

**CITY OF WINTER PARK  
REGULAR MEETING OF THE CITY COMMISSION  
August 13, 2007**

The meeting of the Winter Park City Commission was called to order by Mayor David Strong at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was given by Parks and Recreation Director John Holland, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong  
Commissioner Douglas Metcalf  
Commissioner John Eckbert  
Commissioner Margie Bridges  
Commissioner Karen Diebel

Also present:

City Attorney Trippe Cheek  
City Manager James Williams  
City Clerk Cynthia Bonham

**Mayor's Report:**

a) Board appointments: Environmental Review Board

Mayor Strong nominated Mary Ann Holls and Maggie Hauck for the two vacancies. **Motion made by Commissioner Bridges to approve the names submitted; seconded by Commissioner Eckbert and carried unanimously.**

Not on agenda

Mayor Strong mentioned that the City will be hearing about the Cool Cities Program which involves some commitments to certain environmental issues. He stated it was disclosed at the last Metro Plan meeting that the Environmental Protection Agency (EPA) is going to revise their air quality measurement index to make it stricter. He stated if this occurs, Central Florida will be in violation of that index which will cut off highway funds among other things.

b) Discussion about a sale of the University water plant.

Mayor Strong asked if this decision should be made at this time. Commissioner Bridges stated that she would like to wait because she wanted all the information on the post office, separation of the distribution and retail and to have the input from the consultant they hired. Commissioner Metcalf agreed with Commissioner Bridges and wanted to move forward with the discussion of the post office. Commissioner Eckbert believed there was no reason to hold onto it except for the appreciation value of the property. Commissioner Diebel agreed with Commissioner Eckbert. There was further discussion regarding the post office and their conversations with the post office post master prior to the meeting scheduled on August 27.

Jeff Rogers, representing Full Sail, offered the City \$1 million for the property and a charitable contribution to the remainder. Attorney Cheek spoke about the need to go through a RFP/RFQ process and to get the best price possible and to adopt an ordinance to sell the property.

There was a consensus to wait until after the post office meeting and to place this on the next agenda. Mayor Strong asked staff to review the post office locating on the University site. Planning Director Jeff Briggs agreed to do so.

**Citizen's Budget Comments:**

Nancy Shutts, 2010 Brandywine Drive, asked for funding for the Azalea Lane Park renovations. She provided a list of proposed improvements.

**Action Items:**

- a) Approve the minutes of 7/23/07.
- b) Approve the following bids and purchases:
  - 1) Recommendation of award of IFB-26-2007 for the purchase of clay street brick pavers to Brick America.
  - 2) PR 134701 to Informa Software to purchase a new EMS patient treatment and tracking reporting system; \$34,583.98 (Budget: Public Safety Projects).
  - 3) Entering into negotiations for RFQ-23-2007 Commuter Rail Stop Design Study with Tran Systems. **PULLED FOR DISCUSSION. SEE BELOW.**
  - 4) Recommendation of award of RFP-20-2007 for Community Emergency Notification Network as follows: **PULLED FOR DISCUSSION. SEE BELOW.**  
Notification Generation & Control System to Emtel, Inc.; \$27,799.00  
Outdoor Warning System to Federal Signal Corporation; \$103,900.00
  - 5) Extend existing contract for WP-14-2006 for trimming of headstone areas at Palm Cemetery with Big Dog's Lawn Care; \$510.00 per occurrence (Budget: Cemeteries).
  - 6) Recommendation of award of IFB-24-2007 for Construction of Restroom and Pavilion at Preserve Park at Howell Branch to CDS Handyworks & Construction, Inc.; \$146,609.00 (Budget: Parks & Recreation).
- c) Approve the following budget adjustments:
  - 1) Appropriate \$38,400 in fire inspection training fees in excess of the budget estimate for departmental training related costs.
  - 2) Transfer \$12,500 from General Fund Contingency to the Facilities Maintenance expense account to cover water utility expenses related to the State Office Building.
- d) Approve the financial support of \$1,000 from Federal forfeiture funds to assist co-hosting the 2007 Accreditation Conference.
- e) Presentation and update on the Fairbanks Avenue gravity sewer and streetscape project. **PULLED FOR DISCUSSION. SEE BELOW.**

**Motion made by Commissioner Eckbert to approve Action Items a; b-1, 2, 5 and 6; seconded by Commissioner Diebel and carried unanimously.**

Action Items b-3, b-4 and e were pulled from the Action Item list for discussion and voted on separately.

**Action Item # b-3: Enter into negotiations for RFQ-23-2007 Commuter Rail Stop Design Study with Tran Systems:** Planning Director Jeff Briggs explained that Tran Systems was ranked first and this is a formal action to begin negotiations.

**Motion made by Commissioner Eckbert to confirm the #1 ranking of Tran Systems; seconded by Commissioner Diebel and carried unanimously.**

**Action Item #b-4: Recommendation of award of RFP-20-2007 for Community Emergency Notification Network as follows: Notification Generation & Control System to Emtel, Inc.; \$27,799.00 and Outdoor Warning System to Federal Signal Corporation; \$103,900.00**

Fire Chief Jim White explained that Fire Rescue proceeded with the RFP process for the purchase of the Community Alerting System. He explained that the Notification Generation & Control System was recommended to be awarded to Emtel, Inc. and the Outdoor Warning System to Federal Signal. The Commission asked Chief White for more information on community wide alerting. Chief White explained that the electronic formats as well as the outdoor siren and speaker alerting network will serve the community best. He stated the community feels there is a need for these types of systems for weather warnings and the City has worked closely with Rollins College because they are interested in alerting students on campus with the outdoor device. He commented they recommended moving forward with final selection and purchase. Chief White answered questions of the Commission. Mayor Strong stated the Commission had consensus on proceeding with the notification system however, he needed further explanation on the outdoor warning system.

George Herbst, Rollins College, addressed the high amount of dialogue in the higher education programs about communication in case of an emergency situation. He stated that certain colleges and universities across the country have installed the sirens and speaker systems. He stated that Rollins College would like to establish an alerting system which they will pay for. He agreed to assist the City in funding this project. Mr. Herbst stated that the City could repay the college over a designated period of time, interest free.

Commissioner Diebel stated her recollection of this discussion in a prior meeting to perfect the software rollout concerning the Notification Generation & Control System and add the sirens as the budget years would allow. She explained since they now have a funding partner that is willing to accelerate this, that maybe this should be discussed. Mayor Strong stated it was a loan from Rollins College which the City will have to pay back.

Chief White explained that the City's Emergency Communications Department will have total control over the activation of the sirens and their use will be under strict protocol. He stated that Rollins will be partitioned electronically so they can control their functions on campus; however the Communications Department can override that if necessary and send a message City wide. Mr. Herbst stated they would not activate the alerting system without communicating with the Police and Fire Departments and were willing to advocate total control to the Communications Department so they do not set off any alarms or announcements without clearing it first with the City. He stated they are willing to pay their share of the cost.

**Motion made by Commissioner Diebel to approve the alerting system with Rollins College loaning the City the funding and to advance the funds by three years; seconded by Commissioner Metcalf.**

Commissioner Eckbert stated he was in support of this and his biggest concern was the protocol for use. Chief White explained that he will return to the Commission with the use of protocol for their input and review.

**Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel. The motion carried unanimously with a 5-0 vote.**

**Action item e: Presentation and update on the Fairbanks Avenue gravity sewer and streetscape project.**

The Commission elected not to hear the power point presentation. Utilities Director David Zusi addressed the Fairbanks Avenue gravity sewer and streetscape improvements. He explained

they have received a favorable reading from DOT and have addressed their numerous concerns. He believed that the project is buildable but they need to find funding for the streetscape portion; they will provide that information later and make plans to fund it. He stated he needs a consensus to proceed with the \$415,000 preliminary design effort of the sewer and roadway improvements for the Fairbanks Avenue corridor between US 17-92 and I-4. .

**Motion made by Commissioner Eckbert to approve item e to continue with the preliminary design work for the sanitary sewer and streetscape improvements outlined in approved Task Order 2006-06 and Amendment 1 to that task order; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel. The motion carried unanimously with a 5-0 vote.**

**Public Hearings:**

- a) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ACQUISITION AND/OR CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE ELECTRIC SYSTEM OF THE CITY, THE REFUNDING OR RESTRUCTURING OF THE OUTSTANDING ELECTRIC REVENUE ANTICIPATION NOTE, SERIES 2005, OF THE CITY, AND THE CONVERSION TO FIXED RATE BONDS OF THE UNHEDGED PORTION OF THE OUTSTANDING ELECTRIC REVENUE BONDS, SERIES 2005, OF THE CITY; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$29,000,000 ELECTRIC REVENUE BONDS, SERIES 2007, OF THE CITY TO BE APPLIED TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM SUCH ELECTRIC SYSTEM; AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the ordinance by title. No public comments were made. Assistant City Manager Randy Knight explained the ordinance and that this is the first step to funding the electric under grounding. Financial advisor Craig Dunlap addressed the timing and interest rate of the bonds.

**Motion made by Commissioner Metcalf to accept the ordinance on first reading, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

- b) RESOLUTION NO. 1981-07: A RESOLUTION BY THE CITY OF WINTER PARK, FLORIDA TO ENTER INTO AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY

Attorney Cheek read the resolution by title. No public comments were made. Parks Director John Holland explained this is to purchase a bobcat to help with the forestry and landscape programs.

**Motion made by Commissioner Metcalf to adopt the resolution, seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**



- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO ABANDONMENT OF A SANITARY SEWER EASEMENT; ABANDONING THAT PORTION OF AN UNDERGROUND UTILITY EASEMENT AS RECORDED IN O. R. BOOK 5504, PAGE 180, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AS LYING WITHIN THE STORAGE PLUS PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.  
First reading

Attorney Cheek read the ordinance by title. No public comments were made. Mr. Zusi explained the ordinance and stated they have no objection to abandoning this easement.

**Motion made by Commissioner Eckbert to accept the ordinance on first reading, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Eckbert, Metcalf and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

- d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT A NEW COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT SUBSTITUTING FOR THE CURRENT 1991 COMPREHENSIVE PLAN, PROVIDING AN EFFECTIVE DATE. First Reading

Planning Director Jeff Briggs summarized their powerpoint presentation addressing the comprehensive plan history, why it is important, what is in the plan, concurrency, having a balanced comprehensive plan and the maximum height boundaries. He summarized the changes made resulting from the ORC Report from the DCA. He explained the difference with the Central Business District (CBD) District versus the Central Business Zoning District (C-2). Mr. Briggs addressed the decision issues that were discussed at the August 9 work session and the consensus reached regarding the issues of the Central Business District (CBD) FAR; the urban use zoning alternative; height map flexibility; limiting the use of commercial/office properties; the policies requiring supermajority votes; and having a better understanding of the expansion of our institutional uses non-profit partners in the City and obtaining information concerning their expansion plans. He stated the Commission asked that future editions conform to the zoning and be within the confines as per the master plans (like the Winter Park Hospital campus). He explained they would like these expansions to maintain a revenue neutral position with the City.

Brian Canin, Canin Associates, provided a table outlining the Future Land Use Map Designation maximum density/intensity and the associated numbers; and the revised language they recommended within the table as part of the comprehensive plan. There was a lengthy discussion regarding the table and decision issues.

Marc Hagle, 1220 Park Avenue N., agreed with the proposed changes but was unsure the Commission understood what the buildings would actually look like after built using the numbers provided by Mr. Canin.

Jean Cumming, 902 Golfview Terrace, expressed the need to visually see what a project size would look like once built.

Michael Dick, 823 Granville Drive, stated he was not authorized to speak on behalf of the P&Z but offered his comments as a member of the P&Z. He spoke about the P&Z's role and his disappointment with the current relationship between the P&Z and Commission.

Vicki Krueger, 200 Carolina Avenue, asked about looking into how they can move people around our City quick, easy and environmentally without the use of cars. She also spoke about the EPA and the changing environmental regulations.

Carolyn Cooper, 1047 McKean Circle, spoke about not allowing R-4 high density residential development of commercial property; including private parking garages in the floor area ratio calculations; and including a commitment to mixed use in the comprehensive plan but take caution in the testing and definition of FAR and governing regulations before implementation.

Beth Dillaha, 1801 Forrest Road, showed visuals of buildings in town and their FAR to help clarify how the buildings look throughout the City and if a 200% FAR is approved, how the City could look.

Will Graves, 3048D George Mason Drive, addressed the need for a historic district and for strict downtown codes.

Lurline Fletcher, 790 Lyman Avenue, spoke against high buildings, traffic and parking garages in the City.

Sydgan Corporation provided a letter that was not read but is a part of these minutes not supporting changes to the comprehensive plan without compensation.

Bill Battaglia, 250 Park Avenue S., provided documentation summarizing their recommendations to the comprehensive plan. These are included as part of the minutes.

Cecelia Bonefay, Attorney for Mr. Battaglia, spoke in favor of the plan but with changes.

Mark Squires, 7630 Broken Arrow Trail, spoke about Florida Hometown Democracy and the consensus is it will make the ballot in November 2008 and if this occurs, the language they now have means that any zoning change will have to have a City wide vote. He suggested the Commission keep this in mind between now and November.

Donna Colado, 327 Beloit Avenue, addressed the consultant fees paid to date.

Mayor Strong listed policies within the newly provided Future Land Use Element that he had concerns with and wanted clarified, revised, or taken out of the plan. Mr. Briggs and Planner Scowden responded to each issue. Other Commissioners offered their suggestions to changes within the document. Commissioner Eckbert spoke about properties being appropriate for this land use due to the location and what he would like to see is exceptional design, setbacks that allow for gracious landscaping and open space that one can appreciate and observe. Mayor Strong agreed and addressed the need to see what this looks like and define that criteria better. He added that it should be a difficult standard to allow four story buildings and maybe not have this available in the downtown district. There was further discussion on the 200% FAR and the need to see these in a visual rather than having only numbers in the comprehensive plan.

Commissioner Eckbert believed that Tallahassee should not dictate or constrain what Winter Park does. Mayor Strong agreed. Mr. Briggs explained they do not care about any of these issues being discussed this evening in terms of scale or FAR. Commissioner Bridges stated even though we do not want Tallahassee telling us what to do, citizens are looking for a certain reliability and having some parameters to criteria being in place and to back this up in the Land Development Code. Commissioner Eckbert stated he was fine with that and having setbacks and green space is the most important criteria from his perspective.

Commissioner Bridges suggested that the Commission review the specific updated language that has been written by Canin & Associates and give this to P&Z. She believed this would give them an opportunity to come up with a final plan for them to move forward. Mayor Strong stated he would have no problem with that but his preference would be to finish this at the next Commission meeting on August 27. Commissioner Eckbert agreed that they need to have a final vote at the next meeting. He commented he has not been pleased with this entire process but it is time to make a decision. He showed a pie chart on growth and development from the resident survey of 2006. He addressed the high percentage of people who believed that solid focus on growth and development in the City should be pursued cautiously and heavily controlled compared to a lower percentage in the category of not at all pursued. He stated that this type of data has driven him to support these issues.

Mr. Canin commented that the comprehensive plan is not the solution to quality issues. He believed they should preserve the character and quality of the downtown district. He stated that they need to go into certain areas and intensify them; protect our economic future and have a strategic frame work for the City's future, with design guidelines; and have the technical aspects to fix all of this. He explained they can wordsmith the standards and make the revisions the Commission mentioned earlier but that graphics/models is a great deal of work and did not believe this can be accomplished before they transmit.

**Motion made by Commissioner Eckbert that we accept the comprehensive plan ordinance on first reading with the Canin slide (table) and the Mayor's notes, and the compatibility language and the height comments in the Central Business District; seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Eckbert, Metcalf and Diebel. Commissioner Bridges voted no. The motion carried with a 4-1 vote.**

Commissioner Metcalf asked that any updated revisions are given to the Commission further in advance and is placed on the website for the public to view.

Mayor Strong stated that Commissioner Bridges made a good suggestion about getting the P&Z together and asking them to comment on what the Commission is contemplating. Commissioner Eckbert believed that was not a good idea because this has already gone through P&Z for an extended period of time and this will only be an opportunity for more discord. Mayor Strong asked that this be distributed to the P&Z and see if they would like to comment on it. City Manager Williams agreed to give them a copy.

**City Attorney's Report:**

No report.

**Non-Action Items:**

No non-action items.

**New Business (Public):**

Linda Walker, 794 Comstock Avenue, spoke about the Golden Rule Foundation having their business within the residential housing on the Westside at 864 W. New England Avenue. She asked that staff review this, take down the signs, ensure they have an occupational license, and to not let further businesses encroach into the residential. Building Director George Wiggins stated he would review this matter.

**New Business (City Commission):**

1. Commissioner Metcalf asked about the fund raising update. Finance Director Wes Hamil stated he would provide this to the Commission on Tuesday, August 14.
2. Commissioner Metcalf asked about having a work session to discuss the post office. Mayor Strong stated he would not be here for two weeks but could schedule one after August 27.
3. Mayor Strong stated that the City Attorney has prepared a pledge agreement that commits an individual making a pledge and describes what the City may do. He directed staff to distribute this to the citizens. He believed they should not spend that money if they do not put it towards building a park. Commissioner Metcalf commented they also need to make a decision on whether or not they will accept grant funds. Commissioner Diebel provided her suggested language. Mayor Strong stated they need to hear from the post office first. Commissioner Eckbert commented he wanted to see a process that says what is needed to relocate the post office.

Commissioner Metcalf wanted to see if they will split the distribution; take the University site; or take the water plant site. He stated that if they do not take one of those three options, the only thing they have is the Denning site which is expensive. Mayor Strong commented if the post office accepts the Swoope Water Plant site and a smaller post office on the arrowhead, they should move forward with that. They can sell the Denning site and get the sale of the other water site which is appraised at \$11-\$15 million. He stated if they have to construct the buildings that would be \$5 million towards the cost.

Commissioner Metcalf addressed his four plans, to leave the post office as is; distribution at University; distribution at the water plant; and a combined facility at Denning. He stated he will put the figures together and have them distributed so they can begin discussing the possibilities and the total cost which will be ready before the meeting with the post office on August 27. Mayor Strong stated they will schedule a work session at the August 27 meeting.

4. Commissioner Eckbert spoke about revisiting whether partial terms count toward your term limit. Mayor Strong asked Attorney Cheek to draft an ordinance for their consideration. Attorney Cheek agreed to do so.

The meeting adjourned at 8:36 p.m.

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Mayor David C. Strong

ATTEST:

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City Clerk Cynthia Bonham

## BATTAGLIA GROUP

Battaglia Fruit Co., Inc.

BFC Development Corporation

Battaglia Properties, LLLP

**TO:** Mayor David C. Strong  
Vice-Mayor John Eckbert  
Commissioner Margie Bridges  
Commissioner Karen Diebel  
Commissioner Doug Metcalf  
Peter Gottfried, Canin Associates

**CC:** James S. Williams, P.E., City Manager  
Jeff Bridges, Planning Director

**FROM:** Bill Battaglia

**RE:** Winter Park Comprehensive Plan Recommendations

**DATE:** August 13, 2007

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This memo is provided as a follow-up to the memorandum we submitted for the August 9 City Commission workshop. We are pleased with the direction the City Commission has provided to staff on several issues. We would like to reiterate our concerns on some issues that do not yet appear to have been fully resolved. We have attached specific policy language recommendations, organized to track this memorandum. We appreciate the opportunity to comment and would be more than happy to answer any questions regarding these issues. Our earlier materials were provided in the City Commission packets for the August 9 workshop, but please let us know if you need additional copies.

### Resolved Issues

1. **No supermajority vote required for height above 2 stories in the CBD.** At the August 9 workshop, the City Commission directed staff to delete the supermajority requirement for this provision as well as for others.
2. **Parking garages not included in FAR calculations in CBD.** At the August 9 workshop, the City Commission confirmed this direction.

### Partially Resolved Issues

1. **Height Map.** As we understand the City Commission's direction at the workshop, one additional story (beyond the number of stories set on the height map) will be available at the discretion of the City Commission based on setbacks, open space, and perhaps design standards. At the workshop, the Commission indicated this flexibility would be available throughout the CBD except in the Park Avenue Corridor. The attached policy language reflects this decision of the City Commission. We applaud this change, particularly if

design standards are one option for receiving the additional height. We would again request that through the Land Development Code the Commission establish clear criteria for the additional height. In addition, we have heard the City Commission discussing the concept that the height map is establishing a maximum and that the maximum height might not be allowed in some circumstances based on context. Again, we urge the Commission to establish definitive criteria for limiting buildings to heights below those on the map. Failure to do so may lead to arbitrary and indefensible decisions and will make the conditional use and site planning process more contentious.

2. **Comprehensive Parking Solution in the CBD.** The City Commission discussed downtown parking at the August 9 workshop. There appeared to be support for doing a restudy of the CBD parking standards, but the Commission seemed to consider this to be an issue for the Land Development Code rather than the Comprehensive Plan. There are, however, policies in the proposed plan that could conflict with the direction that might well come out of a restudy. A comprehensive parking plan is a key to achieving the desired vision of downtown. We have recommended not adopting the proposed language that focuses on site-specific parking solutions and have proposed alternative policy language.
3. **Institutional Uses in the CBD.** At the August 9 workshop the City Commission again directed staff to look at this issue, but we have not yet seen alternative language proposed by staff. The current policy language does not encourage the efficient use of space by institutional uses in the CBD. This is important in order to maintain the vitality of the downtown and ensure a stable tax base. We have proposed alternative policy language.

## Unresolved Issues

1. **Retain R-4 as a compatible zoning district in the CBD.** As evidenced in the Land Development Code provisions for R-4, this zoning district has been a possible zoning in the CBD future land use category. The proposed plan only allows for C-2 zoning in the CBD. We would request that R-4 continue to be allowed as well.
2. **Height in Feet.** This issue was not directly addressed at the City Commission workshop on August 9, but is included in the Canin recommendations. Some of the policies in the Plan contain maximum number of feet in height and the maximums set in these policies are insufficient to accommodate Class A buildings. It would be preferable to address the maximum feet in height in the Land Development Code. If, however, the City Commission wishes to adopt height limitations in feet as well as stories, the chart in Attachment B of the Canin report recommends the following: 16' ground floor, 18' if needed to align floor plates with floors in adjacent garage and 14' for office and residential floors. Assuming the 18' first floor, this results in maximum heights of 32' for two stories, 46' for three stories, and 58' for four stories. Under the current proposed policies "height thresholds do not include ancillary structures regulated by the land development code, including respective floor to floor heights, parapets, mechanical and elevator/stair components, and architectural appendages." If the City Commission wishes

to encourage pitched or partially pitched roofs, these should also be allowed to extend beyond the maximum heights.

3. **Compatibility Criteria.** This issue was raised by one of the Commissioners at the August 9 workshop, but it has not been resolved. The proposed language sets unrealistic criteria that could create almost limitless opportunities for challenge to all types of development orders and does not provide clear guidance to the development community. Moreover, while the language as originally transmitted to DCA was a problem, the language now in the proposed Plan is in some ways worse. We have proposed alternative language.
4. **Park Requirement.** The retrospective requirement of 10 acres of park/1000 persons in each new project should be deleted. This is one of the Canin recommendations.

Handed In to be  
part of the minutes.

August 13, 2007

Mayor David Strong  
City Commission  
401 S. Park Avenue  
Winter Park, FL 32789

Re: City Commission Meeting of August 13, 2007  
Public Hearing - First Reading of ordinance adopting Comprehensive Plan

Dear Mayor Strong and Commissioners:

The owners of the following enumerated parcels do not support any change to the comprehensive plan without compensation and wish to lodge their objection thereto.

531 W. Morse Blvd, Winter Park  
Parcel ID# 05-22-30-940032-120  
Owner: Venetian LLC

631 W. Morse Blvd and 171 N. Pennsylvania Avenue, Winter Park  
*combined with* 655 W. Morse Blvd  
Parcel ID# 06-22-30-1168-08-095  
Owner: WFG, Ltd.

301 W. New England Avenue, Winter Park  
Parcel ID# 05-22-30-9400-40-070  
Owner: TGG, LLC

298 W. New England Avenue, Winter Park  
Parcel ID# 05-22-30-9400-56-070  
Owner: Garment Ltd.



Objection to Comprehensive Plan - Letter to Commission August 13, 2007  
page 2

Respectfully submitted,

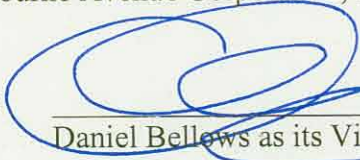
Venetian, LLC  
a limited liability company

By: Welbourne Avenue Corporation, its Manager

By:   
Daniel Belkows as its Vice President

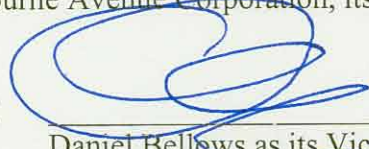
WFG, LTD  
a Florida corporation

By: Welbourne Avenue Corporation, its General Partner

By:   
Daniel Belkows as its Vice President

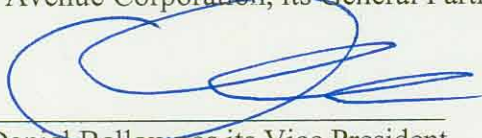
TGG, LLC  
a limited liability company

By: Welbourne Avenue Corporation, its Manager

By:   
Daniel Belkows as its Vice President

Garnet LTD  
a Florida limited partnership

By: Welbourne Avenue Corporation, its General Partner

By:   
Daniel Belkows as its Vice President

August 9, 2007

Mayor David Strong  
City of Winter Park  
401 Park Avenue South  
Winter Park, FL 32789

Re: **Canin Associates Review of the Proposed Changes to the Winter Park Comprehensive Plan  
Future Land Use Element**  
CA Job No. 206088.10

Dear Mayor Strong,

Canin Associates is pleased to provide you and the Commission with our summary recommendations on the above referenced Comprehensive Plan Future Land Use element for the City. In addition to reviewing the City's response to the Department of Community Affairs' Objection, Recommendations and Comments Report we have also reviewed the proposed additional policies for guiding development in the City and have provided our comments as needed:

1. Generally, the revisions to the Future Land Use Element have provided for a more understandable document and it appears that staff has for the most part addressed the Department of Community Affairs concerns. However, staff may want to consider expanding its ORC response to include the revised policy statements addressing DCA's concerns. It has been our experience that the less work DCA has to do to determine the sufficiency of the response the better. Also, many of the policies are not action driven in that they do not provide a specific action with a completion date. The City may want to consider adding action language and deadlines. The following are comments on specific concern raised by the DCA.

*DCA General Objective 1. Meaningful and predictable Policies. Several policies allow for local decisions to contradict or to render decisions inconsistent with the comprehensive plan without providing meaningful standard, including Policy 1-2.11 which provides that the City Commission may approve high densities than otherwise allowed pursuant to the Future Land Use Map.*

**Canin Comment:**

There are a few policies that allow the City Commission to approve development that exceeds the prescribed standards, without providing criteria on which to base the approval. Not only can these approvals be considered arbitrary but a property owner (or developer) does not know in advance of the Commission review what additional criteria will need to be met to seek approval. Please note the following policies:



**Policy 1-2.1.5: Maximum Building Height Defined.** Map 1-3: Comprehensive Plan Maximum Building Heights” designates graphically the maximum threshold for such building heights by stories. The height thresholds do not include ancillary structures regulated by the land development code, including respective floor to floor heights, parapets, mechanical and elevator/ stair components, and architectural appendages. The Maximum Height Map is intended to be used together with the Future Land Use Map and designations to determine the maximum density and intensity (floor area ratio) permitted to be developed within the City of Winter Park. The combination is detailed in the Maximum Future Land Use Map Designation Density/Intensity Table. The City Commission is authorized to approve, as a special exception, one additional story in the Mixed Use District when the plan approval significantly increases open space, or preserves existing trees, or increases street front setbacks but this in no way increases the maximum permitted floor area ratio from the original story limit criteria in the Future Land Use Map Designation Maximum Density/ Intensity Table.

**Policy 1-2.3.1: Commercial.** This land use classification includes both the wide variety of commercial retail uses, restaurants, and various professional office uses. It is designed to relate to those areas zoned C-1 and C-3, but may also include areas zoned I-1 when used for commercial or office or residential purposes. This designation also allows a density of residential uses up to 17 units per acre. The intensity of use (floor area ratio) of buildings in this designation may not exceed the standards as listed in the Maximum Future Land Use Density/Intensity Table and as governed by the maximum number of stories permitted in the Maximum Height Map within this Future Land Use Element. Public parking garages and hospital facilities including administrative offices of the Winter Park Hospital may be excluded from the floor area ratio by the City Commission as deemed appropriate to foster the goals of the Comprehensive Plan for this critical public health service, pursuant to any adopted Master Plan as may be approved by the City Commission.

**Policy 1-2.3.2: Office and Professional.** This land use classification includes the business and professional activities housed in office structures such as those allowed in the O-1 and O-2 districts. This designation also allows a density of residential uses up to 17 units per acre. The intensity of use of buildings (floor area ratio) in this designation may not exceed the standards as listed in the Maximum Future Land Use Density/ Intensity Table and as governed by the maximum number of stories permitted in the Maximum Height Map within this Future Land Use Element. Public parking garages and hospital facilities including administrative offices of Winter Park Hospital may be excluded from the floor area ratio by the City Commission as deemed appropriate to foster the goals of the Comprehensive Plan for this public health service, pursuant to any adopted Master Plan as may be approved by the City Commission.

**Policy 1-3.2.2: Maintain the Character and Vitality of the CBD Environs.** The City shall maintain the character of the Central Business District (CBD), including the Park Avenue Corridor as one of the premier downtown retail shopping districts in Florida, by reinforcing attributes that underlie its ambiance and special character, including its pedestrian scale, the relationship of its buildings and their



orientation to the street, the eclectic mix of architectural styles, the open space vistas of Central Park, and the predominance of small distinctive specialty shops. The Comprehensive Plan identifies the specific character of sub-areas and corridors within the CBD and its environs, including their function and form, density and intensity, building height, mass, articulation, and fenestration, as well as building relationships to each other and to the street. The Comprehensive Plan shall impose a two story and 30' height limit throughout the area designated CBD on the Future Land Use Map but these height restrictions may be exceeded to a maximum 3 stories and a 40' height limit if the development is approved by an extraordinary vote (four votes) by the City Commission as a Conditional Use. The maximum floor area ratio within the CBD shall include private parking garages which are either at grade or elevated in calculations of floor area. Subterranean parking garages and public parking garages shall be excluded from floor area calculations as shall public parking garages. Planned Development Overlay approvals or other variances for more than three stories are prohibited. Third floors approved by conditional use along the Park Avenue Corridor must be setback on street frontages equal to their height on a one foot setback for each one foot height of the third floor.

**Policy 1-3.2.7: Future Land Use Amendments to Mixed Use.** The City may approve, at its discretion, amendments or changes to the mixed use future land use designation when convinced that the location is compatible to be granted additional density and intensity given the character of surrounding properties. In granting or approving the mixed use designation, the City may limit the intensity below the maximums permitted by this element for any reason determined advisable. The adoption of mixed use intensity shall only occur in locations where redevelopment is to be encouraged, where the scale and character of the resultant project will be compatible with the commercial/ office location where the parcel size is sufficient and where there are minimal impacts on nearby residential properties.

**Canin Comment:**

In each of the above noted policies the City may want to add language that identifies what the City is trying to achieve (what is the public purpose) and that within a prescribed time period Land Development Regulations will be adopted providing the criteria within which the bonus can be considered. In addition, when a clear intent is indicated the city may not need to rely on a super majority to make decisions.

***DCA General Objective 1 (continued) Policies should establish meaningful and predictable standards***

**Policy 1-2.6.2: Conservation (CON).** The FLUM shall designate lands that are natural and coastal resources as "CON." It is the intent of the "CON" land use designation to provide for the long-term protection and preservation of environmentally sensitive natural resource systems. The Conservation Future Land Use Map designation is designed to indicate areas, such as wetlands and the 100-year flood plain, that shall be conserved in their natural condition so that the physical and biological functions of the land may be optimized. No development other than structures that benefit the land and the general

public, such as boardwalks or access way for maintenance, are permitted on this land and/or wetland floodplain area. Access is generally limited so that these areas may also serve as a safe haven area for wildlife. The City shall have the option of obtaining a conservation easement from the property owner(s) to protect lands that are demonstrated to be environmentally sensitive. The only exception and intensity of use potentially permitted (by conditional use requiring a super majority vote of the City Commission) is a boardwalk or gazebo for the passive enjoyment of this natural area provided the construction and use is non-intrusive and non-disruptive to the primary purpose as a natural conservation area.

**Canin Comment:**

The City may want to consider developing Land Development Regulations that regulate the development of boardwalks and gazebos in Conservation areas.

**Policy 1-3.1.8: Implement Affordable Housing Program.** The City shall take a proactive position to maintain the ethnic and economic diversity of its population by implementing the affordable housing program outlined within the Housing Element wherein the City shall use affordable housing linkage fees and other revenue sources to purchase land and fund the construction of housing units affordable to very low, low, or moderate income families and individuals so that 15% of all new housing construction in the City is of affordable housing. (New housing means new net housing units and excludes demolitions and rebuilding of units).

**Canin Comment:**

How will the city implement this program? It appears that the City is taking responsibility for the creation of affordable housing. If the City does not build the 15% will it impose a moratorium on new residential development?

**Canin Comment:**

A number of policies address issues that should be included in the Land Development Regulations and/or the City's proposed Form Based Code. The following policies were identified.

**Policy 1-3.2.2: Maintain the Character and Vitality of the CBD Environs.** The City shall maintain the character of the Central Business District (CBD), including the Park Avenue Corridor as one of the premier downtown retail shopping districts in Florida, by reinforcing attributes that underlie its ambiance and special character, including its pedestrian scale, the relationship of its buildings and their orientation to the street, the eclectic mix of architectural styles, the open space vistas of Central Park, and the predominance of small distinctive specialty shops. The Comprehensive Plan identifies the specific character of sub-areas and corridors within the CBD and its environs, including their function and form, density and intensity, building height, mass, articulation, and fenestration, as well as building relationships to each other and to the street. The Comprehensive Plan shall impose a two story and 30' height limit throughout the area designated CBD on the Future Land Use Map but these height



restrictions may be exceeded to a maximum 3 stories and a 40' height limit if the development is approved *by an extraordinary vote (four votes) by the City Commission* as a Conditional Use. The maximum floor area ratio within the CBD shall include private parking garages which are either at grade or elevated in calculations of floor area. Subterranean parking garages and public parking garages shall be excluded from floor area calculations as shall public parking garages. Planned Development Overlay approvals or other variances for more than three stories are prohibited. Third floors approved by conditional use along the Park Avenue Corridor must be setback on street frontages equal to their height on a one foot setback for each one foot height of the third floor.

a. **Open Space, Landscape and Other Buffers.** Require that appropriate open space, landscaping, and buffers, including but not limited to canopy trees, specimen trees, and shrubs, be preserved, protected and maintained between residential uses and nonresidential uses including parking lots. A combination of architecturally designed capped masonry walls in combination with aforementioned landscape plant materials shall be required to buffer potentially incompatible uses when the building mass, scale, and intensity of use, and adverse impacts are significant. These shall apply, except for mixed use projects incorporating residential and non-residential uses.

**Canin Comment:**

The following policies were of general concern:

**Policy 1-3.5.1: Criteria for Managing Encroachment of Nonresidential Uses into Established Residential Neighborhoods.** The City shall require that any change in land use designation from residential to nonresidential comply with all of the following:

1. That there does not exist in the general area sufficient developed or undeveloped land of the proper land use designation so as to allow the proposed use;
2. That this change shall not be a precedent toward other similar applications for change requesting similar land use as a matter of equity or fairness;
3. That the change can be demonstrated to be in the best interests of the City at large;
4. That the change can be demonstrated to be in the best interests of the adjacent residential area;
5. That residential use of the property is no longer a viable use.

**Canin Comment:**

This is very restrictive language and could preclude the City from making changes that are consistent with the city's goals.

**Policy 1-3.5.2: Investigate Just Compensation/Linkage System for Adverse Impacts Incurred by Changes in Future Land Use Designation from Residential to Nonresidential Use.** The City shall explore the feasibility of establishing a linkage system that addresses compensation for the loss of housing or housing opportunity and/or the need for public service or social program in consideration of

the increase in value bestowed upon land through designation from residential use to nonresidential use.

**Canin Comment:**

What does this mean and how/when will it be implemented?

In addition to the review of the ORC response Canin Associates had been asked to comment on the following key comprehensive plan issues:

- The Height Map. Canin Associates continues to support the height map as a guide. We recommend that the City adopt floor to floor height standards in its Land Development Code. We also recognize that this map may be amended as the City completes a visioning process and the creation of a form based code.
- Height Flexibility. This is another issue that will be more thoroughly analyzed through the development of a form based code, but in the meantime, Canin Associates is generally supportive of the flexibility, we are however, concerned with the language utilized to implement the flexibility. Specific standards should be adopted for the review of any application that propose additional height. Canin Associates would be happy to work with City staff to draft suitable language.
- Mixed Use Category. Canin Associates continues to support the creation of a mixed use category. In the absence of the visioning exercise, we advise the City to adopt the transmitted floor area ratio. If the City is so inclined to increase the FAR as an incentive for better projects, we recommend the City provide specific standards for approving an increase, including how to assess that the benefits received are adequate given the incentives granted. Again, Canin Associates would be happy to work with City staff to draft suitable language.

Prior to transmittal of the plan last year, Canin Associates prepared a list of items that were felt to be of particular issue with the proposed Comprehensive Plan. The City for the most part has added and/or considered our previous recommendations. However, the following item has not been addressed. Canin Associates still recommends the following change:

- Remove parking structures from floor area ratio calculations anywhere in the City. FAR is used to determine intensity of development. Parking garages that serve the principal use do not in themselves generate intensity. DCA requires a jurisdiction to determine impacts on services based on the maximum FAR. To include private parking garages as FAR creates service requirements that are not based on impact generating uses. Further, the inclusion of parking structures in the FAR is a disincentive to developing parking garages, resulting in surface lots and sprawl.

Since, our last recommendation the City has identified the need and is moving forward to develop a form based code and the visioning exercise that must accompany any successful form based code development. We at Canin Associates applaud the City's decision to move forward on this and further



advise that through this process many of the issues that the City is currently grappling with in their Comprehensive Plan will be more thoroughly and thoughtfully addressed.

Once again, it has been a pleasure to serve the City and we look forward to continuing our participation with the City and the community on these very important initiatives.

Sincerely,



Brian C. Canin AIA, AICP

Cc: Jeff Briggs, Planning and Community Development  
Vice Mayor John Eckbert  
Commissioner Margie Bridges  
Commissioner Karen Diebel  
Commissioner Doug Metcalf  
James S. Williams, City Manager  
Trippe Cheek, City Attorney



**Canin Associates Recommendations**  
**August 13, 2007**

<b>Future Land Use Map Designation Maximum Density/Intensity Table</b>						
	Medium Density Residential	High Density Residential	Office	Commercial	Urban Use	C.B.D.
Density (units/acre)	17 units/ acre	25 units/ acre	25 units/ acre	25 units/ acre	N/A	N/A
Intensity (FAR)						
3 story limit	110%	155%	45%+ 110%**	45%+ 110%**	100%Δ	200%
4 ½ story limit	170%	230%	45%+ 170% **	45%+ 170% **	150%Δ	Not permitted
5 ½ story limit	210%	290%	45%+ 210%**	45%+ 210%**	183%Δ	Not permitted
6-8 story limit	300%	400%	45%+ 300%**	45%+ 300%**	266%Δ	Not permitted
<p>Note: <del>All categories count parking garage floor space toward FAR limits, except CBD.</del>  Maximum number of stories is determined by the Maximum Height Map, except as provided for via special exception.</p> <p>+ <del>For non-residential uses. For any building project exclusively commercial or office; or any mix of commercial, office, residential uses.</del> The 45% FAR may be increased up to 5% if parking for the increase is entirely underground beneath the foot print of the building or if the building's upper floor(s) cantilevered over such parking.</p> <p>** <del>Only for any building project exclusively residential projects, except for the predominant first floor which must be non-residential use of commercial, office, etc. for all building with street frontage shall contain non-residential uses on the first floor along the street facing façade.</del></p> <p>Δ The floor area in the Office, Commercial, CBD and Urban Use designations may be increased by an additional 27% by special exception of the City Commission pursuant to the open space, setback, and design parameters specified in this element.</p> <p>Note: <u>This table reflects the maximum intensities that may be permitted in the underlying zoning district. The maximum intensity that will be approved on any specific site will be based on the applicable development regulations and the ability of the project to further promote the goals of the City.</u></p>						

**RECOMMENDATIONS FOR SPECIFIC POLICY CHANGES TO THE  
WINTER PARK PROPOSED COMPREHENSIVE PLAN UPDATE  
UPDATED AUGUST 13, 2007**

**(Based on July 18, 2007 version posted on City website)**

The following policy recommendations are organized by topic based on the memorandum submitted by Bill Battaglia to the City Commission for the August 13, 2007 public hearing. There may be several policy changes required to address an issue. In addition, some policy recommendations are referenced multiple times because they pertain to more than one issue.

**RESOLVED ISSUES**

1. **No supermajority vote required for height above 2 stories in the CBD.**

See PARTIALLY RESOLVED ISSUES recommendations 1C and 1D below (pp. 2-3) for suggested changes to Policies 1-3.2.2 and 1-3.8.8.

2. **Parking garages not included in FAR calculations in CBD.**

A. **Policy 1-2.1.4: Floor Area Ratio Defined.** Floor Area Ratio (FAR) generally shall be defined as the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior surface of the walls divided by the land area of the site. The site land area must be entirely one contiguous land mass and shall not include land isolated or separated from the main site by a street or water body. The gross floor area ratio in square feet of the building or buildings on the property (and contiguous properties being used in connection with such building(s) divided by the area of such property in square feet. This mathematical expression (gross floor area ÷ land area = floor area ratio) shall determine the maximum building size permitted. Basement areas or other below grade floor areas are excluded from the floor area when more than one-half of that basement or floor height is below the established curb level. The area of stairways, elevators, and multi-story rooms or atriums shall be counted on each floor level. The floor area of public garages shall not be considered as floor area ratio. The floor area of private parking garages (above-grade) or parking levels shall not be counted toward the floor area ratio when such parking is provided to meet the parking requirements of the Land Development Code except for the top open parking level if it is open and uncovered. The public parking component of any parking garage shall may be excluded from the floor area ratio calculation by the City Commission.

**B. Future Land Use Map Designation Maximum Density/ Intensity Table**

*Amend table to allow up to 4 stories in CBD, and amend note as shown below:*

Note: ~~All categories count private parking garage floor space toward FAR limits.~~ Maximum number of stories is determined by the Maximum Height Map.

- C. See also PARTIALLY RESOLVED ISSUE recommendation 1C below for suggested changes to Policy 1-3.2.2

**PARTIALLY RESOLVED ISSUES**

**1. Height Map**

**A. Future Land Use Map Designation Maximum Density/ Intensity Table**

*Amend table to allow up to 4 stories in CBD, and amend note as shown below:*

Note: ~~All categories count private parking garage floor space toward FAR limits.~~ Maximum number of stories is determined by the Maximum Height Map.

**B. Maximum Height Map**

*Amend maximum height map to allow up to 4 stories in CBD*

- C. Policy 1-3.2.2: Maintain the Character and Vitality of the CBD Environs.** The City shall maintain the character of the Central Business District (CBD), including the Park Avenue Corridor as one of the premier downtown retail shopping districts in Florida, by reinforcing attributes that underlie its ambiance and special character, including its pedestrian scale, the relationship of its buildings and their orientation to the street, the eclectic mix of architectural styles, the open space vistas of Central Park, and the predominance of small distinctive specialty shops. The Comprehensive Plan identifies the specific character of sub-areas and corridors within the CBD and its environs, including their function and form, density and intensity, building height, mass, articulation, and fenestration, as well as building relationships to each other and to the street. The Comprehensive Plan shall impose a two story and ~~30~~32' height limit throughout the area designated CBD on the Future Land Use Map

but, with the exception of properties in the Park Avenue corridor, these height restrictions may be exceeded to a maximum 43 stories and a 5840' height limit if the development is approved ~~by an extraordinary vote (four votes)~~ by of the City Commission as a Conditional Use. Criteria for conditional use approvals for increased height within the CBD shall be incorporated into the Land Development Code and shall be intended to provide flexibility in exchange for quality design in keeping with the existing village character of Winter Park. Criteria shall include at a minimum step-backs to ensure pedestrian scale, and standards for façade articulation, massing and design transitions to neighboring properties. The conditional use approval for properties in the Park Avenue corridor shall be limited as specified in Policies 1-3.8.8 and 1-4.1.G.3. The maximum floor area ratio within the CBD shall not include private parking garages which are either at grade or elevated in calculations of floor area. Subterranean parking garages and public parking garages shall be excluded from floor area calculations as shall public parking garages. Planned Development Overlay approvals or other variances for heights inconsistent with this policy more than three stories are prohibited. Third floors and fourth floors approved by conditional use along the Park Avenue Corridor must be setback on street frontages equal to their height on a one foot setback for each one foot height of the third floor.

- D. **Policy 1-3.8.8: Preserve the Pedestrian Scale and Orientation of the Park Avenue and New York Avenue Corridor and the CBD and Restrict Building Height.** The City shall preserve the pedestrian scale and orientation of the Park Avenue ~~and New York Avenue~~ Corridor by limiting development to two stories in height (~~30~~ 32 feet) or three stories (~~4640~~ feet) (including any mezzanine levels) on a case by case basis via conditional use by a vote of ~~needing an extraordinary vote (four votes) of approval by the City Commission~~ and by prohibiting new drive-in businesses within the C-2 zoning locations. Planned Development Overlay approvals or other variances for more than three stories are prohibited. Third floors approved by conditional use along the Park Avenue Corridor must be setback on street frontages equal to their height on a one foot setback for each one foot height of the third floor. The Park Avenue Corridor is defined as those properties within the CBD fronting on Park Avenue.

- E. **Policy 1-4.1.G.4: Park Avenue Height Restrictions to Preserve Pedestrian Scale and Prohibition of New Drive-in Businesses in the Central Business District:** The City shall preserve the pedestrian scale and orientation of the Park Avenue Corridor by limiting development to two stories in height (~~30~~ 32 feet) or three stories (~~4640~~ feet) (including any mezzanine levels) on a case by case basis via conditional use and by prohibiting new drive-in businesses within the Central Business District. Planned Development Overlay approvals or other variances for more than

three stories in the Park Avenue Corridor or for more than four stories elsewhere in the CBD are prohibited.

- F. **Policy 1-4.1.G.5: Preserve Central Business District Pedestrian Scale and Orientation by Restricting Height:** The City shall preserve the pedestrian scale and orientation of the Central Business District as a whole by limiting development to no more than four ~~three~~-stories (including any mezzanine levels) in all non-residential zoning districts within the CBD planning area except as further restricted in Policies 1-3.8.8 and 1-4.1.G.4. Planned Development Overlay approvals or other variances for more than ~~three~~ four stories are prohibited.

## 2. Comprehensive Parking Solution in the CBD

- A. **Policy 1-4.1.G.7: Address Unique Parking Needs of the Central Business District.** ~~Enforce Land Development Code Parking Requirements:~~ By July 1, 2008, the City shall ~~continue to require parking, as directed by the Land Development Code, for any new building or new floor space constructed within the CBD~~ develop a comprehensive parking strategy for the CBD in order to address the existing parking deficit and accommodate appropriate development and redevelopment, while maintaining the pedestrian scale and ambiance of the downtown. This strategy shall include consideration of innovative strategies, including public-private partnerships and shared parking structures. This process shall include a reevaluation of the parking requirements for uses within the CBD to ensure that they reinforce the pedestrian orientation of the area.
- B. ~~Policy 1-4.1.G.8: Manage Existing Off-Street Parking Deficit.~~ The City's effort toward expanded public parking shall ~~prioritize actions and programs needed to address the existing parking deficit as opposed to the provision of parking that would provide for a growth in the size of existing or new buildings or in the size of the Central Business District or provide parking for mass transit needs.~~

## 3. Institutional Uses in the CBD

- A. **Policy 1-4.1.G.12: Managing Expansion and Physical Improvements at Rollins College and Other Educational, Non-Profit or Other Institutional Entities.** ~~The City shall endeavor to accommodate, through conditional use reviews, the physical development building needs and campus expansion requirements through land use changes to an "Institutional" Future Land Use designation and a "Public/Quasi-Public" zoning district classification for Rollins College and other educational, non-profit or other institutional entities as long as those projects are directly related to the educational purposes of serving students and/or staff~~

~~as long as those projects are compatible with impacts upon adjacent residential neighborhoods and properties.~~

The City shall encourage Rollins College and other educational, non-profit or institutional entities to use existing facilities and properties efficiently, so as to maintain the commercial vitality of downtown Winter Park and to limit the fiscal constraints imposed by tax-exempt property within the city. With consideration given to this principle, the City shall endeavor to accommodate the necessary physical development building needs and campus expansion requirements of these entities as long as those projects are directly related to the educational purposes of serving students and/or staff and as long as those projects are compatible with impacts upon adjacent neighborhoods and properties. These factors shall be considered in review of requests for conditional uses, "Institutional" Future Land Use designations and "Public/Quasi-Public" zoning district classifications.

## UNRESOLVED ISSUES

### 1. Retain R-4 as a compatible zoning district in the CBD.

#### A. Future Land Use—Zoning Compatibility Chart

*Amend chart to allow R-4 zoning in CBD*

### 2. Height in Feet.

#### A. Policy 1-2.1.5: Maximum Height Defined.

"Map 1-3: Comprehensive Plan Maximum Building Heights" designates graphically the maximum threshold for such building heights by stories. The height thresholds shall be measured to the eave line and do not include ancillary structures regulated by the land development code, including respective floor to floor heights, parapets, mechanical and elevator/stair components, and architectural appendages. The Maximum Height Map is intended to be used together with the Future Land Use Map and designations to determine the maximum density and intensity (floor area ratio) permitted to be developed within the City of Winter Park. The combination is detailed in the Maximum Future Land Use Map Designation Density/Intensity Table. The City Commission is authorized to approve, as a special exception, one additional story in the Mixed Use District when the plan approval significantly increases open space, or preserves existing trees, or increases street front setbacks, but this in no way increases the maximum permitted floor area ratio from the original story limit criteria in the Future Land use Map Designation Maximum Density/Intensity Table.

Updated Recommendations for Specific Policy Changes to  
Winter Park Proposed Comprehensive Plan Update

August 13, 2007

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- B. See also PARTIALLY RESOLVED ISSUES recommendations 2D and 2E above (pp. 3-4 ) for suggested changes to Policies 1-3.8.8 and 1.4.1.G.4.

### 3. Compatibility Criteria.

#### A. Policy 1-3.1.3: Compatibility between Adjacent Land Uses.

Amendments to the Future Land Use Map shall only occur if the City Commission determines that the proposed amendment ensures land use compatibility. ~~The City shall promote compatibility between adjacent land uses by regulating new development or redevelopment in the following way.~~ The City Commission shall consider the following criteria in making this determination. The City shall also use these criteria in developing specific Land Development Regulations to promote compatibility between adjacent land uses:

a. **Open Space, Landscape and Other Buffers.** Require that appropriate open space, landscaping, and buffers, including but not limited to canopy trees, specimen trees, and shrubs, be preserved, protected and maintained between residential uses and nonresidential uses including parking lots. Additional buffering requirements such as walls and other architectural elements shall be established through the Land Development Regulations. ~~A combination of architecturally designed capped masonry walls in combination with aforementioned landscape plant materials shall be required to buffer potentially incompatible uses when the building mass, scale, and intensity of use, and adverse impacts are significant.~~ These criteria shall apply, except for mixed use projects incorporating residential and non-residential uses.

\*\*\*\*

c. **Off-Site Impacts on Adjacent Properties.** Ensure permits are not granted for any conditional uses that will have significant adverse off-site impacts on adjacent properties from overflow parking, noise, odor, lighting or vibration.

\*\*\*\*

e. **Visual Impacts of New Development on Adjacent Properties and Tree Preservation.** ~~Ensure permits are not granted for any conditional uses that have buildings located proximate to property lines such that necessitate~~ Conditional use approvals should include consideration of placement of buildings in order to avoid or minimize the removal of trees shared with abutting by both properties.

\*\*\*\*

**f. Traffic Congestion and Reduced Access to Adjacent Properties.**

Ensure that property access does not cause high levels of traffic congestion or other situations that ~~negatively impact onto adjacent properties that will prevent safe access to adjacent properties.~~

\*\*\*\*

**h. Preserve Functions of Natural Environment and Avoid Encroachments by Development.**

Ensure that no structures or uses are permitted in or adjacent to the wetland conservation areas that will intrude on the natural environmental functions of these areas as safe and secure habitat. *Comment: Can this policy ever be achieved? If not, it should be revised to provide an achievable standard.*

**4. Park Requirement.**

- A. ~~**Policy 6-1.4.3: Office, Commercial and Mixed-Use Developments and Public Gathering Places.**~~ For office, commercial and mixed-use development which have 10 residential units or greater a dedication or provision of land is to be set aside for park and open space requirements. Such land shall be equal to a pro rata share of 10 acres of parkland per 1,000 residents. When not feasible in whole or in part, a proportionate fair share fee shall be paid to accomplish this policy



**RECOMMENDATIONS FOR SPECIFIC POLICY CHANGES TO THE  
WINTER PARK PROPOSED COMPREHENSIVE PLAN UPDATE  
(Based on July 18, 2007 version posted on City website)**

**CBD-Related Policy Recommendations**

1. **Policy 1-2.1.4: Floor Area Ratio Defined.** Floor Area Ratio (FAR) generally shall be defined as the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior surface of the walls divided by the land area of the site. The site land area must be entirely one contiguous land mass and shall not include land isolated or separated from the main site by a street or water body. The gross floor area ratio in square feet of the building or buildings on the property (and contiguous properties being used in connection with such building(s) divided by the area of such property in square feet. This mathematical expression (gross floor area ÷ land area = floor area ratio) shall determine the maximum building size permitted. Basement areas or other below grade floor areas are excluded from the floor area when more than one-half of that basement or floor height is below the established curb level. The area of stairways, elevators, and multi-story rooms or atriums shall be counted on each floor level. The floor area of public garages shall not be considered as floor area ratio. The floor area of private parking garages (above-grade) or parking levels shall not be counted toward the floor area ratio when such parking is provided to meet the parking requirements of the Land Development Code except for the top open parking level if it is open and uncovered. The public parking component of any parking garage shall ~~may be~~ excluded from the floor area ratio calculation ~~by the City Commission.~~
2. **Future Land Use Map Designation Maximum Density/ Intensity Table**  
  
*Amend table to allow up to 4 stories in CBD, and amend note as shown below:*  
  
Note: ~~All categories count private parking garage floor space toward FAR limits.~~ Maximum number of stories is determined by the Maximum Height Map.
3. **Future Land Use—Zoning Compatibility Chart**  
  
*Amend chart to allow R-4 zoning in CBD*
4. **Policy 1-2.1.5: Maximum Height Defined.**  
“Map 1-3: Comprehensive Plan Maximum Building Heights” designates graphically the maximum threshold for such building heights by stories. The height thresholds shall be measured to the eave line and do not include ancillary structures regulated by the land development code, including respective floor to floor heights, parapets, mechanical and elevator/stair components, and architectural appendages. The Maximum Height Map is intended to be used

together with the Future Land Use Map and designations to determine the maximum density and intensity (floor area ratio) permitted to be developed within the City of Winter Park. The combination is detailed in the Maximum Future Land Use Map Designation Density/Intensity Table. The City Commission is authorized to approve, as a special exception, one additional story in the Mixed Use District when the plan approval significantly increases open space, or preserves existing trees, or increases street front setbacks, but this in no way increases the maximum permitted floor area ratio from the original story limit criteria in the Future Land use Map Designation Maximum Density/Intensity Table.

## 5. Maximum Height Map

*Amend maximum height map to allow up to 4 stories in CBD*

6. **Policy 1-3.2.2: Maintain the Character and Vitality of the CBD Environs.** The City shall maintain the character of the Central Business District (CBD), including the Park Avenue Corridor as one of the premier downtown retail shopping districts in Florida, by reinforcing attributes that underlie its ambiance and special character, including its pedestrian scale, the relationship of its buildings and their orientation to the street, the eclectic mix of architectural styles, the open space vistas of Central Park, and the predominance of small distinctive specialty shops. The Comprehensive Plan identifies the specific character of sub-areas and corridors within the CBD and its environs, including their function and form, density and intensity, building height, mass, articulation, and fenestration, as well as building relationships to each other and to the street. The Comprehensive Plan shall impose a two story and 30' height limit throughout the area designated CBD on the Future Land Use Map but, with the exception of properties in the Park Avenue and New York Avenue corridor, these height restrictions may be exceeded to a maximum 43-stories and a 5840' height limit if the development is approved by ~~an extraordinary vote (four votes)~~ by of the City Commission as a Conditional Use. Criteria for conditional use approvals for increased height within the CBD shall be incorporated into the Land Development Code and shall be intended to provide flexibility in exchange for quality design in keeping with the existing village character of Winter Park. Criteria shall include at a minimum step-backs to ensure pedestrian scale, and standards for façade articulation, massing and design transitions to neighboring properties. The conditional use approval for properties in the Park Avenue and New York Avenue corridor shall be limited as specified in Policies 1-3.8.8 and 1-4.1.G.3. The maximum floor area ratio within the CBD shall not include private parking garages which are either at grade or elevated in calculations of floor area. Subterranean parking garages and public parking garages shall be excluded from floor area calculations as shall public parking garages. Planned Development Overlay approvals or other variances for heights inconsistent with this policy more than three stories are prohibited. Third floors and fourth floors approved by conditional use along the Park Avenue Corridor must be setback on street

frontages equal to their height on a one foot setback for each one foot height of the third floor.

7. **Policy 1-3.8.8: Preserve the Pedestrian Scale and Orientation of the Park Avenue and New York Avenue Corridor and the CBD and Restrict Building Height.** The City shall preserve the pedestrian scale and orientation of the Park Avenue and New York Avenue Corridor by limiting development to two stories in height (30 feet) or three stories (~~4440~~ feet) (including any mezzanine levels) on a case by case basis via conditional use ~~by vote of needing an extraordinary vote (four votes) of approval by the City Commission~~ and by prohibiting new drive-in businesses within the C-2 zoning locations. Planned Development Overlay approvals or other variances for more than three stories are prohibited. Third floors approved by conditional use ~~along the Park Avenue Corridor~~ must be setback on street frontages equal to their height on a one foot setback for each one foot height of the third floor. The Park Avenue and New York Avenue Corridor is defined as those properties within the CBD fronting on Park Avenue and fronting on the east side of New York Avenue.
8. **Policy 1-4.1.G.4: Park Avenue Height Restrictions to Preserve Pedestrian Scale and Prohibition of New Drive-in Businesses in the Central Business District:** The City shall preserve the pedestrian scale and orientation of the Park Avenue Corridor by limiting development to two stories in height (30 feet) or three stories (~~4440~~ feet) (including any mezzanine levels) on a case by case basis via conditional use and by prohibiting new drive-in businesses within the Central Business District. Planned Development Overlay approvals or other variances for more than three stories are prohibited.
9. **Policy 1-4.1.G.5: Preserve Central Business District Pedestrian Scale and Orientation by Restricting Height:** The City shall preserve the pedestrian scale and orientation of the Central Business District as a whole by limiting development to no more than four ~~three~~ stories (including any mezzanine levels) in all non-residential zoning districts within the CBD planning area except as further restricted in Policies 1-3.8.8 and 1-4.1.G.4. Planned Development Overlay approvals or other variances for more than ~~three~~ four stories are prohibited.
10. **Policy 1-4.1.G.7: Address Unique Parking Needs of the Central Business District. Enforce Land Development Code Parking Requirements:** By July 1, 2008, the City shall continue to require parking, as directed by the Land Development Code, for any new building or new floor space constructed within the CBD develop a comprehensive parking strategy for the CBD in order to address the existing parking deficit and accommodate appropriate development and redevelopment, while maintaining the pedestrian scale and ambiance of the downtown. This strategy shall include consideration of innovative strategies, including public-private partnerships and shared parking structures. This process

shall include a reevaluation of the parking requirements for uses within the CBD to ensure that they reinforce the pedestrian orientation of the area.

11. **Policy 1-4.1.G.8: Manage Existing Off-Street Parking Deficit.** ~~The City's effort toward expanded public parking shall prioritize actions and programs needed to address the existing parking deficit as opposed to the provision of parking that would provide for a growth in the size of existing or new buildings or in the size of the Central Business District or provide parking for mass transit needs.~~
12. **Policy 1-4.1.G.12: Managing Expansion and Physical Improvements at Rollins College and Other Educational, Non-Profit or Other Institutional Entities.** ~~The City shall endeavor to accommodate, through conditional use reviews, the physical development building needs and campus expansion requirements through land use changes to an "Institutional" Future Land Use designation and a "Public/Quasi-Public" zoning district classification for Rollins College and other educational, non-profit or other institutional entities as long as those projects are directly related to the educational purposes of serving students and/or staff as long as those projects are compatible with impacts upon adjacent residential neighborhoods and properties.~~

The City shall encourage Rollins College and other educational, non-profit or institutional entities to use existing facilities and properties efficiently, so as to maintain the commercial vitality of downtown Winter Park and to limit the fiscal constraints imposed by tax-exempt property within the city. With consideration given to this principle, the City shall endeavor to accommodate the necessary physical development building needs and campus expansion requirements of these entities as long as those projects are directly related to the educational purposes of serving students and/or staff and as long as those projects are compatible with impacts upon adjacent neighborhoods and properties. These factors shall be considered in review of requests for conditional uses, "Institutional" Future Land Use designations and "Public/Quasi-Public" zoning district classifications.

### **General Policy Recommendations**

13. **Policy 1-3.1.3: Compatibility between Adjacent Land Uses.** ~~Amendments to the Future Land Use Map shall only occur if the City Commission determines that the proposed amendment ensures land use compatibility. The City shall promote compatibility between adjacent land uses by regulating new development or redevelopment in the following way. The City Commission shall consider the following criteria in making this determination. The City shall also use these criteria in developing specific Land Development Regulations to promote compatibility between adjacent land uses:~~

a. **Open Space, Landscape and Other Buffers.** Require that appropriate open space, landscaping, and buffers, including but not limited to canopy trees, specimen trees, and shrubs, be preserved, protected and maintained between residential uses and nonresidential uses including parking lots. Additional buffering requirements such as walls and other architectural elements shall be established through the Land Development Regulations. ~~A combination of architecturally designed capped masonry walls in combination with aforementioned landscape plant materials shall be required to buffer potentially incompatible uses when the building mass, scale, and intensity of use, and adverse impacts are significant.~~ These criteria shall apply, except for mixed use projects incorporating residential and non-residential uses.

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c. **Off-Site Impacts on Adjacent Properties.** Ensure permits are not granted for any conditional uses that will have significant adverse off-site impacts on adjacent properties from overflow parking, noise, odor, lighting or vibration.

\*\*\*\*

e. **Visual Impacts of New Development on Adjacent Properties and Tree Preservation.** ~~Ensure permits are not granted for any conditional uses that have buildings located proximate to property lines such that necessitate~~ Conditional use approvals should include consideration of placement of buildings in order to avoid or minimize the removal of trees shared with abutting by both properties.

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f. **Traffic Congestion and Reduced Access to Adjacent Properties.** Ensure that property access does not cause high levels of traffic congestion or other situations that ~~negatively impact onto adjacent properties that will prevent safe access to adjacent properties.~~

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h. **Preserve Functions of Natural Environment and Avoid Encroachments by Development.** Ensure that no structures or uses are permitted in or adjacent to the wetland conservation areas that will intrude on the natural environmental functions of these areas as safe and secure habitat. *Comment: Can this policy ever be achieved? If not, it should be revised to provide an achievable standard.*

## City of Winter Park Commission Public Comment August 13, 2007

Michael Dick, 823 Granville Drive, and a recent alternate appointee to P&Z.

I haven't been authorized to speak on behalf of P&Z but my comments are nonetheless offered as a member of P&Z.

Aside from the routine citizen, builder and developer applications submitted to P&Z for its review, one of the prime mandates of the role of P&Z is the general responsibility for the conduct of the comprehensive planning program and to recommend changes in the Comp Plan as may from time to time be required. This isn't my interpretation of P&Z's role but what is mandated in FSS Chapter 163.3174 and the City's Land Development Code Sec. 58.3.

Aside from those few instances where P&Z can make binding decisions, I recognize that P&Z is advisory in nature and the City Commission is not required to approve its recommendations. The statutory recognition of P&Z, however, would appear to dictate that the Commission must treat its input seriously.

The City's governance system is set up for P&Z, Staff and the Commission to work together. Regrettably, I must share with you some examples where I feel recent actions and communications by staff and the Commission have proven contrary to the goal of a meaningful collaboration with P&Z:

- At the July 23 Commission meeting, Jeff Briggs made the comment that, despite 4 P&Z workshops, the Commissioners were "sharper and quicker learners than P&Z" so maybe only 2 workshops were needed. I have a sense of humor and this comment may have been an attempt at such, however, that kind of comment is best said behind closed doors and is not appropriate in a public meeting.
- Also during the July 23 Commission meeting, Commissioner Eckbert invited representatives of Canin & Associates to the Commission Workshop. A few minutes later, he suggested that the EDAB and an attorney for a developer make their issues and concerns known to Canin prior to the Commission workshop for inclusion in Canin's presentation.

Several concerns here- Why wasn't all of this talent and supporting documentation made available to P&Z to help us work through our issues and, most importantly, why weren't P&Z members or, as a minimum, P&Z's Chairman, invited to sit down at this workshop to provide rationale for its decisions?

- At the recent Commission sponsored "Coffee Talk" hosted by Commissioner Metcalf, while I wasn't in attendance, I have been advised by two attendees that the Commissioner had degraded P&Z's opinions and he was said to have represented that "the Commission would be ignoring P&Z because they are trying

to stop all development”. While the Commissioner may argue with the exact wording, it’s apparent he sought to publicly disparage the impact of P&Z.

- At the August 7 P&Z meeting, Jeff advised members of P&Z that the Commission had instructed Staff at its July 23 meeting that it would only focus on DCA’s ORC requirements from the November, 2006 transmittal and the Mixed Use FAR. No other changes, including P&Z’s recommendations, would be considered. As it turns out, however, several changes **have** been made to the draft by the Commission above and beyond the ORC’s, **including** what appears to be a modification to the CBD Boundary Map!

At this same meeting, Commissioner Eckbert said he wanted all references requiring a super majority vote of the Commission, of which there are 3, removed from the Comp Plan, in particular, the one requiring a super vote to override P&Z in the event P&Z denies a request for a Comp Plan amendment. It would appear that the Commissioner is seeking absolute control by the Commission and attempting to purge any attempt at oversight which is pretty scary.

These comments and actions are disappointing and obvious in their intent to restrict P&Z’s authority and minimize its importance.

On July 10, P&Z, in a 3 to 2 vote, approved sending the Comp Plan to the City Commission, which was a mistake since it was not the best document we were capable of recommending. For the record and so P&Z is better informed moving forward, I am requesting that Staff provide all members of P&Z, within one week before our next meeting which I believe is Sept. 11, copies of all documents pertaining to this Comp Plan Amendment which followed the November transmittal, inclusive of:

- The original 18 page copy of DCA’s ORC letter to the City.
- Copies of Canin’s recent report to the Commission provided at the Commission workshop and all other Canin post transmittal documents.
- Copies of any reports provided by the EDAB.
- Copies of developer or developer attorney submittals to staff or the Commission regarding this current Comp Plan amendment.
- Copies of any work product received by Staff and the Commission detailing Field Test or proforma calculations pertaining to FAR.

I hope P&Z, Staff and the Commission can get back on track to restore mutual respect for our respective roles in the City’s governance. I also hope that the Staff, Commission and P&Z can work together towards a final “best effort” transmittal to DCA.

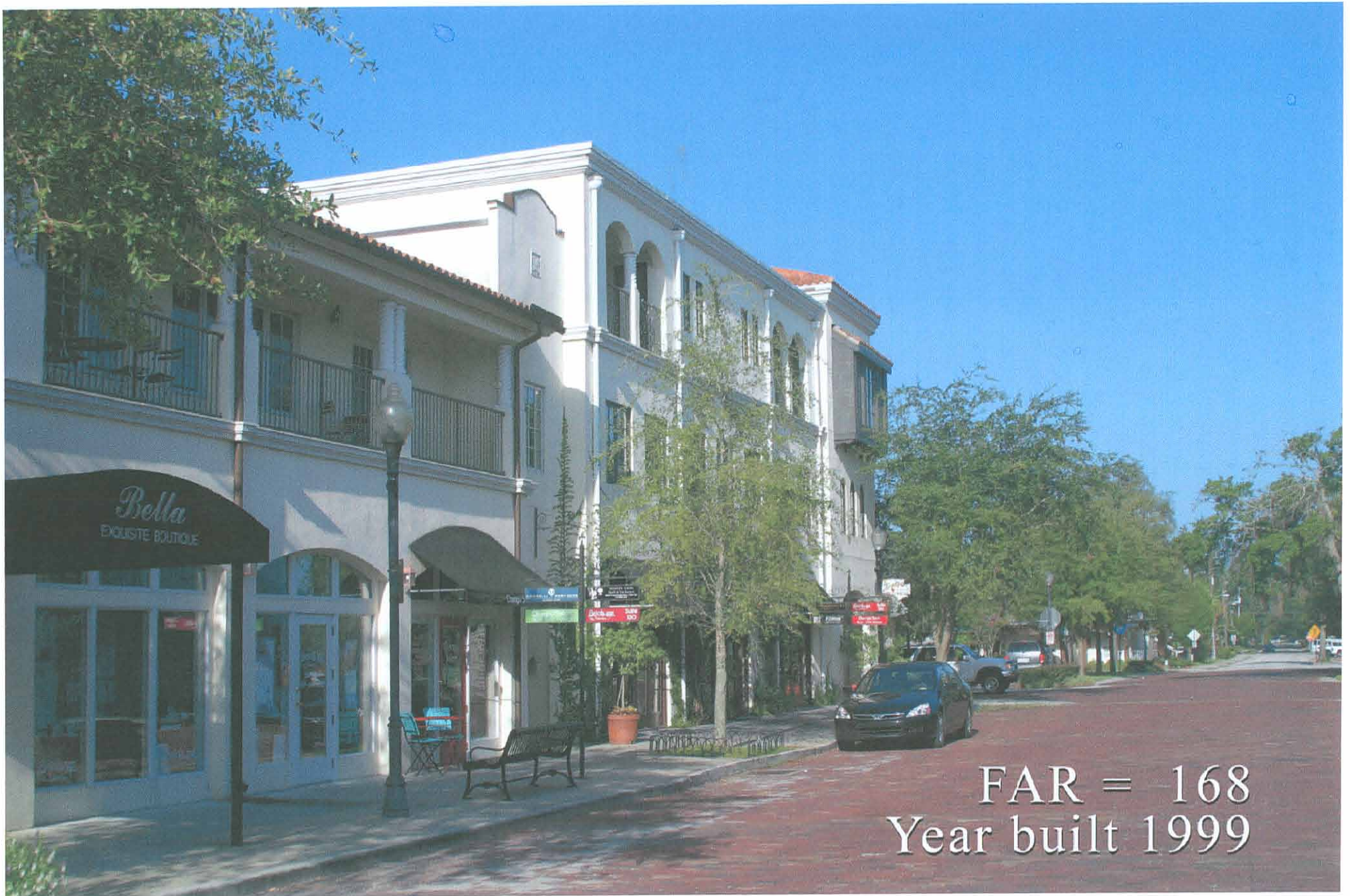




FAR= 143  
Built 2006

470 NEW ENGLAND





FAR = 168  
Year built 1999

558 NEW ENGLAND





FAR= 41  
Year built 1999

270 NEW ENGLAND



FAR= 295?







358 N. Park Ave



FAR = 77  
Year built 1956

FAR = 88  
Year built 1925

FAR = 161  
Year built 1901

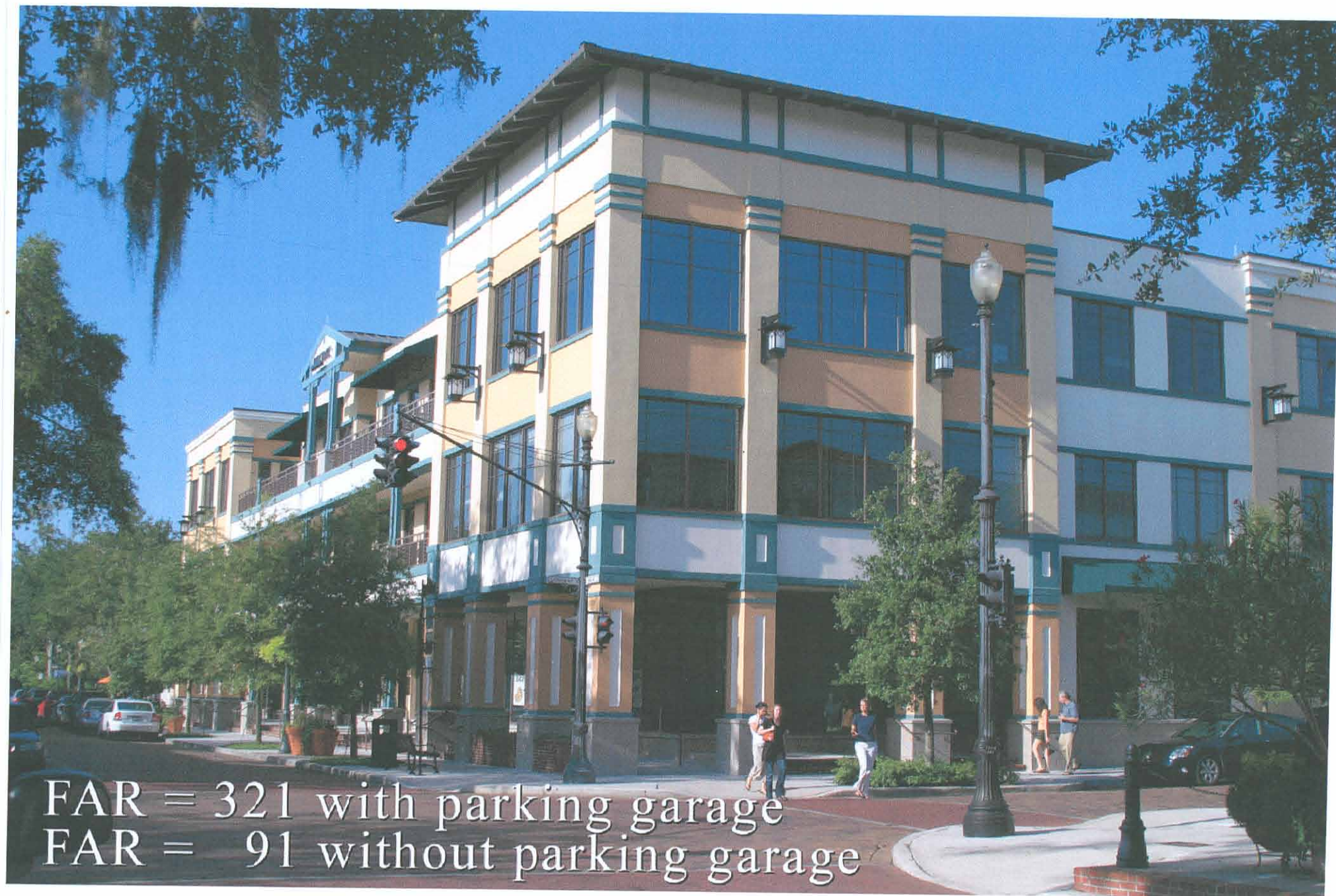


Building  
FAR = 159  
Year built 1917

Building  
FAR = 171  
Year built 1920  
Taylor

Building  
FAR = 75  
Year built 1920  
310, Nicole Miller





FAR = 321 with parking garage  
FAR = 91 without parking garage







FAR = 384 with parking garage  
FAR = 191 without parking garage





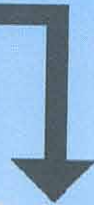


FAR = 57  
Entire Block

Swoop to Canton (Church block)



FAR = 144  
Year built 1983



FAR = 159  
Year built 1963

NE corner of NY / New England



