "Land Development Code", Article III, "Zoning" and the official Zoning Map to change from Office (O-1) Zoning to Public, Quasi-Public (PQP) Zoning on the city-owned property at 1401 Howell Branch Road.

Mrs. McGillis provided a summary of the item. She noted that the property was an old veterinary building that the City had acquired and would potentially be the future location of the City's Building and Permitting Services department.

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 approval of an Ordinance of The City of Winter Park, Florida Amending Chapter 58, "Land Development Code", Article I "Comprehensive Plan" Future Land Use Map so as to change the Future Land Use Designation of commercial to Institutional on the property at located at 1401 Howell Branch Road, and an Ordinance of The City of Winter Park, Florida Amending Chapter 58, "Land Development Code", Article III, "Zoning" and the Official Zoning Map so as to change from Commercial (C-3) Zoning to Public, Quasi-Public (PQP) Zoning on the property at 1401 Howell Branch Road.

The motion carried unanimously by a 7-0 vote.

6. Action Items

7. Non-Action Items

8. Staff Updates

Mrs. McGillis encouraged the Board to attend the City's upcoming Board Orientation scheduled for June 13, 2024.

9. Board Comments

A brief discussion ensued regarding video capability for the Planning & Zoning Board work sessions.

10. Upcoming Agenda Items

11. Adjournment

The meeting adjourned at 9:49 p.m.

Minutes approved by the Board on July 2, 2024.

ATTEST:

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/s/ Mary Bush, Board Secretary