



**CITY OF WINTER PARK
Development Review Committee**

**Regular Meeting
City Hall, Commission Chambers**

**October 21, 2015
1:30 p.m.**

MINUTES

The meeting was called to order by Planning and Community Development Director Dori Stone at 1:30 p.m. in the Commission Chambers of City Hall. Voting Members Present: Assistant City Manager Michelle Del Valle Neuner; Planning & Community Development Director Dori Stone; Public Works Director Troy Attaway; Director of Building George Wiggins; Parks and Recreation Director John Holland; City Attorney Dan Langley;

Other Staff Present: Planning Manager Jeffrey Briggs, Planner I Allison McGillis, Electric Utility Director Dan D'Alessandro; Water/Wastewater Utility Director David Zusi; Traffic Engineer Wayne "Butch" Margraf, and Recording Secretary Lisa Smith.

Also Present: Dan Bellows, Applicant

REQUEST OF THE RAVAUDAGE PD FOR: A DRC RECOMMENDATION FOR A DEVELOPMENT ORDER AMENDMENT TO THE RAVAUDAGE LAND USE PLAN TO PROVIDE ENTITLEMENTS FOR SIX PROPERTIES ADDED TO THE RAVAUDAGE PD AND FOR A DEVELOPMENT ORDER AMENDMENT TO PROVIDE FOR FUTURE ENTITLEMENTS BASED ON ADDITIONAL FUTURE PROPERTY ACQUISITIONS.

No one wished to speak concerning this item. Public Hearing closed.

Motion made by Dori Stone, seconded by George Wiggins to approve the request. Motion carried unanimously.

REQUEST OF THE RAVAUDAGE PD FOR: A DRC RECOMMENDATION FOR A DEVELOPMENT ORDER AMENDMENT TO THE RAVAUDAGE LAND USE PLAN TO PROVIDE FOR A MINIMUM DWELLING UNIT SIZE OF 500 SQUARE FEET IN SIZE VERSUS THE CURRENT 750 SQUARE FOOT MINIMUM FOR THE ENTIRE RAVAUDAGE PD.

Motion made by Dori Stone, seconded by Michelle Del Valle Neuner to allow 500 square feet minimum size for the Ravaudage Land Use Plan as requested by the applicant.

Mr. Wiggins requested that the rationale for the request be clarified. The applicant explained that the purpose of this request is to be consistent across the Board with both Orange County Standards and City of Winter Park standards. It was clarified by Dori Stone, that this modification cannot change the unit count for a previously approved project without returning to the DRC.

The motion carried unanimously.

REQUEST OF THE RAVAUDAGE PD FOR: A DRC RECOMMENDATION FOR A DEVELOPMENT ORDER AMENDMENT TO ELIMINATE THE AFFORDABLE HOUSING IMPACT FEE TO CREATE AN INFRASTRUCTURE IMPACT FEE TO OFFSET DEVELOPMENT COSTS FOR THE ENTIRE RAVAUDAGE PD.

P&CD Dori Stone opened this item for discussion. The applicant is requesting that the affordable housing requirement in Ravaudage be permanently suspended, and replaced with a 50 cent per square-foot linkage fee on all building permits in Ravaudage for roadways, stormwater in roadways, sidewalks, street lights and street trees/furniture. Staff recommendation for this request is for denial of suspending the affordable housing impact fee. Orange County established a commitment to provide affordable housing for valid socioeconomic reasons. Benjamin Partners, LTD. wants to suspend/eliminate this fee to benefit affordable housing in order to save a development cost. The compensating offer is that the City should enact a new "infrastructure" impact fee for the sole benefit of the Ravaudage PD. The City cannot legally adopt or impose any new impact fee without a rationale nexus study, and none has been provided by the Developer, which results in only the elimination of the affordable housing fee. The reality of the request is that the Developer wants to eliminate a fee charged to their project to save development costs today but would like the City to do all the work and pay all the expense in adopting an "infrastructure" impact fee so that any other future builders in Ravaudage would pay this fee to help offset the Developer's infrastructure costs.

Dan Bellows, the applicant, 411 West New England Avenue, it's not to suspend affordable housing, but is very specific to roadway improvements. He discussed the history of Lewis Drive and roadway improvements. He explained that he would like to take these improvements up to Monroe Avenue. He stated that he feels that the City has collected and invested substantial funding towards affordable housing within the Winter Park community. He requested that the collection of the affordable housing linkage fee be suspended within the Ravaudage PD boundary. Accordingly, the Developer shall not be required to pay any affordable housing linkage fees. Instead, the that he be allowed to pay a linkage fee in the amount of 50 cents per square feet of under air building development on all building permits within the Ravaudage PD boundary which shall be utilized for roadway construction, storm water facilities and systems, sidewalks, street lights, landscaping and outdoor Public street furniture. The linkage fee funds shall be collected, maintained and administered by the public works streets department and City Manager.

Discussion ensued concerning the Ravaudage CDD and potential funding avenues through that entity. Mr. Bellows requested to table the request. He said that he appreciated the suggestions offered at today's meeting and that he will take them to the CDD Board. The members of the DRC agreed to table the request.

REQUEST OF BENJAMIN PARTNERS, LTD. FOR: A DRC RECOMMENDATION FOR A DEVELOPMENT PLAN REQUEST FOR SETBACK VARIANCES ALONG LEWIS DRIVE AND ALONG THE BENJAMIN AND KINDEL AVENUE INTERSECTION FOR THE McCALLISTER APARTMENTS.

Jeff Briggs, Planning Manager, gave the staff report. He explained that the project does not comply with the required 15' setbacks along Lewis Drive and the Benjamin/Kindel Avenue intersection. The applicant, Benjamin Partners, Ltd. is requesting a 12' setback variance on Lewis Drive, and a 10.5' variance on Benjamin/Kindel Avenue. He also briefly touched upon the provisions of the Orange County Code regarding variances. He said that it could be rationalized that a "special condition and circumstance" on the west side with the 70 foot r/o/w of Loren Avenue. No such "special condition and circumstance" exists on the east side. This is simply a case of the Developer just wants a bigger building that fits on the site. There are no special conditions and circumstances when a developer designs a building larger than can fit on the site. Then is told it violates the setbacks. So then the developer says then just give me variances. So clearly the variance request violates standard c) above as the special conditions and circumstances DO result from the actions of the applicant.

Mr. Bellows explained that the building foot print is on private property and does not encroach into any right of way. The Lewis Drive Right of way is 70' plus in order to add the storm water Miami curb, on street parking and a 14' sidewalk the developer utilized 1.5' of private property on both sides of the Lewis Drive roadway in order to achieve the 14' sidewalk width. He discussed the hardship for his urban project. The DRC discussed this request at length.

No one wished to speak concerning this request. Public Hearing closed.

Motion made by George Wiggins, seconded by Michelle Del Valle-Neuner to grant the variance on West side of Lewis Drive for 4 feet 10 inches as was done on the opposite of the street for the same reason; and to grant a variance of 4'10" on east side conditioned upon the vacation and acquiring of right-of-way of Kindel Avenue.

The applicant withdrew the variance request for the east side.

George Wiggins amended the motion to withdraw the variance on the east side until the right-of-way acquiring and vacating of Kindel Avenue has been resolved between the applicant and Mr. Loft, the owner of Brannon Constr. Del Valle-Neuner accepted the amendment.

The amended motion carried unanimously.

REQUEST OF BENJAMIN PARTNERS, LTD. FOR: A DRC RECOMMENDATION FOR A DEVELOPMENT PLAN REQUEST FOR PARKING GARAGE FAÇADE VARIANCES FOR THE McCALLISTER APARTMENTS.

Planning Manager Jeff Briggs, opened this item for discussion. He reviewed the plans for the proposed six-story McCallister Apartments project fronting on Morgan Lane, Lewis Drive and Benjamin/Kindel Avenue. He explained that the north and south elevations abut private property owned by the Developer, except the south elevation portion adjacent to the Planned Development (PD) zoned Brannon Construction parcel. Mr. Briggs stated that the proposed north and south side setbacks meet code. There is a liner façade along Morgan Lane and Lewis Drive which consists of commercial space on the ground floor, and 55 apartments on floors two through six. He reviewed the pond and recreation area map that shows 3.67 acres of open space (3.33 acres required per the 15% open space requirement), meets the open space requirements for this project. Based on the Ravaudage PD agreement with the City, for new developments within the one to six story limits, an equal portion in the five to eight story limits must be reduced to one to four stories.

Kris Stenger, noted that this only applies if the orange county architectural standards are being followed. He provided an overview of the O.C. Façade Design Guidelines for the members of DRC.

The applicant would need to work with City staff to meet the standards of the orange county architectural standards. Mrs. Stone noted that at this point the development plan approval cannot proceed until the city commission decides the fate of the three variances and the development order change to unit size. Once those are decided then the plans for this project can be approved or approved with modifications based on the city commission decisions.

The applicant responded that he feels that the façade of the parking garage meets the County design standards county code and that he would like to move forward.

Mrs. Stone recommended that the applicant meet with Kris Stenger and perhaps phone conference with Jim Ward of Orange County to resolve this issue.

REQUEST OF BENJAMIN PARTNERS, LTD. FOR: A DRC RECOMMENDATION FOR A DEVELOPMENT PLAN REQUEST FOR SIGNAGE VARIANCES FOR THE McCALLISTER APARTMENTS.

The applicant withdrew his request for a sign variance.

Mrs. Stone summarized the items that are to go to the City Commission on November 9th as the Lewis setbacks, 50 square feet and overall entitlements. She said that based on city commission decision, the applicant will need to resubmit new plans to the DRC.

There was no further business. Meeting adjourned at 3:00 p.m.

Respectfully submitted,

Lisa Smith,
Recording Secretary