Planning & Zoning Board Regular Meeting Minutes

June 7, 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, Assistant Director of Planning and Transportation Allison McGillis, Senior Planner and Zoning Official John Harbilas, 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 6:02 p.m.

(2) Consent Agenda

Election of Chairman and Vice-Chairman:

Motion made by Michael Spencer, seconded by Jim Fitch to nominate Richard James as Chairman of the Board. Mr. James accepted the nomination.

By a roll call vote, the motion carried unanimously 6-0. (Alex Stringfellow was not present for the meeting.)

Motion made by Jim Fitch, seconded by Richard James to nominate David Bornstein as Vice-Chairman of the Board. Mr. Bornstein accepted the nomination.

By a roll call vote, the motion carried unanimously 6-0. (Alex Stringfellow was not present for the meeting.)

Approval of Minutes:

Motion made by Melissa Vickers, seconded by David Bornstein to approve the May 3, 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 the Henderson Hotel property will be brought back with a new proposal as a restoration hardware development. It will be requested at the June 8, 2022 City Commission meeting to have a future joint work session with the Commission and the Planning and Zoning Board to have the plans publicly revealed and discussed.

(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

- SPR #22-08: Request of Konkol Custom Homes on behalf of the owners, Ryan and Emily Kwiatkowski, for approval of a new 1,397 square-foot addition to the existing home at 1045 Lake Bell Drive on Lake Bell, zoned R-1A.

Mr. Lewis 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 gave details on the required Floor Area Ratio (FAR) and impervious area, noting that the applicant was requesting only 18% FAR and 25% impervious area, which is significantly less than the required maximums of 33% FAR and 60% impervious area per the City's Land Development Code. Mr. Lewis then reviewed the lakefront approval criteria for the request. He noted that the applicant wants to remove one 18-inch caliper cypress tree 90-feet from the waterline of the property that interferes with meeting the required side and rear setbacks. The applicant will be required to plant multiple three-inch caliper shade trees in replacement of the cypress tree. Mr. Lewis also noted that there is a six-foot high vinyl fence that runs along both the east and west property lines, connecting from the house to the waterline. He then explained that the view of the site addition is blocked for the neighbor to the east due to heavy vegetation and the position of the neighboring home. He added that the neighbor to the west has a detached accessory structure on their property that blocks their view of the site addition. Mr. Lewis further noted that there is no stem or retaining wall component and the applicant was proposing a six-inch swale that would more than cover the addition and existing home.

Staff recommendation was for approval subject to fully mitigating the 18-inch caliper cypress tree.

The Board inquired about the following:

- if any comments had been received from neighbors to the property,
- clarification of the proposed rear setback to the lake,
- the average of the rear setbacks of the neighboring properties,
- and clarification on the cypress tree removal.

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

Motion made by Jim Fitch, seconded by Michael Spencer, for approval of a new 1,397 square-foot addition to the existing home at 1045 Lake Bell Drive on Lake Bell, zoned R-1A subject to the full mitigation of the 18-inch caliper cypress tree removal.

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

- SPR #22-09: Request of Charles Clayton Construction for approval of a new 1,430 square-foot addition to the existing home and a new 164 square-foot addition to the existing pool house, at 314 Salvador Square on Lake Sue, zoned R-1AAA.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an aerial view and proposed site plan of the property. He noted that there are several neighboring properties but only two abut the lakefront side of the applicant's property. He also noted that the proposed additions will not affect any views of the neighboring properties due to the house being set extremely far forward on the lot. Mr. Lewis added that none of the proposed additions extend past the existing and/or required setbacks. He then expressed that the proposed lot area base FAR was 14.5%, significantly less than the required maximum of 33%, and the proposed impervious surface ratio was 32%, significantly less than the required maximum of 50%. He went on to explain that before the applicant knew that they had to go through a lakefront review for the additions, the applicant removed a 24-inch caliper live oak tree in good condition. They have since been issued an after the fact tree removal permit which the applicant has fully mitigated and is now required to plant three bald cypress trees and one live oak tree in replacement of the removal.

Staff recommendation was for approval.

The Board briefly inquired if there were any line of sight issues for the neighboring properties.

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 a new 1,430 square-foot addition to the existing home and a new 164 square-foot addition to the existing pool house, at 314 Salvador Square on Lake Sue, zoned R-1AAA.

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

- CU #22-05: Request of PRN Real Estate & Investments, Ltd., a Florida limited partnership for Conditional Use approval to redevelop the property at 1133 W. Morse Blvd with a 16,500 square foot, two-story, office/showroom/warehouse building, zoned C-3.

Mrs. McGillis provided the Board a brief summary of the request. She presented to the Board an aerial view and proposed site plan of the property. She noted that the property is currently undergoing a process with Orange County to combine with the property to the north, which is a First Watch Restaurant location at 140 North Orlando Avenue and under the same ownership. She also noted that when the properties are combined they yield a FAR of 31%, which is well below the maximum required 45% FAR. Mrs. McGillis expressed that the project meets all of the C-3 zoning requirements and will have underground storm water retention. She then presented elevations for the property and noted that 47 parking spaces are required per code for the property. She went on to explain that 22 spaces will be provided on site in the rear of the property and the other 25 spaces will be covered by a shared parking easement with three neighboring properties, which are the Sleep Number and Stretch Lab building, First Watch restaurant, and a proposed Paradise Grills showroom. The shared parking agreement equates to 129 total parking spaces, which is enough parking to satisfy all of the uses for the combined properties.

Staff recommendation was for approval with the following conditions:

- That the frontage along Morse Boulevard be landscaped with a retaining wall along the sidewalk to overcome the grade drop and prevent the landscape area mulch, etc. from floating downhill into the sidewalk/streets.
- That the rooftop mechanical equipment be centered behind the parapet façade over the front entrance to screen and that other screening be required to prevent visibility from the street (per code.
- That the building meters and general back-of-house equipment not be located on a street facing wall/frontage.

The Board inquired about and briefly discussed the following:

- clarification on combining the properties under Orange County,
- the proposed location and length of the retaining wall,
- and what would occur regarding FAR if one of the properties is sold.

Attorney Langley advised that for the record the Board should add the lot combination as a condition of the conditional use approval. Mrs. McGillis noted that the applicant has already submitted the forms for the lot combination with Orange County but it has not yet been reflected on the Orange County Property Appraiser's map.

The applicant's representative, Attorney Becky Wilson with Lowndes Law Firm at 215 North Eola Drive, Orlando, FL 32801 addressed the Board. Attorney Wilson noted that the applicant was okay with having the lot combination as a condition of approval and that the Orange County Property Appraiser's paperwork approving the combination had been received.

The Board heard public comment from the following resident:

Herman Eick of 200 N. Orlando Avenue, Winter Park, FL 32789 addressed the Board. Mr. Eick noted that he owned the Stretch Lab studio and had concerns with parking as he felt there were not enough spaces already, especially during peak business hours.

Ms. Sarkisian noted that possibly having some signage addressing the shared parking for the various properties had been discussed during a previous Planning and Zoning Board work session.

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

Attorney Wilson addressed Mr. Eick's comments by confirming that an easement exists on the property that is being combined, which allocates eleven spaces to Sleep Number and Stretch Lab. She also noted that the applicant would be happy to work with the companies on signage for parking. Mr. Spencer inquired about the traffic generation from the applicant's property and Attorney Wilson expressed that the applicant is very confident that Winter Park's parking code exceeds what they will actually need.

Attorney Langley stated the condition on the lot combination so it could be incorporated into a motion. He stated that in order to meet the FAR requirement of the code, the 1133 West Morse Blvd parcel and the 140 North Orlando Avenue (First Watch parcel), must be legally combined prior to any development of the site and no further lot splits shall occur without further City approval.

Motion made by David Bornstein, seconded by Michael Spencer, for Conditional Use approval to redevelop the property at 1133 W. Morse Blvd with a 16,500 square foot, two-story, office/showroom/warehouse building, zoned C-3 with the following conditions:

- **That the frontage along Morse Boulevard be landscaped with a retaining wall along the sidewalk to overcome the grade drop and prevent the landscape area mulch, etc. from floating downhill into the sidewalk/streets.**
- **That the rooftop mechanical equipment be centered behind the parapet façade over the front entrance to screen and that other screening be required to prevent visibility from the street (per code.**
- **That the building meters and general back-of-house equipment not be located on a street facing wall/frontage.**
- **That in order to meet the FAR requirement of the code, the 1133 West Morse Blvd parcel and the 140 North Orlando Avenue (First Watch parcel), must be legally combined prior to any development of the site and no further lot splits shall occur without further City approval.**

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

- CU #22-06: Request of CentreCorp Inc. for Conditional Use approval to redevelop the property at 220 N. Orlando Avenue with a 5,297 square foot, one-story, office/showroom/warehouse building, zoned C-3.

Mrs. McGillis provided the Board a brief summary of the request. She stated that the applicant is proposing a new 5,297 square foot one story building to be used as an office/showroom/warehouse called Paradise Grills. She expressed that the project meets all of the C-3 zoning regulations, stormwater underground retention will be provided, parking will be located in the rear of the property, the existing curb cut will be eliminated, and landscaping will be provided along the Orlando Avenue frontage. Mrs. McGillis presented the proposed elevations of the building and noted that the parking will be part of the shared parking easement with Sleep Number and Stretch Lab building, First Watch restaurant, and the proposed Ferguson Plumbing building. She also noted that the building will not have any storage space, only showroom space, so only 16 parking spaces are required and two of those spaces will be part of the shared parking easement.

Staff recommendation was for approval with the following conditions:

- That the frontage along North Orlando Avenue and the portion along Symonds Avenue not used as access be landscaped with a retaining wall along the sidewalk to overcome the grade drop and prevent the landscape area mulch, etc. from floating downhill into the sidewalk/streets.
- That the rooftop mechanical equipment be centered behind the parapet façade over the front entrance to screen and that other screening be required to prevent visibility from the street (per code).
- That the building meters and general back-of-house equipment not be located on a street facing wall/frontage.

The Board inquired about and briefly discussed the following:

- why there is no connection for the parking through the driveway next to the Sleep Number and Stretch Lab building,
- clarification on what other C-3 use there could be for the proposed building in the future,
- clarification of the number of required spaces for all four properties,
- requiring directional signage for additional available parking,
- and clarification of the number of different property owners for the four properties.

The applicant's representative, Attorney Becky Wilson with Lowndes Law Firm at 215 North Eola Drive, Orlando, FL 32801 addressed the Board. Attorney Wilson clarified the ownership of the buildings and noted that the applicant is happy to discuss the signage concern.

The Board continued discussion and inquired about the following:

- what happens to the parking if Paradise Grills is sold in the future,
- and any contamination from the previous structure that was a dry cleaner.

Attorney Wilson noted that the cleanup for the prior dry cleaning structure is part of a State program and they are about to actively begin cleaning up the site.

The Board heard public comment from the following resident:

Herman Eick of 200 N. Orlando Avenue, Winter Park, FL 32789 addressed the Board. Mr. Eick, who owns the Stretch Lab studio, expressed concerns with parking as he felt there were not enough spaces already, especially during peak business hours. He inquired with the Board about situations where the use of a property results in higher demand parking than what is required to by zoning.

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

The Board briefly expressed their thoughts on the request, expressing concerns regarding parking and signage for parking.

Motion made by Vashon Sarkisian, seconded by Michael Spencer, for Conditional Use approval to redevelop the property at 220 N. Orlando Avenue with a 5,297 square foot, one-story, office/showroom/warehouse building, zoned C-3 with the following conditions:

- **That the frontage along North Orlando Avenue and the portion along Symonds Avenue not used as access be landscaped with a retaining wall along the sidewalk to overcome the grade drop and prevent the landscape area mulch, etc. from floating downhill into the sidewalk/streets.**
- **That the rooftop mechanical equipment be centered behind the parapet façade over the front entrance to screen and that other screening be required to prevent visibility from the street (per code).**
- **That the building meters and general back-of-house equipment not be located on a street facing wall/frontage.**
- **That the applicant must add shared parking signage within the property.**

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

Chairman James called for a recess at 6:53 p.m. and reconvened the meeting at 7:00 p.m.

- CPA #22-01, RZ #22-01, SUB #22-01: Request of Charles Veigle, Sr. and Kathleen Greene to amend the comprehensive plan future land use map and zoning map to change the designation of Office (O-1) to Single Family Residential (R-1AA) on the property at 2525 Audrey Avenue and for subdivision plat approval to divide the property into three single family home lots.

Mr. Harbilas provided the Board a brief summary of the request. He presented aerial views of the property and noted that it was currently vacant. He also noted that the applicant had agreed, with the guidance of the City's Urban Forestry division, to save the trees that are in good health along the property's east side and waterfront. Mr. Harbilas indicated that there is an unusual bump out of the right-of-way (ROW) that seems to cut into the site and a portion of which is just dirt that has been utilized by the adjacent Allstate property over the course of time. He added that this area will include the connection to a shared driveway including its connection to the actual drivable roadway at Audrey Avenue and Ololu Drive. Mr. Harbilas then presented the plat of the property and emphasized that the City's Comprehensive Plan speaks to requiring public access for development of large un-platted lakefront lots, but since this lot was platted as a part of lot 13 of the West Winter Park Plat the policy does not apply. The applicant will, though, be required to replat as a part of the subdivision process. He then went on to present the proposed site plan and noted that the plan had been reviewed by all City departments and was in conformance with code. He mentioned that before the meeting, the Allstate ownership contacted the City regarding concerns about the driveway design as it intersects with the ROW.

Staff recommendation was for approval with the following conditions:

- That a Note is provided on the Plat indicating that the boathouse/dock dimensions be limited to no more than 30 feet into the lake, that the structures be no wider than 16 feet and that the structures be permitted a 5-foot side setback measured on the land with the Lake Killarney Advisory Board permitted to grant variances as necessary to protect the existing cypress trees.
- That the Plans for the road construction within the right-of-way area be subject to the approval of the City Traffic Engineer in order to assess the adequacy of backup access for the existing Allstate Insurance office parking lot; and
- That the Allstate Insurance Office be granted a right-of-way utilization permit to maintain the existing monument sign in its current location; and
- That the proposed perimeter wall stop at the front leading edge of the existing Allstate Insurance Office building.

The Board inquired about and briefly discussed the following:

- clarification of the location of the Allstate property and the ROW,
- whether or not the proposed three single family home lots will come back before the Planning and Zoning Board,
- the proposed width of the driveway,
- the accessibility for fire and safety vehicles,
- and resolving the issue with the ROW in advance of any approval.

Attorney Langley inquired about how the ROW use permit would be obtained for the existing Allstate monument signage. Mr. Briggs noted that the City is trying to provide confirmation to the Allstate property owners that it intends to grant a ROW utilization permit so that Allstate does not have to take down their sign. Attorney Langley recommended that the third condition of approval state that the project design of the driveway/road improvements should accommodate the possibility for the Allstate group to obtain a ROW use permit to keep their current signs in place.

The applicant's representative, Scott Taylor (address not provided) addressed the Board. Mr. Taylor spoke on the various revisions made to the request since it was initially submitted. He noted that the applicant was willing to accept the four conditions as outlined. He expressed that the biggest considerations at this point are the current zoning and allowed parking spaces for the lot.

The Board inquired with Mr. Taylor regarding the proposed homes being on a septic or sewer system. Mr. Taylor confirmed that the homes are to be on a sewer system.

The Board heard public comment from the following residents:

Attorney Vivien Monaco of the Watson Sloan Law Firm, at 100 S. Orange Avenue, Suite 1000, Orlando, FL 32801 addressed the Board and spoke on behalf of Victor and Madonna Morel, owners of the Allstate Insurance office at 2531 Audrey Avenue, which is adjacent to the applicant's property. Attorney Monaco read a letter that was written and provided to the Board by the Morels in hopes of receiving some kind of assistance with their concerns with the driveway design as it intersects with the ROW. Attorney Monaco provided a brief presentation to the Board with background on the history of the Morels' 18 year ownership of the Allstate Insurance property. She also noted that the Morels have no objection to the changes to the Comprehensive Plan Future Land Use, the rezoning, and the subdivision to residential for the request, but are concerned about the proposed driveway as shown on the site plan. She explained how the proposed driveway in front of the Morels' property would significantly affect safe and adequate ingress and egress and noted that staff already addressed the Morels' concerns regarding the proposed privacy wall. Attorney Monaco also reviewed a written communication to the Morels by the applicant's lawyer regarding a proposed driveway access to the applicant's property in 2004 but no action was taken by the applicant to move forward with the proposal. She then went on to review photos of the Allstate Insurance property detailing and discussing the existing six parking spaces and the Morels' permits for parking. She noted that the Morels object to the proposed interference with their access and parking for their property. Attorney Monaco further explained that the Morels had properly obtained a permit for the pole sign and were only made aware in the last few days that the sign was in the ROW. She expressed that the Morels feel that none of their parking spaces are in the ROW and are not in favor of the changes to the ROW. Attorney Monaco respectfully requested that an additional condition of approval be added to state that the final site plan shall not detrimentally affect safe and adequate ingress or egress to 2531

Audrey Avenue and shall not affect the number or the placement of the six parking spaces as they currently exist.

Discussion ensued between Attorney Langley and Attorney Monaco regarding the following:

- whether or not she submitted to the staff proposed conditions that her client agreed with and just added additional conditions not previously discussed with the staff,
- if it was her contention that the project be required to redesign her client's property in order to keep six parking spaces in place,
- and if she was stating that the city's Planning and Zoning Board has to mandate that the access remain unimpeded along the entire width of frontage of her client's property in order to preserve onsite conditions.

Attorney Monaco explained that she believed that the additional conditions were created in response to her client's concerns. She also explained that neither she nor her client had been able to speak to an engineer prior to the meeting to discuss the technical aspects of the parking but feels that the current proposed design will seriously impede access to the parking and maneuverability.

Mr. Fitch inquired about who was requiring the two foot wide concrete island and why two spaces where lost on the Allstate Insurance property. Mr. Harbilas addressed Mr. Fitch's inquiries and confirmed that the proposed concrete island and stop sign are based on the traffic requirements from the City's traffic engineer.

Victor Morel owner of the Allstate Insurance property at 2531 Audrey Avenue, Winter Park, FL 32789 addressed the Board. Mr. Morel expressed concerns with the parking, access, and maneuverability of the proposed project in relation to the Allstate Insurance property.

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

Mr. Taylor addressed Attorney Monaco and Mr. Morel's comments and noted that the applicant is trying to comply with everything that the City has asked for and has done so at great expense. He added that the roadway to the property is not private and will be part of a City street. He then implored the Board to accept the recommendations of staff with the additional language brought up by Attorney Langley for the request.

The Board briefly discussed the request and expressed their thoughts. The Board inquired about clarification on the ownership of the street and ROW and who maintains it, redirecting the proposed driveway, narrowing the road, and the possibility of moving the stop sign and curb forward and if it would affect the perimeter wall. Vice-Chair Bornstein recommended that line of sight standards be considered for the locations of the future proposed homes on the applicant's lot when it comes time to establish them.

Motion made by Michael Spencer, seconded by David Bornstein, to amend the comprehensive plan future land use map and zoning map to change the designation of Office (O-1) to Single Family Residential (R-1AA) on the property at 2525 Audrey Avenue and for subdivision plat approval to divide the property into three single family home lots with the following conditions:

- **That a Note is provided on the Plat indicating that the boathouse/dock dimensions be limited to no more than 30 feet into the lake, that the structures be no wider than 16 feet and that the structures be permitted a 5-foot side setback measured on the land with the Lake Killarney Advisory Board permitted to grant variances as necessary to protect the existing cypress trees.**

- **That the Plans for the road construction within the right-of-way area be subject to the approval of the City traffic Engineer in order to assess the adequacy of backup access for the existing parking lot on the property at 2531 Audrey Avenue; and**

- **That the site plan's project design of the driveway/road improvements should accommodate the possibility for the property at 2531 Audrey Avenue to apply for and obtain a ROW use permit to keep their current signs in place; and**

- **That the proposed perimeter wall stop at the front leading edge of the existing property at 2531 Audrey Avenue.**

Motion carried with a 5-1 vote. (In-Favor: Richard James, Melissa Vickers, Michael Spencer, Vashon Sarkisian, and David Bornstein. Opposed: Jim Fitch. Alex Stringfellow was not present for the meeting.)

(8) Board Comments

No Board Comments.

(9) Upcoming Agenda Items

Chairman James inquired about the planned topics for the next Board meeting in July. Mr. Briggs stated that the agenda will be very light with one lot split and a few staff items.

(10) Adjournment

Meeting adjourned at 8:03 p.m.

Minutes approved by the Board on 07/05/2022.

/s/ Recording Secretary Mary Bush