Planning & Zoning Board Regular Meeting Minutes

November 1, 2022 at 6:00 p.m.

City Hall | Commission Chambers
401 S. Park Ave. | Winter Park, Florida

Present

Present: Melissa Vickers, Vashon Sarkisian, Jim Fitch, Richard James, Michael Spencer, and Alex Stringfellow. Absent: David Bornstein. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Transportation Jeff Briggs, Assistant Director of Planning and Transportation Allison McGillis, Senior Planner & Zoning Official John Harbilas, Planner I Nicholas Lewis, Planning Technician Aaron Hull, and Deputy City Clerk Kim Breland.

(1) Call to Order

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

(2) Consent Agenda

Approval of Minutes:

Motion made by Jim Fitch, seconded by Alex Stringfellow to approve the October 4, 2022 meeting minutes.

Motion carried unanimously with a 6-0 vote. (David Bornstein was not present for the meeting.)

(3) Staff Updates

Mrs. McGillis asked the Board if they would agree to canceling the next two Board work sessions scheduled for November 23, 2022 and December 27th since the dates fall so closely to holidays. She also asked the Board if they were ok with discussing the South of Fairbanks Avenue study by Canin and Associates at the December 6, 2022 regular Board meeting. The Board unanimously agreed to cancelling the next two work sessions and including the Canin and Associates discussion at the next regular Board meeting.

(4) Public Comments (for items not on Agenda)

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

(5) Non-Action Items

No non-action items.

(6) Action Items

No action items.

(7) Public Hearings

- Request of the City of Winter Park for: An Ordinance to update the lakefront zoning regulations.

Mr. Briggs provided the Board a brief summary of the request. He noted that the item had been discussed with the Board during previous work sessions. He went on to discuss the pertinent changes reflected in the update that address transferring of variance authority from the Board of Adjustments to the more appropriate Lakes and Waterways Board, improving regulations regarding stormwater grading, issues on lakefront setbacks, heights of pools and patios, walkout basements, and an issue with the clarification of pitched roofs for boat houses. He also discussed strengthening the code language in terms of how issues with views of the lakes are adjudicated, modifying the code requirement from 10% impervious coverage within the 50-foot setback to 5%, code rules for fences, and increasing lakefront setbacks from 50 feet to 75 feet. He added that a graphic will be placed in the code to help explain the fencing requirements. Mr. Briggs then went on to discuss heights for swimming pool decks, pool cabanas, and issues with swimming pool decks for homes with walkout basements on the lakes.

Staff recommendation was for approval.

The Board discussed errors and corrections to the language of the updated code as presented by staff.

The Board asked staff to make the following edits:

- On page 2, the words “Lakes and Waterways Board” at the bottom of the page should be removed.
- On page 4, under “Submission Requirements”, in subparagraph 2 in the next to last line, the word “setbacks” is incorrectly spelled, the word “elevation” should be placed after the words “high water”, and the word “for” should be placed after the word “proposed”.
- On page 7, the third line of the first paragraph should state “one-half setback”.
- On page 8, in the third line of paragraph C, re-insert the word “fifty”, and insert the words “50 (fifty) foot setback” in the fourth line. Two more lines down, insert the word “decks” before the comma and remove the dash after the comma in the section that states “stand alone patios and,”. Four more lines down, remove the comma after “75 foot setback” and remove the word “substantially”.
- On page 9, in paragraph B, the typo “tht” in the third line should be corrected to “the” and the statement “the height is measured from the existing natural grade” should have the word “is” replaced with “shall”. In paragraph C, the word “stairs” should be replaced with the word “steps”. In paragraph 13, the statement “lowest living area level” should be clarified or defined.
- On page 11, in subparagraph 1, under section 114.31, the words “Lakes and Waterways Board” should be capitalized and the “d” in “docks” should be italicized.
- On page 13, in subparagraph B, the title words “Venetian Canal or Kraft Gardens” should be capitalized.

The Board briefly discussed the rationale behind the statement on page 10 that says “the retaining wall shall not exceed a maximum length of 24 inches” and suggested that the width be increased to 36 inches. They also discussed allowances for keystone style stacked block dimensions.

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

Motion made by Michael Spencer, seconded by Alex Stringfellow, for approval of an Ordinance to update the lakefront zoning regulations subject to the changes suggested by the Board.

Motion carried unanimously with a 6-0 vote. (David Bornstein was not present for the meeting.)

- Request of the City of Winter Park for: An Ordinance to update the storm water retention code.

Mr. Briggs provided the Board a brief summary of the request. He noted that there are issues from time to time with new homes that shed water onto adjacent properties. In an effort to forewarn property owners of stormwater retention code requirements, staff proposed to add to the existing code language that property owners could be required to provide inlets, pipes, curbs, or retaining walls to address stormwater retention issues. Mr. Briggs went on to discuss other changes reflected in the update including a fee in lieu of stormwater retention, mandatory setbacks for retention for shade trees, solutions for fill issues, designating artificial turf as impervious, design standards for city or large subdivision retention ponds, and monthly stormwater retention fees. He then provided and discussed examples of scenarios where a fee in lieu would be utilized.

Staff recommendation was for approval.

The Board briefly discussed the fee in lieu concept and where the fees are defined in the ordinance.

The Board discussed errors and corrections to the language of the updated code as presented by staff.

The Board asked staff to make the following edits:

- On page 3, at the top of the page, the word “role” should be corrected to “roll” and should be corrected as listed in other areas of the ordinance.

- Brief discussion ensued regarding design and maintenance relating to the language in subparagraph F of page 5. Discussion then ensued regarding paragraph C of page 6 and City Attorney Langley suggested, and the Board agreed to, adding "unless extended for a good cause shown" to the end of the statement "necessary maintenance repairs shall be made within a time period not to exceed 30 days after notification".
- On page 8, in paragraph 4, the statement "the bottom of the stormwater treatment system shall be constructed within one foot above the estimated high ground elevation" should have the word "water" placed after the word "ground".
- On page 11, the first section A-1 should state "A permit shall be required to install artificial turf. And it shall be installed according to the manufacturer's specifications…". In paragraph 5 the phrase "any tree" shall be replaced with "any existing tree canopy". In paragraph 7 the word "fifty" should be added. In paragraph B, on the fourth line, the "C" in the words "subsection parent C" should be replaced with the letter "B". Three more lines down, the period after the word "fading" should be replaced with a comma.

Brief discussion ensued regarding the reason for the ordinance and installations not being allowed under tree canopies or drip lines of trees.

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

Motion made by Melissa Vickers, seconded by Michael Spencer, for approval of an Ordinance to update the storm water retention code subject to the changes suggested by the Board.

Motion carried unanimously with a 6-0 vote. (David Bornstein was not present for the meeting.)

(8) Board Comments

No Board comments.

(9) Upcoming Agenda Items

No discussion ensued on upcoming agenda items.

(10) Adjournment

Meeting adjourned at 7:08 p.m.

Minutes approved by the Board on December 6, 2022.

/s/ Recording Secretary Mary Bush