



CITY OF WINTER PARK
Development Review Committee

Regular Meeting
City Hall, Commission Chambers

May 10, 2017
1:46 p.m.

MINUTES

The meeting was called to order by Planning and Community Director Dori Stone at 1:46 p.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 and Recreation Director John Holland; Director of Building George Wiggins; Also Present: City Attorney Dan Langley; Other Staff Present: Jeff Briggs, Planning Manager and Recording Secretary Kim Breland.

REQUEST OF BAINBRIDGE, LLC 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.

Planning Manager Jeff Briggs gave the staff report. He explained that since the approval of the Bainbridge project in April, there are staff concerns with the ordinance that vacated Loren Avenue that affects the construction of the Bainbridge Project. The original ordinance and a subsequent resolution had performance dates attached to it, one of which was the need for the issuance of permits by June 1, 2017 and should that not happen, the right of way would revert to the city. The building related to the Bainbridge Project cannot be built over the City's right of way. Mr. Briggs mentioned that there is no chance that this project would pull a building permit in three weeks and this issue needed to be addressed before this project could move forward.

Staff recommended two conditions to be added to the Bainbridge approval. These recommendations included a replat of the property that Bainbridge would purchase and timeframes for the Loren Avenue Extension requirements.

George Wiggins asked Mr. Briggs regarding the second condition for the date of the deadline for extending Loren Avenue, December 1 or the first building permit, is that date of application or issuance of building permit. Mr. Briggs responded it is on date of issuance.

City Attorney, Dan Langley spoke regarding Ordinance 2965-14 that established the vacating of Loren Avenue on the conditions stated by Mr. Briggs. However, the ordinance has a reversion that is triggered by two different dates which are not going to be met with this project. These dates become problematic in the situation where there is a buyer and construction occurring with a reverter that leads to the possibility that during the construction of the project the right of way that was once vacated can pop back up and be located underneath the building at this site. Mr. Langley read the ordinance where it is extended the dates that Loren Avenue is vacated, however that vacation would be considered null and the city shall take by reversion the title to the public right of way otherwise vacated by the ordinance, if not fully entitled in building permits

issued by the dates certain which has been extended to June 1st 2017. However, there is a second part of that reversion that states that even if the permits for construction were issued in a timely manner, the project would still have to be fully constructed and obtain a CO for the project on or before June 1, 2019.

Mr. Langley stated that the DRC does not have the legal authority to modify the Loren Avenue ordinance. Ordinance changes are solely in the power of the City Commission. The Commission will have to decide whether to extend the deadline set forth in the ordinance pertaining to Loren Avenue. He pointed out that the Commission has extended the deadline in the past, but with that extension, the reversion clause is not removed from the ordinance. The ordinance is recorded in the public record and there is the possibility, even with granting the site plan approval that the right of way could come back even if the project gets the building permit and the site plan is under construction, if the CO is not obtained by the next deadline. A replat would likely be the easiest and most straight forward resolution because the realignment of Loren Avenue dedication can be addressed and also eliminated by City Commission action with an ordinance approving a replat, the reversion issue, so it goes away. Once the developer gets the building permit, site plan and replat the uncertainty of a reversion is removed.

Dori Stone asked Troy Attaway if the DRC has any other ordinances with vacates where there is a reverter clause with similar criteria attached to it. Mr. Attaway responded that he did not recall any similar ordinances. Jeff Briggs mentioned that the only similar scenario was the ordinance where Morgan Lane had to be reconstructed.

Mrs. Stone made a motion to approve the project with the condition that the area within the Bainbridge project be replatted to a single lot which would address the vacate of Loren Avenue without the need for a new ordinance and/or resolution. Mrs. Stone explained the motion as a clean alternative to asking the Commission to continue to extend the Loren Avenue vacate and the construction of the Loren Avenue Extension. She pointed out that the DRC has not made the master developer do any other replatting. Additionally, she said that staff would move on this matter, through Planning and Zoning and City Commission as quickly as possible once a plat is approved from public works.

George Wiggins seconded the motion.

There was discussion amongst the board regarding whether the plat would include Bennett Avenue with the realigned section or the existing section. It was clarified that the plat would include the existing Bennett alignment.

Mrs. Stone asked if the applicant wished to speak.

Rebecca Wilson, attorney, Lowndes, Drosdick, Kantor & Reed represented the applicant. She stated that the applicant was concerned about the DRC adding new conditions to the project approvals that were made at the April 19, 2017 DRC hearing and that the applicant relied on those approvals to begin the preparation of obtaining permits. Ms. Wilson also stated that the applicant acknowledged the reversion issue and has let the seller know that the title issue has to be dealt with before the property is closed on. Lastly, she expressed the concern of the applicant that the conditions related to the Loren Avenue ordinance would be attached to the Bainbridge project.

Mrs. Stone reiterated that if the DRC finds any outstanding issue with any site plan that has been approved, there is a responsibility to the City Commission that the DRC makes sure the site plan is looked at appropriately and those issues addressed as expeditiously as possible.

Mrs. Stone asked if anyone else wished to speak.

Master Developer, Dan Bellows, adamantly refused to replat the property as he felt it was unnecessary and was concerned about the future use of the property should the Bainbridge project not close.

No one else wished to speak. The public hearing was closed.

The Board and the City Attorney discussed at length the options for resolution of the ordinance and the Bainbridge project.

Motion made by Chairman Stone, seconded by George Wiggins that Bainbridge shall replat that portion of Ravaudage that includes the area that they are purchasing as well as the temporary parking lot to the south. The replat shall also include the extension of Loren Avenue connecting to Bennett Avenue.

The extension of Loren Avenue connecting to Bennett Avenue shall be completed by December 1, 2017 or by the first building permit for the Bainbridge project, whichever comes first.

Mr. Attaway made an amendment to the motion changing the completion date of the Loren Avenue Extension to December 31, 2017. Mr. Wiggins seconded this. Mrs. Stone withdrew her motion in support of Mr. Attaway's motion.

After additional discussion between the applicant and the DRC, Mr. Wiggins withdrew his second to support the replat of the Bainbridge property. Mr. Langley offered another option for a motion requiring resolution of the Loren Avenue vacate with regard to the extension of time. The motion was made by Mrs. Stone, seconded by Mr. Wiggins. Motions passed 5-0.

Additional conditions to the Bainbridge Project:

- 1. The Bainbridge site plan is approved subject to resolution of the Loren Avenue vacate with regard to the extension of time.**
- 2. The extension of Loren Avenue connecting to Bennett Avenue shall be completed by December 31, 2017 or by the issuance of the first building permit for the Bainbridge project, whichever comes first.**

REQUEST OF BENJAMIN PARTNERS, LTD FOR: SITE PLAN APPROVAL FOR AN 88 SPACE SURFACE PARKING LOT LOCATED WITHIN BLOCK C OF RAVAUDAGE, FURTHER DESCRIBED AS 989 LEWIS DRIVE AND 970, 1000 AND 1008 LOREN AVENUE.

Planning Manager Jeff Briggs read the staff report. He stated that the applicant is requesting site plan approval for a "temporary" parking lot within Block C of Ravaudage, south of the Bainbridge apartments. The attached plans show some effort to provide landscaping within this paved parking lot, but does not meet the Orange County Landscape Code for parking lots/vehicular use areas.

The staff understands that the applicant does not want to invest in substantial landscaping and irrigation for a parking lot that may be redeveloped. The applicant needs to understand that the City must explain to the public and many other developers why parking lots can be built without meeting the Landscape Code. If the applicant is willing to establish a time certain for this parking lot to exist, staff may be willing to lessen the landscape requirements, however, the applicant has not offered a date at this time.

The plan shows several live oaks but does not specify the landscape island size that these oaks will be placed in, but appear to be smaller than a standard parking space. Staff recognizes that this particular lot does not have high visibility from Lee Road or Orlando Avenue, but feels that additional effort should be made for landscaping.

PLANNING STAFF RECOMMENDATION:

1) Resubmittal of the parking lot and landscape plans to the Urban Forestry department. Upon concurrence, the project may move forward, but if there is a disagreement concerning the revised plans, the plans must be brought back to DRC for resolution.

Master Developer, Dan Bellows, spoke for Benjamin Partners, LTD. He presented drawings to the Board that showed the existing landscaping the parking lot and what landscaping he was looking to change and/or extend with the lot. He stated that he was not discarding any of the trees currently in the lot, they were only being moved from area to another. He also agreed that he has no issue with the condition that he walk the lot with Urban Forestry to review the landscaping prior to any construction on the lot.

George Wiggins asked Mr. Bellows what type of trees and shrubbery would be added to the lot. Mr. Bellows stated that the trees would be Live Oak and Poto Carpus for the hedges along the backs of the sidewalks.

No one else wished to speak. The public hearing was closed.

Motion made by Dori Stone, seconded by Troy Attaway for site plan approval for an 88 space surface parking lot located within Block C of Ravaudage, further described as 989 Lewis Drive and 970, 1000 and 1008 Loren Avenue.

Motion carried unanimously 5-0.

Date of next meeting: June 21, 2017, 9:00 a.m.

There was no further business. Meeting Adjourned at 3:26 p.m.

Respectfully submitted,

Kim Breland,
Recording Secretary