Planning and Zoning Board Minutes

November 2, 2021 at 06:00 p.m.

Hybrid Meeting
401 S. Park Avenue | In-Person and Virtual | Winter Park, Florida

Call to Order

Chairman Richard James called the meeting to order at 6:02 p.m. Present: Jim Fitch, Richard James, Melissa Vickers, David Bornstein, and Vashon Sarkisian. Absent: Michael Spencer and Alex Stringfellow. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Transportation Bronce Stephenson, Principal Planner Jeff Briggs, Senior Planner John Harbilas, Planner I Nicholas Lewis, Transportation Manager Sarah Walter, and Recording Secretary Mary Bush.

Consent Agenda

Motion made by David Bornstein, seconded by Jim Fitch to approve the October 5, 2021 meeting minutes.

Motion carried unanimously with a 5-0 vote. (Michael Spencer and Alex Stringfellow were not present for the meeting.)

Staff Updates

Mr. Stephenson briefly introduced a few of the staff members of the Planning Department, which included Senior Planner John Harbilas and Planner I Nicholas Lewis.

Public Comments (for items not on Agenda)

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

Non-Action Items

No non-action items.

Action Items

- Multi-Modal Transportation Impact Fee

Mr. Stephenson provided a brief summary of the item. He noted that the establishment of the fee has been a goal of the City since the adoption of the City's last Comprehensive Plan. He also noted that Mike Woodward and Cliff Tate of Kimley-Horn were present to provide an overview of the analysis report they completed for the City to support the Multi-Modal Transportation Impact Fee (MMTIF).

Clif Tate provided the Board a brief presentation of their analysis report for the Multi-Modal Transportation Impact Fee. Mr. Tate discussed how the proposed impact fee follows the methodology of the Orange County Multi-Modal Transportation Impact Fee, the proposed application of the fees, the legal requirements, the fee calculations and examples of them, how the fee compares with other local governments, and the next steps to take to implement the fee. Mr. Tate noted that Orange County uses a consumption based methodology. He elaborated on the items that the Multi-Modal Transportation Impact Fees can be used for and the statutory requirements for the fees. He reviewed the new legal requirements that were passed in 2021, noting that legislation restricts increases in the fees to once every four years and they may not exceed 50%. Mr. Tate explained in depth how the fees are calculated, based on the amount of capacity consumed by the development multiplied by the cost of capacity and then less any applicable credit generated by the development. He also provided examples of calculated fees and a detailed comparison of current local government impact fees.

Mr. Tate noted that the next steps would be:

- to present the draft to the City Commission for public comment and the first reading on November 10, 2021,
- and then have the effective date of the draft ordinance to be January 1, 2022.

Staff recommendation was for approval.

Mr. Fitch inquired about who would pay the fee for single family homes. Brief discussion ensued and Mr. Stephenson recommended that the fee only be applied to net new units. Further discussion provided clarification that the developer would pay the net difference. The Board continued conversation on the amount of credit to be received for tear downs, what the fee is utilized for, the Planning and Zoning Board's involvement in regards to the fee, the reason for significant variance in fee amounts from City to City, considerations made for basing the fee on the capacity for storing vehicles, and where multi-use trails fit into the fee.

Attorney Langley noted that the impact fee is a land development regulation and the Planning and Zoning Board has to review and make a recommendation on all land development regulations.

The Board heard public comment from the following resident:

Erich Scherer of 800 N. Lakemont Avenue, Winter Park, FL 32789 addressed the Board. Mr. Scherer spoke on concerns regarding the Lakemont Church redevelopment project, an item not on the agenda.

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

The Board expressed their support for the concept of the Multi-Modal Transportation Impact Fee.

Brief discussion ensued about the fee for smaller houses. Mr. Tate will add a line item in the cost table of the analysis report to show the fee for smaller houses.

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

Motion made by David Bornstein, seconded by Melissa Vickers, for approval of the Multi-Modal Transportation Impact fee.

Motion carried with a 4-1 vote. (In Favor: Vashon Sarkisian, Melissa Vickers, David Bornstein, Richard James. Opposed: Jim Fitch.) (Michael Spencer and Alex Stringfellow were not present for the meeting.)

Chairman James called for a recess at 6:56 p.m. and reconvened the meeting at 7:02 p.m.

- ANNEX #21-02; CPA #21-07; RZ #21-05: Request of the 3217 Corrine LLC: to Annex the Properties at 3303 and 3313 Corrine Drive and Utilize the south 63 feet of 1813 Northwood Terrace Drive to establish Commercial (C-3A) and Parking Lot (PL) Future Land Use and Zoning in order to build a two-story, 8,750 sq. ft. commercial/office building on the combined properties.

Mr. Briggs provided the Board a brief summary of the request. He presented aerials of the three existing single family homes to be removed and redeveloped into a new two-story office building with parking. Mr. Briggs presented the site plan to the Board and pointed out the significant landscape buffer area that is to be placed at all points adjoining a residential property to obscure the view of the building. He also noted that a six-foot wall will be required to be built to protect and create a privacy buffer for the adjacent single-family homes. He added that low lighting will be installed to prevent glare onto any adjacent residential properties. Mr. Briggs indicated that as far as compatibility the project will have minimal to no impact on the peaceful enjoyment of the adjacent residential properties. In regards to the vacation request, Mr. Briggs noted that the applicant is not requesting to close and vacate Northwood Terrace Drive. Northwood Terrace Drive will stay open and have the exact same pavement and abilities of a two-way street as it does now. It is a right-of-way that has extra space, so it will be reduced five feet to a 50-ft right-of-way which is typical in the City of Winter Park. In return for the vacation of the right-of-way the applicant will build a sidewalk on both sides of the right-of-way.

Staff recommendation was for approval with the following conditions:

- The applicant is required to reconfigure the Northwood Terrace driveway with curb repositioning to funnel traffic to the south and install sidewalks on both sides of the right-of-way.

Attorney Tara Tedrow of 215 N. Eola Drive, Orlando, FL with Lowndes, Drosdick, Doster, Kantor & Reed Law Firm represented the applicant and provided the Board a presentation of the request. She presented aerial location maps and photos of the properties. She discussed the timeline of the request dating back to the first discussions with City staff about the project in October 2019. Attorney Tedrow noted the various modifications and community outreach that have occurred since the first discussions. She also noted that the original project area was 1.36 acres of total property and the newly proposed project area has been reduced to 0.57 acres on three lots. She explained that the applicant's desire is to construct a new office building for their business, SLA Management, which is a custom school food service management company dedicated to providing high quality, nutritious, and cost-efficient meal programs to the K-12 academic community. She overviewed the prior conceptual plans and how they transitioned to the current plans that take into consideration the community feedback received over time. She added that the applicant offered overflow parking availability on evenings and weekends for East End Market customers. Attorney Tedrow also presented conceptual renderings of the proposed office building. She further discussed the C-3A zoning, the Parking Lot zoning, and the annexation of the properties. She explained that the annexation of the properties into the City of Winter Park would unify the project with the property at 3217 Corrine Drive that was voluntarily annexed into the City years ago by the applicant. Attorney Tedrow went on to detail the surrounding zonings, a traffic study of the area done by engineering firm VHB, Corrine Drive updates based on email correspondence with the City of Orlando and Metroplan Orlando, the Comprehensive Plan amendment text change request, and the right-of-way vacation. She concluded her presentation with an explanation of the justifications for approval including the request being consistent with the goals and policies of the rezoning code criteria and the Comprehensive Plan amendment code criteria.

The Board inquired about the following:

- if there were plans to extend the sidewalk along Corrine Drive to East End Market,
- who the water, sewer, and gas provider for the property will be,
- why the applicant chose to develop in Winter Park,
- the amount of resident attendance at the previous community Zoom meeting on October 19, 2021,
- if there would be a wall or fence erected per the site plans,
- moving the dumpster location from the far northeast corner of the parking lot to the far northwest corner,
- utilizing roll carts for waste management instead of a dumpster.

The Board heard public comment from the following residents:

John Jacobs of 800 N. Lakemont Avenue, Winter Park, FL 32789 addressed the Board. Mr. Jacobs spoke on concerns regarding the use of the proposed parking lot and if any review or feedback had been received from the City of Orlando regarding the proposal.

Attorney Tedrow addressed Mr. Jacob's concerns and noted that the applicant's offer for parking to East End Market was not a requirement and could be rescinded or tested and removed if necessary. She also noted that there were no extra jurisdictional reviews of the proposal required nor completed.

Mary Hartwig of 2819 Northwood Blvd, Winter Park, FL 32789 addressed the Board. Ms. Hartwig expressed that promises gone unfulfilled by East End Market have made the public weary about accepting promises being made regarding the applicant's project. She feels the project would invite more traffic to the area which is already a problem.

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

Vice Chair Bornstein disclosed that he and his family have known the applicant's family for generations. He also noted that the applicant contacted him a month ago to provide him information about the project. Vice Chair Bornstein emphasized that his relationship with the applicant in no way hinders him from making an unbiased vote and that he is comfortable proceeding without recusal based on his ability to fairly render a verdict. City Attorney Dan Langley affirmed that Vice Chair Bornstein did not describe a conflict of interest.

Discussion ensued and the Board expressed their support for the project and the parking plans.

Motion made by Vashon Sarkisian, seconded by David Bornstein, for approval to Annex the Properties at 3303 and 3313 Corrine Drive and Utilize the south 63 feet of 1813 Northwood Terrace Drive to establish Commercial (C-3A) and Parking Lot (PL) Future Land Use and Zoning in order to build a two-story, 8,750 sq. ft. commercial/office building on the combined properties with the following conditions:

- **Reconfiguration of Northwood Terrace driveway with curb repositioning and installation of sidewalks on both sides of right-of-way with connections to the existing sidewalks leading to East End Market.**

Motion carried with a 4-1 vote. (In Favor: Vashon Sarkisian, Melissa Vickers, David Bornstein, Richard James. Opposed: Jim Fitch.) (Michael Spencer and Alex Stringfellow were not present for the meeting.)

- CU #21-03. Request of Park Avenue Concepts for: Approval of Conditional Use to waive the separation distance of 1,000 feet from a church or school in order to allow a 4-COP Liquor License in conjunction with the proposed 102-seat restaurant located at 331/339 S. Park Avenue, zoned C-2.

Mr. Lewis provided the Board a brief summary of the CU #21-03 request. He presented a location map and photo of the property. He noted that the applicant would like to renovate the two properties into a fine dining restaurant. In alignment with City code, the restaurant would derive over 50% of its business from food sales rather than alcoholic beverages. Though, due to parking restrictions in the Park Avenue Corridor the restaurant would be unable to meet a seat count of at least 150 as required by the City's alcoholic beverages code. Mr. Lewis explained that an option for the applicant would be to purchase a 4-COP liquor license but City code does not allow any bar activity within 1,000 feet of a school or church. Rollins College and All Saints Episcopal Church are within 1,000 feet of the property, so the applicant is seeking approval for their 4-COP liquor license under the condition that the property stays a fine dining restaurant as established by the City's zoning code definition.

Staff recommendation was for approval with the following conditions:

- That the business functions as a full service restaurant in compliance with the Section 58-95 zoning definition of a 'fine dining restaurant'. Fine Dining restaurant means any establishment which is devoted to the retailing and on-premises consumption of meals and food where more than 50 percent of the gross revenue is derived from food sales versus alcoholic beverages. Additionally, fine dining restaurants shall meet all of the following criteria:
    1. A host or hostess should be regularly present to greet and arrange for the seating of patrons;
    2. Food and beverage service (other than bar service) is provided via table service by servers;
    3. Dinnerware (utensils, plates, etc.) shall be non-disposable;
    4. Ordering, food service and payment is done at the table;
    5. The menu shall consist of full dining cuisine with a range of appetizers, entrees and desserts along with appropriate selections of beverages; and
    6. Payment at a counter/cashier may be allowed only and exclusively to accommodate take-out orders.

The Board inquired about the distance from the restaurant to the college and church. The Board also asked if take-out was permitted and where the parking will be located.

The applicant's representative, Attorney Steve La Bret of 501 North Magnolia Avenue, Suite A10B, Orlando, FL with Steven Michael La Bret, P.A. addressed the Board. Attorney La Bret noted that the applicant was under the impression that they could get a 4-COP SFS license but, unfortunately, they could not due to being unable to meet the City's parking restrictions. Mr. La Bret noted that the alternative was to get a 4-COP license as described by the City staff. Attorney La Bret added that the applicant cannot successfully do business without the inclusion of liquor sales and thus would need a variance along with the 4-COP license.

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

The Board inquired about the location and square footage of the restaurant.

Motion made by Melissa Vickers, seconded by Vashon Sarkisian, for approval of Conditional Use to waive the separation distance of 1,000 feet from a church or school in order to allow a 4-COP Liquor License in conjunction with the proposed 102-seat restaurant located at 331/339 S. Park Avenue, zoned C-2 with the following conditions:

- **That the business functions as a full service restaurant in compliance with the Section 58-95 zoning definition of a 'fine dining restaurant'. Fine Dining restaurant means any establishment which is devoted to the retailing and on-premises consumption of meals and food where more than 50 percent of the gross revenue is derived from food sales versus alcoholic beverages. Additionally, fine dining restaurants shall meet all of the following criteria:**
    1. **A host or hostess should be regularly present to greet and arrange for the seating of patrons;**
    2. **Food and beverage service (other than bar service) is provided via table service by servers;**
    3. **Dinnerware (utensils, plates, etc.) shall be non-disposable;**
    4. **Ordering, food service and payment is done at the table;**

5. **The menu shall consist of full dining cuisine with a range of appetizers, entrees and desserts along with appropriate selections of beverages; and**
6. **Payment at a counter/cashier may be allowed only and exclusively to accommodate take-out orders.**

Motion carried unanimously with a 5-0 vote. (Michael Spencer and Alex Stringfellow were not present for the meeting.)

Board Comments

No Board comments.

Adjournment

Meeting adjourned at 8:12 p.m.

/s/ Mary Bush.

Approved by Board on December 7, 2021.