

**CITY COMMISSION WORK SESSION**  
**February 22, 2010**

The work session was called to order by Mayor Kenneth Bradley at 2:05 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

Members present:

Mayor Kenneth Bradley  
Commissioner Phil Anderson  
Commissioner Beth Dillaha  
Commissioner Margie Bridges  
Commissioner Karen Diebel

Also present:

City Manager Randy Knight  
City Clerk Cynthia Bonham  
Attorney Catherine Reischmann  
Attorney Larry Brown

Land Development Code

Planning Director Jeff Briggs addressed his recommendations to the changes in the proposed Land Development Code (LDC). He spoke about the set of rules in the comprehensive plan and the different set of rules in the zoning code and that they are trying to make the two conform. He stated as they went through the process, there were other changes brought forth by staff to clean up the code and other changes brought forward by the Planning and Zoning Commission that are included. He stated as they neared the finishing of the zoning code adoption, they heard specific issues with land development/zoning code text that will be walked through with some solutions that should help with the problems that have been voiced. He commented they are hearing discontent with the comprehensive plan document and now that the language is being put into the zoning code.

He addressed a concern brought forward with the City Commission having unfettered discretion because of language in the code that says the City will review and approve specific projects and may limit and restrict the achievable Floor Area Ratios (FAR's). Commissioner Anderson suggested that the entire sentence be deleted from the LDC. Mayor Bradley asked, for clarification purposes, if the City Commission has the unilateral right to adjust FAR's and that the language suggests this. Mr. Briggs stated that is what is being said. Mayor Bradley expressed concerns with this language coming up at this time after going through several reviews.

Commissioner Bridges asked if removing this language changes the meaning of the remainder of the text. Attorney Reischmann stated that the times the Commission would be reviewing FAR and height restrictions would be during the conditional use review anyway. She stated it was in the LDC this way because it was drawn directly from the comprehensive plan but also because the understanding was it would be as a part of the conditional use approval process where various kinds of conditions can be looked at such as height and FAR restrictions. Commissioner Bridges asked if Attorney Reischmann is comfortable that our conditional use language contains those specific attributes that are the reviewable issues. Attorney Reischmann replied in the affirmative and stated that she has identified for Mr. Briggs that there are multiple places where this language appears in the LDC under the various zoning districts and if they cause confusion as to when the Commission is going to interject themselves into the procedure, then they can easily be removed and does not affect the Commission's authority. Commissioners Bridges and

Dillaha stated they are in favor of streamlining it. There was discussion that this language would be pulled out of the many zoning districts. Attorney Reischmann suggested also pulling out the height language whenever it talks about the Commission's ability to review the height since it is a part of the conditional use as well.

Mr. Briggs addressed the criticism received about some of the design standards that are in the C-2 district and a maximum building length of 200' before you break the building for a 35' gap. He stated that is not in the comprehensive plan but came from P&Z and they were concerned about having a large building (like the 600' long building for the Carlisle) and if there should be a requirement to break it up. He stated this is a valid criticism. He recommended deleting the sentence in the code that contains the one foot for one foot standard and to discuss whether the top floor should be terrace and step back from the exterior face. He commented that based on the ins and outs of the third floor you can get to the same end.

Commissioner Bridges stated she is not supportive of removing the separation between buildings because there are times that this would be appropriate and you lose the contextual mass and scale when you allow a builder to go down a long block of properties and build a continuous building.

Commissioner Anderson stated he was not sure that the 35' separation between buildings as a mandated separation is the right thing but would rather send this back to the P&Z and come back with another approach other than the 35' mandated separation. There was further discussion regarding this issue and how the language in the code should read. Commissioner Anderson made suggestions to the language.

Bed and Breakfast Inns were then addressed. Mr. Briggs spoke about the previous P&Z recommendations to disallow these in residential areas. He stated it was pointed out to him that there is R-3 and R-4 locations that are not in single family areas and that the City should be more flexible and if you are not close to single family homes that a conditional use would still be available. He stated that staff suggested putting bed and breakfasts back in but provided they were at least 100' from any single family home. Discussion ensued regarding this issue and questions were answered by Attorney Brown.

Parking lot zoning districts was then addressed by Mr. Briggs. He commented about the permitted use of only surface parking lots but that it does not speak about stormwater and if that is permitted also. Mr. Briggs stated that was always intended. Mayor Bradley stated that should be added.

Parking code changes were then discussed. Mr. Briggs spoke about the downtown and Hannibal Square having enough other available public parking surrounding the restaurants that we could maintain the 1 per 4 but that in the more remote locations like Orange Avenue, they are parking up and down the street and in the neighborhoods and suggested the 1 for 3 for the other areas. Mr. Briggs commented about the concern with P&Z's recommendation that we were doing a mixed use project and providing two spaces for each residential unit. He stated it was recommended to reserve at least one parking space for each unit so they have a parking space when they need to have one. He stated this pertains only to new projects coming in. Further discussion took place and questions were answered regarding parking spaces and reserved spaces.

Mr. Briggs then spoke about the C-2 zoning and where it was allowed; they are adding words to the preamble in C-2 to clarify that you can use your C-2 zoning in the downtown Central Business District that is referenced in the map and the four streets of Morse Boulevard from Capen and Virginia, New England, Pennsylvania and Hannibal Square East. He stated the current confusion of the wording will be taken care of. Mr. Briggs stated the map does not include the block of Morse from New York Avenue to Virginia and that the comprehensive plan will have to be changed to address that.

After discussion, Attorney Brown suggested to adopt the Land Development Code with the amendments following tonight's discussion, to amend the comprehensive plan as soon as possible to correct anything outstanding, and then adopt the LDC again if needed. He stated you need to have a LDC that is consistent with our comprehensive plan. Attorney Reischmann agreed to adopt the LDC consistent with our comprehensive plan with the understanding that it is going to be changed as soon as possible.

Mayor Bradley stated there has been a lot of discussion raised from the last City Commission meeting and that he is not clear that everyone is on the same page. He asked that someone review our current comprehensive plan and identify to the City Commission how much down zoning is in there and how much are problems. Attorney Brown stated he was not trying to communicate that the City has major legal liabilities but that it appeared that the City was imposing restrictions on areas that did not previously have those restrictions. The issue of 17 versus 25 units per acre was discussed.

Mayor Bradley stressed the importance of making sure any potential liability is on the table and that staff and the City Attorney need to suggest what those are. Commissioner Dillaha spoke about this issue being on the table for months already and being thoroughly discussed and that the information has been provided to the public for many weeks. Mayor Bradley stated that he sees issues that need to come to the table and wanted to see them articulated right now as they are going through this process. Mr. Briggs stated the last item has already been taken care of which is adding extra height limits in feet.

Commissioner Dillaha asked if they could have comprehensive plan discussions at a later time. Mayor Bradley asked that the necessary changes to the comprehensive plan be put into a list for the Commission. There was further discussion regarding the comp plan and the need to correct any errors that have occurred.

Commissioner Anderson asked about the residential parking per unit going from 2 to 2.5 and if this pertained to all apartment types. Mr. Briggs confirmed it pertains to triplex or above and has nothing to do with the number of bedrooms, whether it is a studio or the square footage. He asked for an amendment that would change one bedroom units down to a 2.0 parking requirement.

The meeting was adjourned at 3:20 p.m.



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City Clerk Cynthia Bonham