



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

**Regular Meeting  
City Hall, Commission Chambers**

**April 5, 2016  
6:00 p.m.**

**MINUTES**

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

**Approval of minutes – March 1, 2016 Regular Meeting minutes**

**Motion made by Tom Sacha, seconded by Randall Slocum to approve the meeting minutes from the March 1, 2016, Regular Meeting. Motion carried unanimously.**

**PUBLIC HEARINGS:**

**REQUEST OF THE CITY OF WINTER PARK FOR:** AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADD AMEND POLICIES IN THE TEXT OF THE FUTURE LAND USE ELEMENT WITHIN THE HIGHWAY 17-92 AND WEST FAIRBANKS CORRIDOR STUDY AREAS "J" AND "L" SO AS TO REVISE POLICIES CONCERNING FAST FOOD AND DRIVE-IN BUSINESSES.

**REQUEST OF THE CITY OF WINTER PARK FOR:** AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO CHANGE WITHIN SECTION 58-76 COMMERCIAL (C-3) DISTRICT, THE CONDITIONAL USES FOR FAST FOOD AND DRIVE-THROUGH BUSINESSES ALONG THE WEST FAIRBANKS CORRIDOR, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Planning Manager Jeffrey Briggs presented the staff report and provided an extensive summary of the discussions from both the January 5<sup>th</sup> P&Z meeting and the February 17<sup>th</sup> work session and the history of Fairbanks Avenue with regard to zoning and infrastructure improvements. He explained that in 2009 a Comprehensive Plan policy was adopted to guide the future redevelopment along Fairbanks by excluding certain business types that would not be conducive to upgrading this gateway corridor. Most of these are clearly understood, however, the policy and code question as to the intent of discouraging "fast food businesses" was not specifically defined.

However, in 2013, in response to issues about the types of restaurants permitted along Park Avenue, the City adopted, for the first time, a definition of a "fast food restaurant" as outlined below. This terminology would apply not just to the typical "fast food" establishments such as a McDonald's or Burger King but also to every "fast casual" restaurant where one orders from counter. For example, "fast casual" restaurants such as a Boston Market, Italio, Chipotle, or The Coop, would not be allowed on West Fairbanks Avenue. Also coffee/breakfast restaurants such as a Starbucks, Panera, Einstein's, or Dunkin Donuts would also not be

allowed on West Fairbanks Avenue. All of these establishments have at least two or more of the criteria outlined in the "fast food restaurant" definition and thus would conflict with the Comprehensive Plan policy. Thus, the effect is to prohibit any restaurant from locating along the West Fairbanks corridor except for a sit down table service establishment

Mr. Briggs discussed the options for a Comprehensive Plan Policy Text Change and Revised Definition for the C-3 Zoning Districts. He explained that the Planning Board has discussed options for modifying the existing regulatory provisions. At the February 17<sup>th</sup> work session the consensus of the Planning Board was to advertise for public hearing to modify the Comprehensive Plan and Zoning Code regulation so that the West Fairbanks corridor from Orlando Avenue to Interstate Four was treated the same as all the other commercial corridors of the City such as East Fairbanks Avenue, Orlando Avenue, Orange Avenue and Aloma Avenue, in that fast food or drive-thru businesses could apply for conditional use approval for a future location. The City then determines if the business is compatible with the surrounding area, if the site and building plans are adequate to provide for such a business and meet applicable codes and that the nearby property owners are effectively safeguarded from noise, off-site parking and traffic impacts.

Given the smaller parcel sizes on the north side of West Fairbanks Avenue, it is envisioned that such approvals could potentially be for stand-alone businesses. However, on the south side of the West Fairbanks corridor, with much larger parcel sizes, such fast food or drive-thru businesses would have to be co-located in developments with other tenant space, at least equal in size to the proposed restaurant space.

This is a situation where the current regulations must be modified as it was never the intent to shut out fast casual restaurants from developing along the West Fairbanks corridor. Treating fast food or drive-thru businesses the same as is done through-out the City makes sense. There are other existing situations in the City where drive-thru's exist compatibly with adjacent or nearby residential such as the McDonald's and Panera Bread on Aloma and the Krispy Kreme and Steak `n Shake. Staff recommended approval of both proposed changes. Mr. Briggs responded to Board member questions and concerns.

Doug McKnight, 338 Blue Heron Drive, spoke to the traffic coming into the existing neighborhood. He said that he feels that any drive-thru allowed on North Fairbanks between Blue Heron Drive and Orange Terrace will create more unwanted traffic in their neighborhood.

Debra Kirkland, 371 Blue Heron Drive, explained that she lives within 250 feet of the proposed location of Dunkin Donuts (370 Blue Heron Drive) and that she will be directly affected by any drive-thru that locates on North Fairbanks at Blue Heron Drive. She express concern with increased traffic, noise, and lighting that would be created with this type of use.

Ruby Hornborg, 366 Blue Heron Drive, explained that she works from home and expressed concern with the location of the drive-thru location for the proposed Dunkin Donuts. She expressed concern with noise, storm water run-off, traffic, location of the dumpsters, and ingress/egress to the location.

Valli Baungard, 1950 Staunton Avenue, agreed with the concerns raised regarding traffic. She feels that the quality of life will be altered drastically if approved. Wanted to see drive-thrus locate on the opposite of Fairbanks Avenue.

Jeff Beatty, owner of 370 Blue Heron Drive, responded to concerns raised about the property he owns.

Donna Bond, 358 Blue Heron Drive, addressed the Board with procedural questions about the next steps in the process. She agreed with the previous speakers regarding traffic.

Zachary Stovall, 1877 Karolina Avenue, thanked the City staff for the improvements that have been made to Fairbanks Avenue. He supported the proposal being offered by staff.

Mike Harrow and Kathy Bowman, 420 Ohio Street, spoke in support of the request.

Karen Murphy, 358 Starling Road, stated that she prefers to see the drive-thrus on the side opposite the residential neighborhood.

No one else wished to speak concerning this issue. Public Hearing closed.

Mr. Sacha thanked the audience members for their input. He reiterated that this is a policy change that will affect the entire West Fairbanks corridor as a whole and not just one isolated property. He noted that when an individual request comes back, residents will be notified and they will have another opportunity to address each request. He stressed that one of the important roles of P&Z is to protect and safeguard residential property from commercial impacts.

Mr. Slocum added that the change is not zoning based. He stated that he feels that the policy will put protections in place so that each submission will be evaluated on its own merits.

Mr. Johnston thanked the members of the audience for participating in the process. He said that he feels that the conditional use process will require each request to be evaluated on its own merit and that will allow the board to apply conditions that will protect the surrounding properties.

Mrs. De Ciccio agreed with the previous stated conditions.

**Motion made by Tom Sacha, seconded by Randall Slocum to approve the ordinance amending Chapter 58 "Land Development Code" Article I, "Comprehensive Plan" so as to add amend policies in the text of the Future Land Use Element within the Highway 17-92 and West Fairbanks Corridor Study Areas "J" and "L" so as to revise policies concerning fast food and drive-through businesses. Motion carried unanimously with a 7-0 vote.**

**Motion made by Tom Sacha, seconded by Randall Slocum to approve the ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" so as to change within Section 58-76 Commercial (C-3) District, the Conditional Uses for fast food and drive-through businesses along the West Fairbanks corridor. Motion carried unanimously with a 7-0 vote.**

**REQUEST OF WINTER PARK ELDERLY SERVICES, LLC FOR:    CONDITIONAL USE APPROVAL TO BUILD A 48,650-SQUARE FOOT, THREE-STORY, 38-UNIT MEMORY CARE FACILITY AT 1298 HOWELL BRANCH ROAD, ZONED R-3.**

Mr. Briggs announced that the applicant has requested to table the request.

**NEW BUSINESS:**

Date of Next Regular Meeting: Tuesday, April 5, 2016 @ 6 p.m. and Work Session: March 29, 2016 @ 12:00 noon

There was no further business. Meeting adjourned at 7:15 p.m.

Respectfully submitted,

Lisa M. Smith  
Recording Secretary