Chair Whiting called the meeting to order at 7:00 p.m. in the Commission Chambers of City Hall. Present: Sarah Whiting, Drew Krecicki, 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 – August 7, 2012

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

PUBLIC HEARINGS:

REQUEST OF WINTER PARK TOWN CENTER DEVELOPMENT LLC. TO: AMEND THE COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION OF 940 W. CANTON AVENUE FROM OFFICE TO HIGH DENSITY RESIDENTIAL AND TO CHANGE THAT PROPERTY’S DESIGNATION ON THE MAXIMUM HEIGHT MAP FROM A MAXIMUM THREE STORIES TO A MAXIMUM FOUR STORIES AND TO ADD A NEW POLICY FOR RESIDENTIAL DENSITY ALLOWANCES AT 940 AND 1020 W. CANTON AVENUE.

REQUEST OF WINTER PARK TOWN CENTER DEVELOPMENT LLC. TO: AMEND THE OFFICIAL ZONING MAP SO AS TO CHANGE ZONING DESIGNATION OF THE PROPERTY LOCATED AT 940 W. CANTON AVENUE FROM OFFICE (O-1) TO MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT AND TO CHANGE THE PROPERTY’S DESIGNATION ON THE MAXIMUM HEIGHT MAP FROM A MAXIMUM THREE STORIES TO A MAXIMUM FOUR STORIES AND TO AMEND THE C-1 COMMERCIAL DISTRICT TEXT TO PROVIDE FOR RESIDENTIAL DENSITY ALLOWANCES AT 1020 W. CANTON AVENUE.

REQUEST OF WINTER PARK TOWN CENTER DEVELOPMENT LLC. FOR: PRELIMINARY CONDITIONAL USE APPROVAL TO CONSTRUCT A FOUR STORY, 204 UNIT RESIDENTIAL PROJECT AND TO CONSTRUCT AN ADJOINING PARKING GARAGE OF APPROXIMATELY 350 SPACES ON THE PROPERTY AT 940 W. CANTON AVENUE.

Planning Director Jeffrey Briggs presented the staff report. He explained that this item is a request by the Winter Park Town Center Development LLC (Don Casto Organization — owners of the Winter Park Village) to redevelop the former State DMV property at 940 W. Canton Avenue for a new four story, 204 unit residential development with a companion four level 358 space parking garage. In order to accommodate this project there are related amendments required to the Comprehensive Plan and Zoning Code to provide for the heights (stories) and residential unit count densities. This project is a conditional use (over 10,000 square feet); and due to the parcel and project size, a city-wide notice of the public hearings has been mailed to all 14,500 households in the City as well as notices mailed to the property owners within 1,500 feet. He provided the
Board members with a review of the proposed project both site and context, a history of the property, comprehensive plan issues, the current development request, building height, parking, architectural elevations, tree preservation, storm water retention, landscaping, and traffic impact.

He summarized by explaining that this is a very unique situation because the staff must look at this request not just in the context of today’s application but also in recognition of the previous approval for the 140 unit project in 2006. Even though the applicant allowed that conditional use approval to lapse, the Zoning Code provides for and allows property owners to request to re-establish conditional uses that have expired. Clearly the applicant expended considerable sums of money going through the zoning approval process (conditional use) and in the preparation of the entire building permit construction plan sets that were reviewed, approved and ready for issuance by the City. If this 2012 project is denied, then other option for the property owner is to ask to re-establish the previous conditional use. Then all they would need to do is reconfigure the interior floor plan layout to smaller unit sizes and get the apartment sizes/density that they desire versus the previously approved condominium floor plans sizes. When one compares the two projects there is no comparison. The current request is a far better design that the 2006 project. The 2006 project was a very large rectangle with an internal parking garage which had a continuous 380 foot long façade along Denning Drive and a continuous 355 foot long façade along Canton Avenue. The architectural articulation of those facades was minimal. Contrast that with this 2012 design. This 2012 request has much more building articulation or undulations, a visible interior courtyard and the architectural interest of the facades is much more detailed better for exterior appearance. All of those in’s and out’s work to help to break up the mass of the facades and it is also good that the parking structure is back in the interior corner in the least visible location.

In terms of building size, the 2006 project was a building of 370,160 sq. ft. and the 2012 project is 346,356 sq. ft. or about 23,804 sq. ft. smaller. It has more units (204 apts. vs. 140 condos) because the condos averaged 1,700 sq. ft. in size and the apartment’s average 953 sq. ft. So there are more units but in a slightly smaller total square footage. In terms of the Comp. Plan/Zoning Code amendments the location and property history mitigate against these changes being precedent setting. For the residential density, if the "policy" change works for the applicant at 19 units/acre versus the 25 units per acre requested then it seems to the staff that the City should accommodate the density requested but doesn’t need to provide additional residential density beyond what the project requires. Thus, staff is recommending approval of the Comp. Plan/Zoning Code density amendment at 19 units per acre.

Staff recommended approval of the Comprehensive Plan and Zoning Code Amendment ordinances (at the 19 units/acre for the 1020 W. Canton portion), and approval of the “preliminary” conditional use. Mr. Briggs responded to Board member questions and concerns.

Rebecca Wilson, Lowndes, Drosdick, Cantor and Reed, 214 N. Eola Drive, represented the applicant. She introduced the members of the redevelopment team and noted that they were available to respond to any questions or concerns the Board members have. She also noted that the Residences @ Interlachen expressed concern over the name of the proposed project. She assured that the Winter Park Village project will be renamed so that there is no confusion. She used a Power Point presentation to provide an overview of the project. Her presentation covered the areas of height, a project comparison of the current project versus the 2006 and the comprehensive plan and rezoning amendments. She responded to Board member questions and concerns.

Lurline Fletcher, 790 Lyman Ave, stated that she is opposed to the construction of the 4-story building and any high density residential requests on the West side. She said that she feels that the preference of the residents is to maintain as much single-family residential as possible. She also stated that the current parking structures on the West side are underutilized.

Joe Racinelli, 300 South Interlachen Avenue, (The Residences) thanked Mrs. Wilson for the consideration of the requested name change. He said that he feels that the project will be a great addition to the City.
Rochelle Kolin, 225 Trismen Terrace, explained that she is the owner of the building located at 1065 West Morse Boulevard. She stated that she likes the project, but expressed concern with the vacant parking garage property located on the opposite side of Denning Drive.

Shari Sujka, 345 Cortland Avenue, spoke concerning parking in the Winter Park Village. She also said that she feels that it is very important to keep in consideration the impact that the Ravaudage project will have on traffic on Lee Road/17-92.

Sally Flynn, 1400 Highland Road, explained that she has some confusion as to what exactly the applicant is request. She expressed concern with the request for four stories at the same height to allow for more density inside the project. She stated that she is opposed to any increase in density in the City.

Jim Barnes, #7 Isle of Sicily, owner of the Bank First Building, explained that he has a visual concern with regard to the landscape buffer for the building but after a discussion with the developer's representative concerning landscaping his concerns had been addressed. He said that he feels that landscaping is important in hiding the garage and looks forward to the more specific and detailed landscape plan that will be part of the submittal for the final approval.

Mrs. Wilson was allowed to respond to concerns raised. She stated that with regards to traffic, a trip generation study has been done and this project will generate less traffic than an office development. She acknowledged that they did meet with Mr. Barnes and understand his concerns regarding landscaping. She noted that details will be brought back at the final approval and indicated their willingness to work with the City Attorney in drafting a Development Agreement if such is deemed necessary.

The public hearing was closed.

Mr. Krecicki began the Board discussion by outlining the decision points for the Board. He noted that he was one who fought for the three story height limit in the Comp. Plan on this property but he recognizes that the reality is that the actual building height of four stories of residential is essentially the same as three stories of office given the different internal floor to ceiling heights. He indicated that for the final approval he would be interested in more discussion on the landscape plan, the storm water plan and perhaps a development agreement.

Mr. Hahn stated that he was in support of the project and pleased that it would activate the “live, work and play” components of the Winter Park Village. He indicated that there might need to be some further discussion of the scenarios where one can aggregate density, as we are doing over this site but recognized that the same had been done in 2006.

Mr. Livingston indicated his support for the project, noted that the traffic generation is less and that this reflects market conditions in today’s world.

Mr. Slocum stated his support and felt that the design approach was good for this project. He indicated some areas on the building elevations that the applicant needs to address balcony/sidewall proximity.

Mr. Sacha also stated his support for the project and emphasized that the exterior landscape plan would be very important in the final review.

Mr. Gottfried expressed support but questioned the storm water use of Lake Island Park and wanted the City Commission to make the policy decision on the viability of that alternative. He did not feel it was the role of the Planning Board to make that policy decision and questioned whether this is something that might involve the Parks and Recreation or Lakes and Waterways Board.

Mrs. Whiting also stated support but expressed some concern over the setback variances particularly on Canton Avenue side where the building of four stories is ten feet from the property line.
The Board then discussed project details including the density, height, variances and setbacks in further detail. There was concern expressed over the alternate storm water approach that utilized Lake Island. The Board expressed that this was a policy decision that the City Commission needed to make and indicated that they would make a further recommendation after action on the formal requests.

The Board also discussed the density issue with regards to the staff recommendation (19 units/acre) for the 1020 W. Canton parcel versus the applicant’s request (25 units/acre) with regard to the Comp. Plan policy ordinance. Mr. Briggs indicated the difference was 30 units. The majority of the Board expressed that restoring the 25 units/acre to the 1020 W. Canton parcel was their desire while the minority expressed that since no one knew where or how the other 30 units could be built, it was better just to approve what was needed for this project.

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

**Comprehensive Plan Amendment**

Motion made by Mr. Krecicki, seconded by Mr. Johnston to recommend approval of the comprehensive plan amendment from Office to High Density Residential and a to change the property’s designation on the maximum height map from a maximum three stories to four stories and to add a new policy for residential density allowances for both 940 and 1020 West Canton Avenue. Motion carried with a 5-2 vote.

Amendment: Mr. Gottfried offered an amendment to the motion, to amend section 3 of the comprehensive plan amendment ordinance by changing from a density of 19 units/acre to 25 units/acre. Amendment carried with a 4-3 vote.

**Zoning Map Amendment**

Motion made by Mr. Gottfried, seconded by Mr. Sacha to recommend approval of the rezoning request to for 940 West Canton Avenue from O-1 to R-4 and to change the property’s designation on the maximum height map from a maximum three stories to four stories. Motion carried with a 5-2 vote.

Amendment: Mr. Gottfried offered an amendment to the motion, to amend section of the rezoning ordinance by changing from a density of 19 units/acre to 25 units/acre. Amendment carried with a 4-3 vote.

**Conditional Use**

Motion made by Mr. Gottfried, seconded by Mr. Livingston recommending preliminary conditional use approval to construct a four-story, 204 unit residential project and to construct an adjoining parking garage of approximately 350 spaces on the property at 940 West Canton Avenue. Motion carried unanimously with a 7-0 vote.

Amendment: Mr. Krecicki offered an amendment that at final conditional use approval a development agreement be presented that at a minimum discusses processes for any future development on the property to the west. Amendment carried with a 7-0 vote.

Motion made by Mr. Gottfried, seconded by Mr. Livingston requesting to see the city’s position for a storm water plan for Lake Island Park. Motion carried unanimously with a 7-0 vote.
REQUEST OF REX-TIBBS CONSTRUCTION CO., INC. TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS CHANGE THE EXISTING DESIGNATION OF COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL ON THE PROPERTY AT 271 N. PENNSYLVANIA AVENUE.
REQUEST OF REX-TIBBS CONSTRUCTION CO., INC. TO: AMEND THE OFFICIAL ZONING MAP SO AS CHANGE THE EXISTING ZONING DESIGNATION OF COMMERCIAL (C-3) DISTRICT TO MEDIUM DENSITY RESIDENTIAL (R-3) DISTRICT ON THE PROPERTY AT 271 N. PENNSYLVANIA AVENUE.
REQUEST OF REX-TIBBS CONSTRUCTION CO., INC. FOR: SUBDIVISION APPROVAL TO SPLIT THE PROPERTY AT 271 N. PENNSYLVANIA AVENUE INTO THREE LOTS FOR THREE ATTACHED FEE SIMPLE TOWNHOMES AND PROVIDING FOR THE ESTABLISHMENT OF SPECIAL SETBACKS FOR THE THREE LOTS.

Mr. Briggs explained that Rex-Tibbs Construction has a contingent contract to purchase the property at 271 N. Pennsylvania Avenue and is requesting a Comp. Plan FLU Map and Zoning Map change from the existing Commercial (C-3) zoning to Medium Density Residential (R-3) zoning in order to build three (3) two story townhomes on the property. They also are requesting subdivision approval to split the property into three fee simple lots and to establish special setbacks and other variances for the three lots. This property is on the NW corner of Symonds and Pennsylvania Avenues. It is 12,000 sq. ft. in size with 120 feet along Pennsylvania and 100 feet along Symonds.

For many decades this property was zoned commercial and the site of the two story Lawson’s Funeral Home (with their residence upstairs). In 2007 the property was sold to Penn. Symonds LLC. In November 2007 they received approval from P&Z/City Commission to build a two story, 6,650 square foot office building of 35 feet in height. The setbacks at that time in the C-3 code were only five feet from the street front property lines. While 26 parking spaces typically would be required, the project was approved with only 18 spaces due to the grandfathered-in status (or lack thereof of parking) for the pre-existing Lawson’s Funeral Home. (The rationale was the option to renovate the existing building with only two parking spaces versus redevelopment with 18 spaces).

The new development plans presented show three (3) two story townhomes of about 2,950 square feet in size including the garages. There is a two car garage at the rear of each unit which hides the garage doors from street view. A common driveway serves all three units and provides a rear setback of 25 feet plus providing separation and buffer to the adjacent residential property on Symonds Avenue. A six foot wall or fence is also required by the Code for buffer separation on that property line.

The applicants are requesting 10 foot front setbacks on the two streets (in lieu of the required 25/20 foot setbacks) because the 10 foot setback matches what the current C-3 zoning has for street front setbacks and the 10 feet is double the 5 feet previously approved. They are also requesting a five foot setback on the north side which matches the C-3 side setback requirement for 5 feet to the adjacent vacant commercially zoned parcel. So basically they are asking to use the street and side setbacks of the existing C-3 zoning but otherwise will conform to the R-3 development standards. Staff has no problem with these setback variances as they match the character and location of other development along Pennsylvania Avenue.

Another variance requested is to use R-3 development standards on a 12,000 sq. ft. property in lieu of the 15,000 sq. ft. minimum lot size required for multi-family (3 or more units) development. The requested R-3 zoning permits 17 units per acre (one unit for each 2,500 sq. ft. of land) so technically on this property with the variance requested, the applicants could request four (4) residential units. The applicants are committing to only three (3) units. Given this reduction in density, the staff has no issue with this lot size variance.
The third area of variance request is that the proposed project has 6,024 sq. ft. of building lot coverage (footprint) which is at a 50% lot coverage which exceeds the maximum 40% lot coverage. The applicants are not however, trying for more total square footage than is allowed. In the R-3 zoning, for two story buildings the maximum FAR is 75%. This total 8,859 square feet is at a FAR of 73.8%. This is a very common situation. The combination of the auto garage space and the first floor living space is difficult to fit in the 40% lot coverage allowance. Today a downstairs bedroom is deemed essential given the market for elders who may find stairs difficult as they age or to provide separation between children to be upstairs while parents are in the downstairs bedroom. If the applicants exceeded the FAR, then staff would be opposed to this variance. However, this is really just about where the living space is allocated between the floors. The impervious coverage is less than 70% maximum per code and the maximum building height will be at or less than the 35 feet per code.

In summary Mr. Briggs indicated that this property has commercial development to the north, east and south. The setback waivers requested match the same setbacks that other buildings on Pennsylvania Avenue are built to today or can be built to. The lot coverage variance is just about how the permitted space is allocated between floors. The previous office building that was approved in 2007 (and which could still be built) had a significant parking variance which would have meant more on-street parking and much more traffic than these townhomes will create. Residential development of this property will be much more compatible with the surrounding neighborhood than another commercial development project. Staff recommendation was for approval.

Randall Rex, 600 Wilkerson Street, was present representing the applicant.

Lurline Fletcher, 790 Lyman Avenue, spoke concerning the request. She said that as a resident of the West side community she would prefer a two-story versus four-story building on the property, but is happy to see residential development.

Carlos Posado, spoke in favor of the request.

The Public Hearing was closed.

The Planning Board members expressed support of the request. The residential development of this property was cited as reflecting the market but also a better use of this property. Mr. Slocum pointed out interior space issues with the garages and with the rear setback for one of the units. Mr. Briggs indicated those issues would need to be resolved for the building permit. The Board agreed but desired to note those issues in their recommendation.

Motion made by Mr. Slocum, seconded by Mr. Gottfried to recommend approval of the Comprehensive Plan amendment from commercial to medium density residential. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Johnston, seconded by Mr. Krecicki to recommend approval of the official zoning map designation of C-3 to R-3. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Gottfried, seconded by Mr. Krecicki to recommend approval of the subdivision request with the condition of maintaining front side architectural articulation. Motion carried unanimously with a 7-0 vote.
REQUEST OF THE CITY OF WINTER PARK TO: AMEND THE "ZONING REGULATIONS"
SECTION 58-75 "COMMERCIAL (C-2) DISTRICT," SO AS TO REVISE THE PERMITTED
AND CONDITIONAL USES ALONG PARK AVENUE IN THE BLOCK SOUTH OF
COMSTOCK AVENUE.

Planning Director Jeffrey Briggs presented the staff report. He explained that this agenda item proposes to amend the C-2 commercial zoning rules for the Central Business District area by proposing to revise the permitted uses along Park Avenue in the one block south of Comstock Avenue. He said that this block of Park Avenue has struggled for many years. Further, it is 'cut-off' by City Hall for many pedestrians and also has challenges with available parking. Historically there has been more turnover and vacancies in this block than elsewhere along Park Avenue. In order to help with the “economy” of this one block of Park Avenue, south of Comstock Avenue, this ordinance proposes to allow all types of restaurants (not just fine dining restaurants) and to allow offices and salons on the ground floor (that otherwise are not permitted). He said that this ordinance addresses the C-2 zoning rules just for the specific one block area along Park Avenue between Fairbanks and Comstock avenues. This has always been a difficult "retail" block. City Hall represents a stopping point for sidewalk window shoppers. The proximity to Fairbanks Avenue gives it some of the general commercial character versus the traditional CDB feel. The City recently approved a new BurgerFi restaurant in that block at 538 S. Park Avenue. It is a bit of a hybrid with table service and also an order counter for takeout. That experience has made the planning and economic development staff believe that in this one block, the zoning rules should be changed to allow all types of restaurants to be a permitted use. In addition the staff believes that offices and salons that are prohibited on the ground floor along Park Avenue should be permitted in this one block just as they are within the C-2 zoned section of New England Avenue. This proposed change has not been requested by the three property owners in this block. This is a staff generated proposal because staff believes will help the economic growth in this block without affecting the predominant character of the Park Avenue experience. It does have the support however of those owners. This ordinance only affects the five properties on Park Avenue, south of Comstock Avenue (see map attached) which encompasses about 180 feet of length along Park Avenue. There are three property owners who collectively own the five properties and they have all been contacted about this proposed change. This proposed change was discussed by the Economic Development Advisory Board at their June 12th meeting. The Board is in support of the change. He did note that the Park Avenue Area Association is not in favor of this change. Mr. Briggs reviewed the history of zoning with regard to restaurants, offices and salons on Park Avenue. Staff recommended approval of the zoning change. He responded to Board member questions and concerns.

Frank Hamner, Attorney, 405 Balmoral Road, spoke concerning the request. He discussed the dynamics of this particular block. They are asking for more flexibility to the types of tenants that they can lease to. He discussed the types of additional uses that they are requesting to allow in this particular block. He suggested more specifically, restaurants that do not include pre-packaged or off-site prepared food items such as entrees or core offerings and whose ordinary business model does include drive-thru or predominantly take out service. He said that this will eliminate the concern for fast food and take out restaurants, but leaves additional room for those restaurants and cafes that might not otherwise meet the fine dining (table service) requirements. He also requested that the office/education not be included as conditional or permitted use. He asked that salon/spas be a specific permitted use under C-2, (b)(3) above ground floor and that they continue as a permitted use under amendment but remove the upper floor restriction on par with the Gary Lambert salon that already exists on the block.

Woody Woodall, 328 North Park Avenue, explained that the Park Avenue merchants voted for no change at all. He said that the current proposal will allow more flexibility, but as it stands now, please turn down.

Sally Flynn, 1400 Highland Ave, said that she agrees that particular block needs help. She suggested changes to the facades and architecture. She said that she agrees with Mr. Woodall.
John Dowd, North Phelps, He explained that the Park Avenue Area Association represents 96 businesses. He said that he is opposed to any zoning changes on Park Avenue. He liked the suggestion of facade improvement for that block.

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

After a brief discussion, consensus of the Board was to table this request to allow further discussion at a work session.

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

REQUEST OF STACEY THORNTON, TRUSTEE TO: AMEND THE "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.
REQUEST OF STACEY THORNTON, TRUSTEE TO: AMEND THE OFFICIAL ZONING MAP SO AS TO CHANGE AND ESTABLISH OFFICE (O-1) DISTRICT ZONING ON THE ANNEXED PROPERTY AT 600 BAFFIE AVENUE.

REQUEST OF NORT NORTHAM TO: AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP SO AS TO ESTABLISH A COMMERCIAL FUTURE LAND USE DESIGNATION TO THE ANNEXED PROPERTY AT 656 OVERSPIN DRIVE.
REQUEST OF NORT NORTHAM TO: AMEND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH COMMERCIAL (C-3) DISTRICT ZONING ON THE ANNEXED PROPERTY AT 656 OVERSPIN DRIVE.

Mr. Briggs announced that both of the above requests have been withdrawn by the applicant.

NEW BUSINESS:

Next Meeting Date:   Wednesday September 26, 2012 at 12:00 noon – (Work Session)
   Tuesday, October 2, 2012 at 7:00 p.m. (Regular Meeting)

There was no further business. Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary