



Planning & Zoning Board Regular Meeting Minutes

August 1, 2023 at 6:00 p.m.

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

Present

Present: Jim Fitch, David Bornstein, Vashon Sarkisian, Michael Spencer, Warren Lindsey, Melissa Vickers and Alex Stringfellow. Also Present: City Attorney Dan Langley. Staff: Director of Planning & Zoning Jeff Briggs, Assistant Director of Planning & Zoning Allison McGillis, Senior Planner/Zoning Official John Harbilas, Planner II Nicholas Lewis, Planner I Corinna Lundgren, and Recording Secretary Mary Bush.

(1) Call to Order

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

(2) Consent Agenda

Approval of Minutes:

Motion made by Michael Spencer, seconded by Warren Lindsey to approve the July 13, 2023 meeting minutes.

Motion carried unanimously with a 7-0 vote.

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

The Board heard public comment from the following resident:

Larry Floyd of 1211 Lewis Drive, Winter Park, FL 32789 addressed the Board. Mr. Floyd spoke on concerns with flooding issues in his neighborhood.

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

(4) Public Hearings

- SPR #23-09. Request of Max Eliscu for approval to construct a new, single-story, 748 square-foot cabana and a new, two-story, 1,001 square-foot addition to the existing single-family home located at 802 Georgia Avenue on Lake Osceola, zoned R-1AAA.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map and aerial view of the property. He noted that it is technically a corner lot and has two significant landscape buffers; one on the north side and one on the south side of the lot. He also noted that the floor-area-ratio (FAR) for the existing home is 9.8% FAR and with the applicant's proposed additions will increase it to 11% FAR. He added that the proposed impervious lot coverage is 37,387 square feet and is 27.5% of the total lot, which is under the maximum 50% as the code allows and is less than the existing impervious surface area on the lot. Mr. Lewis explained that the home was constructed in 1930, and because of its age and location the applicant wanted to keep the home's historic aesthetic so they proposed an encroachment into the side setback for the addition. He further explained that the existing first-and second-floors of the existing home are nonconforming with the modern code requirements, thus without the variance, the addition would not be possible. He went on to review the survey, site plan, and elevations for the property and detailed the proposed areas to be changed, which include the two story addition, two covered porches, and a detached cabana. He then informed the Board that the applicant's neighbor to the north had expressed opposition to the request, specifically regarding the applicant's proposed two story addition. He also briefly detailed what the neighbor had been approved for during their prior lakefront review hearing with the Planning & Zoning Board and how it related to the applicant's request. He then noted that no trees would be removed, views from the lake and views of the

neighbors would not be affected, and the applicant was proposing a large swale along the lakefront that would almost double the required storm water retention.

Staff recommendation was for approval.

The Board inquired about plumbing for the cabana, the setback granted to the neighbor to the north and if it had been a reduction in the required side setback per code, and how close the guest house and garage are to the property line.

The applicant's architect, Dirk Arace of 3563 Terra Oaks Court, Longwood, FL 32779 addressed the Board. Mr. Arace discussed the reasons for the location of the addition, the distance between the front structures, and the privacy between the neighboring properties. He informed the Board that the cabana will have a bathroom and will be connected to a sewer line.

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

Motion made by Warren Lindsey, seconded by Alex Stringfellow, for approval to construct a new, single-story, 748 square-foot cabana and a new, two-story, 1,001 square-foot addition to the existing single-family home located at 802 Georgia Avenue on Lake Osceola, zoned R-1AAA.

Motion carried unanimously with a 7-0 vote.

- CU #23-04. Request of Metro Winter Park, LLC: To amend the Comprehensive Plan Future Land Use designation from Institutional to Medium Density Residential to be consistent with the R-3 zoning of the properties and for Conditional Use approval for a two-story, 58-unit multi-family project on the properties at 821 & 831 W. Swoope Ave. and 800, 810 & 830 W. Webster Ave.

Mr. Briggs provided the Board a brief summary of the request. He explained that the Patmos Chapel Seventh Day Adventist Church occupied the 4.51 acres of the subject properties from 1978 until July 2019 when it was sold to Metro Winter Park LLC. He further explained that the site has been zoned R-3 since 1971 and has an Institutional Future Land Use designation based upon the previous church sanctuary use. He noted that the property owner was now requesting a change to the Comprehensive Plan future land use map and a preliminary and final conditional use approval to demolish the existing church sanctuary building and develop a 58-unit multi-family complex. He then went on to briefly discuss the varied uses of the surrounding properties. He then noted that the 58 units would be all 3-bedroom units of 2,219 sq. ft. per unit, inclusive of two-car garages for each unit with exterior guest parking spaces located on the property. He added that the impervious coverage would be 135,247 sq. ft. or 3.1 acres of buildings, drives, parking, etc. Mr. Briggs then discussed the City Code requirements for conditional use approvals for projects over 10,000 sq. ft. and detailed conflicts with regard to the applicant's request, which included the preservation of certain live oak trees on the property and the project's compatibility with the composition of the land uses surrounding the project. He noted that staff recommended that 18% of the site be developed as single-family residential. He also noted that staff recommended a 20 foot setback for the four healthy and mature live oak trees located towards the middle of the property. He then went on to discuss the storm water retention noting that all 3.1 acres of impervious surfaces were proposed to be accommodated for storm water retention via an underground storm water exfiltration system. He informed the Board that the Public Works Department 'strongly recommended' that the project proceed based upon an above ground storm water retention system or some combination and to accommodate more runoff on-site before discharge. He then detailed how it would benefit the properties downstream from the project.

Staff recommendation was for denial.

The Board inquired about the following:

- clarification of what "medium density residential" means,
- if the properties to the east and north of the project are considered medium density residential,
- clarification of the proposed density per acre,
- and if the vehicular connection on the north side of Webster Avenue is a code requirement.

The applicant's representative, Attorney Becky Wilson with Lowndes Law Firm at 215 N. Eola Drive, Orlando, FL 32801 addressed the Board. Attorney Wilson spoke on the City's Comprehensive Plan's Policy 1-2.4.21 for Institutional Land Use for Churches, the details of the surrounding properties to the project and their uses, the meaning of compatibility, the four live oak trees towards the middle of the property, and storm water retention for the property. She noted that the applicant kept the townhomes at two story to be similar

to the single-family residential that exists in the neighborhood, no waivers were being requested, all required parking spaces would be provided, and all setback requirements would be met. She also indicated that the applicant is adhering to landscaping industry standards regarding the setbacks for the live oak trees towards the middle of the property. She then went on to discuss storm water and noted that the request met the City's code for storm water, there is no restriction on using an exfiltration system, and there is no requirement to have open ponds.

The Board inquired about the following:

- if the units would be rented and how many bedrooms each would have,
- the amount of parking spaces projected per unit,
- and if the property would be gated.

The Board heard public comment from the following residents in opposition to the request:

Brenda Martin-Smith of 831 W. Webster Avenue, Winter Park, FL 32789; Bill Cole of 794 W. Swoope Avenue, Winter Park, FL 32789; Mary Daniels of 650 W. Canton Avenue, Winter Park, FL 32789; Sheila Reid of 780 Carver Street, Winter Park, FL 32789; Bonnie Hamilton of 701 Douglas Avenue, Winter Park, FL 32789; Martha Hall of 331 W. Lyman Avenue, Winter Park, FL 32789; Adeline Davis of 367 Holt Avenue, Winter Park, FL 32789; and Charles Newton of 631 W. Swoope Avenue, Winter Park, FL 32789.

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

Attorney Wilson addressed the Board and spoke on the development changes planned along Webster Avenue and the access points on that side of the property. The Board inquired as to whether or not a left turn could be made onto Webster Avenue from the property to which Attorney Wilson indicated that a left turn could be made. Attorney Wilson also spoke briefly on the storm water retention.

The Board inquired about the sufficiency of guest parking for the property, why the applicant will not include single-family homes in the project, and concerns with the live oaks in the middle of the property.

Attorney Wilson expressed that the applicant would be willing to remove six duplexes and replace them with nine single-family style buildings the same width as the townhomes but with ten feet in between the buildings, and add 16 more feet of open space on the corner of Swoope and Capen Avenues. She added that with these changes the applicant would want to be allowed to add a third story to building 11 on the west side of the property.

The Board inquired about why the applicant would want a third floor on building 11, compatibility of the proposed buildings along Webster Avenue with the neighborhood, and the applicant's design plans for the green space on Webster Avenue. A representative with Kimley-Horn & Associates, Jeff Swisher of 8715 Abbey Leaf Lane addressed the Board. He informed the Board that the 20 foot area on the north side of the property was currently vacant but the applicant planned to do underground storm water exfiltration in the area.

The Board briefly expressed their thoughts on the request. The Board overall had concerns with compatibility with the neighborhood, storm water retention, meeting the conditional use standards, preservation of the live oaks, parking, and adding single-family homes to the project,

Chairman Bornstein and Alex Stringfellow disclosed that they met individually with Attorney Wilson about two weeks prior to the meeting and she presented them with an overview of the project with minimal discussion.

Motion made by Warren Lindsey, seconded by Vashon Sarkisian, to approve the request of Metro Winter Park, LLC to amend the Comprehensive Plan Future Land Use designation from Institutional to Medium Density Residential to be consistent with the R-3 zoning of the properties at 821 & 831 W. Swoope Ave. and 800, 810 & 830 W. Webster Ave.

Motion carried with a 7-0 vote.

Motion made by Alex Stringfellow, seconded by Warren Lindsey, to table the request of Metro Winter Park, LLC for Conditional Use approval for a two-story, 58-unit multi-family project on the properties at 821 & 831 W. Swoope Ave. and 800, 810 & 830 W. Webster Ave to the September 5, 2023 Planning & Zoning Board meeting.

Motion carried with a 6-1 vote. (In Favor: Jim Fitch, David Bornstein, Michael Spencer, Warren Lindsey, Melissa Vickers, and Alex Stringfellow. Opposed: Vashon Sarkisian.)

- ZTA #23-07. Request of the City of Winter Park: Ordinance to amend Chapter 58, “Land Development Code”, Article III, “Zoning” Section 58-71 “General provisions for residential zoning districts”, to revise subsection (f) regarding the parking of boats, trailers and recreation vehicles to include limousines over 25 feet.

Mrs. McGillis provided the Board a brief summary of the request. She noted that staff was directed at the June 28, 2023 City Commission meeting to bring back a discussion item on amending Sec. 58-71 to prohibit the parking of limousine style vehicles within residential zoning districts. She further noted that subsequently, at the July 12, 2023 City Commission meeting, the Commission directed staff to move forward and amend the code. She explained that based on research of lengths of common cars found in the city, staff felt that regulating limousine style vehicles based on length instead of number of passengers makes the most sense to not prohibit typical vehicles found within the city. She also explained that there are several high-priced cars that can be found within the city, for example, Rolls Royce and Maybach, that are about 20 feet in length. She added that there are also several vans/trucks/SUVs within the city that could hold up to 12 to 15 passengers that are about 22 to 24 feet but are not as lengthy as a stretch limousine. Mrs. McGillis concluded that therefore, in order to not prohibit typical vehicles found in the city, staff prepared an Ordinance to amend Sec. 58-71 to revise subsection (f) regarding the parking of boats, trailers and recreation vehicles to include limousines over 25 feet.

Staff recommendation was for approval.

The Board asked for clarification on how the feet restriction was determined and if there will be a definition of limousine placed in the code. The Board requested that the word “limousine” be replaced with “vehicle” to preclude all vehicles over 25 feet.

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

Motion made by Melissa Vickers, seconded by Jim Fitch, for approval of an Ordinance to amend Chapter 58, “Land Development Code”, Article III, “Zoning” Section 58-71 “General provisions for residential zoning districts”, to revise subsection (f) regarding the parking of boats, trailers and recreation vehicles to include all vehicles over 25 feet.

Motion carried unanimously with a 7-0 vote.

(5) Action Items

No action items.

(6) Non-Action Items

No non-action items.

(7) Staff Updates

No staff updates.

(8) Board Comments

Brief discussion ensued regarding the Patmos Chapel Seventh Day Adventist Church and if there had been single-family development on the property prior to the church being built. The Board also inquired about prior plan revisions made by the applicant, Metro Winter Park, LLC for their pending conditional use application and the cost of the proposed rental units in the request. Chairman Bornstein expressed concerns with the Live Local Act and recommended the Board have a future work session on historic preservation of neighborhoods and preserving economic models of neighborhoods. Mr. Lindsey asked if a storm water specialist with the City could attend the next Planning & Zoning Board meeting to address concerns regarding flooding. Mr. Stringfellow inquired about staff’s position on for rent versus homeownership. Brief discussion ensued on platting, open space, density, and required traffic studies.

(9) Upcoming Agenda Items

There was no discussion on upcoming agenda items.

(11) Adjournment

Meeting adjourned at 8:20 p.m.

Minutes approved by the Board on September 5, 2023.

/s/ Recording Secretary Mary Bush