



# MUNICIPAL PLANNING BOARD

MINUTES  SEPTEMBER 15, 2015

## MEETING INFORMATION

### Location

#### **City Council Chambers**

2nd Floor, City Hall  
One City Commons  
400 South Orange Avenue

### Time

8:30 a.m.

### Members Present

Jason Searl, Chairperson  
[12/12]

Karen Anderson, Vice-Chairperson [10/12]

Stuart Buchanan [11/12]

Bakari Burns [9/12]

Scott Martin, [9/12]

Mark Suarez [11/12]

Jennifer S. Tobin, Chairperson  
[11/12]

Vacant (1)

Jamie DiLuzio Boerger filling in  
for Tyrone Smith, OCPS – Non-Voting [6/12]

### Members Absent

Tatiana Shermerhorn, [9/12]

## OPENING SESSION

- ♦ Jason Searl, Chairperson, called the meeting to order at 8:35 a.m., after determination of a Quorum.
- ♦ The meeting was opened with the Pledge of Allegiance.
- ♦ Consideration of Minutes for Meeting of August 18, 2015.

**Board member Tobin MOVED approval of the Municipal Planning Board Meeting Minutes of August 18, 2015, as written. Board member Burns SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.**

## PUBLIC COMMENTS

- ♦ Speaker request was received for item #6 (Parkview Resort Hotel) on the Consent Agenda. This item was moved to Regular Agenda for discussion.

## AGENDA REVIEW

Paul Lewis, Acting Executive Secretary, reviewed the Consent Agenda.

## CONSENT AGENDA

### 1. RECOMMENDED APPROVAL, TYSON'S CORNER II

|                          |   |
|--------------------------|---|
| Applicant:               | Robert Paymayesh – PE Group, LLC  |
| Owner:                   | Lake Nona Holdings, LLC & Diocese of Central Florida, Inc.  |
| Location:                | Generally located east of Narcoossee Rd., north of Tyson Rd. and south of Lake Whippoorwill (±43 acres).                                      |
| District:                | 1   |
| Project Planner:         | Michelle Beamon (407-246-3145, michelle.beamon@cityoforlando.net)   |
| <b>A) ANX2015-00008*</b> | Annex subject property;   |
| <b>B) GMP2015-00015*</b> | Growth Management Plan (GMP) amendment to Urban Village;  |
| <b>C) GMP2015-00016*</b> | Create new GMP Subarea Policy S.40.7 to include the property into the Southeast Orlando Sector Plan; and                                      |
| <b>D) ZON2015-00008*</b> | Initial zoning of Planned Development to allow for 288 multifamily units, 163,000 sq. ft. of commercial and a 42,000 sq. ft. church facility. |

**Recommended Action:** Approval of the requests, subject to the conditions in the staff report.

**2. RECOMMENDED APPROVAL, COMPLETE STREETS GMP AMENDMENT**

Applicant: City of Orlando

Owner: N/A

Location: Citywide

District: All

Project Planner: Colandra Jones (407-246-3415, colandra.jones@cityoforlando.net)

**GMP2015-00025\*** Amend Transportation Element to add new goals, objectives and policies for Complete Streets.*Recommended Action: Approval of the request.***3. RECOMMENDED APPROVAL, LAKE NONA COMMUNICATION TOWER**

Applicant: Heather Isaacs – Tavistock Development Co., LLC

Owner: Lake Nona Land Co., LLC

Location: South of Laureate Blvd., west of Hartwell Ct., and east of Boggy Creek Rd. (±0.19 acres)

District: 1

Project Planner: Colandra Jones (407-246-3415, colandra.jones@cityoforlando.net)

**A) GMP2015-00026\*** Growth Management Plan amendment to change the future land use designation from Conservation to Urban Village; and**B) ZON2015-00023\*\*** Planned Development amendment to allow for a communication tower in Lake Nona.*Recommended Action: Approval of the requests, subject to the conditions in the staff report.***4. RECOMMENDED DEFERRAL, ORLANDO UNION RESCUE MISSION**

Applicant: Miranda Fitzgerald, Esq. – Lowndes, Drosdick, Doster, Kantor &amp; Reed, PA

Owner: City of Orlando

Location: Northeast corner of S. Terry Ave. and Anderson St. (north of W. Anderson St., east of S. Terry Ave., south of W. South St. and Chapman Ct. and west of Division Ave.), ±1.06 acres

District: 5

Project Planner: Mary-Stewart Droege (407-246-3276, mary-stewart.droege@cityoforlando.net)

**A) GMP2015-00029\*** Growth Management Plan amendment to change the future land use designation of a portion of the larger site from Residential Medium Intensity to Public, Recreational and Institutional (±0.83 ac.); and**B) ZON2015-00026\*\*** Request to rezone the property from R-2B with Traditional City (/T) and Parramore Heritage (/PH) Overlays and Public Use (P) to Planned Development with Traditional City and Parramore Heritage Overlays (PD/T/PH). The PD will establish development standards for the construction of a maximum 28,500 sq. ft. Orlando Union Rescue Mission Social Services facility with on-site temporary housing (±1.06 ac.).*Recommended Action: Deferral of the requests to the November 17, 2015 MPB hearing, per the applicant's request.*

**5. RECOMMENDED APPROVAL, BZA QUORUM CODE AMENDMENT**

Applicant: City of Orlando  
 Owner: N/A  
 Location: Citywide  
 District: All  
 Project Planner: Elisabeth Dang (407-246-3408, Elisabeth.dang@cityoforlando.net)  
**LDC2015-00303\*** Revise the quorum rules for the Board of Zoning Adjustment (BZA) to match the rules for other city boards.

*Recommended Action: Approval of the request.*

**6. PARKVIEW RESORT HOTEL – MOVED TO REGULAR AGENDA****7. RECOMMENDED APPROVAL, OFF LEASE ONLY, INC.**

Applicant: Jim Hall – VHB  
 Owner: Off Lease Only, Inc.  
 Location: 7832, 7844, 7948, 7962, 7972 Narcoossee Rd., northwest intersection of McCoy Rd. and Narcoossee Rd. (±29.6 acres)  
 District: 1  
 Project Planner: Michaëlle Petion (407-246-3837, michaelle.petion@cityoforlando.net)  
**A) ZON2015-00022\*\*** Framework PD to allow commercial uses consistent with the AC-2 zoning designation; and  
**B) MPL2015-00022\*\*** Phase 1 master plan to allow vehicle sales on ±19.5 acres lot.

*Recommended Action: Approval of the requests, subject to the conditions in the staff report.*

Board member Tobin declared a conflict on Item #3 (Lake Nona Communication Tower); Chairperson Searl declared a conflict on Item #7 (Off Lease Only, Inc.). The appropriate conflict forms were filled out and filed with the Board secretary.

**Board member Tobin moved APPROVAL of the CONSENT AGENDA. Board member Martin SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (Tobin abstained on Item #3 and Searl abstained on Item #7).**

**REGULAR AGENDA****6. RECOMMENDED APPROVAL, PARKVIEW RESORT HOTEL**

Applicant: Jim Hall – VHB  
 Owner: 6233 International Drive FL, LLC  
 Location: 6233 International Dr., northwest side of International Dr., south of Interstate 4, between Universal Blvd. and Carrier Dr. (±5.1 acres)  
 District: 6

Project Planner: Jim Burnett (407-246-3609, james.burnett@cityoforlando.net)

**MPL2015-00018\*\*** Master Plan approval with a 0.6 FAR bonus to allow a new 23-story, 809-room hotel with 30,000 sq. ft. of commercial/convention/restaurant space and an attached 5-level 940-space parking garage.

*Recommended Action: Deferral of the request, per staff's request.*

Mr. Jim Burnett, Planner III, Land Development Studio, City Planning Division stated that City staff was recommending deferral to allow staff and the applicant time to sort out some transportation issues. Mr. Burnett noted that he would be available to answer any questions should the Board opt not to defer.

The only speaker request received for this item was from the applicant who was requesting the case not be deferred. Chairperson Searl allowed the applicant to state his case.

Applicant Jim Hall, VHB, 225 E. Robinson St., Orlando, FL 32801, spoke as the director for VHB's Planning Design Studio. Mr. Hall acknowledged that there were some unresolved transportation issues. He stated that the only reason he was requesting not to defer was due to financial constraints. He needed to have an approval from the Board in order to receive financing for the development. He suggested the Board could add additional conditions of approval like the project could not advance to final site plan until all transportation issues were resolved to the Transportation Engineering and Planning's satisfaction. Mr. Hall emphasized he would be willing to abide by any and all additional conditions imposed by the Board, as long as the case was approved to move forward.

Discussion ensued between the applicant, the Board and staff as to whether the case should be heard or deferred. Mr. Kyle Shephard, City Attorneys' Office, noted that it was possible that the necessary conditions could be placed on the final site plan in order to allow the master plan to proceed today. The Board decided to hear the case.

Using PowerPoint, Mr. Burnett discussed the site location, history, proposal, site rendering, site plan, findings, and concluded his presentation with staff's recommendation. He pointed out that the applicant currently doesn't meet staff report's conditions of findings #2 and 4, therefore the reason for the recommendation of deferral to allow the applicant additional time to rectify the traffic queuing and signalization issues.

Mr. Benton Bonney, Transportation System Engineer for the Transportation Engineering Dept. confirmed that they did not approve the project due to the traffic queuing and signalization issues. Discussion ensued between the Board and Mr. Bonney in regards to the issues at hand.

Mr. Lewis made it clear that staff received the Traffic Impact Analysis late and did not have enough time to analyze it.

After further discussion, Mr. Burnett pointed out that on page 4 of the staff report; there were 9 design related bonus criteria to which the applicant had agreed to all of the conditions in order to qualify for the 0.6 FAR bonus requested.

Mr. Shephard noted that in Section 65.331 of the City code, in regards to master plans it states that a master plan review (which is what was being requested) is intended to provide an initial review of a proposed development in its basic development concept prior to proceeding with a phase by phase preliminary plat or plan review (i.e. a final site plan or a specific parcel master plan). It is intended that the level of information needed for this review will be general enough that the developer will not require extensive engineering surveying and legal analysis. He then suggested the Board could approve the master plan with specific conditions that would need to be met before a final approval.

Mr. Hall reiterated that he was willing to meet any conditions imposed by the Board and Transportation Engineering

Chairperson Searl closed the public hearing and declared a conflict on this item. The appropriate form was filed with the Board secretary.

**Board member Tobin moved APPROVAL of request MPL2015-00018, subject to the conditions in the staff report and added condition that all Transportation Planning and Engineering issues be resolved and further addressed via a future Specific Parcel Master Plan (SPMP) which will come back to MPB for SPMP approval, with Transportation Planning and Engineering's recommendation of approval. Board member Suarez SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (Searl abstained).**

## 8. RECOMMENDED DEFERRAL, PARRAMORE HERITAGE OVERLAY CODE AMENDMENT

Applicant: City of Orlando

Owner: N/A

Location: Citywide

District: All

Project Planner: Elisabeth Dang (407-246-3408, Elisabeth.dang@cityoforlando.net)

**LDC2015-00304\*** Revise Land Development Code Chapter 58 Part 2AI to allow relocation and a limited amount of expansion for social service uses with a residential component in the Parramore Heritage Overlay Zoning District.

*Recommended Action:* Approval of the request.

This item was presented by Elisabeth Dang, Chief Planner, Comprehensive Planning Studio, City Planning Division. Using PowerPoint, Ms. Dang provided a description of the area affected by the requested action, background regarding GMP Policy S.6.9, as well as LDC background, including an excerpt from the Parramore Heritage Overlay. Ms. Dang describe the proposed revision, what was not changing, and concluded her presentation with staff's recommendation.

Chairperson Searl opened the hearing to the public.

Mr. Mack Cope, 1231 Pine Harbor Pt. Cir., Orlando, FL 32806, spoke in opposition of the request. He provided copies of affidavits to the Board secretary for the record. Mr. Cope noted that the purpose of the Parramore Heritage Overlay District was to promote the stability and prosperity of the Parramore Heritage Neighborhood by reducing the over concentration of social uses within the district and not allowing expansion or relocation of such services.

Mr. Raymer Maguire, 702 Country Ln., Orlando, FL 32801, an attorney, spoke in representation of his clients Brad & Phil Cowherd in opposition of the request. Mr. Maguire noted that City policy S.6.9 specified that the City of Orlando had determined that the over concentration of social service uses in the Parramore Heritage renovation area has had a negative effect and impact on the area's stability and prosperity. For such reason, encouraging the expansion of the current uses would only further devalue the properties within Parramore.

Board member Buchanan questioned if the Parramore Overlay case that was previously approved by MPB had been approved by City Council and if it was related to this request.

Ms. Dang responded that it was on its way through the process and that this was an independent amendment that could run separately.

Mr. Lewis clarified that the cases were totally independent of each other with the exception of one item in the Subarea Policy S.6.14 which was approved by MPB several months ago. There was a line in that subarea policy that essentially exempted the new downtown PS-8 school from the limitations of establishment or expansion of social service uses. The community school will include a Boys and Girls club, pre-school, and a health clinic.

Ms. Cheryl Smith, 1102 W. Jackson St., Orlando, FL 32805, spoke on her behalf in opposition of the request. She stated that the City wanted to change the rules to be able to dump everything into Parramore. She noted this change would destroy their area.

Mr. Elbert Dudley, 2040 Church St., Orlando, 32805, spoke on his behalf in opposition of the request. He stated that Policy S.6.9 was a joke. He questioned where were the schools, the homes, the apartments, the jobs and churches that were supposed to revitalize Parramore. He noted that expanding social services would not revitalize Parramore; instead it would destroy the black community.

Lynne Etheridge, 803 N. Lake Adair Blvd., Orlando, FL spoke on her behalf and her family's business Miller Bearings as an opponent of the request. Her main concern was that the increase of homelessness would only decrease their property values. She stated that the Orlando Union Rescue Mission should be helped, but not expanded.

Ms. Vinnie Cannady, 812 Randall St., Orlando, FL 32805, spoke on her behalf and as the president of the Carter St. Neighborhood Association, in opposition of the request. She questioned why Parramore had to carry the whole burden if the Policy stated that social services should not be located all in one area.

Philip Cowherd, 1640 S. Pennsylvania Ave., Winter Park, FL 32789, spoke on his behalf in opposition of the request. He provided an affidavit explaining what he's seen happen in Parramore with the homeless situation. Mr. Cowherd stated that the ordinance was written to protect Parramore because there were too many homeless shelters already. He also provided 30 letters opposing the request.

Ms. Cynthia Harris, 12 Channing Ave., Orlando, FL, spoke on her behalf as an opponent of the request. She noted that the Parramore Heritage Overlay amendment requested was not consistent with the state comprehensive plan chapter 187. Chapter 187 covers children, families and pregnant women, but it doesn't say anything about single men. The Rescue Mission currently houses 21 registered sexual offenders. Allowing the shelter to relocate to the corner of Anderson and Terry would be in violation of City codes for sexual offenders because they cannot be located within 1500 ft. of daycares, parks, schools, etc. Ms. Harris suggested the shelter be relocated to a vacant property located at the corner of Silver Star Road and Orange Blossom Trail, out of District 5. She concluded stating that relocating shelters in their community did not bring jobs to the people who reside there.

Mr. Tom Otook, 9944 Indigo Bay Cir., Orlando, FL 32832, spoke on his behalf in opposition of the request. He operates parking in the Parramore district and also downtown Orlando (The Parking Operator, LLC, 530 Grove Park Dr., Orlando, FL 32801). Mr. Otook stated that currently at the coalition for the homeless there are approximately 20 vehicles parked there with people living in those vehicles. He noted that if the Rescue Mission was relocated to the proposed site where there was no enforcement, those 20 vehicles with people living in them would also relocate to the site and destroy their neighborhood. He also stated that 10% of the homeless living at the shelter were mentally ill.

Ms. Lawanna Gelzer, 7674 St. Stephens Ct., Orlando, FL, spoke on her behalf as an opponent of the request. She stated that the amount of money a person would get from selling their house in Parramore would not be enough to move out. Ms. Gelzer stated that the City had already violated the Ordinance by allowing the Coalition for the Homeless to build a section for men. She noted that amending the ordinance would be in violation of the civil rights of the people of Parramore, by the citizens of Orlando. Ms. Gelzer pointed out that the ordinance was created for a reason and should be protected and not changed.

Mr. Anthony Johnson, 420 S. Terry Ave., Orlando, FL 32805, spoke on his behalf as an opponent of the request. He lives 200 ft. from where the shelter is proposed to relocate. His main concern was the safety of his children. He stated that he printed out 3 pages of sex offenders living at the shelter. He noted the community already had problems with squatters and sex offenders. Mr. Johnson mentioned that the plan to revitalize Parramore was to build more homes, not shelters. He noted that their community was shrinking and they were depending on the City for revitalization. Mr. Johnson pointed out that whenever they call 911, it takes a long time for a police officer to respond, and begged the Board not to approve the relocation of the shelter into their neighborhood.

Mr. Charles Kinyon, 104 Woodmill Rd., Longwood, FL 32779, spoke on his behalf as an opponent of the request. His partners and he own substantial real-estate in the Parramore Heritage area. He noted when people move out, the homeless break into their vacant properties and steal the air conditioner units and stoves. Their property values are low because of the homeless situation and crime in Parramore. Mr. Kinyon stated that the police do not enforce the law in Parramore and relocating the shelter into their neighborhood would only bring more drug dealers to the area and more properties would be burglarized.

Mr. Michael Hagood spoke on his behalf in opposition of the request. His family has owned a business on Church St. since the 1940's. He stated that the revitalization of Parramore would be people living there and working there. Locating the shelter in their neighborhood wouldn't serve any good for the residents or the business environment. He questioned who would want to locate a business next to the Rescue Mission, and stated that the message the City was sending was that it wanted the residents to move out.

Ms. Rosalyn T. Anderson, 2801 Lake Sunset Dr., Orlando, FL 32805, spoke on her behalf in opposition of the request. She stated the City had no right to re-interpret the code. Her main concerns were safety and property values.

Ms. Sheila Jackson, 2358 Pemberton St., Oviedo, FL 32765, spoke on her behalf in opposition of the request. Her family owns property on 427 S. Terry Rd. Ms. Jackson noted that the Rescue Mission was not going to revitalize Parramore. Many homeless men living in the shelter were sex offenders and people getting out of prison.

Ms. Dang emphasized that the Subarea Policy directs Staff to include in the Land Development Code provisions to appropriately limit or prohibit expansion, establishment or relocation. She noted that they were acting on the limiting aspect of that term, meaning that the Subarea Policy did not require all such uses to be prohibited. Ms. Dang clarified that the proposed code amendment was consistent with the Subarea Policy and also emphasized that they were not proposing to allow any new social services facilities. The impact proposal would allow an existing operation to remain in the area or relocate with the benefit that the same clients would be able to move into a new and more modern facility. She noted that this would potentially be a facility that could accommodate more of their operations on site without as many impacts from clients having to wait on the street. Ms. Dang expressed that it was unfortunate that there were no homeless advocates present but believed it was important to create an opportunity for an organization to ask for the ability to pursue development of a modern facility that will provide a level of service that they may not be able to provide in their current location. When questioned why there were no social services representatives present, Ms. Dang noted that the Orlando Union Rescue Mission was on the agenda, but the applicant requested it be deferred to the November 17, 2015 MPB hearing.

Chairperson Searl closed the public hearing.

Board member Buchanan, declared a conflict on this case. The appropriate conflict form was filed with the Board secretary.

Board member Burns stated that he was in favor of the relocation, since these services were already in the community. He noted that if the Mission left the neighborhood, it was possible that the homeless would stay in the neighborhood and that would create more problems since they would have nowhere to go but to the front steps of churches, etc. But Mr. Burns stated that he was apprehensive in regards to the expansion and would like more discussion on that matter.

Board member Anderson stated that she was in support of the Parramore Comprehensive Neighborhood Plan. She was in support of residences, business, parks and sidewalks for the community; but was opposed to the request to allow expansion of social service uses as proposed in the request.

Board member Martin stated that he was opposed to the amendment as it currently stands. He was opposed that these types of services would be placed in residential neighborhoods. He noted that they should be located in commercial areas. Mr. Martin suggested that more language should be added to define where these services could be relocated within the Parramore neighborhood.

Board member Tobin suggested it would be better to hear from social services representatives first before voting on the amendment.

**Board member Burns moved DEFERRAL of the request, LDC2015-00304 to the October 20, 2015 MPB meeting. Board member Tobin SECONDED the MOTION.**

Board member Anderson stated she would like to see how this amendment pertained to the Parramore Comprehensive Neighborhood Plan.

Chairperson Searl agreed with Mr. Martin in regards to the perimeters being more narrowly defined.

Mr. Shephard noted that the Orlando Union Rescue Mission had asked for deferral until November; and that an option would be to consider this LDC amendment together with the Orlando Union Rescue Mission applications.

**Board member Burns AMENDED his Motion and MOVED DEFERRAL of the request, LDC2015-00304 to the November 17, 2015 MPB meeting, to hear in conjunction with the Orlando Union Rescue Mission case. Board member Tobin SECONDED the AMENDED MOTION, which was VOTED upon and PASSED by unanimous voice vote (Buchanan abstained).**

Chairperson Searl called for a break at 10:15 a.m. The meeting resumed at 10:30 a.m.

## 9. RECOMMENDED APPROVAL, GRILLS FAMILY RESTAURANT LAKESIDE

Applicant: Jake Wise, PE – Construction Engineering Group

Owner: Luke 82225, LLC

Location: 4315 N. Orange Blossom Trl., south of Lee Rd., west of Lake Fairview, and east of N. Orange Blossom Trl. (±8.17 acres)

District: 3

Project Planner: TeNeika Neasman (407-246-4257, teneika.neasman@cityoforlando.net)

**MPL2015-00023\*\*** Master Plan approval request to develop an 8.17 acre site with a restaurant, a restroom building, and a wooden deck with outdoor seating area and a tiki bar.

*Recommended Action:* Approval of the request, subject to the conditions in the staff report.

This item was presented by TeNeika Neasman, Planner I, Land Development Studio, City Planning Division. Using PowerPoint, Ms. Neasman discussed the site location, site survey, previous actions, future land use, zoning, project context, applicant's request, landscape plan, elevations, vehicular parking counts, and concluded her presentation with staff's recommendation. She noted that the reason for the approval recommendation by staff was because the applicant was not asking for a rezoning or a conditional use permit. A restaurant, eating and drinking commercial use was a permitted use on the subject site. Ms. Neasman stated that on August 29, 2015 the developer, along with the Homeowners' Association at Fairview Grand and City staff held a community meeting. Concerns addressed at the meeting were:

- a) Noise – in regards to performance noise, the conditions state that performers will be prohibited from using personal sound systems. All artists will be limited to utilizing the restaurant's controlled amplification system. The amplified speakers will be faced downwards towards the deck and will have a multi-speaker system.
- b) Entertainment – percussion instruments use will be prohibited on site.
- c) Safety – the restaurant will close at 10pm Sunday through Thursday and 11:30pm Friday through Saturday. The Zoning Official can approve up to six (6) waivers a year to allow for special events such as New Years Eve, 4<sup>th</sup> of July, etc. Applicant has also offered a Responsible Vendor Program which consists of all staff members handling alcoholic beverage sales being trained on intoxicated patrons' response techniques, in order to assist the patrons to return to their homes safely.
- d) Wild life preservation – in regards to the concern that motorized boats would endanger the wild life within the lake, selling, renting or leasing motorized vehicles will be prohibited. Paddle boats or non-motorized boats will be permitted for rental on site.

Chairperson Searl opened the hearing to the public.

Mr. Jake Wise, 2651 W. Eau Gallie Blvd., Melbourne, FL 32935, spoke as the Civil Engineer of the project. He stated that after the community meeting in which City staff was present, staff provided additional conditions to address the community's concerns. Mr. Wise noted that some of the conditions were very unique to this site, and they were voluntarily agreeing to all of them. He clarified that although the development had a bar, it was a family restaurant and that 70% of the business was the food portion. He noted that they did a sound test on the site and went around to different properties and were not able to hear the music until it was turned above the allowable decibel levels. He mentioned two existing restaurants that the applicant owns and stated that they have been very successful. With respect to the wild life, they did environmental studies prior to making the application to the City, and the study concluded that there weren't any protected species on the property. There is currently a population of homeless on the site because the property has sat vacant for a couple of decades. This development would be an improvement to that situation. Mr. Wise pointed out that they have tried to comply with preserving as much as possible the existing vegetation, wetlands and trees.

Chairperson Searl acknowledged all the mail that was received from the community in regards to this application, as well as the addendum provided by staff.



Mr. Joe Fontana, 4177 N. Orange Blossom Trail, Orlando, FL 32804, spoke on behalf of Fairview Grand Condominiums and a group called Friends of Lake Fairview, in opposition of the request. He provided a handout to the Board members. Fairview Grand Condos is located in very close proximity to the proposed restaurant. Mr. Fontana stated that the outdoor elements of this restaurant do not need to be so close to their condos. He suggested that if the developer repositioned the exposure from southeast to northwest, the exposure would then be directed towards Fairview Marina and the Fairview softball complex. Other issues of concern were the threatened bird species that live on the lake. Mr. Fontana noted that according to the Audubon Society, the birds will not react well to the noise. Another concern was the proposal of a floating dock that would allow motor boats, which would endanger the children frequenting the lake like the Lake Brantley rowing club. He was also concerned about the grease and odor emanating from the restaurant and suggested ductless exhaust hoods to address that potential problem. Mr. Fontana expressed concerns on how they would address a noise violation. He strongly suggested flipping the project 180 degrees to avoid any problems with noise.

Mr. Ray Kilmer, 1762 Fairview Shores Dr., Orlando, FL 32804, waived his opportunity to speak, but made it known that he was in agreement with Mr. Fontana.

Ms. Kathleen Skambis, 4000 Anchor Way, Orlando, FL 32804, spoke on her behalf in opposition of the request. Her main concern was the noise that the outdoor music and tiki bar would create and noted that she did not want to be subjected to that every day. She stated that it was not appropriate for their neighborhood.

Mr. Christopher Skambis, 4000 Anchor Way, Orlando, FL 32804, waived his opportunity to speak, but made it known that he was in agreement with his wife, Ms. Skambis.

Mr. Paul Morrison, 4246 Grant Blvd., Orlando, FL 32804, spoke on his behalf in opposition of the request. His main concern was the noise level and concurred with Mr. Fontana that flipping the development towards the Marina would be a better option. Mr. Morrison was also concerned about what would happen if the establishment was owned by someone else in the future and questioned if the restrictions would apply to all future owners.

Ms. Marlys Hayes, 4177 N. Orange Blossom Tr. #605, Orlando, FL 32804, spoke on her behalf as an opponent of the request. Her three (3) main concerns were: a) Building orientation – she didn't want to be subjected to the noise every day and night. b) Recommended ductless exhaust hoods to prevent the fumes coming into her condo and the oil staining the side of their building. She noted that they would have to spend approximately \$7,000 to pressure wash the building. c) Protect wild life – Ms. Hayes stated that she has seen an eagle across her balcony and Osprey. She feared these birds would leave if their environment was ruined.

Attorney Thomas Callan spoke in representation of Gertrud Browning, the owner of 12 acres of lakefront property on the north side of Lake Fairview. Ms. Browning plans to build a residential development in the future. Mr. Callan provided the Board members copies of his letter with several points of objections to the requested master plan. As stated in his letter, his client was strongly opposed to the following:

- a) the outdoor commercial component
- b) the noise that will be caused by this use
- c) the orientation of the outdoor component to her property
- d) the location of the improvements on the shoreline of the lake
- e) the potential increase of boat traffic
- f) infringement of the riparian rights that all have on the lake that will result with the proposed master plan use
- g) the re-imposition of a use that was previously eradicated 20 years earlier on the lake.

Mr. Jon Vollet, currently resides in 521 Rugby in College Park, but he owns two properties in Lake Fairview, one which his elderly mother-in-law lives in and the other is located at 4212 Grand Blvd., directly across of the proposed property. His main concern was the noise he would have to be subjected to and stated he would like to see more investigation done. Mr. Vollet suggested deferral of the project to provide time for more investigation. He wanted to know specifically if the sound would be a problem and if so, what steps should be taken to mitigate it.

Mr. Wise noted the following:

- a) He believes all the conditions of approval will carry out to any future owners.

- b) In respect to layout of the site – the proposed location for the building is where there would be the least amount of impact on the wetland areas. Also, if it was flipped as suggested, then the kitchen, the delivery area and the solid waste containers would be visible to the neighbors.
- c) The bathrooms will be an enclosed structure which will help block some of the noises from the deck area.
- d) The photometric plan shows 0 ft. candles around the property and assured there would be no glowing effects.
- e) Ductless hood – this option was mentioned to their mechanical engineer and is being considered if allowed by City code for that site.
- f) Drainage – the site right now drains into the lake. Every drop of rain that hits an impervious surface on this site will be treated and percolated back into the ground or overflowed into the lake. The drainage will be much better than the current system.
- g) 15 conditions – the additional 15 conditions came out of the neighborhood and staff meeting. Mr. Wise stated that they were happy to work with the neighbors and agreed to everything they proposed, and will be happy to continue to work with them.
- h) Boats – they have agreed to prohibit motorized rental boats from their property. They might have un-motorized paddle boards in the future.
- i) The owner has proposed to move the existing dock further north, away from the neighbors to the south.
- j) The music test – during the sound test, they tried to emulate the type of music that has been agreed to at this site, which is one or two musicians at a time. The musicians will not be allowed to bring their own speakers or amplifiers. They have to use the site's permanent speakers. The sound engineer will help with the location of the speakers.
- k) Hours of operation - the kitchen section will close at 10pm during the week to allow the customers one hour to finish their meals and then the restaurant and the bar will close at 11pm. During the weekends the kitchen will close at 11pm.
- l) This is a family restaurant and family owned business – this is an allowable use on the subject site. Mr. Wise stated that they were making a commitment to work with staff and the neighbors and continue doing more sound tests to make sure the conditions of approval were met.

Ms. Neasman clarified some points:

- a) Staff will agree to add the ductless exhaust hoods as a condition if permitted by code.
- b) In regards to the six (6) times a year extension, that only relates to the hours of operation. They will not be allowed to violate the noise ordinance.
- c) The Orange Blossom Trail Overlay District is south of the subject site and doesn't apply to the site.
- d) In regards to the mixed-use – City code states that it is strongly encouraged, but it is not required.
- e) Lighting – there is a light ordinance that they will have to comply with.
- f) Stormwater mitigation – anything going on the site is currently being fed into the lake.
- g) Safety – having the non-motorized boats condition is key. Also reducing to 10 boat slips lots will result in a reduction of boats on the site.
- h) Wetlands – they are meeting all code standards.
- i) The master plan with all the conditions of approval relate to this site and will remain with the land, not the owner.
- j) The property is under one ownership, although it shows multiple lots on the site. As a conditions of Permitting, the owner will have to replat all the parcels into one lot in order to develop the land.
- k) A landscaping plan will be provided by the applicant which will include the buffering.

Mr. Wise noted that they had provided a survey with a full meets and bounds and legal description. Everything that they were applying for was within the property limits. The only exemptions would be sidewalks and utility connections on the right of way and the dock that goes slightly out to the lake. For those, the applicant will follow up with proper permits and requirements. This proposal is completely within the limits of the owner's property.

Ms. Hayes questioned if the developer would consider the suggestion of flipping the building over and moving the sound away from her home. Although the developer had mentioned that he was trying to get the sound of the deliveries away from her building, she noted that normally in a restaurant those deliveries were made when the client's weren't there, probably in the morning hours. Ms. Hayes believed that would have a lesser impact than listening to their music from 11am to 11pm.

Mr. Joe Penovich, 21 Country Club, Cocoa Beach, FL, spoke as the owner of the property located at 4315 N. Orange Blossom Trl., Orlando, FL (Grills Restaurant). He noted that their two other Grills restaurants, one in Port Canaveral since 1997, and the other one in Melbourne since 2010, have had no code violations. He stated that as a family owned business, he was committed to working with the neighbors and even gave Ms. Hayes his cellphone number. Mr. Penovich would make immediate adjustments, if there was a chance of any sound disrupting the neighborhood. He stated that he had personally made a promise to the community and would honor that promise. He emphasized that it was a family oriented restaurant and not a bar.

Board member Buchanan questioned Mr. Penovich if he had considered acoustical music for his restaurant.

Mr. Penovich clarified that the agreement was to have one or two musicians at a time with a guitar, not a live band with drums and percussion instruments. He also noted that his sound engineer recommended time delayed speakers around the deck, which would be of a much lower volume than the single one or two speakers. This would ensure they met the sound ordinance code restrictions. Mr. Penovich stated that he agreed with staff's addendum and would go above and beyond to keep the neighbors happy, since he would like to have them as happy customers as well.

Chairperson Searl closed the public hearing.

Mr. Shephard noted that there was an existing noise ordinance which provides a maximum decibel level depending on the emanating land use and the time of day. He pointed out that, whenever approving a master plan, the Board had the option of recommending conditions that were stricter than what is already in the code; but cautioned that if there were stricter and different standards for every master plan approved in the City, it would result in enforcement issues.

**Board member Tobin moved APPROVAL of the request, MPL2015-00023, subject to the conditions in the staff report and addendum, with an additional requirement that if the code permits the ductless venting, that it would be a requirement. Board member Burns SECONDED the MOTION.**

Before voting on the motion, discussion ensued in regards to the noise issue and how it could be addressed with additional conditions. It was concluded that various sound tests could be required prior to the final site plan approval. Mr. Penovich stated that he would agree to any additional conditions required by the Board and staff.

**Board member Tobin AMENDED her MOTION to include the following:**

**Prior to and as a condition of issuance of a certificate of occupancy, an as-built sound study would be submitted to the Planning Official as a Determination for code compliance, and the Planning Official will have the ability to make determinations on how to rectify any problems which would include the ability to require enhanced buffering or modifications to the sound systems, with the neighbors given notice in the same fashion that they would have been given notice both in terms of distance and time as were given for this master plan approval.**

**Board member Burns SECONDED the amended motion.**

Discussion ensued in regards to concerns about not having any set parameters or variables for the tests.

Mr. Shephard suggested that the language of the motion could be amended to say that the acoustic would have to be performed in accordance with the generally accepted industry standards. Mr. Lewis also suggested that the study be performed multiple times during different times of the day.

**Board member Tobin WITHDREW her previous AMENDED MOTION and MOVED to include the following additional conditions:**

**Prior to and as a condition to issuance of a certificate of occupancy, an as-built sound test will be submitted to the City, in accordance with industry standard methodologies as specified by City staff (which shall include a variety of samples of days of the week, times and weather conditions) with**

thereafter the Planning Official having the right to require any necessary mitigation, including additional buffering and/or changes to the sound system; with notice being provided to the neighbors per the master plan requirements in terms of time and area of notification (all property owners within 300 ft. of subject property).

Board member Burns SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

## OLD BUSINESS

- ❖ Kyle Shephard, City Attorneys' Office, presented an update of:
  - Appeal received for Princeton Oaks (ZON2015-00021 & MPL2015-00020)
  - Status of appeal for Veranda Park II (DRI2015-00003 & MPL2015-00007)

## ANNOUNCEMENTS

- None

## ADJOURNMENT

Having no other matters to bring before the Board, Chairperson Searl adjourned the meeting at 1:20 p.m.

## STAFF PRESENT

Mark Cechman, AICP, City Planning  
Paul Lewis, AICP, City Planning  
Karl Wielecki, AICP, City Planning  
Elisabeth Dang, AICP, City Planning  
Holly Stenger, AIA, City Planning  
Ken Pelham, RLA, City Planning  
Jim Burnett, AICP, City Planning  
Mary-Stewart Droege, AICP, City Planning  
Colandra Jones, AICP, City Planning  
Michaëlle Petion, AICP, City Planning  
Michelle Beamon, AICP, City Planning  
TeNeika Neasman, City Planning  
Kathleen Magruder, City Planning  
Jason Burton, AICP, City Planning  
Lourdes Diaz, City Planning  
Kyle Shephard, City Attorneys' Office  
David Bass, City Attorneys' Office

Audra Nordaby, Orlando Police Department  
Keith Grayson, Permitting Services  
Yameli Herschelman, Permitting Services  
John Groenendaal, Permitting Services  
John Rhoades, Transportation Planning  
Ian Sikonia, Transportation Planning  
Matthew Wiesenfeld, Transportation Planning  
Lauren Torres, Transportation Engineering  
Frank Consoli, Transportation Engineering  
Jeremy Crowe, Transportation Engineering  
Benton Bonney, Transportation Engineering  
Denise Riccio, Parks & Special Facilities  
Walter Hawkins, Urban Development  
Kim King, Business Development  
James Hunt, Public Works  
Matthew Broffman, Innovation  
Brooke Bonnett, Economic Development

  
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Paul Lewis, AICP, Acting Executive Secretary  
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Lourdes Diaz, MPB Recording Secretary