



Planning & Zoning Board Regular Meeting Minutes

January 3, 2023 at 6:00 p.m.

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

Present

Present: Richard James, David Bornstein, Melissa Vickers, Vashon Sarkisian, Jim Fitch, Michael Spencer, and Alex Stringfellow. Also Present: City Attorney Dan Langley. Staff: Assistant Director of Planning and Transportation Allison McGillis, 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 6:01 p.m.

(2) Consent Agenda

Approval of Minutes:

Motion made by David Bornstein, seconded by Jim Fitch to approve the December 6, 2022 meeting minutes.

Motion carried unanimously with a 6-0 vote. (Michael Spencer was not present for the approval of the minutes.)

(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 #22-16: Request of Randall Slocum with Slocum Platts Architects for approval to construct a new, two-story, 5,707 square-foot, single-family home located at 910 Poinciana Lane on Lake Maitland, zoned R-1AA.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map and aerial of the property. He noted that the lot is a bit shallow compared to the surrounding lots. He added that the applicant's plans were at a 36% floor-area-ratio (FAR) and 41% impervious lot coverage, which both fall below maximum code requirements. He also noted that the applicant's plans fall within the required front and pool setbacks. The average for the lakefront setbacks in the area is 54 feet and the applicant proposed a 55 foot setback. Mr. Lewis then indicated that only one tree, an unhealthy 30-inch caliber oak tree in the northeastern corner of the lot, is to be removed. He noted that no views from the lake or the neighbors would be blocked by the proposal. He also noted that there are three swales on the property that serve as more than enough retention to meet the requirements for stormwater.

Staff recommendation was for approval.

Mr. Fitch asked if any neighbors had expressed objections to the request to which Mr. Lewis replied that no neighbor responses had been received.

The applicant, Randal Slocum with Slocum Platts Architects at 670 North Orlando Avenue, Maitland, FL 32751 addressed the Board. Mr. Slocum noted that the plans for the request were a straightforward design which fits well on the lot. He also noted that he had a smooth work experience with staff.

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

Motion made by Michael Spencer, seconded by Melissa Vickers, for approval to construct a new, two-story, 5,707 square-foot, single-family home located at 910 Poinciana Lane on Lake Maitland, zoned R-1AA.

Motion carried unanimously with a 7-0 vote.

- ZTA #23-01: Request of the City of Winter Park for an Ordinance amending Chapter 58, “Land Development Code”, Article III, “Zoning”, Section 58-94 “Appeals from interpretations and enforcement decisions of the building and zoning official”, to modify the process for appeals.

Mrs. McGillis provided the Board a brief summary of the request. She noted that the request was for an ordinance brought forth by City Attorney Langley to amend the appeals section of the land development code to correct existing ambiguities.

City Attorney Langley explained that the City has been running into situations where neighbors are using the building and zoning official’s interpretation provision after building permits are issued and construction commences to seek interpretations that essentially have already been rendered during the permit issuance process to try to appeal permits that have already been issued. He noted that this has become very chaotic and not the typical process. He went on to explain that the proposed provisions make it clear that it is the property owners whose properties are affected by an interpretation or an enforcement action that can seek an appeal of the building and zoning official’s interpretation. Only once an interpretation is rendered for such an appeal would a neighbor have the opportunity to contest the interpretation. City Attorney Langley expressed that the amendment makes it clear that, once a development order has been issued, the appropriate appeals mechanism is to challenge those decisions timely and not try to seek an opinion later to use it as an avenue to challenge something that is already under construction. He added that the amendment clarifies the process and narrows the window to 15 days to challenge a building and zoning official’s interpretation.

Staff recommendation was for approval.

Discussion ensued with the Board regarding how often the appeals issue has occurred, if the amendment might encourage people to wait 15 days to appeal a permit prior to construction, and if there is a definitive definition of “affected property owners” in the land development code.

Chairman James noted that in the written ordinance on pages 2 and 3 in subsections (d), (e), (f), and (g) the title “planning and zoning commission” should be corrected to “planning and zoning board”.

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

Motion made by Vashon Sarkisian, seconded by Alex Stringfellow, for an Ordinance amending Chapter 58, “Land Development Code”, Article III, “Zoning”, Section 58-94 “Appeals from interpretations and enforcement decisions of the building and zoning official”, to modify the process for appeals.

Motion carried unanimously with a 7-0 vote.

- ZTA #23-02: Request of the City of Winter Park for an Ordinance amending Chapter 58, “Land Development Code”, Article III, “Zoning” Section 58-72 “Office (O-1) district”, to add a new permitted use for state licensed establishments involved in the rendering of a personal or business service limited to barber shops and hair salons, day spas, and cosmetic treatments subject to certain conditions.

Mrs. McGillis provided the Board a brief summary of the request. She noted that currently only professional offices are permitted in O-1 zoning, except that in the early 2000s the City made an amendment to the O-1 zoning to allow State licensed massage establishments. She also noted that the proposed ordinance will allow for other types of personal business services that fall under the category of cosmetology salons. She explained that there has been a recent increase in the demand for this type of use in O-1 zoning districts. She further explained that the landlords of smaller office suites measuring 1,000 square feet or less have expressed to the City that they have not been able to rent out their spaces to any offices and they only receive interest from salons causing their spaces to stay vacant. In response to this, staff created the proposed ordinance which would allow only certain additional uses and would specifically not allow nail salons, tattoo shops or chain uses.

Staff recommendation was for approval.

The Board briefly discussed the request and inquired about the following:

- where the primary O-1 zoning within the City is located,
- if a stand alone building would still have to meet its own parking requirement,
- the request that was the impetus for the proposed ordinance,
- the possible downside to the proposed changes,
- if residential is permitted in O-1 zoning,
- the reason for excluding nail salons and tattoo shops,
- why small retail shops are not included in the allowed uses,
- if there are additional uses possible,
- and considering the hours of operations for the allowed uses.

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

Motion made by Alex Stringfellow, seconded by David Bornstein, for an Ordinance amending Chapter 58, “Land Development Code”, Article III, “Zoning” Section 58-72 “Office (O-1) district”, to add a new permitted use for state licensed establishments involved in the rendering of a personal or business service limited to barber shops and hair salons, day spas, and cosmetic treatments subject to certain conditions.

Motion carried unanimously with a 7-0 vote.

- ZTA #23-03: Request of the City of Winter Park for an Ordinance amending Chapter 58, “Land Development Code”, Article III, “Zoning” Section 58-84 “General provisions for nonresidential zoning districts”, to ensure that no air traffic hazards will be created by structures and other appendages by following the heights detailed in the Orlando/Orange County Airport Zoning Regulations text and map.

Mrs. McGillis provided the Board a brief summary of the request. She explained that the Federal Aviation Administration (FAA) recently contacted the City about a survey they were conducting to see if jurisdictions within their flight paths have this Orlando and Orange County airport zoning regulation in their land development code. She further explained that it was determined that the regulation had been removed from the City’s land development code over time, so staff was proposing to simply add it back into the code.

Staff recommendation was for approval.

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

Motion made by Melissa Vickers, seconded by Michael Spencer, for an Ordinance amending Chapter 58, “Land Development Code”, Article III, “Zoning” Section 58-84 “General provisions for nonresidential zoning districts”, to ensure that no air traffic hazards will be created by structures and other appendages by following the heights detailed in the Orlando/Orange County Airport Zoning Regulations text and map.

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

No Board comments.

(9) Upcoming Agenda Items

Mrs. McGillis noted that the Board would continue discussion on the West Fairbanks Avenue study area at the next work session scheduled for January 24, 2023.

(10) Adjournment

Meeting adjourned at 6:43 p.m.

Minutes approved by the Board on February 7, 2023.

/s/ Recording Secretary Mary Bush