



# MUNICIPAL PLANNING BOARD

MINUTES



JULY 21, 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

Jennifer S. Tobin, Chairperson  
[9/10]

Jason Searl, Vice-Chairperson  
[10/10]

Stuart Buchanan [9/10]

Scott Martin, [7/10]

Tatiana Shermerhorn, [8/10]

Mark Suarez [9/10]

Tyrone Smith, OCPS – Non-Voting [4/10]

### Members Absent

Karen Anderson [8/10]

Bakari Burns [7/10] – was present for less than 75% of the meeting.

Scott Skidelsky [7/10]

## OPENING SESSION

- ♦ Jennifer Tobin, 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 June 16, 2015.

**Board member Martin MOVED approval of the Municipal Planning Board Meeting Minutes of June 15, 2015, as written. Vice-Chairperson Searl SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.**

## PUBLIC COMMENTS

- ♦ Speaker requests were received for items #3, and 7 on the Consent Agenda. These items were moved to the Regular Agenda for further discussion.

## AGENDA REVIEW

Dean Grandin, Executive Secretary, reviewed the Consent Agenda.

## CONSENT AGENDA

### 1. RECOMMENDED APPROVAL, 5773 DAHLIA DRIVE

Applicant: Quang Lam – Lam Civil Engineering, Inc.  
Owner: Semoran Place, LLC  
Location: 5773 Dahlia Dr., located east of N. Semoran Blvd. on the north side of Dahlia Dr. (± 0.193 acres)  
District: 2  
Project Planner: Michelle Beamon (407-246-3145, michelle.beamon@cityoforlando.net)

- A) ANX2015-00010\*** Annex subject property;
- B) GMP2015-00018\*** Assign the Mixed Use Corridor Medium Intensity (MUC-MED) future land use designation; and
- C) ZON2015-00013\*** Initial Zoning of MU-1/AN to accommodate parking and access for a medical office expansion.

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

**2. RECOMMENDED APPROVAL, GUARDIAN CARE**

Applicant: Ruffin Rhodes, Principal – Rhodes and Brito Architects  
Owner: Guardian Care, Inc.  
Location: 2500 W. Church St., located south of W. Church St., west of S. John Young Pkwy., east of Cottage Hill Rd., and north of Herold Dr. (±12.61 acres).  
District: 5  
Project Planner: TeNeika Neasman (407-246-4257, teneika.neasman@cityoforlando.net)

**CUP2015-00007\*\*** Conditional Use Permit request to expand a non-conforming nursing home in the R-3B zoning district, comprised of an 80 bed skilled nursing facility in the South Wing, and a total of 120 licensed beds for the facility (with no net gain in the number of on-site beds).

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

**3. MOVED TO REGULAR AGENDA – BROKEN CAULDRON BREWERY**

**4. RECOMMENDED APPROVAL, W. SOUTH ST. URBAN GARDEN**

Applicant: Brent Buffington, Exec. Director – Growing Orlando, Inc.  
Owner: City of Orlando  
Location: 626 W. South St., located at the southwest corner of W. South St. and Hicks Ave., between S. Terry Ave. and Lime Ave. (±0.29 acres).  
District: 5  
Project Planner: Jim Burnett (407-246-3609, james.burnett@cityoforlando.net)

**CUP2015-00009\*\*** Conditional Use Permit request to establish an urban garden (public benefit use) on a vacant City-owned lot.

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

**5. RECOMMENDED APPROVAL, AC HOTEL & RESIDENCE INN**

Applicant: For Rezoning: James Willard – Shutts & Bowen, LLP  
For Master Plan: Brooks Stickler, PE – Kimley-Horn & Assoc., Inc.  
Owner: Millenia Hotel Investors, LLC  
Location: 5403 Millenia Lakes Blvd., located on the northeast side of Millenia Lakes Blvd., south of Millenia Blvd. and west of Mall at Millenia (±4.04 acres).  
District: 4  
Project Planner: Jim Burnett (407-246-3609, james.burnett@cityoforlando.net)

**A) ZON2015-00012\*\*** Request to rezone the property from O-2 (Medium Intensity Office – Residential) to AC-2 (Urban Activity Center); and

- B) MPL2015-00015\*\*** Master Plan request to construct two six-story adjoined hotels (AC Hotel and Residence Inn), with a total of 254 rooms.

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

## 6. RECOMMENDED APPROVAL, GOODWILL @ GOLDENROD

- Applicant: Jake Wise, PE-Lead Civil Engineer – Construction Engineering Group
- Owner: Carter Daryl M TR
- Location: Parcel #23-23-30-6396-05-000, located south of Hoffner Ave., west of S. Goldenrod Rd., east of Pasco St., and north of Seminole Ave. ( $\pm$ 4.46 acres).
- District: 1
- Project Planner: TeNeika Neasman (407-246-4257, teneika.neasman@cityoforlando.net)

- MPL2015-00017\*\*** Request for Master Plan approval to construct a new 25,022 sq. ft. Goodwill retail and donation center with canopy covered drop-off area in the Orlando Corporate Centre Planned Development.

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

## 7. MOVED TO REGULAR AGENDA – ARYA TOWNHOMES REPLAT WITH MODIFICATION OF DEVELOPMENT STANDARDS

## 8. RECOMMENDED DEFERRAL, RODNEY TOWNHOMES PD

- Applicant: Richard Rodney, President – RNR Investments
- Owner: RNR Investment Corp.
- Location: 4460 S. Lake Orlando Pkwy., located on the south side of S. Lake Orlando Pkwy., between Delamere Ct. and Mercy Dr., in the Rosemont neighborhood ( $\pm$ 0.45 acres).
- District: 3
- Project Planner: Jim Burnett (407-246-3609, james.burnett@cityoforlando.net)

- ZON2015-00015\*\*** Planned Development zoning request to build a 5-unit, 2-story fee-simple townhome development.

*Recommended Action: Deferral of the request to the August 18, 2015 MPB Hearing, per the applicant's request.*

Chairperson Tobin declared a conflict on items #5 (AC Hotel & Residence Inn), 10 (Orlando Central) and 12 (City Centre PD). Vice-Chairperson Searl declared a conflict on items #11 (Modera Central) and 12 (City Centre PD). The appropriate forms were filed with the Board Secretary.

**Board member Burns 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 #5).**

## REGULAR AGENDA

### 3. RECOMMENDED APPROVAL, BROKEN CAULDRON BREWERY

Applicant: Charles Frizzell – Broken Cauldron, LLC  
 Owner: HEC Properties, LLC  
 Location: 1016 W. Church St., located north of W. Jackson St., south of W. Church St., west of S. Westmoreland Dr. and E. Clear Lake Way ( $\pm$ 1.82 acres).  
 District: 5  
 Project Planner: Michaëlle Petion (407-246-3837, michaelle.petion@cityoforlando.net)

**CUP2015-00008\*\*** Conditional Use Permit request to allow:  
 A) an eating and drinking use (a brewery tasting room) within the I-G/T zoning district; and  
 B) alcohol sales within the required distance separation of 1,000 ft. from a church.

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

This item was presented by Michaëlle Petion, Planner III, Land Development Studio, City Planning Division. Using the staff report, Ms. Petion discussed the application request, existing zoning, property location, site plan, and proposed improvements.

Ms. Petion noted that the eating and drinking use would be a secondary use as mentioned in the conditions of approval which state that it would be limited to no more than 40% of the use within the building itself.

Chairperson Tobin opened the hearing to the public.

Applicant Charles Frizzell, 2203 Lake Debra Dr. #126, Orlando, FL. 32835, was available to respond to any questions or concerns.

Mr. Phil Cowherd, office address 1101 W. Church St., Orlando, FL, spoke on his behalf as a neighborhood property owner. Mr. Cowherd stated that the brewery was the first step in direction of the Parramore Comprehensive Neighborhood Plan. He noted that 20 property owners who represent about 30 properties contiguous to the subject property relayed to him their support for the project.

Ms. Jeanna Malines, 413 Black Knight Way, Longwood, FL 32779, spoke as one of the co-owners and co-applicant. She stated she would be available to respond to questions from the community about anything from occupancy to hours, etc.

Mr. Bill Palmer, 1408 Quailley St., Orlando, FL 32804, spoke on his behalf as the owner of Palmer Feed Store, located 100 feet from the proposed business. He stated he was in support of the project.

Ms. Paula Forrest, spoke on behalf of Patricia Dawson who owns the property at 1023 W. Jackson St., Orlando, FL 32805. Ms. Dawson is currently residing in California and this is her retirement residence. Ms. Forrest proceeded to read a letter from Ms. Dawson. Various concerns mentioned in the letter were:

1. Location of beer making and packaging areas
2. Location of tanks and proximity to her property
3. Location of yeast storage and fermentation area
4. Environmental issues - emissions, air quality
5. Operating hours
6. Impact the facility may have to her child
7. Times for loading and unloading
8. Noise level
9. Will there be dangerous goods stored on the premises
10. Will utilities include natural gas
11. Amount of parking provided and location

Mr. Clinton Salter, 3464 Domi-Fitz Ct., Orlando, FL 32805, spoke on behalf of the Southern Christian Leadership Conference. His main concern was the proximity of this type of use to the church and the Parramore Kidz Zone.

Ms. Jeanna Malines responded to the questions of Ms. Dawson as follows:

1. Tanks, etc. – will be contained inside the building.
2. Packaging – all beer will be brewed and sold in house. There will be no need for packaging large trucks moving in and out.
3. Yeast storage will be inside the brewery – yeast will be used over and over again and then donated to local farmers.
4. All grain – also donated to local farmers.
5. Environmental air quality and/or emissions – the only emissions would be steam from boiling water with some sugar. No negative environmental impact when it comes to any of the natural ingredients used in their beer.
6. Brewery will be child friendly – will welcome children accompanied by an adult during the hours of 4pm to 7pm.
7. Hours of operation - Thursdays and Fridays from 4pm to midnight; Saturdays from noon to midnight; Sundays from noon to 10pm.
8. Noise levels – minimal due to operating hours and location of brewery. The majority of the activity will take place inside the facility, except for the beer garden located at the front on Church St.
9. Glycol is a coolant that is used inside the fermentation tank, in a particular enclosed system.
10. Using natural gas – helps the environment, more efficient.
11. Parking spaces – 19 dedicated, more than what was required. Additional parking will also be available in the area.
12. Church variance and location – distance from the subject property to the church in question is  $\pm 700$  ft.

Chairperson Tobin closed the public hearing.

Board member Buchanan asked if there would be food served at the site.

Chairperson Tobin reopened the public hearing to allow for a response.

Mr. Charles Frizzell stated that there were no plans for an on-site kitchen. He noted that they would be inviting food trucks to their parking lot for the benefit of their guests and neighbors.

Chairperson Tobin closed the public hearing.

Mr. Grandin noted that to the extent that the establishment was fully internalized and that the church was not located on the same street, staff believed there was enough distance separation to guarantee that there would be no negative impact to the church.

**Board member Martin moved APPROVAL of the request, CUP2015-00008, subject to the conditions in the staff report. Vice-Chairperson Searl SECONDED the MOTION which was VOTED upon and PASSED by unanimous voice vote.**

## 7. RECOMMENDED APPROVAL, ARYA TOWNHOMES REPLAT WITH MODIFICATION OF DEVELOPMENT STANDARDS

Applicant/Owner: Amit & Sushma Trehan

Location: 513 Peachtree Rd., located north of Peachtree Rd., east of Edgewater Dr., south of Lake Concord, and west of Peachtree Rd. ( $\pm 0.31$  acres).

District: 3

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

**SUB2015-00023\*\*** Request for Minor Subdivision with modification of development standards, to replat a vacant residential lot into four residential lots for the development of four (4) townhome units.

**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 the staff report, Ms. Neasman described the site location, application request, proposed improvements, and noted that the applicant proposed to have more parking than what was required by City code. Mrs. Neasman noted the applicant could build four multifamily dwelling units on the site and meet code without Board approval. The Modification of Standards was to allow for superior design with the courtyard area between the townhome pair units.

Mr. Amit Trehan, 513, Peachtree Rd., Orlando, FL. would be available to respond to any questions.

Chairperson Tobin opened the hearing to the public.

Ms. Mary Olsen, 415 Peachtree Rd., Orlando, FL 32804, spoke in opposition of the request. Ms. Olsen stated that the design of the development was not in character with the neighborhood.

Mr. Hugh Darley, 505 Peachtree Rd., Orlando, FL 32804, spoke in representation of his wife and himself. Mr. Darley stated that they were the previous owners of the property and were very encouraged by having this development in the neighborhood.

Chairperson Tobin closed the public hearing.

**Board member Burns moved APPROVAL of the request, SUB2015-00023, subject to the conditions in the staff report. Board member Martin SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.**

## 9. RECOMMENDED APPROVAL, NARCOOSSEE ROAD/LAKE WHIPPOORWILL NEW SUBAREA POLICY

Applicant:	City of Orlando
Owner:	N/A
Location:	Subject area is located south of Kirby Smith Rd., north of Tyson Rd., east of Narcoossee Rd. and west of Lake Whippoorwill (±241 acres).
District:	1
Project Planner:	Michelle Beamon (407-246-3145, michelle.beamon@cityoforlando.net)
<b>GMP2014-00021*</b>	Growth Management Plan amendment to add a new subarea policy to establish development principles that will apply only if a property owner requests voluntary annexation into the City of Orlando.

**Recommended Action:** Approval of the request.

This item was presented by Michelle Beamon, Planner III, Comprehensive Planning Studio, City Planning Division. Using PowerPoint, Ms. Beamon described the site location, requested action, background, proposed Subarea Policy S.40.6, and concluded the presentation with staff's recommendation.

Chairperson Tobin opened the hearing to the public.

Mr. James Ekbatani, 150 E. Robinson St. #1712, Orlando, FL 32801 spoke as a proponent of the request, but with some concerns that some of the restrictions proposed in the subarea policy may create an undue burden on some future developments. Mr. Ekbatani recommended that Condition of Site Specific Approval #5 specified in the proposed subarea policy relating to allowable building height be modified for the distance to be less than 400 ft.

Ms. Frances Caroline Randall, 11107 Tindall Rd., Orlando, FL 32832, spoke on her behalf. Ms. Randall stated that in 2008 the agreement was originally developed with the County. Additional concerns that she would like included in the agreement are:

1. Dark skylighting
2. Restrictions regarding height and width of signage,
3. Dock access on Lake Whippoorwill as it's currently a private lake

4. Coordination with the rural settlement residents in relation to the traffic management from the north-south connector road.

Ms. Randall noted that she was in favor of the 400 ft. restriction as it stands. She also noted that she believed drive-thru's were originally prohibited, but did not see them listed on the County or City version of the agreement.

Ms. Beamon stated that the purpose for the height limit within 400 ft. of the lake was to have a better view from the other side of the lake. She noted that the County's future land use amendments had three different zones, but that the City's proposal had two zones: 1) mixed-use next to Narcoossee Road and 2) residential use next to Lake Whippoorwill. While the City and the County proposals are different, City staff believes they are compatible. Ms. Beamon also noted that the prohibited uses for drive-thru's was in the County's land development proposal. She stated that the City believes that if a drive-thru is designed appropriately it would be acceptable. As far as dark skylighting, signage restrictions, traffic management and dock access on Lake Whippoorwill, those are items that will be addressed when the property comes in for zoning approval, since these are more site specific items. Ms. Beamon pointed out that the request presented today was the overarching policy and noted that a subarea policy could always be reviewed and amended as needed.

Discussion ensued and Ms. Beamon noted that the City and County proposals would be exhibits to the joint planning agreement that would be adopted by both Councils.

Mr. Kyle Shephard, Assistant City Attorney, noted that regulations on docks were based on the upland parcel, only one dock is allowed per upland parcel. Docks that have multiple terminal platforms (multiple places for a boat to be boarded at), require a conditional use permit.

Mr. Grandin clarified that docks and signage would be dealt with through an application before the City. He also noted that the dark skylight issue was addressed under the City's lighting code.

**Board member Martin moved APPROVAL of the request, GMP2014-00021. Board member Burns SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.**

## 10. RECOMMENDED APPROVAL, ORLANDO CENTRAL

Applicant: James Johnston – Shutts & Bowen, LLP

Owner: HHH Reilly Fund, LLC

Location: 110 W. Jefferson St., located west of N. Gertrude Ave., south of W. Jefferson St., east of N. Garland Ave., and north of W. Washington St. (±1.39 acres).

District: 5

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

**MPL2015-00005\*\*** Master Plan request for mixed-use development of 450 residential units with a 478-space detached parking garage, and 13,464 sq. ft. of ground floor commercial use. Applicant is also seeking a density bonus for this development.

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

This item was presented by TeNeika Neasman, Planner I, Land Development Studio, City Planning Division. Using PowerPoint, Ms. Neasman described the site location, site survey, previous actions, future land use, zoning, project context, applicant's request, landscape plan, amenity deck, northwest perspective, southwest perspective, elevations, vehicular and bicycle parking counts, transit options, and concluded the presentation with staff's recommendation.

Mr. Grandin noted that the applicant, through his study, made a pretty convincing case that the amount of parking space that they are providing on-site should provide sufficient parking for the residents living there. There is an

additional condition of approval that's been added to the staff report that essentially acknowledges that the applicant will provide an incentive to new residents in the building to access shared parking from downtown.

Chairperson Tobin opened the hearing to the public.

Mr. James Johnston, Shutts-Bowen, 300 S. Orange Ave., spoke on behalf of the applicant and stated they are in agreement with staff's conditions of approval.

Having no other speaker requests, Chairperson Tobin closed the public hearing.

**Board member Martin moved APPROVAL of the request, MPL2015-00005, subject to the conditions in the staff report and addendum. Board member Burns SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.**

Chairperson Tobin called for a break at 9:55 a.m.

Meeting resumed at 10:10 a.m.

## 11. RECOMMENDED APPROVAL, MODERA CENTRAL

Applicant:	Todd Bleakley – Mill Creek Residential
Owner:	WSHC, LLC
Location:	150 E. Central Blvd., located north of E. Pine St., south of E. Central Blvd., west of S. Rosalind Ave. and east of S. Magnolia Ave. ( <u>±</u> 1.24 acres).
District:	5
Project Planner:	Michaëlle Petion (407-246-3837, michaelle.petion@cityoforlando.net)
<b>MPL2015-00016**</b>	Master Plan request to allow a 26-story mixed-use development comprised of 394 multifamily units and <u>±</u> 26,500 sq. ft. of commercial uses, with a proposed density of 318 du/ac (a bonus of 146 units).

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

This item was presented by Michaëlle Petion, Planner III, Land Development Studio, City Planning Division. Using PowerPoint, Ms. Petion discussed the requested action, future land use and zoning, history, proposed development, density bonus, survey, site plan, streetscape, elevations, renderings, and the notable conditions of approval.

Jeremy Crowe, Civil Engineer IV, Transportation Engineering, continued the PowerPoint presentation discussing site access concerns. Ms. Petion then concluded the presentation with staff's recommendation.

Applicant Todd Bleckley, 220 Seneca Trail, Maitland, FL 32751, stated he would be available to respond to questions and concerns, as well as his team accompanying him.

Mr. Marc Levine, 1900 Jake St. #203, Orlando, FL 32814, spoke as the President of the University Club of Orlando. Mr. Levine believes that the space that the club will occupy and the overall building will be a benefit to downtown Orlando.

Ms. Rebecca Wilson, 215 N. Eola Dr., Orlando, FL 32801, Lowndes, Drosdick, Doster, Kantor & Reed, spoke on behalf of the applicant. Ms. Wilson directed the Board to Page 19 under the Urban Design conditions of approval, Item 1.B.vi which mentions Lawrenceville bricks shall be used for intersection corner treatments. She requested the word Lawrenceville be removed. She stated that they were under conversations to do some charcoal color bricks because they match with better with the architecture of the building. She requested to move forward and have this condition considered by the Appearance Review Board (ARB). Also under Item 1.C.ii which mentions hex pavers, they are trying to move the hex pattern from a 12 inch hexagon to an 8 inch hexagon, if that can be noted and presented to ARB. They



are willing to work with staff between now and ARB to have those things straightened out. Ms. Wilson also noted that there were three (3) conditions under Transportation Engineering that they would like revised.

- 1) Condition #1 under Transportation Engineering on page 23 of the staff report states:

A two-way 24' minimum wide access drive shall be provided connecting Central Blvd and Pine Street along the west side of the property. Having a minimum of two access points for residents and visitors provides a safer and better connected network. Currently 396 units will only be allowed access on Pine Street that is a one lane, one-way road.

Ms. Wilson stated they have access gates within the garage, which they control internally, that allow connectivity between the residents from Pine and off of Central. It's the desire of the University Club (U-Club) to have access for their members separate from the residents, therefore the garage was designed accordingly. She noted that transportation engineer demonstrated that the driveway would operate acceptably. She respectfully requested that the Board either make a motion to remove this condition or find that they have met it through the access controls.

- 2) Condition #2 under Transportation Engineering on page 23 of the staff report states:

All Freight and passenger loading activities shall take place on the access drive. No Freight Maneuvers will be allowed on public R.O.W.

Ms. Wilson noted that if City staff was requiring them to do all the maneuvering and come back out internal to the garage. She stated that if they were to use all of that space to get three 18 wheelers to fit internal to the garage and be able to do all of their maneuvering and get out, then they would lose all of their retail space. She noted that their request was not different than what was previously approved. Ms. Wilson also noted that they have offered to restrict hours of delivery.

- 3) Condition #3 under Transportation Engineering on page 24 of the staff report states:

No loading zone will be allowed on Central Blvd.

Ms. Wilson stated that the U-Club requested an area on Central Blvd. where their members could be dropped off. Therefore, she recommended that the condition be revised to say "no commercial" loading zone be allowed on Central Blvd.

The Board ensued in discussion with staff in regards to the controlled gate access.

Mr. Crowe noted that staff's recommendation for providing multiple points of access was due to street closures during many downtown special events. In regards to loading on public r-o-w, Transportation Engineering would be willing to work with the applicant to restrict hours of freight activity to off-peak and non event time periods.

Board discussion continued with staff in regards to the drop off area and the loading space.

Mr. Crowe noted that in the previously approved Master Plan the ground floor had a pull around and a drop off area, but the garage was accessed from the internal access drive. This made it possible to still maintain the ground floor retail.

Chairperson Tobin opened the hearing to the public.

Mr. Kris Schaeffer, 1 Eola South Dr., Orlando, FL 32801, spoke in opposition to the request. Mr. Schaeffer stated that he was appalled that the City of Orlando would support making exceptions for any building with the University Club name attached to it. He noted that this was an organization that was blatantly discriminatory to African Americans, Jews and women until the late 80's and early 90s. Mr. Schaeffer stated that the City of Orlando supporting the U-Club would be equal of the City of Orlando supporting racism and intolerance.

Mr. Jorge Canay, 155 S. Court Ave. #1715, Orlando, FL 32801, spoke in opposition of the request. Mr. Canay' was concerned about the increase in traffic congestion that both the Modera Central and the City Centre high rises will cause to the downtown area. He also noted that many of the new developments downtown (i.e. 55 West, The View, etc.) had almost all of their commercial space still empty. Mr. Canay stated that the City was overwhelmed with condominiums that are for renters, compared to units that are owned by private owners. He acknowledged the

community support in opposition of the proposed project who were present at the meeting and asked the Board members to listen to the community's concern.

Mr. Travis Walker, One Eola South #11, Orlando, FL 32801 spoke in opposition of the request. His concerns were the increase in traffic to the already overly saturated downtown streets during peak hours. Mr. Walker stated that he supported a more vibrant downtown but asked that City staff request more attractive buildings and not an eye-sore as he considered the proposed building.

Mr. Keith Hangdahl, 4951 Oakbrooke PI, Orlando, FL 32812, spoke on behalf of the University Club. He noted that he would be available to answer any civil engineering questions about the site.

Chairperson Tobin closed the public hearing, and also recognized Commissioner Gray and thanked him for his presence at the meeting.

Discussion ensued between the Board and staff in regards to the traffic impact study done for the site.

Mr. Crowe indicated that a more comprehensive study should been done.

Ms. Becky Wilson noted that the City adopted in their Growth Management Plan (GMP) a transportation concurrency exception area which allows a certain amount of congestion in downtown. Ms. Wilson stated that they had a methodology meeting with City staff whereby their traffic engineer did the study which was consistent with the methodology staff requested. She noted that they believe they have met all of the comprehensive plan's requirements and codes with regard to the concurrency exception area. Ms. Wilson pointed out that there was no exception made to that study or its findings in the staff report. With respect to the three conditions previously mentioned, she requested the following:

1. Condition #1 under Transportation Engineering – that the Board find that the cross access being provided on the second floor with access gates meets requirement #1.
2. Condition #2 under Transportation Engineering dealing with the loading – the applicant agrees with the conditions to restrict those hours as specified in Transportation Planning condition #8, and keep the loading as is for condition #2.
3. Condition #3 under Transportation Engineering dealing with the loading zone – the proposal is that there will be no commercial loading allowed in the drop off area on Central.

Discussion continued between the Board and Ms. Wilson in regards to traffic circulation when streets are closed during special events.

Ms. Wilson noted that they would receive notice like any other property owner on one of those streets. If one of the streets is being closed then they would open the access gate for traffic to circulate internally.

Discussion continued among the Board in regards to the access gate and staff's requirement for connectivity.

**Chairperson Tobin moved APPROVAL of the request, MPL2015-00016, subject to the conditions in the staff report with the following condition amendments:**

1. Modify condition #1 under Transportation Engineering to eliminate the gated limited access to the club on one side and the residents on the other side. This will satisfy connectivity for condition #1.
2. Modify condition #2 under Transportation Engineering to include – “occur within the bays on East Pine and shall be restricted per Transportation Planning conditions #8.”
3. Modify condition #3 under Transportation Engineering to say – “no commercial loading along the Central drop off area.”

**Board member Burns SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (Searl abstained).**

As the applicant for City Centre, Chairperson Tobin recused herself and stepped down from the dais during presentation and discussion of Item #12. Vice-Chairperson Searl presided during the discussion of Item #12.

## 12. RECOMMENDED APPROVAL, CITY CENTRE PD

Applicant:	Jennifer Slone Tobin – Shutts & Bowen, LLP
Owner:	City Centre Properties, LLC
Location:	205 & 215 E. Central Blvd., located at the northeast intersection of E. Central Blvd. and N. Rosalind Ave. (±0.55 acres).
District:	4
Project Planner:	Michaëlle Petion (407-246-3837, michaelle.petion@cityoforlando.net)
<b>ZON2015-00010**</b>	Planned Development rezoning request to allow a 28-story mixed-use development comprised of 215 multifamily units and ±42,000 sq. ft. of commercial uses, with a proposed density of 390 du/ac (a bonus of 105 units).

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

This item was presented by Michaëlle Petion, AICP, Planner III, Land Development Studio, City Planning Division. Using PowerPoint, Ms. Petion discussed the requested action, future land use, zoning, history, proposed development, density bonus, survey and site plan, elevations, renderings, citizen concerns raised, notable conditions of approval, and concluded the presentation with staff's recommendation.

Vice-Chairperson Searl noted that the letter mentioned in the staff presentation regarding the deed restriction was distributed to the Board members.

Ms. Petion noted that only approximately 645 sq. ft. was being proposed for outdoor dining. Also there would be no selling of park land. There would only be an agreement for enhancements to include a water feature, artwork, landscaping, etc. Ms. Petion stated that the final details would have to go to City Council for approval and it would include collaboration with City Parks, Real Estate, and several City divisions.

Denise Riccio, Family Parks and Recreation Planner, noted that it would probably be approached as more of a donation to the park to make it truly a park amenity. City attorneys are still working to determine what would be allowed or not. In order for the City to agree to the seating area encroaching on the park, it would have to be fully accessible to the public.

Mr. Shephard stated that City Council would ultimately have to approve any encroachments to the park. He clarified to the Board members that the question before them was to find if from a planning perspective, it was a wise use of that area. He also noted that the City was aware of the deed restriction. The deed restriction states that the area will be preserved for public purpose and that no structure that would obstruct the view of the old Cathedral across the street could be erected. As of today, the church is no longer across the street, so there is a question about the application of that particular restriction. The deed will be fully investigated and City Council will be advised of the conclusion of the investigation. Mr. Shephard noted to the Board that City Council wanted to know their recommendation in regards to whether they considered it a good idea or not.

Ms. Riccio noted that there were some conditions in the staff report that an agreement between the applicant and City staff would have to be reached prior to them beginning that construction phase.

Ms. Petion stated that some of the restrictions added in the conditions were that the encroachment would be no more than 15 ft. and it would need to be kept low to make sure it was still part of the park and accessible to the public.

Mr. Grandin noted that it would be no different than the streetscapes surrounding the building or anything else that would be on municipal land or right-of-way. The encroachment would still require ARB approval and City Council approval. He also noted that even though it was addressed as a condition of approval in the staff report, it should be treated as an offsite proposal, because was not part of the property owned by the applicant.

Ms. Petion noted that the existing bus stop adjacent to the site would have to be moved to the north due to the addition of the curb cut for the garage access.

Mr. Micky Grindstaff, Shutts & Bowen, 300 S. Orange Ave. Ste. 1000, Orlando, FL 32801 spoke on behalf of the applicant. He stated he and his team would be available to answer any questions.

Mr. Tim Committe, 215 E. Central Blvd./1 N. Rosalind, Orlando, FL, 21801, spoke as the developer, on behalf of the applicant. Mr. Committe noted that he received input for the project from two preeminent urban planners in the United States; one of them, Mr. Alexander Garvin who is an expert in the design of public parks. Some of Mr. Garvin's recommendations were not to build an open parking deck such as those visible from Lake Eola across Rosalind Ave., to create a building using classical architecture that would last 100 years, and he recommended that a café with a seating area be included in the project to activate and enhance the park.

Mr. Grindstaff stated that over the past year, along with Mr. Committee, he met with the Rosalind Club on various occasions. The triangular easement area and the origin of that came from a prior project, Eola Urban Holdings Company that had their project approved in 2005, with some revisions in 2007 and 2008. As part of the approved 2008 revised project, the previous developer negotiated a private agreement with the Rosalind Club. Mr. Grindstaff noted that his development team reviewed the prior agreement with the restrictions and operational items and were willing to honor the nature, terms and spirit of those prior agreements. The previously approved project was for a 317 ft. tall building, even though the Rosalind Club had approved up to a 330 ft. building. That agreement also approved access ingress and egress off of Rosalind Ave. Mr. Grindstaff pointed out that legal council for the Rosalind Club advised him that they would not be able to support the new proposed application as they had the previous development with those same commitments, unless the current applicant agreed to all of their additional demands and requests. He noted that their project could not support the dollars that would result from the additional demands nor could it support the design. In regards to the deed restriction, it wasn't until the last two weeks that the applicant received a letter from an anonymous concerned citizen advising them of the existence of the deed restriction in favor of St. Lukes Cathedral. They have reached out to St. Luke's Cathedral and are currently awaiting response from them in regards to how to precede with the deed restrictions. If an agreement cannot be reached, the alternative would be to move the outdoor seating into the triangular piece that allows seating. In regards to the home located on the property, Mr. Grindstaff noted that the owners received an inquiry from a non-for-profit foundation who inquired about purchasing the home and relocating it at the foundation's expense, provided they could raise the funds to do so. Mr. Grindstaff concluded stating that the proposal was compatible with surrounding land uses and the general character of the area, and requested the Board's recommendation of approval.

Vice-Chairperson Searl opened the hearing to the public.

Ms. Karen Consalo, 836 N. Highland Ave., Orlando, FL 32803, with the Consalo Law Firm, spoke on behalf of the Rosalind Club in opposition to the request. She provided a copy of a letter addressed to the Board. She noted that a large group accompanying her wanted to express their opposition as well. They agreed to waive their time to speak as long as their names were added to the record as agreeing with Ms. Consalo and in opposition of the project.

Ms. Consalo stated that they were concerned about such a large project next to their building. The Rosalind Club facility is less than 5 feet from where the construction will take place. They were concerned about possible negative impacts on the Rosalind building during the construction phase and provided the developer with conditions meant to protect their building. Another concern was traffic and they requested that the developer allow ingress only on Rosalind Ave. Ms. Consalo noted that they support the prior discussions of moving the bus stop further north from both of these structures and asked that the bike-racks be moved further north as well. Another concern was the shade of such a tall building which would cover the Rosalind Club completely and the entire corner of the park throughout portions of the day. It would take the sunlight away from the Rosalind facility making their club dark and gloomy. They were also concerned about crime in the area and requested the developer provide 24/7 security of the ground floor retail, parking garage and perimeter of the building; or in lieu of that security, an OPD police substation. The Rosalind Club also provided the developer with a list of conditions that they would like honored in order to alleviate some of the impact the development would have on their facility. Ms. Consalo requested that the agreements that have already been effectuated between the prior property owner that do run with the land be attached to the PD. This would allow everyone to know what restrictions and agreements were binding on that property. In conclusion, Ms. Consalo noted that the developer was asking for a lot and she requested the Board to hold them to a higher standard if they were to approve the project.

Vice-Chairperson Searl requested the list of conditions Ms. Consalo was referring to, to which she noted that she would meet with Mr. Grindstaff to coordinate the terms so that they may provide staff with an agreed upon document.

Ms. Eugenia R. Sefcik, 2420 Norfolk Rd., Orlando, FL 32803, spoke as a member of the Rosalind Club, in opposition to the request. Ms. Sefcik stated that they were seeking to offset the negative impacts of the new development as currently proposed in the following areas: potential encroachment into Lake Eola Park, safety and security issues for residents of the proposed building and the community, vehicle and pedestrian traffic on Rosalind, adherence to city guidelines for building heights, and the Club's loss of view of Lake Eola due to the high tower. She noted that they didn't believe the project should be approved as recommended by the City project planner.

Ms. Allison Barksdale, 2029 Forest Club Dr., Orlando, FL 32804, spoke as a member of the Rosalind Club, in opposition to the request. Ms. Barksdale referred to the 1914 deed of the St. Lukes Cathedral to the City of Orlando restricting the use for "public park only." She noted that they wanted to make sure that the intent from St. Lukes was not violated.

Ms. JoAnn Potter Heine, 570 Ivanhoe Plaza, Orlando, FL 32804, spoke as a member of the Rosalind Club, in opposition of the request. Ms. Heine addressed the recorded document from 2007 and 2008, the proposed ingress and egress from Rosalind Ave. and the protection of the club house. Ms. Heine mentioned that the original project would have their ingress and egress on Central Ave. She stated she was opposed to the ingress and egress on Rosalind Ave. Ms. Heine noted that the previous agreements included the de-watering process, and the continuous monitoring of their building. The dewatering was necessary due to the proximity of the Rosalind Club to the lake and the nature of the soil. She noted another item in the document that stated that there could be no encroachment in Lake Eola Park with restaurant seating because this was a public park. Ms. Heine concluded stating they wanted to be assured that all of the conditions of the covenants and the terms of understanding were met and followed and that all construction was in accord with the amendment.

Ms. Pamela Shaw, 2901 S. Osceola Ave., Orlando, FL 32806, spoke on behalf of The Rosalind Club, in opposition to the request. She was opposed to the height of the proposed building stating their historic Rosalind Club would be forced into the shadow of a large structure that would prohibit growth of their greenery and impact the view of wildlife. She was concerned that once the City approved a high-rise this tall, that it would set a precedent for other properties around the Lake Eola perimeter. Ms. Shaw also noted that a 28 story high building was diametrically opposed to the Downtown Outlook Plan (DTO) approved by the City. According to the downtown design guidelines, on page 7 it states - "new buildings being built adjacent to existing or historic structures should consider a recess from the existing building phase to exhibit a level of respect for the existing, to reduce the impact of not matching or duplication." On page 6 of the guidelines it states - "where high density buildings are adjacent to residential neighborhoods, these high density buildings should maintain low profiles and heights that step down to the height of adjacent residential zones." Ms. Shaw concluded they weren't against growth, but wanted the growth to be compatible with the existing downtown structures.

Ms. Lynn Long, 100 S. Eola Dr., Orlando, FL 32801, spoke on behalf of the Rosalind Club, as an opponent to the request. Her main concern was security. Ms. Long noted that many downtown entities employed 24/7 concierge service and/or security and was requesting the new developer do the same.

Ms. Lynne Batten Puder, 116 Kennison Dr., Orlando, FL 32801, spoke as a Rosalind Club member, in opposition to the request. Ms. Puder noted that the new structure would severely impact the light and the green space that they currently enjoy. To resolve the negative factor, they co-created a document with the previous developer which was recorded on October 7, 2008. This document provided for the sum of \$75,000 to be paid to the club at the time of the close of the construction loan. This was to be used for the construction of a sun porch. They never received the \$75,000 because the construction loan never happened; therefore the need to build was no longer necessary since the developer terminated the project. Because of the new proposed project, they are again in need for a sun porch. The creation of a second floor sun porch would provide additional light for the club's building and a replacement view of the Lake Eola Park. Ms. Puder mentioned that in conversations with the current developers, the club requested from them a sum of \$150,000 to help with the cost for the sun porch construction. She noted that the amount requested was a lesser amount than required, which would be \$370,000.

Vice-Chairperson Searl called for a break at 1:10pm.

After acknowledging that there still was a quorum to proceed, the hearing resumed at 1:30pm. (Note: Board member Burns left the meeting at 12:15pm).

Ms. Elisabeth Smith, 11235 Rapallo Ln., Windermere, FL, 34786, spoke on her behalf, in opposition to the request. Ms. Smith stated she was the former resident of the home at 215 E. Central. She expressed her concerns for the trees and wildlife and wanted to make sure they would not be negatively impacted by the proposed project. As to the house at 215 E. Central (aka The Lubbe House), Ms. Smith noted that it was close to 100 years old and considered it an

architectural jewel. She suggested that the City should consider having the house donated to the City and relocating it at the corner of Eola Dr. and Central area.

Mr. Hernan Castro, 130 N. Magnolia Ave., Orlando, FL 32801, spoke on behalf of the Cathedral Church of St. Luke as their attorney, in opposition to the request. He noted that in 1914 the Cathedral Church of St. Luke donated a piece of property which was now part of Lake Eola Park and was deeded by the Cathedral to the City in the form of a restrictive covenant specifying that it would be used for public park purposes only. The Cathedral has not had the opportunity to consider the proposed project and the encroachment on any property that the Cathedral deeded to the City. Mr. Castro concluded stating they opposed the project as long as it encroached on the deeded City property.

Mr. John Wilde, 201 E. Central Blvd., Orlando, FL 32801, spoke as the founder of the Eco Guys (an environmental watch dog group), in opposition to the request. Mr. Wilde's main concern was the environmental impact the project may cause. He stated that the City was replacing their trees with cement buildings. Mr. Wilde noted that there were 27 garbage cans in Lake Eola, yet there were only 6 recycling bins. He suggested the developer place a recycling bin next to each garbage can to meet the demand of all the new residents their development would bring.

Ms. Ann Berendzen, 1323 Oregon St., Orlando, FL 32803, spoke on her behalf, in opposition to the request. Ms. Berendzen believes the building sticks out like a sore thumb due to its excessive height. She stated she was a realtor and was concerned that there wasn't enough demand for all the high-rises that were being approved downtown. Ms. Berendzen also believes that so many high-rise developments might cause the other condos downtown to go down in value because there would be too many places to choose from.

Mr. Emmett O'Dell, 727 31<sup>st</sup> St., Orlando, FL 32805, spoke on his behalf, in opposition to the request. Mr. O'Dell's concerns were that there was not a height or setback restrictions, and that they were building right to the property lines. Another concern was the encroachment to the park. He was also concerned about preserving history and suggested the Board request the developer to cover the costs of moving the Lubbe house as a condition to approve their development.

Mr. Mark Line, 548 S. Hyer Ave., Orlando, FL 32801, spoke on behalf of the Orlando Preservation Trust, in opposition to the request. Their concern was the enormity of the project and the shadow that it would cast over Lake Eola Park. Mr. Line noted that the mission of their non-profit group Orange Preservation Trust, was to support the preservation and revitalization of diverse historical and natural resources in Orange County cities and unincorporated neighborhoods and to advocate for the appreciation, protection and use of these resources. He concluded asking for all those advocating for something different than the proposal to stand up (many stood up).

Ms. Joan Fiebrandt, 3301 Clemwood Dr., Orlando, FL 32803, spoke on her behalf, in opposition to the request. She noted that she was not a member of the Rosalind Club. Her main concern was the percentage of occupancy in the high rises and that a large portion might remain unoccupied.

Ms. Diane Martens, 229 E. Amelia St., spoke on behalf of Dr. Nancy Lewis, President of the Lake Lawsona Fern Creek Historic Neighborhood Association, in opposition to the request. Ms. Martens proceeded to read a portion of a letter from Dr. Lewis which requested to relocate the home on 215 E. Central to across from the playground on Lake Eola.

Mr. David Martens, 229 E. Amelia St. Orlando, FL 32801, spoke as the current president of the Lake Eola Heights Neighborhood Association, in opposition to the request. He proceeded to read two letters: the first from Raymond Cox who used to be Chairman of the Historic Preservation Board, which stated that he was opposed to the developer taking public property for private economic gain. The letter also stated that high rise developments shouldn't be permitted within the block face of the park. He was concerned about the impact it would have on the animals and vegetation due to the diminished sunlight. It was also requested that the developer provide a creative solution to the preservation of the historic residential structure in exchange for any requested variances, bonuses or conditional use. Mr. Martens proceeded to read the second letter from the Lake Eola Heights Historic Neighborhood Association, which also objected to the destruction of the historic home and requested that in order for the project to proceed, the historic home be relocated within the park or elsewhere in lieu of allowing the developer the significant impact and/or the actual encroachment into the park. Mr. Martens concluded stating he believed a shadow study should be conducted.

Ms. Shelley Stocksdale, 21 Aspen Rd., Winter Garden, FL 34778, wrote a song about Lake Eola based on the folk song Shenandoah and sang it to the public and Board members.

Vice-Chairperson Searl stated that all other speaker request forms would be included in the record as opponents to the request and agreeing with the former speakers. (See Exhibit A attached).

Applicant Grindstaff was allowed to offer rebuttal. In regards to Ms. Consalo's remarks and the Rosalind Club, he addressed them as follows:

1. In regards to the traffic study – On page 24 of the staff report there is a requirement for a transportation study as a condition of approval, to which they agreed upon and provided. He noted that their property was also located within the transportation concurrency exempt area and like the previous study on the University Club site, their study concluded that the project would not make the conditions worse.
2. Parking - This project has 134% more than the minimal requirement of parking. In conversation with the Rosalind Club, they requested some parking spaces. He stated Mr. Committe was willing to keep an open mind about the Club utilizing the parking spaces on a limited basis from time to time.
3. Emphasis in the 2007 PD – Mr. Grindstaff noted that the PD had been amended in 2008 where the previous developer acquired what was now the 7-11 site to complete the parcel and that the ingress and egress on Rosalind Ave. was added to the 2008 PD. At that time the Rosalind Club agreed to a building up to 330 ft., plus ingress and egress on Rosalind Ave. He noted that the Rosalind Club wanted to have the protections of those agreements but not fulfill their side of the agreements which would be to support a project which is similar to the previous approved project with the exception that the previous building was going to be 330 ft. and the current project would be 333 ft.
4. Security – Mr. Grindstaff stated they believe that one of the best ways to reduce crime in the area would be to activate and enhance the park. He noted that they would ask for OPD to relocate a substation internally into the project, and were waiting for OPD's response to whether it would be viable or not.
5. Monitoring the construction debris – Mr. Grindstaff stated that they had no objection and had previously agreed upon that.

Mr. Grindstaff requested a brief lunch break in order for him and Mr. Committe to meet with Ms. Consalo and representatives of the Rosalind Club to see if there were some conditions that they could agree upon. He noted that they were willing to abide and agree to incorporate a number of the items in the agreement, but then the Club added 9 additional items. He also noted that the Club increased its request for mitigation from the previous agreement from \$75,000 to \$150,000. Mr. Grindstaff stated that the previous developer paid the Club \$135,000, which they did not mention.

Mr. Committe stated that the reason they were contemplating a terrace on the park was because, first, his friend Alex Garvin suggested it, and second, because in an earlier meeting with the Rosalind Club they suggested that it would be preferable that the outdoor terrace not be located between them and the park. Mr. Committe informed the Board that if the café was not wanted, that they would go back to putting the terrace on the ground that they own.

Vice-Chairperson Searl stated that normally he would close the public hearing and entertain comments from the Board, and that a one month deferral might be suggested due to the many unresolved issues.

Mr. Grindstaff informed the Board that he would be opposed to a month deferral and believed that provided a few minutes with Ms. Consalo representatives of both sides, they might be able to reach an agreement.

Ms. Consalo stated they had no objection to meet briefly with Mr. Grindstaff and Mr. Committe, but noted that they were not sure the matter could be resolved in 5 minutes.

Vice-Chairperson Searl closed the public hearing.

Board ensued in discussion as to what would happen if the parties were unable to reach an agreement.

Mr. Grindstaff stated that during the Board's discussion, he briefly spoke with Ms. Consalo and decided to continue with the vote on the agenda item. He noted that Ms. Consalo informed him they would probably request an appeal to go before a Quasi-Judicial hearing officer. He requested the Board give a recommendation of approval.

Vice-Chairperson Searl requested feedback from City staff in regards to concerns raised by the public.

Ms. Petion noted that some of the construction conditions per the previous ordinance were standard City codes. In regards to loud speakers not being allowed in the park, the park recently added their own speakers so Staff wouldn't be in support of that. In regards to the access on Rosalind Ave. being removed, Staff felt that Central was the more pedestrian oriented street compared to Rosalind Ave., and wouldn't support the primary access on Central Ave. In regards to setbacks, the proposal was consistent with the code since the front, side and street side setbacks were all

zero. In regards to the rear there is a minimum setback of 10 ft. The code requires 10 ft. to allow for an alley system within downtown. Given that the rear of the proposed property isn't an ideal location for an alley, staff was recommending support of that deviation from the code. In regards to the Impervious Surface Ratio (ISR), the maximum permitted is .95. The proposed development does include the triangular area with the easement which would go towards the ISR, which would meet code. In regards to the tree(s), they cannot be removed without a permit from the Parks Division. Most of the trees in that seating area were invasive species. There is one oak tree which the applicant was not proposing to remove. In regards to the Lubbe house, it is not a historically designated structure. The City will not assume the cost of moving that structure, but will allow for its relocation if someone is willing to relocate it. Ms. Petion also noted that the proposed project was in an AC-3A/T zoning area which was a more intense zoning district.

Discussion ensued between the Board and staff in regards to the developer's entitlements. It was concluded that the height was based on FAA approval; that they were allowed by code to request a density bonus up to 400 du/ac (the developer is only asking for 391 du/ac); and that they were meeting the parking requirements. The only deviation requested was the rear set back, which staff supported.

Mr. Shephard noted that City Council had just adopted an ordinance that amended the bonus section of Chapter 58, but that the application in question was received prior to the ordinance being amended; therefore the project fell under the previous ordinance. He also noted that the density and intensity bonus section allows the developer to request for both bonuses, but that the developer was not requesting an intensity bonus (intensity bonuses relate to non-residential square footage).

Board member Martin encouraged the developer not to eliminate the café and seating area. He acknowledged that it would need further approval from Council and City Parks Department. Mr. Martin suggested amending section F-i of page 23 in the Staff Report to read as follows:

F. Transparency

- i. The ground floor building walls facing all streets **"and Lake Eola Park"** shall contain a minimum of 30% of transparent materials. A minimum of 15% transparency shall be provided on all floors facing the street above the ground level.

Board member Suarez pointed out that the proposal was similar to other restaurants located in or adjacent to Lake Eola, which have agreements with the City. He also agreed that the café with the seating area would enhance the park instead of having a wall facing the park.

Ms. Riccio noted that Relaxed Grill had a lease within the park itself. World of Beer had a lease for their deck area which slightly encroaches into the park, as well as a maintenance agreement with the City.

Richard Forbes, Historic Preservation Officer, Land Development Studio, City Planning Division, noted that the Lubbe house was a historic resource but was not protected because it was not within a historic district nor had it been individually landmarked.

Board member Schermerhorn questioned if an environmental impact study was required or a shadow study. Ms. Petion responded stating that the proposed project was within an urbanized area with existing structures, which would not require an environmental study. Also, a shadow study is not required by City code.

Board continued discussion expressing their support to the project.

**Board member Martin moved APPROVAL of the request, ZON2015-00010, subject to the conditions in the staff report, including the amendment to Section F. Transparency on page 23 as mentioned previously.**

Mr. Grandin requested clarification on the conditions related to the outdoor café in the park, whether they applied under conditions of approval.

Ms. Petion suggested those conditions remain in the event an agreement was reached. If an agreement was not reached, then they would render inapplicable.

Board member Martin noted that if the conditions ultimately became not applicable, they could be removed. He agreed on leaving the conditions in there so that those agreement discussions could be pushed forward.

**Board member Buchanan SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (Searl abstained).**



Chairperson Tobin returned to the dais and resumed her position as Chair.

## ANNOUNCEMENTS

- Request for quasi-judicial hearing received – Veranda Park II (City Attorney's Office)

## OTHER BUSINESS

- Nominations for Chair and Vice-Chair for next month's voting – Mr. Shephard explained the process for the nominations. Voting will take place during next month's August 18, 2015 Hearing.

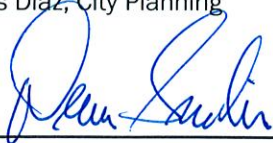
## ADJOURNMENT

Having no other matters to bring before the Board, Chairperson Tobin adjourned the meeting at 3:04 p.m.

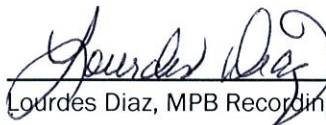
## STAFF PRESENT

Dean Grandin, AICP, City Planning  
Mark Cechman, AICP, City Planning  
Paul Lewis, AICP, City Planning  
Karl Wielecki, 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, City Planning  
Michelle Beamon, AICP, City Planning  
TeNeika Neasman, City Planning  
Richard Forbes, AIA, City Planning  
Doug Metzger, AICP, 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  
John Rhoades, Transportation Planning  
Nancy Ottini, Transportation Planning  
Ian Sikonia, Transportation Planning  
Matthew Wiesenfeld, Transportation Planning  
Lauren Torres, Transportation Engineering  
Frank Consoli, Transportation Engineering  
Jeremy Crowe, Transportation Engineering  
Aranzazu Lattanzio, Housing and Comm. Dev.  
Laurie Botts, Real Estate Division  
Denise Riccio, Parks & Special Facilities  
Matthew Broffman, Director of Innovation  
Brooke Bonnett, Director of Economic Development



Dean Grandin, AICP, Executive Secretary



Lourdes Diaz, MPB Recording Secretary