



**CITY OF WINTER PARK
Planning & Zoning Board**

**Regular Meeting
City Hall, Commission Chambers**

**June 2, 2015
6:00 p.m.**

MINUTES

Chairman James Johnston called the meeting to order at 6:00 p.m. in the Commission Chambers of City Hall. Present: James Johnston, Vice-Chairman Peter Gottfried, Tom Sacha, Shelia De Ciccio, Randall Slocum, and Peter Weldon and Robert Hahn. Absent: Ross Johnston Staff: Planning Manager, Jeff Briggs, and Recording Secretary Lisa Smith.

Approval of minutes – May 5, 2015

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve the May 5, 2015, meeting minutes. Motion carried unanimously with a 7-0 vote.

Election of Chairman and Vice-Chairman

PUBLIC HEARINGS

REQUEST OF UNICORP NATIONAL DEVELOPMENTS, INC. FOR: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADD A NEW POLICY TO THE US HIGHWAY 17-92 CORRIDOR STUDY AREA "J" TO PROVIDE FOR ADDITIONAL FLOOR AREA RATIO FOR PARKING GARAGES IF EQUAL PRIVATE AND PUBLIC PARKING IS PROVIDED.

REQUEST OF UNICORP NATIONAL DEVELOPMENTS, INC. FOR: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO CHANGE WITHIN SECTIONS 58-74 AND 58-76 COMMERCIAL C-1 AND C-3 DISTRICTS, SO AS TO ALLOW FOR ADDED FLOOR AREA RATIO FOR PARKING GARAGES IF EQUAL PRIVATE AND PUBLIC PARKING IS PROVIDED.

Chairman J. Johnston and Randall Slocum indicated that they had conflicts involving previous work for the applicant and thus would not be voting or participating in the discussion. (Form 8B, Memorandum of Voting Conflict was completed and is attached as a part of these minutes). The meeting was turned over to Vice-Chairman Gottfried.

Planning Manager Jeffrey Briggs presented the staff report and explained that Unicorp National Developments, Inc. desires to expand the project parking garage by 77 parking spaces which would change it from a 2½ level structure to a 3 level structure. The request also commits that one-half of those spaces (38 spaces) would be deemed "private parking" that could be used for expanded restaurant seating and the other half would be deemed "public parking" to be provided in excess of the City's parking code requirements. Mr. Briggs detailed that to accomplish the expansion of the parking garage the City would need to amend the Comprehensive Plan and Zoning Code to enable the larger floor area ratio (FAR) needed.

Mr. Briggs explained that under the City's Comp. Plan and Zoning Code, the City Commission may exclude the floor area of "public parking" from the floor area ratio calculation. Public parking is defined as those spaces provided above the minimum zoning code requirements. Subtracting the floor area of the 39 "public parking"

spaces to be provided within this parking garage that are in excess of the zoning code requirements would then reduce the proposed floor area ratio to 52.52% FAR. Also, technically, 19 spaces of the 40 spaces provided on this site for the Lakeside (Trader Joes) project are also over and above the zoning code requirements and by definition "public parking". If one additionally subtracted those 19 spaces and the floor area thereof, it would reduce the "official" floor area ratio 48.4% FAR or just 3.4% above Code.

This Comprehensive Plan amendment and Zoning Code change would apply potentially to all properties that have frontage along the US Highway 17-92 (Orlando Avenue) corridor. The economics of this provision will make the likelihood of others requesting increased FAR based on this amendment unlikely. Spaces within parking garages cost roughly \$15,000 per space when built in structures to the quality required by the City. Any future developer working to use this amendment needs to build one public parking space for each private parking space. So at \$30,000 per parking space, that alone will limit the future applicability.

The method required to allow for the expansion of this parking garage is to amend the Comprehensive Plan and C-3 Zoning Code to allow for this additional FAR. However, as requested it would only be for the special case when the additional parking garage spaces are split equally between private and public parking. Rather than make it a city-wide provision, this specific Comp. Plan amendment would apply only to properties fronting on Orlando Avenue within the US Highway 17-92 Corridor Planning Area by adding a new policy to read as shown below. Similar text would then be added to the C-1 and C-3 zoning regulations in order to implement this provision within the Zoning regulations. Mr. Briggs then answered questions from the Board members concerning the Parking Management Plan and other aspects of the parking garage. Mr. Briggs clarified that this action tonight does not provide an approval for the expanded parking garage but only enables a future application (likely in August) at which time the specific detail of the project would be reviewed.

Amy Shuman, represented Unicorp National Developments. She stated that they are in agreement with the staff report and that she is available to respond to Board member questions and concerns.

Lurline Fletcher, 811 English Court expressed concerns over the increased density and traffic from an expanded parking garage.

Joe Terranova, 151 North Virginia Avenue, stated that it is to the advantage of the City to increase parking wherever possible, especially when a developer volunteers to provide more parking than Code. He stated that he sent an email about other aspects of the design of the expanded garage but understands those items will be discussed at a future meeting.

Shelia Reid, 780 Carver Street, questioned how the parking garage will be controlled.

No one else appeared to speak and the public hearing was closed.

The Planning Board members briefly discussed the application and the consensus was that the public benefit to this request is that the patrons of the Lakeside Crossing businesses will have 39 more parking spaces above and beyond the code requirements to use and those 39 extra parking spaces would be helpful during the peak times for the three proposed restaurants. The Board members expressed that these Ordinances would only apply when the City receives parking above the Code requirements and that each future request could be approved or denied.

Motion made by Mr. Sacha, seconded by Mr. Weldon to approve the Ordinance amending Chapter 58 "Land Development Code" Article J, "Comprehensive Plan" so as to add a new policy to the US Highway 17-92 corridor study area "J" to provide for additional floor area ratio for parking garages if equal private and public parking is provided.

Motion carried unanimously with a 5-0 vote. J. Johnston and Slocum abstained.

Motion made by Mr. Sacha, seconded by Mr. Weldon to approve the Ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" so as to change within Sections 58-74 and 58-76

Commercial C-1 and C-3 districts, so as to allow for added floor area ratio for parking garages if equal private and public parking is provided.

Motion carried unanimously with a 5-0 vote. J. Johnston and Slocum abstained.

REQUEST OF TOWER ACQUISITION PARTNERS, LLC TO: AMEND THE CONDITIONAL USE APPROVAL PREVIOUSLY GRANTED TO THE PROPERTY AT 170 S. KNOWLES AVENUE/170 EAST MORSE BOULEVARD IN 2007, TO ALLOW FOR MODIFICATIONS TO THE MULTI-FAMILY PROJECT, TO NOW BE COMPOSED OF THREE UNITS, THREE STORIES AND 19,935 SQUARE FEET OF RESIDENTIAL LIVING AREA AND GARAGE, ON THIS PROPERTY ZONED C-2.

Planning Manager Jeffrey Briggs presented the staff report and explained that this was a Conditional Use request by the prospective purchasers of the property at 170 S. Knowles Avenue/170 E. Morse Blvd. seeking to amend the previously approved conditional use plans to allow for modifications to the multi-family project originally approved in 2007. It was originally four units but is now three units, each three stories in height and now 19,935 square feet of total building area. The property is zoned C-2.

Mr. Briggs explained that the project parameters retain much of the original site plan layout from the original approval in 2007. The project fronts on Morse Blvd. and Knowles Avenue and has a rear entry motor court from the Treat Way alley into two car garages for each of the three units. The total building area increases from 18,290 square feet to 19,935 square feet. This is an increase in floor area ratio from the 177% permitted in 2007 to the current request at 192.61%. The Code maximum FAR for C-2 zoning is 200%. Mr. Briggs further described the setbacks, building articulation and height.

Mr. Briggs described the issue on the Treat Way alley side however, which is also street frontage, that the plans depict a 3 foot-4 inch setback for all three floors and no additional setback for the third floor as required by the C-2 zoning. This request is asking in effect to "grandfathered-in" the vertical 3 foot-4 inch setback for all three floors that was approved for the previous project in 2007. Treat Way is a public street with frontage and visibility all along Knowles Avenue and there is a valid reason to break up the vertical wall as is being done for the Knowles and Morse frontages. Thus, the staff did not support an exception from the Code for the third floor on this Treat Way frontage but would support just an additional 3 foot setback.

Mr. Briggs also discussed the applicant's streetscape proposal for this section of Knowles Avenue. Currently (as depicted in the plans) along Knowles Avenue are 12 on-street parking spaces at 90 degrees from the travel lanes. An existing 4½ foot sidewalk exists between the curb and the property line. The applicants would like to convert this Knowles Avenue street frontage to a parallel parking orientation of 6 on-street spaces. That increases the sidewalk width to 12½ feet for better pedestrian circulation and oak trees within this area. This proposal benefits the project by enhancing the visual street appeal of this street section and increasing pedestrian access. The negative part is that the City loses 6 public parking spaces and the ability to add 2 more spaces when the existing driveway is closed. Public Works has been conducting parking surveys on the use and availability of parking spaces in the six city parking lots downtown for the past 15 months. The Knowles Avenue parking spaces have consistently been the most heavily utilized parking in the downtown. As a result, the recommendation from Public Works is not in favor of this streetscape proposal as it results in the loss of 6-8 public parking spaces.

Staff recommended approval of both the Preliminary and Final Conditional Use approvals for the modification of this project with the following conditions:

1. The third floor facing the Treat Way alley must be setback an additional 3 feet from the lower floors in a reduced but similar fashion to the other street elevations.
2. The electric transformer/switch gear and backflow preventers shall be located adjacent to the building and shall be effectively screened from view.
3. Changes to the Knowles Avenue parking arrangement are not approved.
4. As the Applicant is not the owner of the Property, but rather is the purchaser under a contract for sale and purchase to buy the Property, unless specifically consented to by Owner in writing, no approval issued pursuant to the Application or any condition imposed in connection therewith, shall be binding

upon the Property or the current Owner of the Property unless and until Applicant, or its successor or assign, acquires title to the Property. If Applicant or its successor or assign does not acquire title to the Property within one hundred fifty (150) days following the approval by the City Commission of such Conditional Use Permit and the expiration of any appeal period applicable thereto, the Conditional Use Permit shall be null and void and the existing Conditional Use, which was extended by the City Commission on October 24, 2011 until October 24, 2021 shall be in full force and effect; provided, however, that Owner shall have the right to waive the foregoing and accept the new Conditional Use Permit which shall not be null and void in such event.”

Rebecca Wilson, Lowndes, Drosdick, Kantor and Reed, representing the applicant presented a power point detailing the history of the project, the conformance to the C-2 zoning regulations and the applicant's position with regard to the two issues of the setback from Treat Way and the Streetscape proposal. Ms. Wilson provided detail on the Treat Way situation with comparisons to other properties and the necessity for the setback and that the applicant was proposing an additional one foot setback for the third floor from the proposed 3 foot 4 inch setback of the first two floors.

Ms. Wilson also discussed the rationale for the streetscape improvements by showing pictures of the current conditions, previous plans presented 2007 and why the parking will be improved. The applicant's position is that the conversion of this property from a retail/office building to a residential building is going to reduce the demand from customers/clients parking on Knowles to visit businesses within this building. The applicant's position is that this change in use will benefit the parking situation and more than offset the loss of the 6 parking spaces.

David Odahowski, 199 E. Welbourne Avenue (Bush Foundation) representing the adjacent property expressed that public parking in this area was critical. He explained that people are continually parking within their private lot and he could not support any plan that removed public parking.

Dykes Everett, 341 E. Webster Avenue expressed support for the project as an improvement and asset for the downtown.

No one else appeared to speak and the public hearing was closed.

The Planning Board members discussed the application and the consensus was that the proposal for the Treat Way façade accomplished the objective of the Code in providing articulation and that on this less visible side of the building, the façade was appropriate with a one foot additional setback for the third floor as presented by the applicant. The Planning Board members had significant discussion regarding the streetscape proposal. The competing interests were how important every public parking space is within the downtown versus the public benefit to continue the streetscape of Morse Blvd. around the corner to greatly enhance pedestrian circulation and safety.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to approve both the Preliminary and Final Conditional Use approvals for the modification of this project with the following conditions:

- 1. The third floor facing the Treat Way alley must be setback an additional one-foot from the lower floors in a reduced but similar fashion to the other street elevations.**
- 2. The electric transformer/switch gear and backflow preventers shall be located adjacent to the building and shall be effectively screened from view.**
- 3. Changes to the Knowles Avenue streetscape and parking arrangement are approved, as presented by the applicant.**
- 4. As the Applicant is not the owner of the Property, but rather is the purchaser under a contract for sale and purchase to buy the Property, unless specifically consented to by Owner in writing, no approval issued pursuant to the Application or any condition imposed in connection therewith, shall be binding upon the Property or the current Owner of the Property unless and until Applicant, or its successor or assign, acquires title to the Property. If Applicant or its successor or assign does not acquire title to the Property within one hundred fifty (150) days**

following the approval by the City Commission of such Conditional Use Permit and the expiration of any appeal period applicable thereto, the Conditional Use Permit shall be null and void and the existing Conditional Use, which was extended by the City Commission on October 24, 2011 until October 24, 2021 shall be in full force and effect; provided, however, that Owner shall have the right to waive the foregoing and accept the new Conditional Use Permit which shall not be null and void in such event.”

Motion carried unanimously with a 7-0 vote.

REQUEST OF JAVIER OMANA AND CHRIS HITE TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM SINGLE FAMILY RESIDENTIAL TO LOW DENSITY RESIDENTIAL DESIGNATION ON THE PROPERTY AT 426 WEST LYMAN AVENUE.

REQUEST OF JAVIER OMANA AND CHRIS HITE TO: AMEND THE OFFICIAL ZONING MAP TO CHANGE FROM SINGLE FAMILY (R-1A) DISTRICT ZONING TO LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING ON THE PROPERTY AT 426 WEST LYMAN AVENUE.

Planning Manager Jeffrey Briggs presented the staff report and explained that this is a request by Mr. Javier Omana and Ms. Chris Hite (contract purchasers) to seek approval to change the existing Single Family Residential future land use designation in the Comp. Plan and Single Family (R-1A) zoning to Low Density Residential future land use and Low Density Residential (R-2) zoning on the property at 426 West Lyman Avenue.

The applicant has provided a 'Background and Justification Report' for this land use and zoning change and an 'Urban Design Plan' for this West Lyman Avenue corridor outlining a significant amount of information about existing conditions, existing zoning, streetscape patterns and other contextual information. The applicant has also provided a plan for the single family residence that they desire to build on this subject property. The main purpose of the rezoning request, is to be able to build a new home under the R-2 maximum floor area ratio of 55% (3,518 sq. ft. maximum) versus the current R-1A maximum floor area ratio of 43% (2,751 sq. ft. maximum). The applicant has presented a plan for a new two-story house with a detached rear two-car garage which is 2,973 square feet in size (46.5%). They may desire is a 55% FAR but the plan presented is a redevelopment FAR of 46.5%, which is 222 square feet more than allowed by the R-1A zoning.

The planning staff did not support this request for a number of reasons. The subject property is an isolated parcel in the midst of a street that is predominately single family residential. This is not an "edge" property adjacent to other higher intensity zoning. In the case of the David Weekly townhouses that were rezoned to R-2 in March 2013, there was recognition of that property's proximity to the Railroad and being located adjacent to the City's electric utility storage yard. While these decisions are 'case by case', if the City rezones a property, more or less in the middle of a single family zoned street, then that rezoning to R-2 would certainly create an expectation and argument of fairness for all of the other adjoining properties to similarly be rezoned to R-2.

Rezoning to R-2 is not necessary to foster redevelopment in this area. Just two lots away, Phil Kean is planning to build two new single family homes within the R-1A maximum 43% FAR. In staff's opinion the 55% FAR, as is permitted in R-2 zoning, is not an appropriate scale. Also there is a Comprehensive Plan Policy 1-4.1.H.10 that provides specific direction for denial of these requests:

Policy 1-4.1.H.10: Rezoning Single-Family Property to \leq 7,500 sq. ft. Lots Deemed Inconsistent with Comprehensive Plan. The rezoning of any single-family property of 50 foot by 150 foot (7,500 sq. ft.) or smaller to low-density (R-2) residential for additional density shall be deemed in conflict with the Comprehensive Plan (single-family to duplex, for example).

Mr. Javier Omana and Ms. Chris Hite provided a detailed explanation of their request, the land use studies that had been conducted, the rationale for the change and responded to questions from the Board.

Dan Bellows, 411 West New England Avenue, spoke in support of the request.

The following spoke in opposition to the request:

Sally Flynn, 1400 Highland Road; Penny Potter, 1360 Canterbury Road; Shelia Reid, 780 Carver Street; Lurline Fletcher, 811 English Court; Richard Hagood, 411 West Comstock Avenue; Ms. Glenn Franklin, 445 West Lyman Avenue.

No one else appeared to speak and the public hearing was closed.

The Planning Board voiced concern with the request in that it was that it was for straight R-2 zoning which meant that the applicant could build a duplex on the property regardless of the stated plan for just a single family house. A duplex would not be compatible in their opinion. They also commented that doing such zoning, lot by lot, was not the right approach as changes should be made comprehensively. The Board also commented that the precedent of the Canton/Capen property is evidence that development can still occur under R-1A zoning without added density incentives of R-2 zoning.

Motion made by Mr. Weldon, seconded by Mr. Gottfried to DENY the request to amend the "Comprehensive Plan" Future Land Use Map and Zoning Map to change from Single Family Residential to Low Density Residential designation on the property at 426 West Lyman Avenue.

Motion carried unanimously with a 7-0 vote.

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTIONS 58-71 AND 58-95 OF ARTICLE III, ZONING, CHAPTER 58, LAND DEVELOPMENT CODE TO CLARIFY LANGUAGE BY REMOVING THE ANTIQUATED TERM "SERVANT".

Planning Manager Jeffrey Briggs presented the staff report and explained that this public hearing was to consider an Ordinance, requested by the City Commission, to update the Zoning Code text by removing the antiquated term of "servants".

When the City discussed the lot consolidation request at 1251/1252 Lakeview Drive there was discussion of a proposed 'guest house'. In the Zoning Code text, the use of guest houses is limited to family members, visitors and "servants". This is an antiquated term going back to the adoption of this zoning regulation in 1952. The City Commission asked that staff update this terminology and the city attorney has prepared the accompanying ordinance to accomplish that request.

No one wished to speak to this item.

The Planning Board members agreed that it was appropriate to update this terminology.

Motion made by Mr. Sacha, seconded by Mr. Gottfried to APPROVE amending sections 58-71 and 58-95 of Article III, Zoning, Chapter 58, Land Development Code to clarify language by removing the antiquated term "Servant".

Motion carried unanimously with a 7-0 vote.

NEW BUSINESS:

Date of Next Regular Meeting: Tuesday, June 2, 2015 at 6:00 p.m.
Date of Next Work Session Meeting: T.B.D.

There was no further business. Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Lisa M. Smith
Recording Secretary

DRAFT