



Planning & Zoning Board Work Session Minutes

July 12, 2022 at 12:00 p.m.

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

Present

Present: Jim Fitch, Alex Stringfellow, Richard James, Vashon Sarkisian, Michael Spencer, and David Bornstein. Absent: Melissa Vickers. Staff: Director of Planning and Transportation Jeff Briggs, Assistant Director of Planning and Transportation Allison McGillis, Senior Planner and Zoning Official John Harbilas, Planner I Nicholas Lewis, Planning Technician Aaron Hull, Parks Services Manager Josh Nye, Parks Superintendent Stefano Alvernia, and Recording Secretary Mary Bush.

(1) Call to Order

Chairman Richard James called the meeting to order at 12:02 p.m.

(2) Discussion Items

A. Update on Board Procedures.

Mr. Briggs briefly discussed the Board procedures for all advisory Boards pursuant to an ordinance recently passed by the City Commission. He noted that the City Commission wants all of the residents to be able to hear and see the regular meetings as they occur, so the meetings will be broadcast to the public through virtual meeting software. He also noted that quasi-judicial agenda items will allow for in-person public comment only and non-quasi-judicial agenda items will allow for both, in-person and virtual public comment. He added that the Ray Barry room on the second floor of the Public Safety complex will be set up with the same technical capabilities as the Commission Chambers to accommodate public hearings. Mr. Briggs went on to briefly discuss the Board's ability to attend meetings virtually.

B. Agenda preview for the August 2nd meeting and confirmation of quorum.

Mr. Briggs provided a brief update on the 2525 Audrey Avenue agenda item from the June 7, 2022 Planning and Zoning Board regular meeting, noting that the Allstate Insurance property access concerns had been resolved since that public hearing. He then informed the Board that there were no pending agenda items for the next scheduled regular meeting, so the meeting might be canceled.

C. Introduction to the Modernization of the Single Family Residential Zoning regulations.

Mr. Briggs briefly discussed updating the single family zoning regulations. He provided some background on a past approval for a home on Selkirk Drive, which was permitted in error to be built about seven feet into the front setback since staff relied upon aerials instead of real world measurements for the setback calculations. Due in part to the error, the City Commission requested that staff look at the codes to make them simpler to implement and more understandable as well as mitigate the size and scale of the new single family homes to be more compatible with the scale and character of the City. Brief discussion ensued with the Board.

Mr. Harbilas began discussion on correction of certain items that can be confusing in the permitting and review process from a zoning perspective. He then led discussion on various aspects related to setbacks, floor area ratio (FAR), impervious area, what the current code allows, and what staff was proposing as a potential solution. Mr. Harbilas spoke on the front setback requirements and noted that since the Planning department took over zoning, staff has required applicants to obtain a survey with their permit to use for calculation of their front setbacks. He noted that in very rare instances where the average can not be used, the calculation would be defaulted to 25 feet. Brief discussion ensued with the Board regarding having a set standard front setback. Mr. Harbilas then explained in detail two options that staff came up with as proposed solutions to determining the front setbacks. One option would be to look at a fixed percentage of the lot depth to calculate the front setback. Another option would be a standardized set number for the front setbacks based on lot

depth. Mr. Harbilas noted that with either option the survey would still be an option to use when beneficial to the applicant. Discussion ensued regarding the average front setbacks, average lot depth, the typical front setbacks in most residential areas, and what happens if there are large discrepancies. In depth discussion continued on the logistics and pros and cons of the two options presented by staff and what was trying to be achieved with the proposed changes.

Mr. Harbilas then reviewed and discussed the code for side setbacks with the Board and how side setbacks relate to front setbacks with regard to the calculations. He provided examples on calculating the maximum FAR and the setbacks. He noted that staff was recommending a set number for the setbacks of 30% of the lot width to the first floor and 40% to the second floor to provide not only a set number but also to minimize the potential for human error, simplify the setback calculations, and eliminate additional massing that could occur. Brief discussion ensued. Mr. Harbilas also noted that lots less than 12,500 feet would be capped at a setback of 30 feet and lots more than 12,500 feet would be capped at a setback of 35 feet.

Discussion then ensued regarding the setbacks for accessory structures. Mr. Harbilas explained that if the structure is an open air pavilion it is allowed to be five feet from the property. He added that any other accessory structures up to 100 square feet are allowed a five foot setback, structures up to 320 square feet are allowed a 10 foot setback, and any structure that is two story or above or over 320 square feet has to meet the main building except for garages. Discussion continued regarding the variation in setbacks for garages.

D. Introduction to Update to the City's Tree Ordinance.

Mr. Briggs introduced two guest speakers, the City's Parks Services Manager Josh Nye and Parks Superintendent Stefano Alvernia. He explained that they would be speaking on the City's tree ordinance. Mr. Nye began the discussion detailing the background and initial process of re-writing the code due to changes that occurred in the law in recent years. He noted that the State legislature more recently passed an amendment to the state law that allows people to hire a certified arborist or landscape architect to declare a tree a risk or hazard. The amendment makes the law stricter, only allowing it to be used in a limited amount of circumstances.

Mr. Nye provided the Board a copy of his analysis of the tree code for their review. He explained certain changes that had been made to the code over the years, including removing language that was either redundant or already dealt with in other parts of the code. He noted that some of the City's higher priorities with regard to the tree ordinance are preserving canopy, encouraging the regrowth of canopy through minimal landscape requirements on commercial lots, mitigation for tree removal permits, and landscape requirements on residential lots. He went on to explain how tree requirements coincide with the criteria that the Planning and Zoning Board deals with in regards to the applications that they have to evaluate and make decisions on. Mr. Nye then reviewed important changes listed in his analysis, one being protected trees requiring a removal permit beginning at six inches diameter at breast height.

Discussion then ensued regarding differentiating between a developer of a residential property and someone who is occupying a residential property with regard to fees. Mr. Nye continued discussion on swale issues, reducing canopy loss, requirements for lots under development to protect trees, and communication with builders. Ms. Sarkisian inquired about why sabal palms are protected trees and Mr. Nye elaborated on the reason, which related to a decision made by the City's Tree Board. Brief discussion ensued. The Board expressed that they were in favor of seeing stringent restrictions created on new construction regarding trees.

(3) Adjournment

Meeting adjourned at 1:41 p.m.

/s/ Recording Secretary Mary Bush