Chairman Alday called the meeting of the Planning and Zoning Commission to order at 7:00 p.m. in the Commission Chambers of City Hall, 401 Park Avenue South, Winter Park, Florida.

Present: Chairman Tom Alday, Rick Swisher, John Stevens, Patrick Doyle, and Drew Krecicki. Absent: Vice-Chair Margie Bridges. Staff: Planning Director Jeffrey Briggs, Sr. Planner Stacey Scowden and Recording Secretary Lisa M. Clark.

Approval of Minutes

Motion made by Mr. Stevens, seconded by Mr. Doyle to approve the minutes from the January 9, 2007 public hearing. Motion carried unanimously with a 5-0 vote.

PUBLIC HEARINGS

ZMA 1:07  Request of the City of Winter Park to amend Chapter 58 “Land Development Code”, Article III, “Zoning” so as to amend the Official Zoning Map so as to establish General Commercial (C-3) District zoning on the properties on Fairbanks Avenue, Kentucky Avenue, Clay Street, Cherry Street, Harold Avenue, Jackson Avenue, Nicolet Avenue and Granada Drive and to establish Single Family (R-1A) District zoning on properties on Kilshore Lane, pursuant to the annexations of these properties effective on June 1, 2003, more particularly described herein, providing for consistency with Orange County zoning, providing an effective date.

ZTA 1:07  Request of the City of Winter Park to amend Chapter 58 “Land Development Code”, Article III, “Zoning” within Section 58-75 “General Commercial (C-3) District” so as to revise and modify the list of permitted and conditional uses and to amend and revise the site development standards and amending within Section 58-86 “Conditional Uses” so as to revise the expiration dates for conditional uses, providing an effective date.

Mr. Briggs announced that there will be a combined public hearing on these two items. He stated that the process began with the annexations along West Fairbanks in 2003. He added that the City has been working on the aesthetics of Fairbanks Avenue for quite some time. He said that these ordinances are intended to implement policies of the City’s new Comprehensive Plan and involve three changes to the zoning rules for properties zoned C-3. He stated that the proposed ordinance changes the list of permitted uses to eliminate any new locations for tattoo/body art businesses, fortune telling businesses and pawn shops; prohibits new locations for new or used car sales (except in the northwest quadrant of the City (17/92/Lee Road) per the Comp Plan. He said that existing car sales businesses may continue,
but if closed for more than 30 days, they cannot reopen. He said that it also establishes a 25-foot street front (south side) and 15 foot street (north side) front setback on Fairbanks Avenue for new buildings in order to allow room for pedestrian safety design, future streetscape and under-grounding of electric and other utilities.

He said that the second ordinance establishes city zoning on the annexed properties along or near West Fairbanks Avenue that were annexed on June 1, 2003. Staff recommended approval of the proposed ordinances.

Mr. Frank Hamner, 1011 Wymore Road, represented the Holler Family. He requested that the time be changed to 60 days to allow reasonable extension of car sales businesses that transition from one owner to a new owner without going thru the variance process.

Mr. Dave Pitt, 1492 Fairbanks Avenue, (Tennis Garage) stated that he agrees with the comments made by Mr. Hamner as they also relate to car repair businesses.

Mr. Don Gallagher, 631 West Morse Boulevard, spoke concerning setbacks. He said that he is concerned that the increased setbacks could take away valuable land that may be crucial for needed square footage and/or required parking.

Mr. Steve Mazzy, 1701 West Fairbanks Avenue, (Triangle Auto Parts) gave his concerns regarding the 30 day time period and also requested that the time be extended for 60 days.

Ms. Dana Harris, 533 West New England Avenue, representing the Sydgan Corporation expressed concerns about the new rules and the negative impact that they would have on property values. She said that she feels that the proposed ordinance inadvertently takes away property owner rights.

Ms. Mary Randall, Kentucky Avenue supports the greater setbacks along Fairbanks Avenue and restrictions on the car lots and other business types that detract from the area's re-development.

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

The Board members briefly discussed the proposed ordinance. Consensus of the Board members was to amend the C-3 ordinance to allow 60 days instead of 30 days for the expiration of conditional uses for business types such as car sales and car repair businesses. Staff clarified that the existing code contains an appeals process to the City Commission for additional time if some special case or circumstance occurred. Consensus of the Board was also to amend the front setback on the south side of Fairbanks from 25-feet to 20-feet since it was consistent with the Miller/Sellen plans and 25 feet might encourage the design of street front parking lots.

**ZMA 1:07**

Motion made by Mr. Krecicki, seconded by Mr. Doyle to approve the proposed ordinance amending the general commercial (C-3) district zoning rules as presented by staff with modifications to amend from 30 days to 60 days the time limit for expiration of conditional uses with the understanding that the existing code allows appeals to the City Commission for extensions to the time limits based on special circumstances and to amend the front setback on the south side of Fairbanks from 25-feet to 20-feet. Motion carried unanimously with a 5-0 vote.

**ZTA 1:07**
Motion made by Mr. Doyle, seconded by Mr. Swisher to establish city zoning in the west Fairbanks general area for the properties annexed June 1, 2003. Motion carried unanimously with a 5-0 vote.

CU 4:07 Request of Mr. Peter Bui (Viva Nails and Spa) for Conditional Use Approval for a nail salon and spa in the Central Business District at 316 Park Avenue North, zoned C-2.

City Planner Jeffrey Briggs explained that the applicant is requesting approval to utilize the property at 316 North Park Avenue as a nail salon and spa. He said that as a requirement of the C-2 zoning regulations, barber/beauty salons require conditional use approval. Mr. Briggs gave historical information concerning Park Avenue zoning and stated that the City’s goal has been to maintain the primary retail orientation on the first floors of the Park Avenue corridor. He said that the effect of this requirement has been to push new barber/beauty salons off prime Park Avenue frontage. He stated that the applicant has already signed a lease for the space from the owner, but was not informed by the building department that he needed conditional use approval. Mr. Briggs explained that the applicant submitted a letter of explanation to the Planning Department that outlines his business plan. Staff recommended denial of the request to be consistent with the code and Comp Plan policies. Staff voiced concerns that the approval of this request would signal to other hair/nail salons that Park Avenue retail space can be converted for their use. Mr. Briggs responded to Board member questions and concerns.

The applicant was present; however, he did not address the Board. No one wished to speak concerning the request. Public Hearing closed.

Consensus of the board was to maintain the retail orientation of Park Avenue. They did not want to open the door for future requests similar in nature. They felt that this retail character issue had been discussed at length in many of the Comp Plan meetings and that was the consensus of the City.

Motion made by Mr. Stevens, seconded by Mr. Doyle to deny the request. Motion carried unanimously with a 5-0 vote.

MISC 1:07 Review of Windsong – Knowles Place final development hardscape and landscape plans.

Mr. Briggs stated that this item is for final development plan approval for hardscape and landscape plans for the Knowles Place subdivision which is located on the former Glenridge Middle School property. Mr. Briggs gave a brief update on the redevelopment of the subject property. He stated that streets along with all other utilities and infrastructure are in. He said that on February 8th, there was a neighborhood meeting with the residents of Timberlane Shores for the purposes of reviewing the general consistency with the original plans presented to the City at the time of the Preliminary Plat. He stated that the plans submitted by the applicant generally fulfill the promises, and are consistent with the original plans. Staff recommended approval subject to the following conditions:

1. The park fountain feature has been moved from the north end of the park to the south end. This is a good idea that makes the attractive feature more visible and moves that activity point away from the two adjacent single-family abutting to the north.
2. Knowles Place entrance columns are shown located in the public park areas. Those need to be eliminated with exception of any small single columns in the corners adjacent to Lots 1 and 41.
3. Additional new landscape bushes need to be replanted along the Blue Ridge boundary to replace the old burnt out hedge line that exists today.
4. Confirming the inconsistency amongst the plans that a new sidewalk is planned along the western side of Timberlane Drive.
Mr. Alday announced that he lives in the neighborhood and attended the neighborhood meeting. He gave the Board members an update of the issues that were discussed at the neighborhood meeting. Mr. Jack Healan, 130 North Park Avenue, represented the Windsong Development. He reviewed the plans in detail and answered questions form the Board. The Board examined the plans and the verbal representations of modifications.

Mr. Tom McMacken, 1821 Shiloh Lane, spoke in favor of the request. He stated that he attended the neighborhood meeting. He requested that the applicant consider extending the new taper (right hand turn lane) back 95-feet to allow for a continuous right turn. He added that he feels that due to safety reasons, he feels that at some point, the City should consider closing Blue Ridge Road and this longer right hand turn lane will definitely be needed then.

The Board members generally expressed approval of the plans and the modifications that have been discussed. Mr. John Stevens expressed that he was not comfortable approving the request without getting the plan documents modified to show the changes agreed upon so that we have a clear set of approved plans and there is no misunderstanding in the future about what was approved and expected. The Board agreed to add this to their upcoming work session agenda on Feb. 28th.

Consensus of the Board was to table the request until the February 28th work session.

SITE PLAN REVIEWS

SPR 9:06 Request of M/M Dikeou for site plan review for new home construction at 900 Palmer Avenue on Lake Osceola.

Ms. Scowden stated at the applicant is modifying the plans and this item will be presented to the Board at the Planning Commission work session on February 28, 2007.

CU 6:06 Request to amend a condition of the final development plan approval for the Central Florida Breast Center, 13,888 square foot medical office building at 2240 Glenwood Drive.

Ms. Scowden stated at the November 14, 2006 meeting, the applicant came forward for final approval of landscape and architecture plans. She said that at that meeting approval was given with the condition that the light poles be replaced with low-lying bollard type lights to help address the concerns of the neighbors to the rear from light spill. She said that it has been brought to staff’s attention that the bollard lights do not meet safety lighting codes. She explained that the applicant is proposing a lower light pole of 12-feet versus the standard 25-feet in addition to a light system that reduces light output from 100% to 50% during non-business hours.

Staff recommendation was to approve the request subject to the new light pole design taking into consideration the safety and neighborhood concerns and based on discussions with staff at Lamm and Company Partners the perimeter lighting will be on a timer system that turns the lights off no later than 9 p.m.

Joshua, with Lamm and Company Partners was present to address questions and concerns of the Board. No one else wished to speak concerning this issue. Public Hearing Closed.

Motion made by Mr. Doyle, seconded by Mr. Krecicki to approve the request with the recommendation of staff. Motion carried unanimously with a 5-0 vote.

The Board further directed staff to look at the adopting lighting standards.
Mr. Tom McMacken addressed the Board on behalf of the Historic Preservation Commission. He stated that an issue has come before the HPC that they feel requires a review by the Planning Commission. He said that HPC needs direction for the brand new building on what type of land use would be permissible for the site that is located in the College Quarter Historic District.

Mr. Briggs briefed the Board members by informing them that the ORC report has been received and that review is currently underway. He also informed them of the initiative of the City Commission strategic plan to make City boards more effective. He distributed copies and asked them to complete in order to discuss at the next work session.

There was no further business. The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Lisa M. Clark,
Recording Secretary