Chairman Krecicki called the meeting was called to order at 7:15 p.m. in Room 200 of City Hall, 401 Park Avenue South, Winter Park, Florida.

PRESENT: Drew Krecicki, Rick Swisher, Patrick Doyle, Michael Dick, Sara Whiting and Carolyn Cooper. Staff: Jeffrey Briggs, Stacey Scowden, Lindsey Hayes, Caleena Shirley and Lisa Clark.

COMPREHENSIVE PLAN ADOPTION PUBLIC HEARING:

Joe Terranova, 700 Melrose Avenue, thanked the Board for their hard work concerning the comprehensive plan. He stated that he feels that the Board should recommend approval as indicated by staff. He expressed concern with issues that he has with regard to the residential floor area ratio. He elaborated on those concerns. He urged the Board to approve as recommended by staff and let the process play itself out and then respond any concerns received from DCA.

Mr. Briggs explained that this is the same comprehensive plan that the City Commission transmitted in August 2008 except for the modifications needed to satisfy the ORC. He explained that tonight is a three-fold process—one being to review staff suggested changes in response to the ORC; the second being to discuss the three items that were specifically referred back to the Planning Commission from the City Commission; and lastly for the Planning Commission members and the public to offer suggested changes and modifications to the document.

Mr. Briggs continued his explanation of the staff recommended proposed changes by in response to the Objections Recommendations and Comments Report (ORC) received from the Fl. Dept. of Community Affairs on November 7, 2008 as follows:

- School Concurrency and the Inter-local Agreement issues from Fl. Dept. Education
- Water Supply Plan issues from St. Johns (SJRWMMD)
- Environmental Protection issues from Fl. Dept. of Environmental Protection
- Transportation Element issues from F.D.O.T.
- Capital Improvement Element (CIP) issues from Fl. Dept. of Community Affairs
Citizen Public Comments and Questions

Peter Weldon, stated that he agrees with the comments made by Mr. Terranova with regard to FAR. He strongly opposed the supermajority vote provisions. He added that he does not feel that the new Comprehensive Plan will attract new commercial development into the City.

Lurline Fletcher, 790 Lyman Avenue, spoke concerning setbacks on New England Avenue, and expressed that she feels that there should be no more parking garages built. She also requested that when these type of issues come up, that notice is provided to the most affected property owners.

Steve Cook, represented Winter Park Towers, he addressed some minor housekeeping items with regard to policy 1.3.5.3, the buffer requirement for above-grade parking garages, asking for a specific distance. He suggested 35 feet.

LaJune Legon, 620 Northwood Circle, stated that her major concern is height restrictions and parking garages. She also requested that notice be provided to the most affected property, so that they have an opportunity to provide input.

Donna Colado, addressed policy number 1.3.8.11. She explained that she wanted to be sure that as written, it does not set the City up for a legal challenge.

Sally Flynn, 1400 Highland Road, spoke concerning the maximum FAR issue. She stated that she feels that keeping the FAR at 38% or less maintains the charm of neighborhoods. She requested that the provision remain in.

Jack Rogers, 1002 Temple Grove, spoke concerning the New England Future Land Use item, building setbacks, and height limitations. He recommended eliminating drive-in facilities west of Virginia Avenue.

Dan Bellows, 533 West New England Avenue, explained that he feels that the focus of the discussions should be on the Comprehensive Plan and not zoning issues. He spoke concerning the history of the New England Avenue block in question. He explained that it was always the intention of the then City Commission and CRA Board for all four blocks to be the same. He added that he is strongly opposed to the super majority vote. He requested that the designation be “pink”.

Harvey Romano, represented the owners of 401 West New England Avenue. He explained that the current designation is red and the owner requests pink. He added that he agrees with the comments made by Mr. Bellows.

No one else wished to speak concerning this item. Public comments closed.

Height Limit within the Central Business District

Planning Director Jeffrey Briggs stated that this item was referred back to the Board for a recommendation regarding maximum height/stories within the Central Business District. He explained that the issue was whether this policy was intended to apply to just the commercial/office properties within the CBD or to include residential properties as well.

As had been discussed at the Planning Commission work session, it was the consensus of the Board that this policy should be applied uniformly to all non-residential and residential properties.
within the designated Central Business District. On all such properties, buildings would be permitted to be two stories up to 30 feet in height and as a conditional use (approved by four votes of the City Commission) up to three stories and 40 feet of building height. The third floor potential would not apply however to any property designated with a two-story height limit on the maximum height map or to the five properties zoned R-2 on the west side of Interlachen Avenue currently limited to two stories. The policy was amended to read as follows:

Policy 1-3.2.2: Maintain the Character and Vitality of the CBD Environs. The City shall maintain the character of the Central Business District (CBD), including the Park Avenue Corridor as one of the premier downtown retail shopping districts in Florida, by reinforcing attributes that underlie its ambiance and special character, including its pedestrian scale, the relationship of its buildings and their orientation to the street, the eclectic mix of architectural styles, the open space vistas of Central Park, and the predominance of small distinctive specialty shops. This Comprehensive Plan shall imposes a two-story and 30’ height limit throughout the Central Business District for any property designated non-residential as depicted on the Winter Park Central Business District Boundary Future Land Use Designated Area map located in the Definitions section of this Comprehensive Plan. These height restrictions may be exceeded increased to a maximum 3 stories and a 40’ height limit if the development is approved by a supermajority vote (four votes) by the City Commission as a conditional use and conforms to the maximum height map. Third floors approved by conditional use in the Central Business District must be setback on street frontages equal to their height of a one foot setback for each one foot height of the third floor. Properties designated low density residential, and other properties identified as limited to two stories on the Maximum Height Map are not candidates for the 3 story and 40 foot height Conditional Use. The maximum floor area ratio within the CBD shall include private parking garages which are either at grade or elevated in calculations of floor area. Subterranean parking garages and public parking garages may be excluded from floor area calculations by the City Commission.

Motion made by Mr. Krecicki, seconded by Mr. Doyle to approve the policy as amended. Motion carried unanimously with a 5-0 vote.

Definition of Public versus Private Parking Garages

Mr. Briggs explained that this item was referred back for a recommendation on the definition of public and private parking garages.

After a lengthy discussion, the Board reached the consensus that public and private parking should remain distinct. The Board discussed options for dual usage of public/private parking garages with the public usage at certain days/times and the private usage on alternating days and times. The Board also felt that it would be too confusing to determine how to calculate those exemption percentages. The policy was amended as follows:

Public Parking Garage – Parking that is owned, leased or controlled on a long-term basis by the City of Winter Park. Public parking garage space and floor area may be excluded from the maximum floor area ratio calculation by the City Commission if such parking space (s) and floor area is Public parking must be open and available to the public, or public employees and or utilized for municipal civic purposes. Public parking may not be designated to satisfy land development code parking requirements for privately owned properties.
Private Parking Garage – Any parking structure, above grade, within which parking is provided as required by the parking requirements of the Land Development Code to meet the code requirements for the private (non-public) use of building space, be it for retail, office, restaurant, residential uses, etc. This floor area of the private parking space is counted toward the floor area ratio. Regardless of the fact that the “public” uses the parking garage spaces as customers, clients, residents, visitors, or employees if the parking floor area is necessary to meet the code requirements if it is defined as private parking. However, in any circumstance where a building project provides parking in excess of code requirements and such parking is open and available to the public without restriction, that pro-rata share of the parking garage floor area may be excluded from the floor ratio defined as public parking if approved by the City Commission and deed restricted. The City Commission may also exempt define city owned pro-rata share of a public/private parking garage as public parking floor area if undertaken as a public/private parking garage then the public portion of such floor space may be exempted. The City Commission may also exempt private parking from the floor area ratio if the City obtains the public usage of private parking spaces after normal business hours (nights/weekends) through a joint ownership, long term easement or license agreement for the term of existence of the parking structure.

Motion made by Mrs. Whiting, seconded by Mr. Doyle to approve the policy as amended. Motion carried unanimously with a 5-0 vote.

New England Avenue (generally from Virginia to New York Aves.) - Commercial (red) to Central Business District (pink)

Mr. Briggs explained that the City Commission referred this item back to the Planning Commission for a recommendation on whether the Future Land Use designation for the properties fronting New England Avenue from Virginia to New England Avenues was appropriate. He explained that the choices were between Commercial (red), current designation, or change to Central Business District (pink). He noted the Planning and Zoning Commission had a work session on October 1, 2008 and held other special public hearings on November 19, 2008 and January 6, 2009 to discuss the issue and obtain public comment from affected property owners and neighbors. He added that based upon the Planning Commission discussions, the following three options were considered:

1. Keep the Comprehensive Future Land Use designation as Commercial (red) as it has been since 1995.
2. Change the Comprehensive Plan Future Land Use Designation to Central Business District (pink).
3. Agree to CBD “Lite”.

He explained that if the Planning recommended option #1, this would allow the City to establish either C-3 or C-3A zoning but does not permit C-2 (CBD) zoning without a Comp. Plan change. Further the applicable maximum floor area ratios are 45% if all future development is non-residential and up to 60% if residential units are included. With regard to option #2, he explained that this change would allow the granting of C-2 (CBD) zoning consistent with the C-2 zoning of New England Avenue between Pennsylvania and Virginia Avenues and the applicable maximum floor area ratio is 200%.

He said that if the Board were to agree to recommend CBD “Lite”, this would keep the Comprehensive Plan Future Land Use designation as Commercial (red) but another policy
would be added to the Comprehensive Plan to allow greater future development intensity based upon the following:

a. No parking garages would be permitted and a maximum 100% FAR.
b. The street front setback would be a minimum and maximum of 10 feet.
c. The redevelopment plans would require rear alley access out to Virginia Drive or provisions shall be made for that rear alley access to be phased in over time as the properties individually redevelop.
d. The maximum building length shall be 125 feet before a 15-foot separation is required to create a separate building.
e. The redevelopment plans on the north and south side of New England Avenue would require a 50-foot rear setback from the center lot line of the block as a buffer protection to adjacent residential properties. The 50 feet also provides room for parking along the alley as outlined above.
f. A one-foot setback for each one foot of floor height for any third floor and building corner visibility setbacks as deemed necessary.

The Board members discussed the pros/cons of this issue at length. Consensus of the Board to approve CBD “Lite” subject to the provisos above and request a determination from the City Attorney with regard whether an “enhanced” red determination or a “restricted” pink designation was the best legally preferred method. The Board also agreed to designate 401 West New England Avenue as CBD (pink) as it was the only parcel that did not have the Central Business Designation in that block.

Motion made by an unidentified male voice, seconded by a separate unidentified male voice to accept the third alternative (including items a thru f) and direct staff to request a determination from the City Attorney with regard to the appropriate method either enhanced (commercial/red) or restricted (CBD/pink) designation prior to the February 3, 2009 regular meeting of the Planning Commission. Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Doyle, seconded by Mr. Dick to designate 401 West New England Avenue as Central Business District (pink). Motion carried unanimously. Motion carried unanimously with a 5-0 vote.

The Planning Commission members then discussed other policy and text issues as discussion topics from each individual commissioner. Each commissioner raised questions to clarify policy intents and text. Considerable discussion ensued with respect to varied topics and policies. Staff provided explanations for each and discussion ensued on the various topics. Several text modifications were approved that did not change the meaning, intent or application of policies but were important text changes to make the policy more understandable, more clearly express the intent or improve the wording. Following that discussion, the following action was taken.

Motion made by Mr. Doyle, seconded by Mrs. Whiting to recommend approval of the Comprehensive Plan and to recommend adoption of the elements with the wording changes offered by the Planning Commission. Motion carried unanimously with a 5-0 vote.

The meeting adjourned at 10:50 p.m.

Respectfully submitted,

Lisa M. Clark
Recording Secretary.