Regular Meeting
Commission Chambers

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, Michael Dick, and Carolyn Cooper. Sara Whiting was absent. City Attorney Nikki Van Hook was also present. Staff: Planning Director Jeffrey Briggs, Sr. Planner Stacey Scowden, Planning Technician Caleena Shirley, and Recording Secretary Lisa M. Clark.

Election of Chair and Vice-Chair

Motion made by Mr. Dick, seconded by Mrs. Cooper nominating Mr. Krecicki as Chairman. Motion carried unanimously with a 4-0 vote.

Motion made by Mrs. Cooper, seconded by Mr. Dick to nominate Mr. Swisher as Vice-Chairman. Motion carried unanimously with a 4-0 vote.

Approval of minutes – July 1, 2009

Motion made by Mr. Dick, seconded by Mrs. Cooper to approve the July 1, 2009, meeting minutes. Motion carried unanimously with a 4-0 vote.

Public Hearings

Request of the City of Winter Park to amend Chapter 58, “Land Development Code”, Article III, “Zoning” so as to adopt an entire new Article III, “Zoning” so as to implement the new development standards and policies of the Comprehensive Plan adopted on February 23, 2009 including revisions and additions to the zoning districts, changes to the permitted and conditional uses within all zoning districts, changes to district development standards, maximum heights, parking requirements, permitted and conditional uses, provisions for nonconforming uses and establishing an effective date.

Planning Director Jeffrey Briggs presented the staff report. He explained that the proposed document contains the Zoning Code changes necessary to implement the new policy directions of the Comprehensive Plan adopted by the City Commission on February 23, 2009. He summarized is as follows:

1. Added a new zoning code section putting the Maximum Height Map into the zoning code. Reference to the Maximum Height Map is included in all the applicable zoning districts (R-4, O-1, O-2, C-1, C-2, C-3, C-3A, PD 1, PD 2, I-1, PQP).
2. Added two new zoning code districts to create the new Planned Development (PD 1 and PD 2) zoning districts.
3. Added the new FAR’s (45%-60%) and the maximum density of residential units to the applicable zoning districts.
4. Added new rules for building residential units in the office and commercial zoning districts to permit them only above the ground floor and make all such mixed use buildings a conditional use.
5. Added the disclaimer that the FAR’s are not an entitlement in all zoning districts.
6. Added new height limits, in feet: (30 feet/2 stories; 42 feet/3 stories; 53 feet/four stories; 65 feet/five stories and 95 feet/up to eight stories) except for CBD where it is 40 feet/3 stories.
7. Added new parapet height limits (3 feet vs. 5 feet currently), mechanical/elevator towers (10 feet) and architectural appendages (8 feet-new limit) in addition to permitted heights, except in R-3 and O-2.
8. Added vertical and horizontal articulation requirements for building facades in the non-residential zoning districts.
9. Added regulations for the CRA/Hannibal Square Neighborhood Commercial District (third floor must be deed restricted residential) and added the special FAR (100%) for the properties on New England Avenue between Virginia and New York Avenues, subject to the specific design standards and approved by the P&Z/City Commission.
10. In the C-2 (CBD) zoning district, revised the purpose and intent including a geographic limitation for the use of C-2 zoning, revised the permitted uses, added the four city commission votes needed for approval of a third floor, added a maximum residential density, added the terracing setback requirement for third floors, clarified the vertical zoning rules and exceptions and clarified the restaurant rules.
11. Eliminated the interior courtyards as counting toward the pervious coverage for multi-family residential projects in the R-3 and R-4 districts unless visible from the street.
12. Added affordable/workforce housing density incentives to the general provisions.
13. Policy prohibitions on circumstances where rezonings and certain variances are prohibited have been added to the code.

David Lamm, 1250 Alexa Drive, addressed the Board concerning the proposed changes to the Land Development Code. He stated that he feels that given what the issue being considered is, a City-wide notice should have been done. He said that he respects the time that the Commission has spent on reviewing the changes to the Land Development Code, but stated that he feels that the process is the same flawed process that residents have complained about for the last few years. He detailed his concerns with regard to the lack of public input during the re-writing process, no presentation, no abstract summary of the proposed changes. He said that he feels that the public does not know the extent of how this will affect them or their property, that there are more questions than resolutions, more contradictions that clarifications. He also inquired as to whether the services of a professional planner and land use attorney have been sought to analyze the proposed changes; if the proposed land development code has been cross-referenced with the old land development code; and whether it has been tested for Burt Harris or inverse condemnation. He added that he feels that the more restrictive policies of the comprehensive plan are being implemented with this code. He also discussed his concerns with height restrictions, non-conforming uses and redevelopment incentives.

Dan Bellows, 533 West New England Avenue, spoke in opposition to the proposed changes to the Land Development Code. He expressed concern with the public notice process of this particular hearing and stated that he totally disagrees with the staff position concerning this item. He said that he does not feel that the proposed changes are a benefit to him as a commercial property owner and that they will create an economic hardship for him. He detailed his concerns with the R-3 bed and breakfast issue, the two-story height east of Denning, C-2 restrictions of a 3rd floor and the C-3A setbacks.

Rick Baldocchi, 2301 Forrest Road, stated that he feels that some of the proposed changes are confusing. He encouraged the Board to slow down a bit and have more workshops with architects, engineers, land use attorneys to see if this is the right go as a City.

Gene Randall, 1285 Richmond Road, said that he feels that more than enough workshops have been held to discuss the proposed changes to the Land Development code and feels that the Board should continue forward in the process of getting approval.

No one else wished to speak concerning this issue. Public Hearing closed.
The Chairman opened the item for discussion by the Board members.

Motion by Drew Krecicki, seconded by Carolyn Cooper to approve the new Land Development Code and Zoning Code amendment ordinance subject to incorporation of the revisions discussed and approved by the Planning Commission at our August 11, 2009 work session and subject to further amendments discussed this evening to include:

- Clarification that the new code reflects that 3 story/40 ft maximum height in CBD and requirement for conditional use approval.
- Clarification that in the new code that variances or approvals in the CBD for more than 3 stories are prohibited.
- Clarification in the new code that properties designated in the CBD as limited to two stories on the Maximum Height Map are not candidates for the 3 story and 40 foot height Conditional Use in the CBD.
- Clarification that the Height Map restrictions apply to R-4 in the CBD.
- Amendment to the code to require all PD application packets to comply with submittal and procedural requirements for Conditional Uses and additions to PD text to include requirement that applicants demonstrate how all criteria from Comp. Plan (A through S) are satisfied.
- Addition to the code that the 30% applies to the maximum cumulative roof area of all architectural appendages as opposed to any one individual element”.
- Amendment of the definitions of FAR and Gross Floor Area to be consistent with the Comprehensive Plan definitions.
- Addition of a maximum building lot coverage to all zones (45%/60% FAR)
- Staff to ensure dumpster enclosures are covered either in landscape code or in this code, and
- Delete in C-2 district Sec 58-75(a) sentence “potential candidates for C-2 zoning”.

Commissioner Cooper added that some Code updates yet to be addressed include a review of the Conditional Use text section in the zoning code and updates pursuant to the Comp. Plan policies for Subdivisions and Lot Consolidations. There was consensus from the Board on these topics and agreement to focus next month on the Conditional Use text update.

The Motion was then approved unanimously by a 4-0 vote.

Request of the City of Winter Park to amend Chapter 58 “Land Development Code”, Article II, “Concurrency Management Regulations” so as to revise the “Concurrency Management Regulations” to implement the new levels of service and concurrency management policies of the Comprehensive Plan adopted on February 23, 2009 and establishing an effective date.

Planning Director Jeffrey Briggs presented the staff report. He explained that this ordinance proposes to update the Concurrency Management Regulations in our Land Development Code (Article II) to implement the policies in the newly adopted Comprehensive Plan.

There are just three types of changes in this ordinance as follows:

1. Addition of school concurrency which is new since 1991 and the City needs to add provisions that address that new feature.
2. Modifications required by changes in the Transportation Element that was originally focused solely on traffic concurrency and now must reflect all modes of transportation. Staff had our consultant who authored the new Transportation Element to go through the existing concurrency regulations and suggest updates. Now the text reflects the “transportation network” meaning traffic, transit, bicycle, etc. and there are new references to improvements that may be required by developers that encompass all modes of transportation. We also clarified the responsibility of applicants to fund the necessary impact studies. There are no other substantive changes.
3. Eliminated references to DRI’s since they no longer exist pursuant to Senate Bill 360.

Staff recommended approval of the proposed ordinance. Mr. Briggs responded to Board member questions and concerns.
No one wished to speak concerning this item. Public Hearing closed.

Motion by Carolyn Cooper and seconded by Michael Dick to approve the new Concurrency Management Regulation ordinance subject to the amendments discussed to include:

- Ordinance will re-establish and maintain the current text for DRIs and delete all transportation changes shown in the ordinance since the City will need to re-visit and re-adopt the City’s transportation concurrency policies in light of Senate Bill 360. Amendment approved will include school concurrency, water and sewer LOS consistent with the Comprehensive Plan.

The Motion was then approved unanimously by a 4-0 vote.

There was no further business. Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Lisa Clark,
Recording Secretary