Chairman Krecicki called the meeting to order at 7:00 p.m. in the Commission Chambers of City Hall. Present: Drew Krecicki, Sarah Whiting, George Livingston, Tom Sacha, Peter Gottfried, Randall Slocum, James Johnston and Robert Hahn, Alternate. Staff: Planning Director Jeffrey Briggs, Planning Technician Caleena Shirley and Recording Secretary Lisa Smith.

Approval of minutes – July 10, 2012

Motion made by Mr. Livingston, seconded by Mr. Sacha to approve the July 10, 2012, meeting minutes. Motion carried unanimously with a 7-0 vote.

Election of Chair and Vice-Chair

Motion made by Mr. Krecicki, seconded by Mr. Livingston nominating Sara Whiting for Chairman. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Krecicki, seconded by Mr. Livingston nominating Randall Slocum for Vice-Chairman. Motion carried unanimously with a 7-0 vote.

Mr. Briggs announced that the Nort Northam and Stacey Thornton annexation requests have been withdrawn from the agenda. He said that at the advice of the City Attorney, the Best Practice rule is to allow the City Commission to make a determination on the annexation prior to zoning. That way it is clear that P&Z has the jurisdiction (once it is annexed) to make a recommendation of the FLU and Zoning. He said that the annexation requests will be heard by the City commission on August 27th and the FLU and Zoning matters will be advertised for the next Planning and Zoning Board meeting on September 11th.

PUBLIC HEARINGS:

REQUEST OF HEARTWOOD 20, LLC FOR: AN ORDINANCE TO AMEND CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE I, “COMPREHENSIVE PLAN” IN THE FUTURE LAND USE ELEMENT SO AS TO ADD A NEW POLICY INCREASING THE RESIDENTIAL DENSITY FOR AND LIMITED TO THE PROPERTIES AT 444 W. NEW ENGLAND AVENUE, IN ORDER TO PERMIT THE SECOND FLOOR TO BE USED AS RESIDENTIAL UNITS AND AT 362 S. PENNSYLVANIA AVENUE, IN ORDER TO PERMIT THE GROUND FLOOR TO USED AS RESIDENTIAL UNITS.
REQUEST OF HEARTWOOD 20, LLC FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-75 "COMMERCIAL (C-2) DISTRICT" SO AS TO INCREASE THE RESIDENTIAL DENSITY FOR AND LIMITED TO THE PROPERTIES AT 444 W. NEW ENGLAND AND AT 362 S. PENNSYLVANIA AVENUE IN CONFORMANCE WITH THE COMPREHENSIVE PLAN.

Planning Director Jeffrey Briggs presented the staff report. He said that the owner of 444 W. New England Avenue and 362 S. Pennsylvania Avenue is requesting comprehensive plan and zoning text amendments to increase the residential density within those existing buildings. He provided an overview of the existing conditions of the subject properties. He explained that the existing three-story, brick building at 444 West New England Avenue is located on a property of 30,990 square feet in size. It has retail/office space on the first floor, a vacant and unfinished second floor and a third floor comprised of 17 apartments. Further, the new owners, who have acquired this building after foreclosure wish to finish out the vacant second floor with 16-20 new apartments.

The existing four story building at 362 South Pennsylvania Avenue is located on a property of 22,185 square feet in size. It has vacant retail/office space on the west and south sides of the first floor and 14 apartments on the second, third and fourth floors. The remainder of the building is a six level parking garage. The new owners, who have acquired this building after foreclosure wish to finish out the first floor with 5-7 new apartments.

The City's Comprehensive Plan future land use designation for these two properties is Central Business District (CBD) that corresponds to their C-2 zoning. Those designations now allow up to 17 units per acre per the 2009 Comprehensive Plan. When these buildings were constructed in 2007 the Comprehensive Plan and C-2 Zoning district did not have a density limitation. The density of the 444 W. New England Avenue property is now 25.4 units per acre and the density of the 362 S. Pennsylvania Avenue property is 27.5 units per acre. Thus, these properties are non-conforming with respect to the density limitations of the Comp. Plan and Zoning Code.

He reviewed the comprehensive plan and zoning text change request. He explained that the property owners are asking for a "small scale" (affects less than 80,000 square feet of land) Comprehensive Plan and Zoning text amendment to increase the maximum residential density for and limited only to, these two properties up to 48 units per acre. They are requesting this action: 1) to eliminate and remedy the action that made these buildings a non-conforming use and 2) in recognition that the current economy will support residential apartments versus retail/office space. Mr. Briggs also provided a comprehensive staff analysis of the subject properties.

He said the property owners are asking for Comprehensive Plan and Zoning text amendments to increase the maximum residential density for and limited only to, this one property up to 48 units per acre. They are requesting this in recognition that the current economy will support residential apartments versus retail/office space for a second floor build-out.

Staff concurred that the economy of the Hannibal Square commercial district for retail and office leasing has been very difficult since 2008. There is much vacant and available retail and office space. The second floor of the 444 W. New England building originally presumed to be office or hotel space has never been leased or finished out from its "shell" condition. The first floor of the 362 S. Pennsylvania Avenue building also originally presumed to be retail and office space has largely never been leased. Meanwhile, apartment rentals within these buildings and in this commercial neighborhood have been very strong. So the planning staff also supports the density increase.

Staff recommendation is for approval with the condition that: the additional density for the 444 W. New England building is capped at the 17 units to match the existing third floor and the density of the first floor of the 362 S. Pennsylvania Avenue building is capped at 5 units to match the density of the second and third floors which is
the same unit sizes that currently exist within those buildings. Mr. Briggs responded to Board member questions and concerns.

City Attorney Reichmann clarified that the request actually meets the requirements to be classified as a large scale amendment.

Frank Herring, 1721 Palm Avenue, represented the applicant. He introduced members of the development team to the Board. He provided the board members with the details of the proposed plan. He also expressed concern with the project being classified as a large scale versus small scale amendment. City Attorney Reichmann provided an explanation clarifying the difference between a large scale amendment versus a small scale amendment. He responded to Board member questions and concerns.

Woody Woodall, 328 North Park Avenue, expressed concern with the aesthetics of the project as well as the potential to "creep" over to Park Avenue. He said that he opposes residential units being on the first floor of the 362 building and that they would not be desirable places to live.

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

The Board members agreed to discuss each property separately.

Messrs. Slocum and Hahn expressed concern with the proposed residential units on the ground floor of the 362 building. They expressed concern with safety, there being no sense of separation vertically or horizontally with the sidewalk on Pennsylvania and Lyman and the lack of privacy. They expressed concern about the appearance of the façade which would be converted to a solid wall with windows that again would likely have the blind or curtain always drawn closed due to the proximity of the sidewalk. Additional discussion ensued with the Board members about how first floor units are typically designed, the experience in Baldwin Park and elsewhere. Mrs. Whiting said that she is opposed for another reason which is to be consistent with our philosophy as Hannibal Square as an extension of Park Avenue and thus she prefers to see the retail or office remain on the first floor and that she did not support residential on the first floor. Mr. Krecicki agreed with her. Messrs. Johnston and Gottfried expressed that this is not mandatory just a permissive approval for greater flexibility in leasing and if the security and privacy issues cannot be dealt with the applicant likely will not do the conversion.

Chairman Whiting asked the applicant, that in light of the comments heard, if they wished to withdraw the request for the 362 building and return when the floor plans and façade elevations were developed so these questions could be resolved.

Mr. Herring agreed that the request for 362 South Pennsylvania Avenue be tabled to allow them more time to study and take into consideration the issues raised at tonight's meeting.

**Motion made by Mr. Gottfried seconded by Mr. Livingston to table the request. Motion carried unanimously with a 7-0 vote.**

The Planning Commission discussed the 444 building and there was unanimous support in recognition that the residential density was within the existing floor space and did not apply to the first floor of that building.

**Motion made by Mr. Johnston, seconded by Mr. Krecicki to approve the comprehensive plan amendment for 444 West New England Avenue. Motion carried unanimously with a 7-0 vote.**

**Motion made by Mr. Johnston, seconded by Mr. Krecicki to approve the ordinance change for 444 West New England Avenue. Motion carried unanimously with a 7-0 vote.**
REQUEST OF NORT NORTHAM FOR: AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE I, “COMPREHENSIVE PLAN” FUTURE LAND USE MAP SO AS TO ESTABLISH A COMMERCIAL FUTURE LAND USE DESIGNATION TO THE ANNEXED PROPERTY AT 656 OVERSPIN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

REQUEST OF NORT NORTHAM FOR: AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE III, “ZONING” AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH COMMERCIAL (C-3) DISTRICT ZONING ON THE ANNEXED PROPERTY AT 656 OVERSPIN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

As indicated earlier in the minutes this public hearing has been withdrawn from tonight’s agenda and will be heard at the September 11, 2012, Planning and Zoning Board meeting.

REQUEST OF STACEY THORNTON, TRUSTEE FOR: AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE I, “COMPREHENSIVE PLAN” FUTURE LAND USE MAP SO AS CHANGE AND ESTABLISH AN OFFICE FUTURE LAND USE DESIGNATION ON THE ANNEXED PROPERTY AT 600 BAFFIE AVENUE AND THAT PORTION OF THE ADJACENT VACATED RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

REQUEST OF STACEY THORNTON, TRUSTEE FOR: AN ORDINANCE AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE III, “ZONING” AND THE OFFICIAL ZONING MAP SO AS CHANGE AND ESTABLISH OFFICE (O-1) DISTRICT ZONING ON THE ANNEXED PROPERTY AT 600 BAFFIE AVENUE AND THAT PORTION OF THE ADJACENT VACATED RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

As indicated earlier in the minutes this public hearing has been withdrawn from tonight's agenda and will be heard at the September 11, 2012, Planning and Zoning Board meeting.
REQUEST OF Mi TOMATINA RESTAURANT FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE III, “ZONING REGULATIONS” SECTION 58-86 “OFF-STREET PARKING REGULATIONS” TO EXPAND THE HANNIBAL SQUARE PARKING EXCLUSION DISTRICT TO INCLUDE THE RESTAURANT PROPERTY AT 433 W. NEW ENGLAND AVENUE.

Planning Director Jeffrey Briggs presented the staff report. He said that this request is for a zoning text amendment from the Mi Tomantina restaurant at 433 W. New England Avenue to expand the "Hannibal Square parking exclusion area" so that they may add 59 seats to their existing 91 seat restaurant without providing the additional 20 parking spaces required by the current code. Mr. Briggs reviewed the parking code for the CBD and Hannibal Square, discussed the history of the parking garage, and the specifics of the applicant’s request. He explained that the Mi Tomantina restaurant at 433 W. New England Avenue is the next space just east of Armando’s and just outside the parking exclusion area. They are asking the City to revise the physical description of the Hannibal Square parking exclusion area. The restaurant would then be 150 seats which is the minimum number of seats required in order to have liquor sales in addition to beer and wine based on the State license criteria. Thus, the economic benefit would be both the expanded seating and the ability to serve liquor drinks in addition to beer and wine. To offset the impact on the parking, the building owner cites the formal recorded easement that exists which permits parking within the parking garage. This works in conjunction with the City’s development agreement for the parking garage. To the extent that this request results in additional patrons/parking needs, the parking garage is available.

He said that at the current time no more than one-third of the parking garage is used even at peak weekend nights. No one knows when the buildings within the Hannibal Square area become fully leased out what the ultimate perception of parking will be. Due to the economy, there is much vacant commercial and office tenant space. However, the City control over the function and operation of the parking garage and the easement benefiting other buildings will insure that there is free flow and maximum utilization of parking inside the garage. In addition, because people are reluctant to use the parking garage the CRA has leased and created the surface parking lot adjacent to Mt. Moriah Baptist Church. Obviously the City cannot make this a precedent and pattern for business expansions without providing parking. However, in this one instance, it seems to staff as something that can be done to assist in these economic times without undue hardship. Staff recommended approval. Mr. Briggs responded to Board member questions and concerns.

Patricia Carvalal, owner of the Mi Tomatina restaurant at 433 West New England Avenue, was present to address Board member questions and concerns. She explained that she has operated the restaurant for three years, and that they have contributed to the economic vitality of New England Avenue and they are looking to expand. She explained that they do direct customers to park in the parking garage and responded to Board member questions and concerns.

Woody Woodall, 328 North Park Avenue, spoke in favor of the request and suggested that the applicant the City work with the applicant on the amount of the impact fees.

Lurline Fletcher 790 Lyman Avenue, stated that she feels that the parking garage is underutilized and she also requested that on-street parking be limited. No one else wished to speak in favor of or in opposition to the request. Public Hearing closed.

The Board members all expressed their support of the request. Mr. Slocum expressed that Mi Tomantina has been a great addition to Hannibal square and that parking does exist for patrons in close proximity. The Board members agreed with those comments.

Motion made by Mr. Krecicki, seconded by Mr. Livingston to approve the request. Motion carried unanimously with a 7-0 vote.
REQUEST OF NEW HOPE BAPTIST CHURCH FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT AND OPERATE A CHILDREN’S DAY CARE FACILITY ON THE CHURCH PROPERTY AT 274 N. CAPEN AVENUE, ZONED (R-2).

Planning Director Jeffrey Briggs presented the staff report. He explained that the applicant, the New Hope Baptist Church, is requesting Conditional Use approval to add two buildings to their property and use those for a children’s day care facility on the Church grounds at 274 N. Capen Avenue, which is zoned R-2. He noted that churches are a conditional use and the zoning code says specifically that “churches may not operate day nurseries, kindergartens or schools without first receiving conditional use approval for this use”. He explained that the New Hope Baptist Church is located on a property of 28,700 square feet and the 4,200 sq. ft. existing Church building sits about in the middle of the site. This leaves open unstructured grass parking areas on both the north and south sides of the Church building. He said that the site plan indicates the layout of the two new buildings (which are former OCPS modular classroom buildings) to be set-up on the north side of the Church building. The new buildings meet the zoning setbacks from the adjacent properties and no variances are requested. A new circular drive for drop-off and pickup is planned as well as some parking for parents doing the drop-off and pick-up walk-ins. Staff will park in the area to the south of the Church. The Church building is the location of the restrooms and kitchen. He reviewed other childcare facilities in the immediate vicinity. The traffic impacts of day care are also very modest. You have the drop-off and pick-up but for day care versus schools that is spread out over the morning and evening hours so there is never any “traffic line” with day care, like with schools. Staff recommended approval of the request. Mr. Briggs responded to Board member questions and concerns.

John Phillips, Pastor, New Hope Baptist Church, was present to address Board member questions and concerns. He said that they are anticipating approximately 30-35 children. He also spoke to traffic movement and parking on the site.

Martha Bryant-Hall, 331 West Lyman Avenue, spoke in favor of the request. No one else wished to speak concerning the request. Public Hearing closed.

The Board members noted that notices were sent to all surrounding property owners and no one has offered opposition in writing or here tonight. Mr. Slocum questioned the site plan and noted that one would have to drive over the grass to back out of the 90 degree parking stalls thus a shift to angle parking would be preferred. Mr. Krecicki also noted that directional arrows would be needed. The Board noted that the appearance of the structures is not very favorable and asked staff to insure the final product’s image is more attractive.

Motion made by Mr. Krecicki, seconded by Mr. Johnston to approve the request subject to the applicant modifying the plans to provide one way designated angle parking. Motion carried unanimously with a 7-0 vote.
REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE OF WINTER PARK, FLORIDA, CHAPTER 58 “LAND DEVELOPMENT CODE” ARTICLE V, “ENVIROMENTAL PROTECTION REGULATIONS” DIVISION 6, “TREE PRESERVATION AND PROTECTION” SO AS TO AMEND TREE REMOVAL COMPENSATION REQUIREMENTS, AMEND USE OF THE TREE REPLACEMENT FUND, PROVIDE EXEMPTION FROM REQUIRING A TREE REMOVAL PERMIT, AND ESTABLISH ENFORCEMENT PROCEDURE FOR REMOVING HAZARDOUS TREES; PROVIDE FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

Building Official George Wiggins presented the staff report. He said that with the permission of the City Commission, the Tree Preservation board has provided a comprehensive review of the Tree Ordinance. He highlighted all of the recommended changes to the ordinance which include permitting, compensation and the tree replacement trust fund. He used a Power Point presentation to highlight the proposed changes. He responded to Board member questions and concerns.

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

Motion made by Mr. Livingston, seconded by Mr. Krecicki to approve the proposed ordinance as amended providing that tree replacement monies could be used for enforcement. Motion carried unanimously with a 7-0 vote.

NEW BUSINESS:

Next Meeting Date: Tuesday, September 11, 2012 at 7:00 p.m.

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

Respectfully submitted,

Lisa M. Smith,
Recording Secretary