

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
August 27, 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 Deputy Police Chief Bill McEachnie, 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) Proclamation-Firefighter Appreciation Week

Mayor Strong proclaimed the week of September 2-8, 2007 as Firefighter Appreciation Week. Tammy Turpin, Muscular Dystrophy Association, thanked the City for their efforts.

b) Proclamation-Rollins College Day

Mayor Strong proclaimed August 27, 2007, as Rollins College Day. Rollins President Duncan expressed his enthusiasm with being in Winter Park.

c) Establishment of an Auditor Selection Board

Mayor Strong stated the nominees for the Auditor Selection Board were Commissioner Metcalf, Vernon Edgar (local CPA), Steve Miller (Miller Hardware owner and CPA), Jim Moye (Orange County Chief Deputy Comptroller, CPA) and Linda Lindsey (Senior Director of Internal Audit for Orange County Public Schools, CPA).

Motion made by Commissioner Eckbert to approve these nominees on the Auditor Selection Board; seconded by Commissioner Bridges and carried unanimously.

d) Update on meeting with the post office.

Planning Director Jeff Briggs updated the Commission on the meeting held today as a private meeting. He discussed locations, distribution, having a permanent new 10,000 square foot building, bays for tractor trailers, parking spaces for letter carrier trucks, parking for their employees/customers, and purchasing an easement. He summarized the two plans for retail that was developed for the "arrowhead" property. He stated the post office technical people will review the plans. He commented that the post office will meet with staff to inform them of their decision and they will determine if the square footages meet their requirements or if other improvements/changes are necessary to the facility. Mr. Briggs answered questions.

Mr. Briggs requested an RFQ selection process for the "Plan the Possibilities". He stated staff would advertise this RFQ for an architect and have a potential selection by the October 8 Commission meeting. He explained this would be timely because they hope to hear an answer from the Commission and have an answer regarding the State grant. There was a consensus to move forward with the RFQ for "Plan the Possibilities".

Citizen's Budget Comments:

No citizen budget comments were provided.

Action Items:

- a) Approve the minutes of 8/13/07.
- b) Approve the following RFQ's and purchase:
 - 1) Amend RFP-5-2005 contract for janitorial services to include the new Welcome Center/Chamber of Commerce building; \$1,068.80/month (Budget: Facilities Management and Chamber of Commerce).
 - 2) Enter into negotiations for RFQ-17-2007 CRA/Community Center Space Needs Study with Wannemacher Russell Architects, Inc. **PULLED FOR DISCUSSION. SEE BELOW.**
 - 3) PR 134526 to Netmotion Wireless for the purchase of mobility software; \$26,875.00 (Budget: Police).
- c) Approve the request to allow a marching band parade on Park Avenue with a band concert in Central Park to include the bands from the universities playing in the Champs Bowl as an annual event. **PULLED FOR DISCUSSION. SEE BELOW.**
- d) Confirm Mr. Jerry Warren as the Electric Utility Director.

Motion made by Commissioner Eckbert to approve Action Items a, b 1) and b 3), and d; seconded by Commissioner Diebel and carried unanimously.

Action Item #b 2): Enter into negotiations for RFQ-17-2007 CRA/Community Center Space Needs Study with Wannemacher Russell Architects, Inc.

Mayor Strong disclosed they have personally done work for him in the past.

Motion made by Commissioner Eckbert to approve Action item b 2); seconded by Commissioner Bridges and carried unanimously.

Action Item #c: Approve the request to allow a marching band parade on Park Avenue with a band concert in Central Park to include the bands from the universities playing in the Champs Bowl as an annual event.

Parks and Recreation Director John Holland spoke about the reconsideration of the vote at the Parks Board meeting where they denied the request for the use of Central Park by a 6-1 vote.

Marc Hagle, 1220 Park Avenue N., stated he met with the President of the Parks Avenue Merchant Association and there was an email sent to the merchants regarding this matter. He stated that 40% of the merchants voted 28-2 in favor of the parade. He explained that the event

would be 1-1 1/2 hours and they will know more of what to expect after the first year and subsequently modify it thereafter.

Phil Eschbach, Chairman of Parks Board, addressed the vote of the board and their concerns with the use of the park for the month of December because of damage to the park.

Mayor Strong stated he will only support it for this year because he believed it would stress the park. Commissioner Bridges addressed the importance of upholding the Parks Board decision.

Motion made by Commissioner Eckbert to proceed with the event and if it is negative for Winter Park it will not happen again, however if there is a sense that with modifications it would be a positive event then they will move forward with future expectations for it; seconded by Commissioner Metcalf. Upon a roll call vote, Commissioners Eckbert, Metcalf and Diebel voted yes. Mayor Strong and Commissioner Bridges voted no. The motion carried with a 3-2 vote.

Public Hearings:

- a) ORDINANCE NO. 2718-07: 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. Second Reading

Attorney Cheek read the ordinance by title. Finance Director Wes Hamil stated bonds would be issued in the next 60 days. Financial advisor Craig Dunlap spoke about the issuance of bonds and the bond market at this time.

Mike Harbison, 2150 Forrest Road, spoke in favor of the ordinance. He encouraged a revisiting of the analysis of projects once the bids are in.

Commissioner Eckbert suggested they prepare a resolution for the next meeting. Mayor Strong stated that he would like to pass the resolution and give staff and/or advisors the authority to act when they feel it is appropriate. Commissioner Eckbert agreed. Mr. Dunlap stated that they are currently preparing the resolution and will have it ready for the next meeting.

Motion made by Commissioner Metcalf to adopt the ordinance, 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) ORDINANCE NO. 2719-07: 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. Second reading

Attorney Cheek read the ordinance by title. No public comments were made.

Motion made by Commissioner Eckbert to adopt the ordinance, 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.

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE IV, "SIGN REGULATIONS" SO AS TO ALLOW POLITICAL AND CAMPAIGN SIGNS TO BE PLACED WITHIN THE PUBLIC RIGHT OF WAY IN FRONT ON RESIDENTIAL PROPERTIES. First reading

Attorney Cheek read the ordinance by title and addressed the four ordinances to consider. Building Director George Wiggins explained the current sign code concerning political signs. He provided information on surrounding counties and cities regarding their political sign rules and addressed the four options presented. He presented the staff recommendation to not change the current sign regulations due to additional monitoring required in allowing signs in the public right-of-way. He explained that allowing some political signs in the public right-of-way in residential areas may invoke lawsuits for unfair treatment of political candidates or for selectively only allowing signs in residential rights-of-way versus other zoning districts.

Beth Dillaha, 1801 Forrest Road, spoke against campaign signs in the right-of-way and asked to leave the current ordinance as it currently is.

Commissioners Eckert, Diebel and Bridges spoke against signs in the right-of-way. Commissioner Metcalf agreed to allow an additional sign for national election times. He addressed signs (other than election time) staying posted for too long. Mayor Strong supported allowing more than two signs during elections where there is the Winter Park election and others on the ballot.

After further discussion, **no motion was made on the four ordinances. A new ordinance will be provided for the next meeting concerning the allowance of 3 signs.**

- d) ORDINANCE NO. 2720-07: 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. Second Reading

Attorney Cheek read the ordinance by title. Planning Director Briggs highlighted the changes the Commission previously made at the work session.

Planner Stacey Scowden addressed the significant changes to the comprehensive plan adopted on first reading. This included the maximum height map flexibility, Floor Area Ratio flexibility, parking garages excluded from FAR, office/commercial designations-prohibit 100% residential and the building frontage on the first floor must be office/commercial; and removal of extraordinary votes by the Commission. She explained that these standards are to be part of the Land Development Code once the comprehensive plan has been adopted.

Mr. Briggs addressed the comprehensive plan process after adoption where staff prepares the submission to the Florida Department of Community Affairs (DCA) to include a report of changes made in response to the ORC, and a report of changes made outside the ORC response (address/population/infrastructure/service/concurrency impacts of urban use designation); modified FAR's; and height and FAR flexibility increases. He stated that submission will be within 10 days of adoption; the DCA will review and provide the determination of compliance within 45 days (October 31); then the Planning and Zoning Commission (P&Z) will consider the first amendments to the comprehensive plan regarding the water supply element, the Progress Point project, Sydgan projects and the 17/92 project to be on the P&Z agenda. He added that staff has to rewrite both the office zoning districts; three of the commercial zoning districts; prepare the ordinance to incorporate the maximum height map and the FAR table into the zoning code; prepare another ordinance to establish the criteria for the height and FAR flexibility; they have to do the urban use district; and get this through the P&Z, the Economic Development Advisory Board and the Holler Progress Energy Task Force. He stated there is a lot of work ahead of them as to whether or not this can all be accomplished on the November agenda.

Mayor Strong addressed other policies within the plan, besides the five major changes listed above that he wanted clarified or changed.

The following spoke regarding the proposed comprehensive plan:

Mark Squires, 7630 Broken Arrow Trail, spoke in favor of the adoption.

Michael Dick, 823 Granville Drive, spoke on behalf of the P&Z and read their response concerning decisions made by the Commission at first reading.

Pat McDonald, 2348 Summerfield Road, opposed the current proposed comprehensive plan.

Tom Shutts, 2010 Brandywine Drive, addressed building heights.

Vicki Krueger, 200 Carolina Avenue #201, spoke against certain provisions to the proposed comprehensive plan and about the need to protect the City.

Will Graves, 3048D George Mason Avenue (non-resident) spoke about growth in the City.

Kit Pepper, 2221 Howard Drive, spoke in the favor of the comprehensive plan.

Beth Dillaha, 1801 Forest Road, expressed concerns with the planning process and the document being adopted.

Durham Barnes, 247 Virginia Drive, spoke about the importance of good planning and about areas in the plan he disagreed with.

Eric Rosoff, P. O. Box 620, spoke in favor of the five major issues being adopted and the comprehensive plan with modifications or changes made which he listed.

Kim Allen, 271 Virginia Drive, spoke against garages being excluded in the FAR.

Ned Cooper, 1047 McKean Circle, spoke against the comprehensive plan and provided a power point presentation showing buildings in the CBD and their FAR to show how 200% looks.

Daniel Butts, 120 W. Reading Way, spoke against the FAR being proposed and parking lots and garages in downtown Winter Park; and the need for more rational parking standards, a comprehensive parking plan, reasonable FAR and height standards, and an excellent urban design.

Frank Hamner, 1011 N. Wymore Road, spoke in favor of the adoption of the comprehensive plan and about the need to provide adequate parking with the growth.

Joe Terranova, 700 Melrose Avenue, spoke in favor of adopting the comp plan. He addressed the need for Orange Avenue to have five stories to encourage building on that roadway.

Janie Baker, 650 Northwood Circle, addressed concerns with the west side and the City in general because of the large buildings that exist.

Lurline Fletcher, 790 Lyman Avenue, opposed the comp plan and parking garages and tall buildings on the west side.

Carolyn Cooper, 1047 McKean Circle, spoke in favor of including garages in the FAR, and addressed other concerns in the plan and with the public process.

Rebecca Furman, Lowdes Drosdick Kantor and Reed Attorney at Law, spoke in favor of adopting the plan.

Bill Battaglia, 250 Park Avenue S., provided information on specific policy recommendations for certain issues he believed remained.

Cecelia Bonifay, resident (1157 N. Pennsylvania Avenue) and representing Battaglia properties (Akerman Senterfit Attorney at Law), provided recommended changes.

Bob Battaglia, 250 Park Avenue S., addressed off street parking deficits.

Donna Colado, 327 Beloit Avenue, spoke against the larger buildings and garages in the City and the need to control the type of growth in the City.

Questions were asked of Mr. Briggs by the Commission whereby Mr. Briggs replied.

Commissioner Metcalf commented that there was discussion at the last work session about encouraging Rollins College not to sprawl throughout Winter Park. Mr. Briggs stated there is a

paragraph within the comprehensive plan where Rollins is being compelled to prepare a master plan (like Winter Park Hospital) to show what properties they want to buy and explain what they want to do with the properties they own. He also stated they included language that states they will consider being accommodating as long as it is revenue neutral to the City. Commissioner Bridges asked if they could place a one year time limit for them to provide a master plan. She felt that Rollins is continuing to purchase properties and their expansion directly affects the residential core that they are trying to protect in the downtown area. Mr. Briggs explained if that was the direction of the Commission they would convey that to Rollins College.

Motion made by Commissioner Eckbert to adopt the comprehensive plan and transmit to Tallahassee with Commissioner Bridges direction under the Institutional Uses for asking Rollins to submit within a year their master plan for their campus; strike 1-4.1.g.15 which is the requiring referendum for all city projects; and accept all of Mayor Strong's comments that he made at the outset of the meeting with the exception of the discussion about urban parlane and to include Commissioner Diebel's correction to 1-4.1.g.5 and 1-3.2.2; seconded by Commissioner Diebel.

Commissioner Eckbert stated he felt they should submit the plan and it was important to have all the voices of Winter Park expressed, acknowledged and respected in this document. He spoke about the professional guidance they received from Canin & Associates; but also felt this is something that could be improved and should be more specific in the formed based codes and zoning. He stated this was an important exercise and process that the City needs to undertake and that the local aspect of decision making was important to him.

Mayor Strong and all Commissioners provided their comments on the proposed comprehensive plan. **Upon discussion, Commissioner Bridges made an amendment to the motion that parking garages be included in the FAR in the CBD; seconded by Mayor Strong for discussion.** Commissioner Eckbert showed pictures of various businesses in the City needing redevelopment and addressed the need for codes that work and stated it was important not to include parking garages in the FAR calculations. Upon comments, **the amendment failed with a 3-2 vote with Mayor Strong and Commissioner Bridges voting yes; and Commissioners Eckbert, Metcalf and Diebel voting no.**

Mayor Strong stated he does not want this to be a City of parking garages because this will add traffic and congestion. He expressed his agreement with New England Avenue and the one, two and a few three story buildings and supported that type of continuation and redevelopment throughout the City. He addressed transmitting three stories in the CBD to the State previously (if they provided adequate parking) but is now four stories and would not support a plan that allows four stories in the CBD. He also would not support the extra height and density except for the category of urban use. He commented that he could accept that through out the City with the exception of the CBD. Mayor Strong summarized by expressing that they should air on the side of caution when talking about the comprehensive plan for the next twenty years and to change it if they find they have been too restrictive. He stated he would support this comprehensive plan with a couple of changes.

Mayor Strong made a 2nd amendment to limit the height in the CBD to 3 stories as previously submitted to DCA; seconded by Commissioner Bridges. The amendment failed with a 3-2 vote with Mayor Strong and Commissioner Bridges voting yes; and Commissioners Eckbert, Metcalf and Diebel voting no.

Mayor Strong made a 3rd amendment to limit the addition of one floor or additional density except for a project going through the urban use classification change; seconded by Commissioner Bridges. There was further discussion on this amendment to limit the additional floor and/or additional density to an applicant going through the process of an urban use classification and providing acceptable incentives to the City to get approval. The Commission, Mr. Briggs, Rebecca Furman and Cecelia Bonifay commented on the matter. **The amendment failed with a 3-2 vote with Mayor Strong and Commissioner Bridges voting yes; and Commissioners Eckbert, Metcalf and Diebel voting no.**

Upon a roll call vote of the original motion, Mayor Strong and Commissioners Bridges voted no; Commissioners Eckbert, Metcalf and Diebel voted yes. The motion carried with a 3-2 vote to adopt the comprehensive plan.

City Attorney's Report:

- a) Consideration of final version of Exhibit "A" to the Commuter Rail Interlocal Agreement.

Attorney Cheek stated that DOT has split the old master interlocal agreement in three agreements called the Funding Agreement; Governance Agreement and Operational Agreement. He addressed his review of this along with staff and believed there are no significant changes in the substance with the original master interlocal agreement and has written communication from the County Attorney's office and the County Planning Department confirming this issue who has also signed off on this. He explained the County has asked that the City tell them whether they are approving the new version by August 31. Attorney Cheek asked the Commission to approve or disapprove the entire package with the new Exhibit A.

Motion made by Commissioner Metcalf to approve the entire package with the new Exhibit A; seconded by Commissioner Diebel. Mayor Strong stated that he would vote against this because he thought it was fiscally irresponsible to approve a plan that exposes the City to an unlimited obligation. **Upon a roll call vote, Mayor Strong and Commissioner Bridges voted no. Commissioners Eckbert, Metcalf and Diebel voted yes. The motion carried with a 3-2 vote.**

Non-Action Items:

There were no non-action items to address.

New Business (Public):

1. Donna Colado, 327 Beloit Avenue, spoke about civility and respect. She spoke against comments made by staff and Commissioners regarding certain businesses in the City.
2. Janie Baker, 650 Northwood Circle, spoke about redeveloping Pennsylvania Avenue and the need to treat that area like all other areas in the City and to protect them.

3. Carolyn Cooper, 1047 McKean Circle, expressed her displeasure with the adoption of the comprehensive plan this evening.

New Business (City Commission):

Commissioner Diebel asked to receive a report in the next few meetings from the P&Z and Architectural Task Force on the details of what the urban use code will entail. She stated they have set a deadline for within one year and would like to see a time table on what will be accomplished so they can set some expectations to those that would apply for those uses. Commissioner Metcalf agreed with Commissioner Diebel. Commissioner Diebel also commented that she would be interested in finding out how the P&Z and Architectural Task Force will work together. She wanted to ensure that there would be no individual issues elevated to the Commission where the two bodies are in contention because a coordinated effort would serve everybody well.

The meeting adjourned at 9:00 p.m.



Mayor David C. Strong

ATTEST:



City Clerk Cynthia Bonham

8/27/07

Comprehensive Plan Noncompliance Issues

- 5-year CIE plan does not consider population from Residential Use of Commercial or newly proposed Urban Zoning. Maximum use of land not analyzed.
- No methodology for "proportionate share" calculations for roads or parks. No meaningful predictable guidance for methodology development or specific commitment to a date for implementation.
- No criteria for allowing additional FAR or height.
- Public notification of substantial changes to prohibited, permitted or conditional uses not followed.
- Admin 955 requirement that Mixed Use (or Urban Use) specify the types of uses allowed and the percentage of use between types of usage.
- New Urban Zoning introduced without identification of allowable location, or maximum acreage that can obtain this zoning.
- No meaningful criteria selection of development suitable for new Urban Zoning.

- SUBMIT TO DCA -

August 27, 2007

Workshop Meeting of the Planning & Zoning Commission
City Commission Chambers in City Hall
Winter Park, FL.

On August 24, 2007, five members of the Planning & Zoning Commission convened to review the changes made to the draft Comp Plan following the City Commissioners meeting of Monday, August 13, 2007. As this was a workshop and not a noticed meeting of P&Z, a formal vote did not take place on the content of the revisions, only discussion.

The Planning & Zoning Commission appreciated the opportunity for this additional review prior to the scheduled 2nd reading on August 27, 2007 and hopes that the City Commission can support the following adjustments to the Comp Plan. This request is made in an attempt to arrive at a common ground with the City Commission but **should not be interpreted** as P&Z's approval of all other changes in the August 2007 Adoption Document proposed by the City Commission.

1. **Max Height Map Flexibility:** Remove the CBD from the city wide allowance to consider one additional floor with approved criteria and standards.
2. **4th Floor Allowance Criteria:** It is P&Z's understanding that the criteria for this additional story will be developed within one year of adoption.
3. **Floor Area Ratio Flexibility:** The proposed 27% increase in FAR shall be tied into the additional floor special exception. In other words, an applicant has to have the 4th floor approval to get the additional 27% FAR.
4. **Office / Commercial Designation:** P&Z can support the City Commission's decision to prohibit 100% residential and require office/commercial on the first floor of R4 in an attempt to retain some office/commercial uses in these zoning districts.
5. **Extraordinary Vote of Commission:** P&Z feels that some decisions are more important than others and have bigger impacts on our community. P&Z supports extraordinary votes of the City Commission when approving R3 to R4 rezoning and approving 3 stories in the Park Avenue and New York Avenue corridors.

These reviewed comments were found to be in full agreement among Planning & Zoning members in attendance (although member Sara Whiting was represented via telephone but was cut off at the very end and didn't have the opportunity to voice an opinion on this draft).

In the August 22 edition of the Orlando Sentinel, there was an article about an action taken by the Osceola County Commissioners. Because these Commissioners were faced with a developer's \$19M lawsuit they thought they couldn't defend, they overturned a previous denial and allowed the developer to build a hotel and shopping complex with two 7-story towers adjacent to 1-story single family homes. Although the Commissioners had denied the project a few months before, 2 lawsuits by the developer triggered a rehearing. You see, 20 years ago a previous Commission made a decision to assign no height restrictions to the property. This illustrates how past planning decisions can haunt future leaders. Even though there was a lot of talk about compatibility, case law, and variances that should not have been granted, the Commission Chairman said, "How do you take away what someone, a previous board, has said you can have?"

Do you want this Comprehensive Plan to be your legacy? The previous City Commission made some bad decisions that resulted in some bad buildings in Winter Park, not to mention a very costly buyout. By State Statute, our very competent and very experienced P&Z Commission is responsible for advising the City Commission on the Comprehensive Plan. Although the City Commission has the final vote, our P&Z commissioners are the subject matter experts and professionals, and their advice should be respected by the City Commission. Instead, you showed total disrespect for the authority vested in P&Z, and hired an outside consultant to provide input directly to you, not P&Z, about the Comp Plan. And then you rejected all recommendations presented to you by the P&Z Commission.

This community needs a Comprehensive Plan that ensures we will never again have the likes of the Carlisle, the Douglas Grand, and Park Place in Winter Park. We need clearly defined rules and regulations that are equally applied to all developers. We don't want lawyers filing suit because allegedly their clients have Harris Act rights based on what you have allowed in this Comprehensive Plan. Don't make poor decisions today that will haunt future City Commissions and give them no choice but to approve developments that are inappropriate for Winter Park. I urge you to listen to the wisdom and experience of our P&Z Commission and the comments of ALL of the citizens of Winter Park, not just a select few, and adopt a Comprehensive Plan that we can all be proud of.

Patricia McDonald 8/27/07

Is This What You Want for Downtown Winter Park?



Notice if you exclude the parking garage in the calculations, the building is less than the 200% FAR limit supported by our City Commission. It is 191% FAR. More buildings like this would be allowed in our Downtown Area.

If you include the parking garage in the calculations, it exceeds the allowable 200% and would not be allowed in the Downtown Area. It is 254% FAR.

You have heard from hundreds of citizens. This building is too massive for Winter Park. When it was built it was not in compliance with our 1991 Comprehensive Plan. You passed ordinances allowing this that were not consistent with density and intensity set forth in our Comprehensive Plan. 200% excluding PUBLIC parking garage was included in the Comp Plan. We do not want to change Comp Plan to authorize this.

Presented To City Commission
At AN OPEN HOUSE HEARING
FOR PUBLIC RECORD &
SUBMISSION TO DCA

C. Comp
8/27/07

**City Commission Comprehensive
Plan Adoption Hearing
Aug 27, 2007**

Submitted by Carolyn Cooper
Comprehensive Plan Task Force Member and
Citizen of Winter Park

Please include in Public Record and submit to DCA.

Planning & Zoning Position

- No Multifamily built on Commercial Property
- Super Majority Vote Required for Greater than 2 stories on Park Ave or Central Business District
- Parking Garages included in FAR..especially in 200% CBD
- Maintain Parks Level of Service of 10 acres per 1,000 residents

*This proposed amendment to the Comprehensive Plan allows all Commercial and Office Zoned Properties to be used to build Multi-family Residential Developments provided the first floor fronting the road is dedicated to Commercial or Office use.****

The City Commission voted to remove all requirements for a super-majority vote of the City Commission to approve any land use issue except as relates to Conservation. The Commission acknowledged the importance of protecting Conservation Lands but not of preserving the charm of Park Avenue. The City Commission went further to grant themselves the authority to approve 4 story buildings in the Central Business district, Orange Ave and the Westside in all locations except Park Avenue. The Commission went even further to remove all reference to maximum feet/heights allowed on Park Ave. 140ft on a conditional basis was previously the maximum height on Park Ave but the City Commission has voted to remove that certainty. The maximum building height on Park Ave now is 3 stories. Remember Park Place is only 3 stories.

*The City Commission voted to exclude all parking garages from the calculations of allowable Floor Area Ratio throughout Winter Park. The City Commission went further to grant themselves the authority to approve an additional 27% over the allowable FAR when they deemed the project worthy. That could mean 227% FAR allowed in the Central Business District and Westside without counting parking garages. Without counting parking garages the FARs for the Douglas Grand and Park Place are well under the allowable 200% FAR.**** The City Commission showed public disregard for the authority vested in the Planning and Zoning Commission by State Statute. Florida Statute, 163.3174 clearly says that the final recommendation for the adoption of a Comprehensive Plan or Plan amendment shall be the responsibility of the*

Winter Park 2006 Citizens Survey

- 65% of Winter Park residents support growth that is cautiously and heavily controlled.
- 54% of Winter Park residents consider two to three story buildings in the Central Business District just right. 33% of you think that is too high.
- 78% of Winter Park residents feel that it is important to improve traffic flow through the city.
- 72% of Winter Park residents believe that it is important to maintain the existing park standard of 10 acres of parkland per 1,000 residents.

This proposed amendment to the Comprehensive Plan: Removes all reference to height by feet and only limits height by stories, even on Park Avenue. Removes the requirement for a Commission Super Majority Vote when allowing 3 stories in the Central Business District, including Park Avenue. Adds a new Urban Zoning District allowing more lot coverage and 90% more leasable space than our previous zoning codes. **Excludes** Parking Garages from the calculations that determine the maximum size of buildings in Winter Park. Allows the City Commission the authority to approve buildings **1 story higher** than authorized by our Maximum Height Map, this includes the Westside and the CBD. Allows the City Commission to approve **27% additional Floor Area Ratio** for projects they deem worthy.

This proposed amendment to the Comprehensive Plan allows the City Commission to approve **4 stories** in the Central Business District in any location except Park Avenue. On Park Ave, it allows **3 stories without** requiring a super majority vote of the City Commission.

This proposed amendment to the Comprehensive Plan: Allows significant increases in density/intensity which will result in significant increases in traffic. Promotes narrowing roads and adding more traffic calming devices. Reduces our guaranteed level of service for local roads from a C level to a D level. Does not include a methodology for insuring developers pay their proportionate fair share of roadway costs.

This proposed amendment to the Comprehensive Plan allows the City Commission to **reduce** the Parks Level of Service Standard to enable annexations.

Frustration of Public Process

- **On July 23, 2007, at the City Commission meeting, the Planning and Zoning recommendations were presented to the City Commission. Additionally, citizens came forward to support the P&Z recommendations and to address other issues of concern. The Commission made the decision that they would not be considering the P&Z recommendations or the citizens' requests until the next Comp Plan amendment in November 2007. The decision was made that the City Commission would only address (1) Changes required to address the Objections, Recommendations and Comments from the Department of Community Affairs and (2) The floor area ratio numbers necessary to enable the new Mixed Use Land Use Designation.**

You are making many changes to the Comprehensive Plan that were not required by DCA or part of the public review process. Even Planning and Zoning has not seen them. You held workshops during work hours and discussed major land use changes that deserve public review. No one anticipated these changes since you had publicly stated the limitation of your review.

These changes resulted from three letters received from one major property owner and a land use attorney who represents major developments in Central Florida. (Source Documents *Memorandum from Lowndes, Drosdick, Doster, Kantor & Reed, P.A., to Peter Gottfried, dated July 25, 2007. Comments submitted to the Commission by Bill Battaglia (via Hubbard, Attorney), July 23, 2007. Memorandum from Battaglia Group (Bill Battaglia), August 13, 2007)

You were elected to represent all the citizens of WP.

Table Vote--Give Compliant Public Notice

▪ Florida Statute 163.3184 15 (c)

- Changes to permitted, conditional, or prohibited use of land requires public notification.

▪ Florida Statute 166.041(3)c.

- Days for advance advertisement of meeting.
- Time of day requirement for public hearings. (after 5PM)
- Specific format requirements for newspaper notice.
- Changes not available in Public Library

Give the public a reasonable opportunity to review and comment on the major land use changes you are proposing to permitted, conditional and prohibited uses of property in the Central Business district.

The pitiful attempt at public notification is not compliant.

Changes Made after 7-13 Requiring Public Notice

- Deleted all parking garages from FAR.
- Deleted prohibition of issuing building permits for projects that have adverse impacts to adjacent properties.
- Allowed 4 stories in the Central Business District.
- Added flexibility for Commission to approve one additional story and 27% more floor area ratio.
- Removed definition of height on Park Ave as 30/40 feet.
- Removed New York Ave from 2 story height limit protection.
- Allowed parking garages next to single family homes.
- Degradation of Parks Level of Service

These are major land use changes.

Changes Made after 7/13 Deserving Public Notice

- Reduced commitment to provide Affordable Housing for poor by defining to include Workforce Housing for moderate incomes.
- Removed requirement for super majority vote of Commission to approve rezoning from medium to high density residential.
- Removed requirement for super majority vote to exceed 2 stories on Park Ave and the Central Business District.

Don't Authorize More of This



The Citizen's Don't Want

- 4 stories in the CBD
- 200% FAR excluding garages

Our current Comprehensive plan allows 200% excluding public not private parking garages and allows only 3 stories in the CBD.

Include Garages in FARs



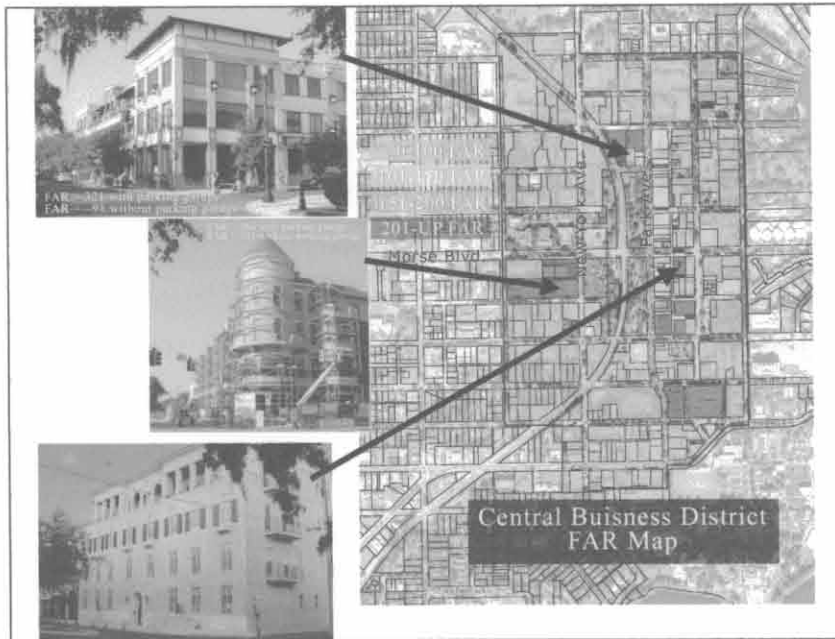
- How can you reasonably exclude a building this massive from calculations governing the size of buildings?

Reduce FAR or Include Garages



- **If Parking Garages must be excluded from the FAR....**

- **Then the FAR must be reduced accordingly.**



The great majority of the CBD is only 100% FAR or less without Parking Garages. The changes you are proposing will forever change Winter Park.

Excluding Parking Garages Allows More Park Places!!



You have all said you do not like Park Place. Why are you enabling more of the same. No where in the CP do you require significant setbacks. In fact, in the permeable space equation you allow MU to have less permeable space than what is required by CP.

Preserve the Charm of Winter Park



Submitted for
Public Record &
DCA submission.

From: Carolyn Cooper <1carolyncooper@embarqmail.com>
Subject: **City Commission Disregards Recommendations from the Planning and Zoning Commission**
(part 2 of 3)
Date: August 25, 2007 10:04:23 PM EDT
To: Carolyn Cooper <1carolyncooper@embarqmail.com>

***Is the currently proposed amendment to the Comprehensive Plan
incorporating the recommendations of the
City of Winter Park Planning and Zoning (P&Z) Commission ?***

P&Z recommended that we not allow Commercially Zoned Property to be used to
build Multi-family Residential Developments

*This proposed amendment to the Comprehensive Plan allows all Commercial and Office
Zoned Properties to be used to build Multi-family Residential Developments provided the
first floor fronting the road is dedicated to Commercial or Office use.*

P&Z recommended that any building taller than 2 story (30 ft) in the Central Business
District not be allowed unless approved by a Super-Majority vote of the City
Commission.

*The City Commission voted to remove all requirements for a super-majority vote of the
City Commission to approve any land use issue except as relates to Conservation. The
Commission acknowledged the importance of protecting Conservation Lands but not of
preserving the charm of Park Avenue. The City Commission went further to grant
themselves the authority to approve 4 story buildings in the Central Business district,
Orange Ave and the Westside in all locations except Park Avenue. The Commission went
even further to remove all reference to maximum feet of heights allowed on Park Ave.
40ft on a conditional basis was previously the maximum height on Park Ave but the City*

Commission has voted to remove that certainty. The maximum building height on Park Ave now is 3 stories.

Remember Park Place is only 3 stories.

P&Z recommended that Private Parking Garages be included in the allowable 200% Floor Area Ratio calculations that control the size of buildings in the Central Business District.

The City Commission voted to exclude all parking garages from the calculations of allowable Floor Area Ratio throughout Winter Park. The City Commission went further to grant themselves the authority to approve an additional 27% over the allowable FAR when they deemed the project worthy. That could mean 227% FAR allowed in the Central Business District and Westside without counting parking garages.

Without counting parking garages the FARs for the Douglas Grand and Park Place are well under the allowable 200% FAR.

The City Commission showed public disregard for the authority vested in the Planning and Zoning Commission by State Statute. Florida Statute, 163.3174 clearly says that the final recommendation for the adoption of a Comprehensive Plan or Plan amendment shall be the responsibility of the local planning agency. Our "local planning agency" is our Planning and Zoning Commission. Instead the City Commission hired an outside consultant to provide input directly to the City Commission not the Planning and Zoning Commission. An interesting observation is that our Planning and Zoning Commission is made up of professionals in the building industry. They are architects, engineers, an attorney and a expert in major home developments. They have significantly more training in these matters than the members of our City Commission.

If you support the recommendations of the Planning and Zoning Commission, please contact your City Commissioners before they vote to adopt this Comprehensive Plan, on **Monday August 27, 2007, 3:30** until. The Comprehensive Plan is late on the agenda...drop by after

work. Please be present and express your desired vision for Winter Park.

The Comprehensive Plan as it is currently written will allow more Park Place Buildings and more Douglas Grands. If that is not your vision for Winter Park please plan to attend Monday's meeting and contact your Mayor and Commissioners.

MayorandCommissioners@cityofwinterpark.org

See you at City Hall.

Carolyn Cooper

Submitted for
Public Record,
DCA Submission

From: Carolyn Cooper <1carolyncooper@embarqmail.com>
Subject: **City Commission Disregards 2006 Winter Park Resident Survey**
Date: August 25, 2007 8:18:45 PM EDT
To: Carolyn Cooper <1carolyncooper@embarqmail.com>

Is the currently proposed amendment to the Comprehensive Plan incorporating the expressed desires of the majority of the citizens of Winter Park?

*65% of Winter Park residents support growth that is cautiously and heavily controlled.**

This proposed amendment to the Comprehensive Plan:

Removes all reference to height by feet and only limits height by stories, even on Park Avenue.

Removes the requirement for a Commission Super Majority Vote when allowing 3 stories in the Central Business District, including Park Avenue.

Adds a new Urban Zoning District allowing more lot coverage and 90% more leasable space than our previous zoning codes.

Excludes Parking Garages from the calculations that determine the maximum size of buildings in Winter Park.

Allows the City Commission the authority to approve buildings **1 story higher** than authorized by our Maximum Height Map, this includes the Westside and the CBD.

Allows the City Commission to approve **27% additional Floor Area Ratio** for projects they deem worthy.

*54% of Winter Park residents consider two to three story buildings in the Central Business District just right. 33% of you think that is too high.**

This proposed amendment to the Comprehensive Plan allows the City Commission to approve **4 stories** in the Central Business District in any location except Park Avenue.

On Park Ave, it allows **3 stories** without requiring a super majority vote of the City Commission.

*78% of Winter Park residents feel that it is important to improve traffic flow through the city.**

This proposed amendment to the Comprehensive Plan:

Allows significant increases in density/intensity which will result in significant increases in traffic.

Promotes narrowing roads and adding more traffic calming devices.

Reduces our guaranteed level of service for local roads from a C level to a D level.

Does not include a methodology for insuring developers pay their proportionate fair share of roadway costs.

*72% of Winter Park residents believe that it is important to maintain the existing park standard of 10 acres of parkland per 1,000 residents.**

This proposed amendment to the Comprehensive Plan allows the City Commission to **reduce** the Parks Level of Service Standard to enable annexations.

If you agree that the provisions of this proposed Comprehensive Plan are not consistent with the expressed desires of the citizens of Winter Park, please contact your Commission before they vote to adopt this Comprehensive Plan, on Monday August 27, 2007, 3:30 until. The Comprehensive Plan is late on the agenda...drop by after work. Please be present and express your desired vision for Winter Park.

The Comprehensive Plan as it is currently written will allow more Park Place Buildings and more Douglas Grands. If that is not your vision for Winter Park please plan to attend Monday's meeting and contact your Mayor and Commissioners.
MayorandCommissioners@cityofwinterpark.org

See you at City Hall.

Carolyn Cooper

* 2006 Winter Park Resident Survey

Submitted for Public
Record - DCA
Submissions

From: Carolyn Cooper <1carolyncooper@embarqmail.com>
Subject: **City Commission Disregards P&Z and Citizens..but Responds to Property Owner and Land Use Attorney**
Date: August 27, 2007 12:47:10 PM EDT
To: 1carolyncooper@embarqmail.com

I apologize that this is too long....but please read!!

Residents of Winter Park:

If the City Commission is disregarding the input from the Citizens of Winter Park, as represented in the 2006 Resident Survey and they have disregarded the recommendations of the City of Winter Park's Planning and Zoning Board; **who are they being responsive to?** Why are they now making major land use changes to the Comprehensive Plan that were not included in the plan they voted to transmit to the Department of Community Affairs (DCA) nor are required to comply with the DCA Objections, Recommendations, Comments (ORC)?

Let's examine the changes made and source documents encouraging these changes: To enable brevity changes have been paraphrased. Effort has been made not to misrepresent suggested language.

Source Documents: *Memorandum from Lowndes, Drosdick, Doster, Kantor & Reed, P.A., to Peter Gottfried, dated July 25, 2007.

Comments submitted to Commission by Bill Battaglia (via Hubbard, Attorney), July 23, 2007.

Memorandum from Battaglia Group (Bill Battaglia), August 13, 2007

Policy 1-2.1.4: Deleted all parking garages from FAR.* #

Policy 1-3.1.3: Compatibility Between Adjacent Land Uses was relaxed.#

Policy 1-3.2.2: Deleted all parking garages from FAR.*# Allowed flexibility of 4 stories in the Central Business District. #

Policy 1-3.2.4: Deleted all parking garages from FAR.*

Mixed Use FAR: The Mixed Use FAR for a three story building was established at 100% excluding Parking Garages..plus the 27% discretionary increase by the City Commission.* (That equals the recommended minimum 130% FAR recommended in the source document).

Policy 1-3.1.8: The commitment that 15% of our housing would be Affordable Housing was modified to say 15% of our housing would be Workforce/Affordable Housing. (In my opinion, this will result in little or no affordable housing for low income and very low income families. Instead we will build Workforce Housing for moderate income families and not housing for the poor.)*

Policy 1-3.5.3 Protect Low Density Residential Property from Parking Garages was changed to allow Parking Garages next to single-family homes if buffered.* (The source document had requested deletion but this staff word change rendered the policy meaningless without deletion.)

Policy 1-3.5.4: The requirement that a super majority City Commission vote was required to rezone from medium to high density residential was deleted.*

Policy 1-3.8.8: 30/40 Feet limitations for Park Ave were deleted.# (The source document had requested increase in feet height limits..they were simply deleted instead.)

New York Avenue was deleted from the 2 story restriction area. ##

Super-majority vote to exceed 2 story limit in Central Business District was deleted.#

After the Planning and Zoning Commission passed the recommended Comprehensive Plan on to the City Commission the public process fell apart. On July 23, the City Commission announced that they would only be considering changes that were requested by DCA and adding FARs for the new Mixed Use Land Use Designation. They announced they would not be considering Planning and Zoning Commission recommendations or citizen request. Instead they were hiring an outside consultant to advise them. It might be noted that P & Z or a representative was not invited to the table for these discussions. I understand that the City is allowed (with compliant public notification) to make changes to the adopted documents, but I reasonably expected the City Commission to do what they announced they were doing....that is to only make changes required by the DCA ORC and add the Mixed Use floor area ratios. That is not what happened.

While Planning and Zoning recommendations and most citizens comments were disregarded, some citizen landowners and land use attorney's comments were given the utmost regard and I believe substantive changes to the Comprehensive Plan were made to accommodate those comments. Policy wording that had resulted from agreements reached after months of negotiations was simply deleted or watered down by the City Commission. Changes were made that were not part of the draft Comprehensive Plan approved by the City Commission for transmission to DCA or required to satisfy the ORC. The major changes were listed above.

It is my opinion that after July 17, 2007 major changes to the use of properties were made without adequate compliant public notice. The general umbrella notice for a Comprehensive Plan Amendment lacked the required specifics.

Please plan to attend the City Commission Meeting today at 3:30 until...to let your Commissioners hear your recommendations for this Comprehensive Plan Amendment.

See you at City Hall...

Carolyn Cooper

Source Documents:
July 25, 2007.

*Memorandum from Lowndes, Drosdick, Doster, Kantor & Reed, P.A., to Peter Gottfried, dated

23, 2007.

Comments submitted to Commission by Bill Battaglia (via Hubbard, Attorney), July

Memorandum from Battaglia Group (Bill Battaglia), August 13, 2007

Policy 1-2.1.4: Deleted all parking garages from FAR.* #

Policy 1-3.1.3: Compatibility Between Adjacent Land Uses was relaxed.#

Policy 1-3.2.2: Deleted all parking garages from FAR.*#
District. #

Allowed flexibility of 4 stories in the Central Business

Policy 1-3.2.4: Deleted all parking garages from FAR.*

Mixed Use FAR: The Mixed Use FAR for a three story building was established at 100% excluding Parking Garages..plus the 27% discretionary increase by the City Commission.* (That equals the recommended minimum 130% FAR recommended in the source document).

Policy 1-3.1.8: The commitment that 15% of our housing would be Affordable Housing was modified to say 15% of our housing would be Workforce/Affordable Housing. (In my opinion, this will result in little or no affordable housing for low income and very low income families. Instead we will build Workforce Housing for moderate income families and not housing for the poor.)*

Policy 1-3.5.3 Protect Low Density Residential Property from Parking Garages was changed to allow Parking Garages next to single-family homes if buffered.* (The source document had requested deletion but this staff word change rendered the policy meaningless without deletion.)

Policy 1-3.5.4: The requirement that a super majority City Commission vote was required to rezone from medium to high density residential was deleted.*

Policy 1-3.8.8: 30/40 Feet limitations for Park Ave were deleted.# (The source document had requested increase in feet height limits..they were simply deleted instead.)

New York Avenue was deleted from the 2 story restriction area. ##

Super-majority vote to exceed 2 story limit in Central Business District was deleted.#

| 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, President

RE: Winter Park Comprehensive Plan Recommendations—Adoption Hearing

DATE: August 23, 2007

As we approach next week's adoption hearing, we want to express our appreciation to the City Commission for the hard work that has gone into the Plan over the past several weeks. Many positive changes have been made by the Commission. There are some remaining issues, most of which we believe will be satisfactorily resolved if the Plan is revised to reflect the direction already given by the Commission. The attached document provides specific policy recommendations for the issues listed below. If you have any questions or would like additional information, please let me know.

Remaining Issues

1. **Fourth Floor.** The City Commission has provided the flexibility to allow an extra floor of height in the CBD and other designations. The current draft of the Plan limits this to one-half floor in the CBD. Given the 3rd floor setback requirements and other design considerations, an entire fourth floor will never be attained, but by limiting it to "one-half the footprint of the lower floors", the City would stifle design creativity and even encourage larger lower floors resulting in less open space and smaller setbacks. We recommend that the size of the fourth floor be determined through design criteria and review.
2. **Delay in Implementation of Flexibility.** The current draft of the Plan states that the height and design flexibility provided by the City Commission cannot be used until the Land Development Regulations are amended (up to a year). We do not believe the City Commission intended the delay in implementation and we recommend using the criteria in the Plan for these decisions until the LDRs are amended.

~~_____

 _____~~

3. **Criteria for Limiting FAR.** Policy 1.2.1.6 provides that in addition to the limitations stemming from property dimensions, natural features, parking, lot coverage and design standards and other code requirements "...the City in the review and approval of specific projects may limit and restrict the achievable floor are ratio." This does not provide any criteria at all for the limitation. Policy 1-2.1.7 "Restrictions on Density and Intensity of Development", however, provides a very broad range of issues that can limit intensity and clearly states that "the maximum FAR is not an entitlement and is not achievable in all situations." We have therefore proposed deleting the overly-broad language in Policy 1.2.1.6.
4. **Parking.** The Plan update process has highlighted the fact that one of the primary issues affecting the height and bulk of downtown structures is on-site parking requirements. While parking is a necessity, the current suburban standards in an urban pedestrian application and the City's approach to on-site parking are inconsistent with the village character the City is seeking to retain and enhance. The language in the proposed plan perpetuates the policy direction that is causing the problem. We have recommended language that acknowledges the problem and seeks a solution.
5. **Institutional Uses.** Based on City Commission direction, additional wording has been provided in the proposed Plan Policy 1.2.5.1 to require that development of Rollins College and Winter Park Hospital be consistent with adopted master plans and to require that "To the extent feasible expansions of institutional uses and other non-profits shall be revenue neutral to the City." As discussed at the August 9 City Commission workshop, attempts to apply a revenue-neutrality approach may be problematical. We believe it is important to provide guidance in the Plan for future land use decisions relating to these institutional uses. The current draft of the Plan contains policy guidance for these decisions that is inconsistent with the direction articulated by the City Commission. We are proposing language that makes efficient use of existing institutional land a criterion for granting approvals to use additional land.
6. **Incompatibility Criteria.** Compatibility criteria is a focal point for land use disputes. Overly-broad and unattainable compatibility criteria put the City at higher risk for development challenges and do not provide clear guidance to the development community. The alternative language we have proposed remains as close as possible to the original intent without creating standards that can virtually never be met.
7. **Resolving Inconsistencies.** There are still inconsistencies in the proposed plan resulting from making changes in one policy without making the same changes in another. These include removal of height in feet from Policy 1-4.1G.5 and revising Policy 1-3.8.2 to acknowledge the City Commission's direction on parking garages and FAR. These changes need to be made to avoid confusion and debate in the future.

Attachment: Specific Policy Recommendations for Winter Park Comprehensive Plan Update, Adoption Hearing, August 27, 2007

Specific Policy Recommendations for Winter Park Comprehensive Plan Update Adoption Hearing, August 27, 2007

These recommendations are based on the wording in the August 20 draft of the Plan update amendments. Single underline is used for new wording already included in the current draft of the Plan. Strike-through and double underline indicate our proposed revisions to the current draft.

HEIGHT AND FAR

The recommended policy changes provided in this section are necessary in order to:

- 1. Identify criteria in the Plan as the interim criteria for City Commission decisions on height and FAR, enabling the City Commission to use the flexibility provided by the policies prior to enactment of the form-based code revisions**
- 2. Implement the City Commission's policy direction and achieve internal consistency within the Plan, relative to:**
 - a. providing an additional story of height flexibility in the CBD**
 - b. including parking garages in FAR only for residential districts**
 - c. removing height in feet from the Comprehensive Plan**

Recommended Policy Changes

Future Land Use Map Designation Maximum Density/Intensity Table

Note: 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 criteria found in Policy 1-2.1.6 Floor Area Ratio Limitations and Policy 1-2.1.7 Restrictions on Density and Intensity of Development.

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 on in the Office, Commercial, CBD and Urban Use Districts when the plan approval significantly increases open space, or preserves existing trees, or increases street front

setbacks or achieves architectural variety in height spacing and may increase the maximum permitted floor area ratio by up to 27% from the original story limit criteria in the Future Land Use Map Designation Maximum Density/ Intensity Table. No such additional height or floor area ratio shall be granted by special exception until specific criteria and standards are for granting the additional height and floor area ratio shall be adopted by the City Commission which shall be accomplished within one year of adoption of the Comprehensive Plan. Until these criteria are adopted, the City Commission shall use the criteria outlined above.

Policy 1-2.1.6: Floor Area Ratio Limitations. The floor area ratios detailed in this Comprehensive Plan are the maximum density and intensity parameters potentially permitted in each respective future land use designation. These maximum floor area ratios are not an entitlement and are not achievable in all situations. Many factors may limit the achievable floor area ratio including physical limitations imposed by property dimensions and natural features as well as compliance with applicable code requirements such as, but not limited to parking, setbacks, lot coverage and design standards. In addition, the City in the review and approval of specific projects may limit and restrict the achievable floor area ratio.

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 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 height limit if the development is approved by the City Commission as a Conditional Use. The maximum floor area ratio within the CBD shall not include parking garages in calculations of floor area. 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. Except within the Park Avenue Corridor, the City Commission may approve as a special exception a four story building up to one half the footprint of the lower floors subject to adopted criteria and standards articulated in Policy 1-2.1.5 or in the Land Development Regulations .

Policy 1-3.8.2: Include Parking Garages in Floor Area Ratio and Lot Coverage Calculations. Except in the Central Business District future land use designation, In residential land use designations, the City shall include all above grade parking garages in Floor Area Ratio and Lot Coverage calculations. Public Parking garages or the public portion of public/ private garages may be excluded from this requirement by the City Commission.

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 or three stories (including any mezzanine levels) on a case by case basis via conditional use approval by the City Commission and by prohibiting new drive-in businesses within the C-2 zoning locations. 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. Except within the Park Avenue Corridor, the City Commission may approve as a special exception a four story building up to one half the footprint of the lower floors subject to adopted criteria and standards articulated in Policy 1-2.1.5 or in the Land Development Regulations .

Policy 1-4.1.G.4: Park Avenue Height Restrictions to Preserve Pedestrian Scale and Prohibition on 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 (40 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 in the Park Avenue Corridor.

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 three stories (including any mezzanine levels) in all non-residential zoning districts within the CBD planning area. Except within the Park Avenue Corridor, the City Commission may approve as a special exception a four story building subject to adopted criteria and standards articulated in Policy 1-2.1.5 or in the Land Development Regulations .

PARKING

The policy changes provided in this section acknowledge the fact that the City's parking standards in the CBD are inconsistent with the village character Winter Park is trying to retain and enhance. The recommended language provides policy direction for a reassessment of these standards and for developing a comprehensive parking strategy for the downtown.

Recommended Policy Changes

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.

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.~~

INSTITUTIONAL USES

Based on City Commission direction, additional wording has been provided in the proposed Plan Policy 1.2.5.1 to require that development of Rollins College and Winter Park Hospital be consistent with adopted master plans and to require that "To the extent feasible expansions of institutional uses and other non-profits shall be revenue neutral to the City." As discussed at the August 9 City Commission workshop, attempts to apply a revenue-neutrality approach may be problematical. The current draft of the Plan contains policy guidance for making institutional land use decisions that is inconsistent with the direction articulated by the City Commission. The following policy recommendation provides this guidance.

Recommended Policy Changes

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.

COMPATIBILITY STANDARDS

The proposed language has changed very little from earlier drafts and continues to set unrealistic criteria that could create almost limitless opportunities for challenge to all types of development orders. Moreover, it does not provide clear guidance to the development

community. The alternative language proposed below remains as close as possible to the original intent without creating standards that can virtually never be met.

Recommended Policy Changes

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 ways. 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 fences or 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.~~

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 access onto adjacent properties. will prevent safe access to adjacent properties.~~

h. **Preserve Functions of Natural Environment and Avoid Encroachments by Development.** Develop land use, design and setback controls to reduce the impacts of ~~Ensure that no structures or and uses are permitted in or adjacent to the wetland conservation areas that will intrude on in order to protect the natural environmental functions of these areas as safe and secure habitat.~~