



Planning & Zoning Board Regular Meeting Minutes

July 2, 2024 at 6:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

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

Absent

Jason Johnson

Staff Present

City Attorney Dan Langley, Director of Planning and Zoning Allison McGillis, Park Services Manager Josh Nye, 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. Consent Agenda

- a. Approve the minutes of June 11, 2024.

Motion made by Warren Lindsey, seconded by Michael Spencer, to approve the June 11, 2024 meeting minutes.

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

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

The Board heard public comment from the following resident:

Gigi Papa of 1440 Hibiscus Avenue, Winter Park, FL 32789. Ms. Papa spoke about concerns regarding statements that were made at the July 2, 2024 Planning & Zoning Board meeting with regard to the importance of Rollins College to the city of Winter Park. She noted that the city's boards should be advocating for the best interests of Winter Park residents.

No one else 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. 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. **Applicant has requested to table this item until the August 6, 2024 meeting agenda.**

Chairman Bornstein explained that due to the applicant not having anyone available to attend and present the item at the meeting, the applicant requested to table it until the August 6, 2024 regular meeting.

Motion made by Bill Segal, seconded by Michael Spencer to table the item until the August 6, 2024 regular meeting.

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

- b. SUB #24-02. Request of William Keegan for subdivision approval to split the properties at 1760 and 1780 Bryan Avenue into three single-family lots, zoned R-1A. Each proposed lot would have 66.8 feet of lot width and 8,466 square feet of lot area in lieu of the 75 feet of lot width and 8,500 square feet of lot area required by R-1A zoning.

Mr. Lewis provided a summary of the item. He indicated that the applicants' lots are both 100 feet in width, but the neighboring lots vary greatly in lot size. He then noted that the applicant had provided preliminary plans and elevations for the proposed homes, and they all meet the city's single-family requirements and setback criteria. He then explained that as part of the city's 2023 comprehensive plan amendment, the subdivision lot conformance standards for the neighborhood test was revised to be more street focused, with the review radius changed from 500 feet to 300 feet and on the same block. He also indicated that the lots meet the amendment's new median lot width and size criteria. Mr. Lewis then noted that the request had previously been approved by the Board in 2020. He added that at that time the applicant pulled the request before being heard by the City Commission and the project was placed on the back-burner due to the COVID-19 pandemic. He went on to note that staff had received 18 letters of support for the item from the surrounding neighbors, but one neighbor to the rear of the lots had expressed concerns regarding existing invasive landscape species on the lots and a dilapidated wood fence along the rear property line. He indicated that the applicant had agreed to remove the invasive landscape species and replace the dilapidated wood fence with a white vinyl fence.

Staff recommendation was for approval with the following conditions:

- That the final front elevations of the homes be of varied architectural styles to each other to provide diversity to the neighborhood;
- That invasive landscape species be removed from the properties; and
- That the existing, dilapidated wood fence along the rear property line be removed and replaced with a 6-foot white vinyl privacy fence, installed in a manner that does not damage the neighbor's existing podocarpus landscaping.

The Board asked if the lots were currently vacant, about the applicant's intent with regard to developing and building on the lots, and for clarification of the width of the adjacent neighboring lots. Mr. Lewis noted that the lots currently have homes on them and the applicant wanted to split the lots and sell them separately.

The applicant's representative, Raul Veitia at 1561 Lyndale Boulevard, Maitland, FL 32751 addressed the Board. He noted that staff had provided a good explanation of the applicant's plan and purpose for the three proposed lots.

The Board inquired with Mr. Veitia about when construction was expected to be started, and he responded that it was expected to be started within the 12 months following the City Commission's hearing for the item, if approved.

The Board heard public comment from the following residents:

Barry and Laura Laboda of 1765 Edwin Boulevard, Winter Park, FL 32789. Both residents shared concerns regarding the item but felt it would be in the best interest of the neighborhood, and that they were satisfied with the conditions of approval. Mr. Laboda asked to have the word "uniform" added to the vinyl fence condition.

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

Motion made by Warren Lindsey, seconded by Alex Stringfellow, to approve the subdivision request at 1760/1780 Bryan Avenue subject to the following conditions:

- **That the final front elevations of the homes be of varied architectural styles to each other to provide diversity to the neighborhood;**
- **That invasive landscape species be removed from the properties; and**
- **That the existing, dilapidated wood fence along the rear property line be removed and replaced with a 6-foot uniform white vinyl privacy fence, installed in a manner that does not damage the neighbor's existing podocarpus landscaping.**

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

c. ZTA #24-05 Request of the City of Winter Park to:

- Amend Article V, Divisions 6 and 8 of Chapter 58 of the Land Development Code concerning tree preservation and protection and landscape regulations; providing urban forestry, tree, and landscape regulations, requirements, permit and mitigation procedures, and setting forth related fees and penalties; clarifying and amending the authority of the urban forestry division and other city departments; providing supplemental compliance methods ensuring observance of tree and landscape regulation, replacement, mitigation, maintenance, and best pruning and planting practices.

Mrs. McGillis introduced the city's Park Services Manager, Josh Nye who provided a presentation on the item. Mr. Nye noted that the last update to the tree preservation ordinance had been completed in 2012. He then reviewed recent changes in State law that impact the city's ability to regulate tree removals on residential property. He went on to discuss three ordinance revision themes, which were strengthening the ordinance, clarifying the ordinance, and updating the ordinance. He explained that the current ordinance's key areas regarding the appeals process, creation of a special class of trees with added protections, lowering the size at which trees are protected, increasing mitigation/compensation requirements for commercial projects, and disallowing the use of hedges and topiaries as understory replacement trees needed to be strengthened. He further explained that the portions of the code that need to be clarified are the tree removal permit financial compensation requirements; the outdated, non-industry-standard, and incorrect terminology; and the requirements for tree protection barricades. He then discussed the areas of the ordinance that need updating, which include the recommended and exempt species lists, prohibition on inorganic mulch, and the specified minimum distances for new stormwater detention areas installed near protected trees. Mr. Nye then reviewed highlights of the ordinance revisions, which included definitions; exempt trees; Florida Statutes protocol; appeals; Florida Statutes regarding tree pruning, trimming, or removals on residential properties; tree removal permit replanting mitigation; tree removal financial compensation; and precautions for grade changes near trees.

The Board inquired about the following:

- the diameter at breast height (DBH) being revised from nine inches to six inches,

- how the diameter of the trees on residential properties are determined and documented,
- including information in the city's appeals process regarding what can be appealed, the grounds for appeal, and the procedures for appealing that can be easily understood by regular citizens,
- whether a Tree Risk Assessment Documentation from a citizen's certified arborist overrides the city's code,
- if the tree removal process is waived when a tree gets knocked down during a storm or natural disaster,
- if the previously tracked citywide tree canopy coverage metric is still being measured,
- if a citizen is subject to fines and/or mitigation for removing a tree without a permit after going through the appeals process,
- if a tree's caliper size is standard for replacement criteria,
- if the city has a physical inventory of replacement trees,
- and clarifying whether non-residential excludes subdivisions or is defined by State Statutes.

City Attorney Langley clarified the appeals process and the standards for appeal. The Board then suggested that the ordinance reference the tree preservation code section for information on how to appeal. Mr. Nye noted that a person can't appeal if a tree is removed without a permit. Discussion ensued regarding the appeals process, how much a citizen can be penalized if they obtain an arborist letter after removing a landmark tree, if there is a penalty for over pruning a tree causing its decline, and if there is code language in regard to waiving the tree removal process after natural disasters. The Board suggested some flexibility be considered on constrained sites that now require the city's new stormwater requirements, have no trees near them, and are on a septic system.

The Board expressed concerns about making sure the changes that had been discussed at the meeting would be properly implemented in the update to the ordinance.

The Board heard public comment from the following resident:

Gigi Papa of 1440 Hibiscus Avenue, Winter Park, FL 32789. Ms. Papa spoke about concerns regarding charging significant fines to residents for tree removals.

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

Motion made by Jim Fitch, seconded by Warren Lindsey, to table the item until the August 6, 2024 regular meeting for the applicant to consider the recommendations discussed by the Board.

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

- d. CPA #24-04/RZ #24-04 Request of City of Winter Park for:
- 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 Institutional Future Land Use designation on the former Winter Park Library property at 460 E. New England Avenue to a Commercial Future Land Use designation.
 - 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 the existing Multi-family (high density R-4) District zoning to Commercial (C-3) District zoning on the former Winter Park Library property at 460 E. New England Avenue.

Chairman Bornstein explained that staff requested to table the item to the August 6, 2024 regular meeting.

Motion made by Michael Spencer, seconded by Alex Stringfellow to table the item until the August 6, 2024 regular meeting.

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

5. Action Items

6. Non-Action Items

7. Staff Updates

8. Board Comments

9. Upcoming Agenda Items

10. Adjournment

The meeting adjourned at 7:34 p.m.

Minutes approved by the Board on August 6, 2024.

ATTEST:

/s/ Mary Bush, Recording Secretary