



Planning & Zoning Board Regular Meeting Minutes

July 5, 2022 at 6:00 p.m.

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

Present

Present: Richard James, Melissa Vickers, David Bornstein, Vashon Sarkisian, Michael Spencer, and Jim Fitch. Absent: Alex Stringfellow. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Transportation Jeff Briggs, Planner I Nicholas Lewis, Planning Technician Aaron Hull, and Recording Secretary Mary Bush.

(1) Call to Order

Chairman Richard James called the meeting to order at 5:59 p.m.

(2) Consent Agenda

Approval of Minutes:

Motion made by Richard James, seconded by Michael Spencer to approve the June 7, 2022 meeting minutes.

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

(3) Staff Updates

Mr. Briggs noted that at the next work session, scheduled for July 12, 2022, the modernization of the City's single-family zoning regulations will be discussed. Brief discussion ensued about the City Commission's request for staff updates to the single-family residential zoning rules. Mr. Briggs also noted that the staff from the City's Urban Forestry department will be at the work session to discuss updating the City's tree ordinance.

Attorney Langley mentioned that one half of the Orange Avenue Overlay (OAO) litigation has been mostly concluded at this point. He noted that the proceeding for the challenge to the Comprehensive Plan amendment has run its course and a judgement for a recommended order in favor of the City was rendered by the judge for the case. He also noted that a final order is expected from the Department of Economic Opportunity within a week. Once the order comes through, hopefully consistent with the recommended order of the Comprehensive Plan amendment, the OAO will be effective as well as the Land Development Code regulations.

Mr. Spencer inquired about the status of the City's consultant to which Mr. Briggs responded that the contract has been approved and the consultant has already started on the assignment.

(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

- SUB #22-05: Request of Marilyn King for Subdivision approval to split the property at 358 Virginia Drive, zoned R-1AA.

Mr. Briggs provided the Board a brief summary of the request. He presented to the Board an area map and proposed site plan of the property. He noted that lots #3 and #6 are combined and there are individual houses on lots #1 and #8. He added that the applicant wants to separate a portion of their lot #7 as an individual future building lot. Mr. Briggs then presented photos of the existing house and the vacant rear portion of the property. He explained that the applicant plans to split off the rear of the property approximately 133 feet to create a 15,333 square foot lot in the rear, leaving an approximate 23,300 square foot lot in the front along Virginia Drive. He then reviewed the minimum requirements for the R-1AA zoning for the property, the floor-area-ratio (FAR), and the impervious coverage. He noted that the new lot line is within five feet of the existing guest house, so the applicant was requesting a variance of five feet in lieu of the required 25 foot setback. Mr. Briggs indicated that the applicant agreed to historically designate the existing home in consideration of the requested variance. He then stated that the request exceeds the subdivision code required comparison to the lots within a 500 foot radius of the property.

Staff recommendation was for approval.

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

Motion made by Michael Spencer, seconded by David Bornstein, for Subdivision approval to split the property at 358 Virginia Drive, zoned R-1AA.

Motion carried with a 6-0 vote. (Alex Stringfellow was not present for the meeting.)

- ZTA #22-01: Request of the City of Winter Park for an Ordinance of the City of Winter Park, Florida, amending Chapter 58 "Land Development Code" Article III, "Zoning Regulations" Section 58-72 "Office (O-1) District" and Section 58-76 "Commercial (C-3) District" so as to amend the development standards regarding setbacks.

Mr. Briggs provided the Board a brief summary of the request. He explained staff's reasoning for modifying the code language regarding setbacks.

He then briefly discussed the background of the following proposed ordinance changes:

- in office (O-1) zoning, establish 10 foot front setback on W. Fairbanks Avenue to be consistent with Commercial (C-3) setbacks,
- amend rear setback in O-1 and C-3 zoning from 30 feet to 10 feet, if not adjacent to residential,
- and remove side setback variance authority for P&Z.

Mr. Briggs noted that since there have been minimum development proposals received, staff has been able to take a look at the codes to update them at this time.

Staff recommendation was for approval.

The Board briefly inquired about the following:

- if the rear setback issue was throughout the code or only with regard to West Fairbanks,
- clarification on the front setback for O-1 zoning,
- if the proposed ordinance changes would affect any existing buildings, businesses or offices,
- and how parking would be addressed with the ordinance changes.

The Board heard public comment from the following resident:

Zach Stovall of 1877 Karolina Avenue, Winter Park, FL 32789 addressed the Board. Mr. Stovall spoke on concerns regarding the rear setback changes possibly causing a closer proximity of commercial buildings and parking to the homes in the area.

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

Mr. Briggs noted to the Board that on the north side of Fairbanks, the commercial lots are only about 50 feet deep, so it would be very difficult to get someone to agree to tear down a 3,000 square foot building just to build another 3,000 square foot building. He explained that the only economic incentive would be that they

can build something bigger by using the property behind them that fronts on Karolina Avenue. The Comprehensive Plan says that the City will consider rezoning only to parking lot (PL), in which the building will have to be located on the commercial frontage and the rear of the property can be a parking lot but with protections for the neighbors behind it. Mr. Briggs briefly described the protections.

The Board briefly discussed the item and inquired if any feedback to the request had been received by staff from the neighborhood and general public, clarification of the 30 foot setback requirement, how the amount of parking spaces is determined for the PL zoning, and if staff has had any complaints from the public about the required landscape screening.

Motion made by David Bornstein, seconded by Michael Spencer, for approval of an Ordinance of the City of Winter Park, Florida, amending Chapter 58 "Land Development Code" Article III, "Zoning Regulations" Section 58-72 "Office (O-1) District" and Section 58-76 "Commercial (C-3) District" so as to amend the development standards regarding setbacks.

Motion carried with a 6-0 vote. (Alex Stringfellow was not present for the meeting.)

- ZTA #22-02: Request of the City of Winter Park for an Ordinance to codify the charter amendments approved by referendum on March 8, 2022.

Mr. Briggs provided the Board a brief summary of the request. He noted that the amendments are already in effect but staff felt that people who look at the City's codes and research them through Municode, may not think to go to the charter to find the special provisions, so they should be referenced in the Comprehensive Plan and zoning code chapters that cover how to make amendments. Mr. Briggs explained that staff used the exact language that was previously approved by the voting public and added it into the ordinance to codify it within the two chapters. He then went into detailed discussion about what currently needs four votes to be passed.

Staff recommendation was for approval.

Chairman James noted to staff that on page 32 of the meeting's agenda packet, under the changes to Section 58-89, one "planning and zoning commission" was left in without striking out the word "commission".

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

Motion made by Michael Spencer, seconded by David Bornstein, for approval of an Ordinance of the City of Winter Park, Florida, amending Chapter 58 "Land Development Code" Article III, "Zoning Regulations" Section 58-72 "Office (O-1) District" and Section 58-76 "Commercial (C-3) District" so as to amend the development standards regarding setbacks.

Motion carried with a 6-0 vote. (Alex Stringfellow 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 6:43 p.m.

Minutes approved by the Board on September 6, 2022.

/s/ Recording Secretary Mary Bush