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

Present: Vice-Chairman Rick Swisher, Michael Dick, Sarah Whiting and George Livingston and .

Absent: Chairman Drew Krecicki, and Wendell Hays.

Staff: Planning Director Jeffrey Briggs, Sr. Planner Stacey Scowden, Planning Technician Caleena Shirley and Recording Secretary Lisa Smith.

Approval of minutes: September 7, 2010

Motion made by Mr. Dick, seconded by Mr. Livingston to approve the September 7th meeting minutes as amended. Motion carried unanimously with a 4-0 vote.

Mr. Hayes entered the meeting at 7:05 p.m.

PUBLIC HEARINGS:


Planning Director Jeffrey Briggs presented the staff report. He explained that the applicant; W F G Ltd. is making a request for a portion of the overall tax roll parcel of 655 W. Morse Blvd. to construct a new three-story, 36,360 square foot commercial, office and residential building on the vacant property, zoned C-2, at the SW corner of Pennsylvania and Symonds Avenue to be addressed and referred to for this conditional use as 171 N. Pennsylvania Avenue.

He reviewed the prospective plans for the proposed project that depicts a three-story mixed use building at 171 N. Pennsylvania Avenue. The total building size is 36,360 sq. ft. The building is proposed to have a basement level of 9,120 square feet which would be fully functional as office or commercial space. The first and second floors of the proposed building are also to be commercial or office space with 9,120 sq. ft. per floor. The third floor of 9,000 sq. ft. is proposed to be composed of five residential units. Mr. Briggs reviewed parking...
requirements, building heights, setbacks, comprehensive plan policies, standards for approval and denial of conditional use as well as a detailed staff analysis, and a summary of the compatibility report provided by the consultant as relates to this project.

Staff recommended denial of the original request. The Planning staff is recommending approval of a modified request with the building project reduced to two stories with the same building height, street setbacks and architectural style/detailing to match the existing two commercial/office buildings of the 655 W. Morse Blvd. parcel per the terms of the original Development Agreement approved in November 2000.

Mr. Dan Bellows, representing W F G Ltd. expressed his frustration with the staff recommendation and at the interpretation of the compatibility standard. He expressed that as the CRA evolves, the character of the neighborhood changes so if everything has to be compatible with what is here today then nothing can change. He expressed that he believed the author of the compatibility report was not qualified. He asked if three stories is not acceptable in this location then where in the CRA would it be? He indicated that these plans had been presented to the City in 2005 and that the Development Agreement assumes three stories is acceptable.

Mary Daniels, President of CLT, opposed the construction of a third floor as it transitions into a residential neighborhood. She stated that she does not feel that that is an appropriate height on that corner and there should be a transition to two stories near residential properties.

Jesse Fitzgerald, 691 Symonds Avenue, stated that he does not have any issues with the construction of a two-story building on the Pennsylvania/Symonds Ave. but objects to a three story building so close to a residential street with single story owner occupied homes. He said that he feels that is an inappropriate encroachment into the residential neighborhood.

Joseph Jackson, 710 Symonds Avenue, said that he agrees with the previous comments that two stories is the maximum that this new building should be.

Marquita Hollingsworth, 646 Comstock Avenue, added that a three-story building is not in scale with the existing development in that neighborhood.

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

Commissioner Dick questioned whether the Board should act on any alternative approval since there are no plans submitted per the requirements for conditional uses for an alternative two story project, as staff has recommended. Mr. Briggs responded that Mr. Dick was correct but in his recommendation the staff wanted to state what was compatible and what scale of development does meet the conditional use criteria so it would not appear that the staff was just opposed to everything.

Mr. Dick then pointed out Policy 1-3.2.3 of the Comprehensive Plan which states that “building heights on the north end of Pennsylvania Avenue shall be two stories when transitioning to residential”. He felt this policy applies and compels the City to reduce the project to two stories. Mr. Hayes indicated that one could argue where exactly the “north end” of Pennsylvania Avenue is located but he agreed with the point that this close to single family residential, the two story height was more appropriate.
Ms. Whiting stated that she agreed with the staff, the consultant’s report and the neighbor’s that two stories is the maximum for this location. She complimented the applicant on their previous projects and finishing this with a complimentary building in height and scale was her opinion as to the best solution. Mr. Swisher and Mr. Livingston agreed.

Board members suggested and discussed various motion alternatives with language outlining the rationale and criteria that were not demonstrated to be achieved. The Board discussed those various alternative motions that might include the specific criteria findings that were not met by the applicant as the basis for a denial but there was not agreement on all points. City Attorney Reischmann explained that the commentary and evidence put into the record indicates the standards that have not been met and that a motion to just approve or deny was sufficient.

Motion made by Mr. Dick, seconded by Mrs. Whiting to deny the conditional use request for 171 Pennsylvania Avenue. Motion carried unanimously with a 5-0 vote.

REQUEST OF GARMET LTD. FOR: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" TO AMEND AND REVISE THE COMMERCIAL (C-2) ZONING DISTRICT REGULATIONS TO ALLOW DRIVE-IN BUSINESSES AS A CONDITIONAL USE ON PROPERTIES ZONED C-2 FRONTING ON NEW ENGLAND AVENUE THAT ARE CURRENTLY PROHIBITED BY THE C-2 ZONING CODE DISTRICT REGULATIONS.

Planning Director Jeffrey Briggs presented the staff report. He explained that Garmet Ltd., the property owner of 298 W. New England Avenue, is asking the City to change the C-2 zoning district regulations which now prohibit drive-in businesses, to allow drive-in businesses as a conditional use along New England Avenue so that a bank with drive-thru tellers can be part of their optional development plans for this prospective building project. In order for the City to first consider or approve the optional plan (with the bank drive-in tellers) the zoning must first be changed and then reviewed via the conditional use process. So this decision needs to come first to either allow or render moot the optional plan with the bank and its drive-in tellers. He noted that the applicant has submitted prospective plans and a traffic study depicting a proposed three story mixed use building at 298 W. New England Avenue. One plan shows the entire first floor of the building as commercial or office space. The optional plan shows the incorporation of a bank with a drive-in teller component. Mr. Briggs reviewed the history of drive-in businesses in the C-2 zoning district.

The planning staff understands that the property owner looks over to New York Avenue (with different C-3 and O-1 zoning and much less 45% FAR) and sees banks with drive-in tellers and says it is not fair drive-in banks are not permitted on New England Avenue within their proposed building. The property owner is benefiting from a doubling of the permitted FAR and economic yield if the rezoning is approved. The property owner should acknowledge the trade-off to live within the rules of the C-2 which are to create and maintain New England Avenue as an exclusively pedestrian oriented street as an extension of Park Avenue as envisioned by the CRA Plan.
Staff recommended denial of the request. The request is counter to the C-2 zoning rules in place since 1979 and what the City has been trying to accomplish on New England Avenue since 1995 in replicating Park Avenue with its exclusively pedestrian orientation.

Dan Bellows, represented the applicant Garmet Ltd. expressed frustration that while the current comp. plan FLU designation and zoning would permit a drive-in bank, the CBD FLU and C-2 zoning does not permit such. He felt we are talking about the same location so why are the codes different. He stated that it is not reasonable to have drive-in banks 50 yards away and he cannot have one at this property. He stated that he has gone to considerable expense in preparing a full traffic impact report on the proposed bank and without this code change the P&Z Commission will not even review it.

The Board members discussed the request and clarified with the City Attorney that, at issue was only a zoning text change and not the actual bank drive-in plans. There was general agreement that the C-2 regulations prohibit drive-in’s for a good reason which is due to the pedestrian focus of Park Avenue and New England Avenue where C-2 zoning is most prevalent. Mr. Dick outlined a brief excerpt from Policy 1-2.3.3 of the Comp. Plan pertaining to the CBD land use and C-2 zoning where it says “the land use policies for this area strive to maintain and enhance pedestrian orientation....” Mr. Livingston felt that it did not make sense if the current zoning allows drive-in banks that the future zoning could not do so likewise at this location.

Motion made by Mr. Swisher, seconded by Mr. Dick to deny the request. Motion carried with a 4-1 vote. Mr. Hayes voted against the motion.

REQUEST OF GARMET LTD FOR: AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE I, “COMPREHENSIVE PLAN” AND THE FUTURE LAND USE MAP SO AS CHANGE THE FUTURE LAND USE MAP DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 298 W. NEW ENGLAND AVENUE.

REQUEST OF GARMET LTD FOR: AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE III, “ZONING” AND THE OFFICIAL ZONING MAP SO AS CHANGE THE EXISTING ZONING DESIGNATIONS OF GENERAL COMMERCIAL (C-3), LIMITED COMMERCIAL (C-3A) AND MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICTS TO COMMERCIAL (C-2) DISTRICT ON THE PROPERTY AT 298 W. NEW ENGLAND AVENUE.


The applicant asked that these requests be tabled to the January 11th Planning Commission meeting.
Motion made by Mr. Swisher, seconded by Mr. Dick to table until January 11th. Motion carried with a 5-0 vote.
There was no further business. Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary