



**CITY OF WINTER PARK  
Development Review Committee**

**Regular Meeting  
City Hall, Commission Chambers**

**April 19, 2017  
9:00 a.m.**

**MINUTES**

The meeting was called to order by Planning and Community Director Dori Stone at 9:00 a.m. in the Commission Chambers of City Hall. Voting Members Present: Planning & Community Development Director Dori Stone; Assistant City Manager Michelle Del Valle Neuner; Public Works Director Troy Attaway; Assistant Parks, Assistant Parks and Recreation Director Brenda Moody for John Holland; Ashley Ong for Director of Building George Wiggins; Also Present: City Attorney Dan Langley; Other Staff Present: Senior Planner Allison McGillis, Traffic Manager Wayne "Butch" Margraf, Donald Marcotte, Kyle Dudgeon, Daniel D'Alessandro Electric Utilities, Ashley Ong Building, Brooks Weiss City Architect, Jeff Briggs, Planning Manager, Deputy Fire Marshall Scott Donovan, David Zusi and Recording Secretary Kim Breland.

**REQUEST OF BAINBRIDGE, LLC AND BENJAMIN PARTNERS, LTD FOR:  
DEVELOPMENT PLAN APPROVAL FOR A FIVE-STORY, 278-UNIT APARTMENT COMPLEX  
WITH AN ATTACHED 502 SPACE, SIX-STORY PARKING GARAGE LOCATED AT THE  
SOUTHEAST INTERSECTION OF BENNETT AVENUE AND MORGAN LANE, INCLUDING  
THE REALIGNMENT OF BENNETT AVENUE. A VARIANCE IS REQUIRED FOR THE 13  
FOOT SETBACK ALONG BENNETT AVENUE IN LIEU OF THE REQUIRED 15 FOOT  
SETBACK.**

Senior Planner Allison McGillis gave the staff report. She reviewed that Bainbridge, LLC is requesting development plan approval for a five-story, 278-unit apartment complex with an attached 502 space, six-story parking garage within the Ravaudage PD, specifically at the southeast intersection of Bennett Avenue and Morgan Lane. A variance is required for the 13 foot setback along Bennett Avenue in lieu of the required 15 foot setback, the DRC action is a recommendation to the City Commission.

She explained that the planning staff recommendation was for approval of the Bainbridge apartment complex with the following conditions:

- 1) Resubmittal of the architectural design plans to the City Architect. Upon concurrence, the project may move forward, but if there is a disagreement concerning the revised design plans, the plans must be brought back to DRC for resolution.
- 2) That 22,803 square feet of offsite recreational space at the pond/park area of Phase 1 must be constructed prior to a Certificate of Occupancy for this project.
- 3) That the applicant agrees to pay the required affordable housing impact fee of 50 cents per square-foot on the apartment square-footage to the City or to a non-profit affordable housing provider for use within the City, subject to approval of the City staff.

4) The Development Order for the Ravaudage project is be amended to address the specific timing and details of the Bennett Avenue realignment to connect with Executive Drive across Lee Road, including the timing of right-of-way conveyance to the City and the design, permitting, construction and completion of the realigned road and providing that the remainder parcel created between the current Bennett Avenue and realigned Bennett Avenue right-of-way remain undeveloped open space.

No one wished to speak in favor of or opposition to the request. Public Hearing closed.

Rebecca Wilson, attorney, Lowndes, Drosdick, Kantor & Reed represented the applicant. She stated that the applicant objected to the conditions of item number four (4) of Staff's recommendation being tied to any building permits or CO for the site. She mentioned that the site plan for this project that was shown demonstrated that this project could be built and be acceptable once Bennett Avenue is aligned, however, the intent was not for this project to be tied to a requirement for Bennett Avenue to be realigned and that the entrance and exits for the development would not be on Bennett Avenue.

Planning & Community Development Director Dori Stone asked Ms. Wilson, why the site plan referred to the realignment of Bennett Avenue if it was not part of the project. Ms. Wilson responded that in the development order, at some point, the realignment will be required and the applicant wanted to inform staff that the project was being developed to accommodate that future realignment.

City Attorney, Dan Langley asked Ms. Wilson to clarify which part of recommendation number four the applicant was opposed to, Ms. Wilson pointed out that certain verbiage in the developer's agreement that was of concern to the applicant and Staff's recommendation number four ties directly with the realignment and the applicant does not believe this project relates to the realignment of Bennett Avenue.

Ms. Stone asked if the Bennett Avenue promenades placed based on the realignment of Bennett Avenue for the recreation space. The response from the Ravaudage Master Developer, Dan Bellows was yes. Ms. Stone then asked if the promenades would be built after the realignment of Bennett Avenue, Ms. Wilson responded that the promenades would be built at the construction is started as the building is being constructed based on the future realignment of Bennett Avenue. Public Works Director, Troy Attaway asked Ms. Wilson what concern the applicant would have if recommendation number four is merely an avenue of addressing the details for timing, not necessarily saying that the applicant would have to make this happen, but for the DRC and the City to, at this time to get the details timing for the realignment of Bennett Avenue. Ms. Wilson asked what is required under the development order for Bennett Avenue, Mr. Attaway responded that road is required to be realigned. Ms. Wilson then asked when the realignment was required to happen, Ms. Stone responded that there is not timeline at this point for the realignment. Ms. Wilson then reiterated that this is the concern of the applicant, questioning why the realignment is being added as a condition to this project as there is no set time for the Bennett Avenue realignment. The applicant's suggestion was to remove item number four of Staff's recommendation to resolve any issue moving forward with the project.

Dan Bellows, representing Benjamin Partners spoke in objection to item number four of Staff's recommendation referencing the development order and the annexation order, he passed out a on the site plan to the Board Members where he showed how the Bainbridge project would work with the future realignment of Bennett Avenue.

Ms. Stone reiterated that the DRC meeting today was specifically to discuss the Bainbridge project and there is some conflict as to whether or not this project is part of the Bennett Avenue realignment. She also stated that while this project is not getting any Bennett Avenue access, it is time to start discussions related to the realignment now that there is development pinned to that roadway. She opened the discussion to board members. Troy Attaway, asked to reconfirm that there is a requirement for Bennett Avenue to be realigned, but not a time frame. Dori Stone and Allison McGillis confirmed this to be correct. Mr. Attaway then asked if there was any discussion about who funds the realignment. There was some discussion regarding this topic and City Attorney, Dan Langley stated that it is a condition of the development so it is something the developer is required to do. Mr. Langley went on to state that details for timing of the realignment need to be established since the project shows the realignment.

Dan Bellows and the applicant requested to resubmit the site plan without the realignment. There was more discussion as to when the realignment might take place and Mr. Bellows stated that it depended on when the state approved traffic lights to be placed on Bennett, which could be several years down the road. Mr. Langley remarked that it appears that the realignment of the road is not tied to the warrant study, that it is a separate, independent requirement. Ms. Stone then asked if for thoughts from the other Board members.

Mr. Attaway stated that if it is clear that the Developer is required to do the Bennett Avenue realignment and it is not warranted at this point and the apartments can be built the way they are whether or not Bennett is realigned, he does not think the realignment should be included for the approval of the Bainbridge site plan. Mr. Attaway then asked, if the East West section of Loren Avenue would be constructed as a new road as part of this project. Mr. Bellows confirmed the construction of the new Loren extension. Mr. Attaway remarked on a setback issue related to Bennett Avenue, he referenced the site plan and asked if the right-of-way lines in the site plan were as they would be after the realignment or if what is shown in the site plan is the existing right-of-way. Mr. Bellows gave information related to the right-of-way measurements.

At this time, Ms. Stone motioned to continue the DRC meeting regarding the Bainbridge project as the site plan provided did not match the request by the applicant. Ms. Stone explained that the current site plan did not provide the correct information and could not be presented to the City Commission as is. Ms. Stone suggested the applicant submit a plan with the existing Bennett Avenue with an overlay that shows where the Bennett Avenue realignment is going to be and where the applicant intends to have the additional right-of-way and then the DRC Board would reconvene to review the project request.

Attorney, Rebecca Wilson asked to speak to the Board. She said that it was the intent of the applicant to provide the Board with a site plan of the project with Bennett Avenue as it exists presently with an overlay showing the future realignment of the road. She went on to say that the applicant's intent was to be proactive in showing that the Bainbridge project would accommodate the future change to Bennett Avenue. Ms. Stone asked Ms. Wilson to have one of the engineers on the project show the Board the 55 foot right-of-way on Bennett Avenue in the current site plan. Engineer Sam Medina showed on the site plan that the existing right-of-way is 55 feet. Ms. Stone then asked if the applicant and engineering team could present the Board with a site plan where the right-of-way is clearly marked 55 feet and one that shows the proposed 61 foot right-of-way to clarify the issue. After further discussion regarding the existing right-of-way and what is being proposed, with the proper measurements, it was discovered that a variance for this project was not required contingent upon the applicant provide the updated site plan with accurate measurements.

Ashley Ong remarked that his recommendation would be for the realignment of Bennett Avenue to happen before the Bainbridge project begins. He went on to explain that as a life safety person, there is a concern regarding the corner of Loren and Bennett in relation emergency responder access. There was some in depth discussion regarding this issue and Mr. Ong stated that he wanted to make sure that during any construction for the realignment, the applicant was being proactive in making accommodations for emergency responder access.

Chairman Stone asked if there was any public comment, there was none. She then asked if there was any comment from Staff. Fire Marshall Scott Donovan commented that he agreed with Mr. Ong's recommendation and he remarked his concern for emergency responder access as well. The public hearing was closed.

City Attorney, Dan Langley, asked Ms. Stone if he could read the DO comment "FOR SITE ACCESS PURPOSES AT THE PROPOSED INTERSECTION OF BENNETT AVENUE AND LEE ROAD REALIGNED WITH EXECUTIVE DRIVE, THE NORTHERN LEG OF THIS INTERSECTION MUST BE REALIGNED TO CONNECT AND ALIGN WITH EXECUTIVE DRIVE. THE REALIGNED ROADWAY INTO THE PROJECT MUST NOT DEAD END INTO A COMMERCIAL, RESIDENTIAL OR OFFICE DEVELOPMENT, AND MUST CONNECT, TO AN INTERNAL ROADWAY WHICH CONNECTS TO MONROE AVENUE OR US 17-92."

**Motion made by Dori Sone, seconded by Toy Attaway to approval subject to the addition of a new condition that the applicant submit a revised site plan that shows the existing Bennett Avenue right-of-way including the setbacks to the west side. The applicant can overlay the proposed alignment on the new site plan, the Board would prefer to see the existing alignment on that site plan to the side of the building from the existing right-of-way. Conditions one, two and three are approved, delete condition number four. Motion carried unanimously.**

#### **New Items**

DRC Board recommends a work session to discuss the Bennet Ave realignment request and asks that Dan Bellows and Dan Langley, City Attorney attend the meeting.

Date of next meeting: TBD.

There was no further business. Meeting Adjourned at 9:51 a.m.

Respectfully submitted,

Kim Breland,  
Recording Secretary