



Planning & Zoning Board Regular Meeting Minutes

July 13, 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, and Warren Lindsey. Absent: 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 Kim Breland.

(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 Warren Lindsey, seconded by Jim Fitch to approve the June 6, 2023 meeting minutes.

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

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

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

(4) Public Hearings

- SPR #23-06. Request of Charles Clayton for: Approval to construct a new, three-foot solid wall along the eastern property line to the lakefront at the single-family home located at 1211 College Point on Lake Virginia, zoned R-1AAA.

Mrs. McGillis provided the Board a brief summary of the request. She presented to the Board an area map and aerial view of the property. She noted that the application was unlike the Board's usual lakefront reviews as it was only for a wall and did not involve any buildings or structures. She explained that the applicant needed a variance for the wall to run all the way to the lakefront. She then provided the Board with the applicant's site plan and an example of the stone material to be used for the wall. Mrs. McGillis went on to explain that the applicant wanted some privacy from the park that is adjacent their property due to having issues with their dogs fighting through the existing metal fence with the dogs at the park. She noted that the wall was proposed to be three feet in height, will be placed along the interior of the existing metal fence that goes to the lakefront, will not block any lake views or impact any of the lakefront criteria, and will be better for stormwater retention for the applicant's property and the park. She added that staff had received an email from the applicant's neighbor to the west who was in favor of the request.

Staff recommendation was for approval.

The Board inquired as to whether or not the proposed height of the wall was by the applicant's choice or due to a code restriction.

The applicant's representative, Attorney Becky Wilson of 215 N. Eola Drive, Orlando, FL 32801 addressed the Board. Attorney Wilson let the Board know that the intent of the request was not to block anyone's view but to gain privacy.

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

Motion made by Warren Lindsey, seconded by Michael Spencer, for approval to construct a new, three foot solid wall along the eastern property line to the lakefront at the single-family home located at 1211 College Point on Lake Virginia, zoned R-1AAA.

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

- SPR #23-07. Request of Urban Perch Homes for: Approval to construct a new, two-story, 5,980 square-foot, single-family home located at 1292 Howell Branch Road on Lake Temple, zoned R-3.

Mr. Harbilas 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 this property along with its neighboring property at 1296 Howell Branch Road were originally part of one large parcel and was originally intended for a memory care facility but the application was changed to create four single-family lots approved in 2019. He also noted that the subdivision and lot configuration have already been approved but the plans for the homes will have to be reviewed and approved by the Planning & Zoning Board prior to build out. Mr. Harbilas went on to explain that the lots would be accessed by a private drive and that the homes are required to meet R-1 zoning. He added that a large oak tree was removed from the site without permit during the clearing process so the Code Board established a required condition for the applicant that includes mitigation with five new live oak trees and a monetary penalty. He then briefly discussed the lots and their site plans, setbacks, requested variances, and elevations.

Staff recommendation was for approval with the following conditions:

- Keep the existing tree buffer along the lakefront for the duration of home construction.
- Plant one Live Oak tree, measuring at least 5-inch diameter in size, in accordance with the tree mitigation condition from the Code Board.

The Board inquired about the following:

- clarification regarding the stop light on Howell Branch Road,
- what exists across the street from the applicant's property,
- the location of the requested variance,
- the previous approvals for the project,
- clarification on the Planning & Zoning Board's purview regarding the request,
- the requested setback variance,
- and why the oak tree was removed without permit.

The owner of the lots, Brooke Rose of 1759 Alabama Drive, Winter Park, FL 32789 addressed the Board. Mr. Rose explained to the Board that a previous subcontractor for the project had removed the oak tree by mistake.

The applicant's architect, John Drake with Green Apple Architecture at 174 Comstock Avenue, Winter Park, FL 32789 addressed the Board. Mr. Drake noted that the lots were of an irregular shape which considerably narrows down the buildable envelope. He added that the R-1 zoning on the lots called for significant restrictions.

The Board asked the applicant if the oak tree that was removed had been fenced off prior to removal. The applicant, Eric Rey of 333 Henkel Circle, Winter Park, FL 32789 responded to the Board explaining that the oak tree had been behind a silt fence but a worker still removed the tree by mistake.

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

Motion made by Michael Spencer, seconded by Vashon Sarkisian, for approval to construct a new, two-story, 5,980 square-foot, single-family home located at 1292 Howell Branch Road on Lake Temple, zoned R-3, with the following conditions:

- Keep the existing tree buffer along the lakefront for the duration of home construction.
- Plant one Live Oak tree, measuring at least 5-inch diameter in size, in accordance with the tree mitigation condition from the Code Board.

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

- **SPR #23-08.** Request of Urban Perch Homes for: Approval to construct a new, two-story, 4,987 square-foot, single-family home located at 1296 Howell Branch Road on Lake Temple, zoned R-3.

Mr. Harbilas provided the Board a brief summary of the request. He presented to the Board an area map, aerial view, and site plan for the property. He noted that the lot was weirdly shaped but the applicant was still able to meet all of the zoning criteria and all of the setbacks including the 50-foot setback from the lake.

Staff recommendation was for approval with the following conditions:

- Keep the existing tree buffer along the lakefront for the duration of home construction.
- Plant one Live Oak tree, measuring at least 5-inch diameter in size, in accordance with the tree mitigation condition from the Code Board.

The Board asked for clarification on the number of oak trees required to be replaced.

The Board heard public comment from the following residents:

Adelbert Sanchez of 2525 Temple Drive, Winter Park, FL 32789 addressed the Board. Mr. Sanchez spoke on concerns with possible stormwater flow blockages to the dry pond adjacent to the property.

Danny Gay of 2505 Temple Drive, Winter Park, FL 32789 addressed the Board. Mr. Gay spoke on concerns with the location of the proposed homes and how it might affect the flow of stormwater. He also wanted to know if the height of the proposed privacy wall could be increased.

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

The owner of the lots, Brooke Rose of 1759 Alabama Drive, Winter Park, FL 32789 addressed the Board. Mr. Rose explained that the privacy wall would be around eight feet in height and a lot of greenery would be installed. He also explained that they have already had engineers review the stormwater retention and it would be very difficult to change the current plans.

The Board inquired with staff about the required retention for the lots, whether or not the existing lake or its overflow will be filled or altered, and the location of the eight-foot wall.

The Board asked the public commenters if they still had concerns at that time and they expressed that they still had concerns regarding drainage, the possible effects to the area's canal wall, and the buffer around the wetland.

The Board inquired as to what material would be used for the eight-foot wall.

Motion made by Vashon Sarkisian, seconded by Michael Spencer, for approval to construct a new, two-story, 4,987 square-foot, single-family home located at 1296 Howell Branch Road on Lake Temple, zoned R-3, with the following conditions:

- **Keep the existing tree buffer along the lakefront for the duration of home construction.**
- **Plant one Live Oak tree, measuring at least 5-inch diameter in size, in accordance with the tree mitigation condition from the Code Board.**

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

- **SUB #23-01:** Request of the City of Winter Park for: Subdivision approval to split off a portion of the city-owned "Tree Farm" property to create six single family building lots at the end of Durham Avenue.

Mr. Briggs 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 the 17 acre tree farm had been used by the City of Winter Park to grow trees decades ago so they could be planted throughout the city. Once it became more cost effective to buy containerized trees the property became more of an agricultural site and its current use is mainly for hurricane and storm debris storage. Mr. Briggs then provided the Board with a brief background of the request noting that the intent of the request was to have the proceeds from the lot sales used toward new park acquisitions and improvements for the City. He then went on to discuss various concerns that had been brought up by the public regarding the request, which included possible future redevelopment of the entire lot, whether or not the six lots would be sold to one developer, and whether or not the homes would be attainable houses. He expressed to the Board that their role was to determine if the request conformed to the subdivision

and zoning codes in terms of the layout and lot sizes. He noted that the request met subdivision and zoning code requirements and that no variances were requested.

Staff recommendation was for approval.

The Board asked about the existing access to the tree farm, if the neighborhood was on a sewer system, if the area had been considered to be used as a park, if the entire property was fenced, and if there were any private property signs posted.

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

Debra Cunningham of 1112 Turner Road, Winter Park, FL 32789; Montje Plank of 1112 Turner Road, Winter Park, FL 32789; Barclay Ivanek of 1923 Dalmen Avenue, Winter Park, FL 32789; Tinker Marsh of 1106 Turner Road, Winter Park, FL 32789; Richard Bazzo of 1943 Durham Avenue, Winter Park, FL 32789; and Mikko Huttunen of 1010 Turner Road, Winter Park, FL 32789.

The Board heard public comment from the following resident in favor of the request:

Jennifer Capelle of 1942 Durham Avenue, Winter Park, FL 32789. Ms. Capelle asked if some of the homes could be relocated in order to save a shed that currently exists overlapping on her property and the tree farm property.

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

Mr. Briggs noted that a possible license agreement could be written up to address the shed concern expressed by Ms. Capelle.

The Board inquired as to the next steps that would be taken at the City Commission hearing on July 26, 2023 regarding the request if approved by the Board. The Board then asked if the request was considered a subdivision to which the City's Attorney Dan Langley responded that it will ultimately be a subdivision but must meet the subdivision code requirements.

Mr. Briggs expressed to the Board that the request would be a preliminary plat approval before it goes to the City Commission. He added that if it were to be approved by the City Commission it would go back to the Planning & Zoning Board for final plat approval.

The Board expressed that they wanted to see park space included in the request and have an opportunity for the public to attend a community meeting or workshop to have their concerns heard and addressed. The Board overall felt that there was a discernable lack of information and there needed to be greater development of the project as there were lots of opportunities for other options that would take the City's and the residents' needs into account.

Motion made by Warren Lindsey, seconded by Jim Fitch, to table the subdivision approval to split off a portion of the city-owned "Tree Farm" property to create six single family building lots at the end of Durham Avenue subject to the Board's request that the City advertise and have a community meeting or workshop to consider all of the factors to include creating a park and separating the lots.

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

(5) Action Items

No action items.

(6) Non-Action Items

No non-action items.

(7) Staff Updates

No staff updates.

(8) Board Comments

No Board comments.

(9) Upcoming Agenda Items

There was no discussion on upcoming agenda items.

(11) Adjournment

Meeting adjourned at 7:48 p.m.

Minutes approved by the Board on August 1, 2023.

/s/ Recording Secretary Mary Bush