



City Commission **agenda item**

item type Public Hearings	meeting date March 24, 2021
prepared by Allison McGillis	approved by Bronce Stephenson, Michelle Neuner, Randy Knight
board approval Completed	
strategic objective	

subject

Request of Lake Spier Development LLC for:

item list

- Conditional Use approval to allow for the development of ten two-story townhouses on the 1.28 acres at 1915 S. Lakemont Avenue, zoned R-2.

motion / recommendation

Staff and Planning & Zoning Board recommendation is for approval with the following conditions:

- No motorized watercraft use, mooring, storing, tying up or access shall be permitted upon or from the property or the property's docks. At the time of platting, a Declaration of Covenants, Conditions & Restrictions shall be recorded in the public records containing language acceptable to and enforceable by the City incorporating this restriction as a deed restriction binding upon the land.
- The emergency access gate to Lake Spier Drive to be provided as described in the plans approved with the conditional use shall be for the City of Winter Park's emergency vehicle use only and there shall be no pedestrian gate or other access point provided between the development and Lake Spier Drive. The homeowners association and lot owners shall not have access rights through the emergency access gate. The developer, at its expense, shall install the emergency access gate, emergency knox box and key box compliant with NFPA requirements. At the time of platting, a Declaration of Covenants, Conditions & Restrictions shall be recorded in the public records containing language acceptable to and enforceable by the City incorporating this restriction as a deed restriction binding upon the land. Further, the final plat shall dedicate to the City an emergency access easement for the City's use of the emergency access gate and setting forth the prohibition of access to Lake Spier Drive by the homeowners association and lot owners.

background

Lake Spier Development LLC (property owner) is requesting Conditional Use approval under the cluster housing provisions of the R-2 zoning district to allow for the development of ten (10) two story townhouses on the 1.28 acres at 1915 South Lakemont Avenue, zoned R-2.

Background:

This vacant 1.28-acre property at 1915 South Lakemont Avenue previously held one single family home that was demolished shortly after the recent purchase in October 2020 by the applicant. The zoning of this property is R-2, as are the other neighboring properties to the north and south fronting on South Lakemont Avenue in this area. To the west, is the single-family residential neighborhood around Lake Spier. In the R-2 zoning, any residential project of three units or larger is a conditional use under the cluster housing provisions. This project of 10 two-story townhouses is seeking such an approval.

Proposed Townhouse Project

The site plan shows the 10 townhomes arranged with two buildings of two units and two buildings with three units. This project conforms to the R-2 zoning regulations and is not requesting any variances.

R-2 zoning allows up to 10/units per acre or potentially 12 units and this project is at 7.8 units/acre. Building setbacks are in conformance with the city's codes. The proposed building height also conforms to the code maximum at 30 feet. Total impervious coverage is conforming at 39.7% versus the code maximum of 65%. Required parking of 2½ spaces per unit is provided with two car garages for each unit and five visitor parking spaces.

This project also respects and is compatible with the adjacent single-family homes south of Lake Spier in two important ways. Lakemont Avenue as the "front" results in the rear setback of 35 feet applied to the western property line shared with the single-family homes. This 35-foot setback is significant as the adjacent homes may be 10 feet from this property. The other important aspect is that since this parcel is adjacent to single family property the R-2 zoning, maximum floor area (FAR) is limited to 45%. Otherwise, in a different R-2 setting not adjacent to single-family, the FAR could be up to 55%. This results in compatibility as the single-family homes in the Lake Spier neighborhood can be built to a maximum FAR of 43% and this R-2 project is at 45%.

City-Wide Staff Review

The City's Technical Advisory Committee that consists of all staff departments met on January 20th to review all aspects of this project. There will be a sanitary sewer extension and lift station to service this project. Storm water retention is designed to meet the City's requirements as well as the St. Johns River Water Management District. The Fire Department requires either a turn-around area (site is too small) or in this case the ability to drive through the site to exit onto Lake Spier Drive for any medical transport. In order to preclude this project being used for cut-thru traffic, the solution agreed upon with the Fire/Police Depts. is an emergency gate at the western border with Lake Spier Drive. This allows the Fire/Police Dept. to exit but stops any other traffic.

The Commission may receive inquiries from the adjacent neighborhood about the ability to provide sanitary sewer to those 60 homes. This would be a major (\$1.5-2 million dollar) project that could be done via assessments if two-thirds of the owners agree. The pipe size and lift station for this 10-unit project would not be capable of adding 60 more homes, so any design would be stand-alone, if ever undertaken.

Lakefront Review Criteria

The P&Z Board looked at this project with respect to the lakefront review criteria. The first step of the applicant upon purchase was to meet with the Urban Forestry staff and obtain a permit for the trees allowed to be removed which has been done. There are two major specimen live oaks that remain on this property and new trees will be added as compensation for those removed. The setbacks of the lakefront units do not inhibit any lake views of the neighboring properties. Stormwater retention is accomplished as shown.

The plans conceptually show docks on the two lakes for sitting and views of the lakes so all of the residents can enjoy those views. A second dock proposed on Lake Spier is for the ease of launching kayaks or paddleboards. The Lakes Board provides public hearings and notice for the specific approval of those plans. The development anticipates a kayak/paddleboard rack for residents but no motorized boats or jet skis.

Traffic Impacts and Pedestrian Access

This redevelopment will generate 52 additional trips per day, all of which will come and go from Lakemont Avenue. The applicant's plans include a pedestrian gate in order to interconnect with the adjacent Lake Spier neighborhood for walking, jogging, biking. The City supports the pedestrian interconnection of neighborhoods as was required of Windsong into Timberlake Shores for pedestrian access.

Summary

This project meets all of the R-2 regulations; lakefront criteria and requests no variances. The total size of the townhomes is equivalent to what is allowed in the adjacent neighborhood. The adjacent neighborhood is protected from any cut-thru traffic and pedestrian connectivity is provided.

Planning & Zoning Board Minutes from March 2, 2021:

- CU #21-02. Request of Lake Spier Development LLC for: Conditional Use approval to allow for the development of ten (10) new, two-story, townhomes on the 1.28 acres at 1915 S. Lakemont Avenue, zoned R-2.

Mr. Briggs provided the Board an overview of the CU #21-02 request. Mr. Briggs explained that the property is zoned R-2 and, although the zoning allows for up to 12 units based on the acreage, the applicant asked to build only 10 townhomes. Mr. Briggs reviewed the site plan for the project with the Board. He noted that the applicant met with the City's Urban Forestry department prior to purchasing the property and received approval for all trees that were removed. Mr. Briggs also noted that the applicant plans to install a force main sewer line and collection system that will extend across Lakemont Avenue. The project will also include a water main upgrade and installation of a state-of-the-art storm water filtration and retention system, a new fire hydrant, two gazebos, and a small finger dock. The dock will be open to the residents of the townhomes and only canoes, kayaks, and paddle boards will be allowed. Mr. Briggs affirmed that the townhomes will not block any lake views of neighboring homes and there will be no traffic access to Lake Spier Drive. There will also be no trash trucks or dumpsters, only green carts, which the residents will take to Lakemont Avenue to have picked up by Waste Pro. Mr. Briggs explained that there will be a total of five parking spaces for visitors, who will also be allowed to park across the street at Lake Baldwin Park. A fire gate equipped with a Knox lock will be located at the back of the property on Lake Spier Drive for emergency fire department access only. Mr. Briggs also explained that the townhomes will be in the \$800,000 to \$1 million price range. Prior to the meeting, Staff forwarded to the Board various emails and letters received from neighbors concerned about the project and proposed changes.

Staff recommendation was for approval.

The Board inquired about the following:

- the condition for trash pickup for each townhome,
- allowance for vehicle parking at the nearby Lake Baldwin Park,
- the landscape plan requirements,
- gate access to the surrounding neighborhood from Lake Spier,
- revisions to the project plans regarding conditions for restricting access to the surrounding neighborhood,
- turnaround room for vehicles within the property,
- and the total floor area ratio (FAR) of the project.

Mr. Briggs addressed the Board's questions. He noted that there will be a built-in nook in each garage to store the trash carts and, since trash trucks and dumpsters are not allowed, the proposed trash set up will not be a condition. He also noted that there will be no access, except for emergency vehicles, from Lake Spier Drive into the surrounding neighborhood and that the project will not exceed the permitted 45% FAR.

The applicant, Shane Acevedo of 1817 Loch Berry Road, Winter Park, FL 32789 addressed the Board. Mr. Acevedo mentioned that he originally planned to build 11 townhomes for the project, but after meeting with the City reduced the amount to 10 to better accommodate the community. He also mentioned that no variances have been planned and the heavier density townhomes will be built closer toward Lakemont Avenue. Mr. Acevedo noted that he had spoken with residents of the surrounding neighborhood and assured that all residents will be able to contact him personally with any concerns during construction.

The Board inquired with the applicant about why townhomes rather than single family homes were chosen to be built, what the responsibility of the HOA would be, the possibility of extending the sewer system beyond the project boundaries, and if the lift station would be private as well as monitored.

Mr. Acevedo addressed the Board's inquiries and explained that townhomes with the planned price range work better for fee simple lots and the HOA will be responsible for all common areas, including the lawn maintenance. Mr. Briggs confirmed that the lift station

will be private and cannot accommodate the homes in the surrounding neighborhood.

The Board heard public comment from the following residents:

Debbie Ivy of 1841 Lake Spier Drive, Winter Park, FL 32789 addressed the Board. Ms. Ivy spoke on concerns regarding conditional use code compliance, safety, privacy, access, dock use, and depreciation of home values.

Leanna DeAngelo representing Lucilva Walton of 1881 Lake Spier Drive, Winter Park, FL 32789 addressed the Board. Ms. DeAngelo expressed that she was in favor of the project and concept and feels that it will increase the property values and will bring in more residents to support small businesses.

Rick Wilson of 1891 Lake Spier Drive, Winter Park, FL 32789 addressed the Board. Mr. Wilson spoke on concerns regarding pollution abatement, flood protection, permit requirements for St. Johns River Water Management District, elevation of the units, installation and maintenance of the fire gate, and the depth and length of the gravity sewer system for future connections.

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

Mr. Spencer inquired about the walls around the ponds on the property and any safety concerns they might create. The applicant's Engineer of Record (EOR) Kim Fischer of 1614 White Dove Drive, Winter Springs, FL 32708 addressed Mr. Spencer's inquiry. She explained that the ponds are dry ponds with small 2-ft retaining walls, which do not create a safety issue. In response to the public comments, Ms. Fischer also noted that a St. Johns River Water Management District permit will be obtained, the pollution abatement is required for the greater of 1 inch over the entire site area or 2-1/2 inches of impervious area, and the ponds are sized for flooding for a 25-year, 24-hour storm event.

Further discussion ensued regarding the recourse for misuse of the fire gate and potential future modifications to the conditions for motorized crafts. City Attorney Dan Langley advised that provisions for approval of the project could be added to address

both concerns.

Motion made by Owen Beitsch, seconded by David Bornstein, for a Conditional Use approval to allow for the development of ten (10) new, two-story, townhouses on the 1.28 acres at 1915 S. Lakemont Avenue, zoned R-2 with the following conditions:

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Motion carried unanimously with a 7-0 vote.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[2_Backup for Lakemont Townhomes.pdf](#)