CITY OF WINTER PARK
Planning & Zoning Commission

Regular Meeting
Commission Chambers

MINUTES

April 14, 2009
7:00 p.m.

Present: The meeting was called to order by Mr. Krecicki at 7:00 p.m. in the Commission Chambers of the Winter Park City Hall.

Present: Chairman Drew Krecicki, Vice-Chairman Rick Swisher, Patrick Doyle, Michael Dick, and Sarah Whiting. Carolyn Cooper was absent. Staff: Planning Director Jeffrey Briggs, Sr. Planner Stacey Scowden, Planning Technician Caleena Shirley, and Recording Secretary Lisa M. Clark.

Approval of minutes – February 3 and 25, 2009

Motion made by Mr. Dick, seconded by Mr. Doyle to approve the February 3, 2009 meeting minutes as amended. Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Dick, seconded by Mr. Krecicki to approve the February 25, 2009, meeting minutes. Motion carried unanimously with a 5-0 vote.

Site Plan Reviews

CU 11:08 Review of landscape plan for Fields Motor Cars of Florida, Inc., on the 2.6 acre property at 951 North Wymore Road (former Park Inn Motel), zoned C-3.

Planning Director Jeffrey Briggs presented the staff report. Mr. Briggs summarized the issues surrounding this request. He explained that the conditional use request was approved by the City Commission on 12/8/09 with the condition that the landscape plan be brought back to the Planning Commission for final approval prior to building permit finalization. He also noted that Commissioner Dick and Planner Stacey Scowden met with the applicant on site in order to get feedback and propose options to removing the trees on the north side of the property. He summarized what transpired at the 2/3/09 meeting. He explained that at that meeting, it was decided that the oak trees on the north end of the property could be removed, with the applicants paying into the City’s tree compensation program in addition to a few other “tweaks” to the plan. He added that staff again met with the applicant on site on 3/23/09 in an effort to work through some of the other options offered by Commissioner Dick and staff. He briefly summarized that on-site meeting. He added that as a result of that meeting, the applicant agreed to pay a fee-in-lieu of payment as a part of the building permit costs. Staff recommended approval of the final landscape plan. Mr. Briggs responded to Board member questions and concerns with regard to tree compensation.

Mark Adams, 429 South Keller Road, Ste. 200, Orlando, Florida, represented the applicant. He explained that they are in agreement with staff recommendations. He stated that he feels that they have worked extremely hard to incorporate board member concerns into the landscape plan. He responded to Board member concerns with regard to replacement and compensation on the property.
No one wished to speak concerning this item. Public Hearing closed.

Commissioner Cooper expressed her concerns about the approval granted last month to remove the existing oak trees along the northern portion of this property. Discussion ensued about a presentation that was received from the applicant's arborist detailing the poor health and condition of the trees and the impacts that the construction and fill would have on their survival. Notwithstanding those comments, Commissioner Cooper expressed regret with that decision and requested that the City's arborist weigh in on their opinion in future situations. Mr. Dick explained his rationale for the previous decision and emphasized that as the P&Z representative on the tree preservation board he only have approved the removal of the trees given the unique situation that was presented; however, he stated that he feels that the plan as submitted is unbalanced and that there should be at least two oak trees or other shade trees on the north half of this property to properly balance the number of shade trees that will be on the south half both in the parking lot and around the retention area. Commissioner Whiting questioned whether credit is given for the new understory trees to be planted, such as the ilex trees when the intent of the ordinance is to replace shade trees with new shade trees. The staff was uncertain as to that answer. However, the applicant is required to pay the fee-in-lieu of compensation based on the City’s tree ordinance regardless of the quantity specified on their landscape plan or in the staff report. He provided some suggestions to the applicant as to how to balance the landscaping in the future. Additional discussion ensued regarding aspects of the landscape plan including the potential for a new shade tree in the landscape island at the entrance off Wymore Road. Site conditions and drainage was also discussed in detail.

Motion made by Mr. Dick, seconded by Mr. Doyle to approve the landscape plan with the condition that two additional oak trees (6” each) be added to the landscape islands in the north half of the parking lot and that one additional oak tree (6”) be added to the landscape island at the parking lot entrance. Motion carried unanimously with a 5-0 vote.

The landscape plan contained 52” of understory trees proposed as replacements. As understory trees only count as one-half of the inches proposed only 26” qualifies as replacements. The condition approved by the Planning Commission requires an additional 18” of new trees. Thus, the net inches removed are 232 inches and the tree compensation fee to be paid is $25,520 at $110 per inch.

Public Hearings

ZTA 4:09 AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO AMEND SECTION 58-81 "OFF-STREET PARKING AND LOADING REGULATIONS" SO AS TO MODIFY THE PARKING REQUIREMENTS FOR COMMUNITY CENTERS AND LIBRARIES.

Planning Director Jeffrey Briggs presented the staff report. Mr. Briggs stated that the proposed ordinance will update the zoning code as relates to the parking requirements for the Library and Community Center. He reviewed existing codes requirements. Mr. Briggs gave an overview of the parking study submitted by Walker Parking Consultants which was intended to look at the realistic parking needs of the proposed expansion of the Library and to examine the potential of a joint parking venture with the JW Marriott Hotel project which is no longer proposed. Mr. Briggs reviewed the history of the existing library. He said that staff recommends one parking space for each 375 square feet.

Mr. Briggs also discussed the community center parking analysis. He reviewed the history of the existing community center building. He also briefly reviewed the specifics of the parking analysis conducted by Moore and Associates. Staff recommended one parking space for each 350 square feet. Mr. Briggs responded to Board member questions and concerns.
No one wished to speak concerning the item. Public Hearing closed.

The Board agreed to discuss the Library first and come to a conclusion and the move onto the Community Center issue. Considerable discussion ensued concerning the Library parking requirement. Members offered their observations that the existing parking (one per 360 square feet) was adequate most times but they have visited the Library when no parking was available. Commissioner Doyle stated that from his experiences current parking is not adequate so he was not in favor of relaxing the parking requirement at this time. Comm. Cooper passed out a survey that she had undertaken to look at Jacksonville, Maitland and Orlando’s parking requirements contrasted with the City’s. That survey tended to be in line with the proposal by the consultant. After additional discussion, the Board agreed to support the change to 1 space for every 375 square feet.

Motion made by Mrs. Whiting, seconded by Mr. Dick to approve with one space per every 375 square feet. Motion carried with a 3-2 vote. (Mr. Doyle and Mr. Swisher voted against the motion).

Commissioner Cooper stated that she was not in support of relaxing the community center parking requirements because the survey showed other cities generally in line with our current parking requirement. She stated that we needed to look at the use of the gymnasium and swimming pool in particular for the parking needs for those facilities. Commissioner Whiting expressed her opposition to changing the parking requirement especially recognizing that the swimming pool is intended for all city residents and there may be as many as 100 people using the swimming pool. Additional discussion ensued with the Board concerning the use of off-site parking and whether the existing restaurants and businesses were already in fact using those parking spaces. Commissioner Cooper explained about the parking exclusion area for Hannibal Square and how that has created a parking deficit. Commissioners Dick and Krecicki also expressed concern about inadequacies of the parking. The consensus of the Board was to address this matter together with the review of the community center project when it would come back on the Planning Commission agenda next month on 5/5/09.

Motion made by Mr. Krecicki, seconded by Mrs. Whiting to amend the Library parking requirement to one space per every 375 square feet and to take no action on the community center. Motion failed with a 3-2 vote.

Then after additional discussion the Board recognized that no additional action was necessary (given the earlier motion on the Library) for this item to be revisited on next month’s agenda.

CP 2:09 AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE I, “COMPREHENSIVE PLAN” SO AS TO ADOPT NEW PROCEDURES FOR AMENDMENTS AND ADDING A PUBLIC PARTICIPATION PLAN.

Mr. Briggs announced that the item has been withdrawn from the agenda for tonight’s meeting.

New Business

Mr. Briggs updated the Board members on the following items of new business:

On April 2, 2009 the City received a letter from the Florida Dept. of Community Affairs indicating that the Comprehensive Plan submission was deemed sufficient and their review period was to commence. The letter further states that the Department will issue their “Notice of Intent” (which is to find the Comp. Plan either in compliance or not-in-compliance) by May 14, 2009. Assuming their finding is that the Comp. Plan is in compliance there follows a 30 day appeal period after which the Comprehensive Plan is officially adopted and in full force and effect. So by June 14, 2009 the new Comprehensive Plan is expected to be official.
Comprehensive Plan Amendments/Rezoning:

Technically right now (despite what Dan Bellows says) we do not have any formal and complete/sufficient rezoning/comp. plan change applications. However we know some are in the offing awaiting the Comp. Plan acceptance.

These would include the YMCA expansion request and the WP Towers expansion request. The earliest we see these coming to the City Commission are September 2009 given the city-wide notice requirements and the fact that we are not going to start the amendment process until everything is absolutely final with the Florida Dept. of Community Affairs.

The planning staff is not sure what Sydgan/Dan Bellows is planning but at one time he wanted comp. plan changes and rezonings for the land on the south side of New England Avenue, (between Ewing Noble Bldg & Virginia); comp. plan/rezoning for the (hotel?) site on the vacant NE corner of Morse Blvd/Penn. and comp. plan/rezoning for more residential density on the vacant Symonds Avenue properties back behind the existing parking garage at Morse/Penn.

We may also get an application from the Don Casto group on the DMV property for a hotel project but they do not have any hotel partner and operator signed up at this time.

At least for the time being, Mr. Ammerman and the Doctor's group have postponed any rezoning request for the 1605 W. Fairbanks/Lake Killarney property.

Land Development Code/Zoning Code Updates:

Many of the policies of the Comprehensive Plan state that “within one year after adoption of the Comp. Plan…….” the City shall adopt certain land development code updates and revisions. The reality is that the City cannot wait a year to do these revisions. We need to get the land development code/zoning code updated as soon as possible to be in conformance with and consistent with the new policy directions of the Comprehensive Plan.

The planning staff has been spending a lot of time researching other zoning codes and looking at the regulations from other cities. Staff has also have almost finished a draft of the Zoning Code update. We expect to deliver that draft to the Planning Commission within one week. The draft incorporates all of the changes to the Zoning Code needed to implement the new Comp. Plan.

At the same time, George Wiggins is looking to coordinate with the Planning Commission on prospective changes to the single family zoning regulations as the follow up to the Norrie Winter report.

Fortunately, the slowdown in development applications gives the staff and the planning commission the opportunity to devote time to the code update process. We envision a schedule with lunch work sessions every two weeks once we get you the draft next week. Actually the updates per the Comp. Plan will not be as hard as the single family regulation changes. In the context of the Comp. Plan changes, the City has already decided what to do. Now it is just getting the correct words into the zoning code. We are less sure of exactly what needs to be done to improve the single family development regulations, so that is open to more discussion.

Ms. Cooper asked if an official ruling had been received from the City Attorney regarding alternates being able to make motions. Mr. Briggs responded that there had been a determination made.

Upcoming Meeting Schedule

- April 29, 2009 - Planning Commission work session
- May 5, 2009 – Regular Planning Commission meeting
- May 27, 2009 – Planning Commission work session - TBD

Respectfully submitted,

Lisa M. Clark,
Recording Secretary