CITY OF WINTER PARK
Planning & Zoning Board

Regular Meeting
City Hall, Commission Chambers

MINUTES

October 2, 2012
7:00 p.m.

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 – September 11, 2012

Motion made by Mr. Sacha, seconded by Mrs. Whiting to approve the September 11, 2012, meeting minutes. Motion carried unanimously with a 7-0 vote.

PUBLIC HEARINGS:

REQUEST OF MICHAEL COLLARD PROPERTIES INC. TO: AMEND THE COMPREHENSIVE PLAN FUTURE LAND USE MAP SO AS CHANGE THE DESIGNATION OF OFFICE TO COMMERCIAL ON THE PROPERTIES AT 407 AND 409 ST. ANDREWS BLVD.

REQUEST OF MICHAEL COLLARD PROPERTIES INC. TO: AMEND THE OFFICIAL ZONING MAP SO AS CHANGE THE EXISTING ZONING DESIGNATION OF MEDIUM DENSITY RESIDENTIAL (R-3) DISTRICT TO COMMERCIAL (C-3) DISTRICT ON THE PROPERTIES AT 407 AND 409 ST. ANDREWS BLVD.

REQUEST OF MICHAEL COLLARD PROPERTIES INC. ON BEHALF OF MCDONALD’S INC. FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT A NEW MCDONALD’S RESTAURANT WITH A DRIVE-THRU COMPONENT ON THE PROPERTIES AT 2304 ALOMA AVENUE AND AT 407 AND 409 ST. ANDREWS BLVD.

Planning Director Jeffrey Briggs presented the staff report. He explained that these requests by Michael Collard Properties Inc. are to amend the Comprehensive Plan future land use map and zoning map on the properties at 407 and 409 St. Andrews Boulevard from Office to Commercial. These two properties will then be assembled with the property at 2304 Aloma Avenue to be the site for a new McDonald’s restaurant, which is a conditional use due to the drive-thru component. He provided Board members with an overview of the approval process (legislative versus quasi-judicial decisions), comprehensive plan and zoning history, the conditional use request, parking, traffic circulation and stacking, noise impact, architecture and landscaping.

He summarized by stating that the main focus of this conditional use (traffic impact and stacking) is adequate and the overall project well designed with no variances requested. The exterior wall on the south side and the landscape package on the east and south sides should successfully buffer both the view and hopefully the sound to the adjacent residential units and neighborhood in staff’s opinion. Staff recommended approval of the
requests of the Comprehensive Plan FLU change to commercial and the rezoning to C-3 for final approval of the Conditional Use with the following conditions:

1. If there are noise complaints from residential property near to the site, modifications will need to be made to the menu/ordering board speaker system for ordering to address those nuisances. The standard for a request by the City for remedial action shall be if the noise or sound from the menu/order board speakers is plainly audible within the inside of a residence (with windows and doors closed).

2. That the final landscape plan and exterior wall plans be subject to approval from the Planning and Zoning Board with respect to design and materials.

Mr. Briggs responded to Board member questions and concerns.

Rebecca Wilson, 215 North Eola Drive, Orlando, represented the applicant. She explained that the applicant is requesting to redevelop the existing McDonalds, amend the comprehensive plan and rezone the subject property. She used a power point presentation to provide details of their request. She discussed the issues of FAR, zoning and comprehensive plan traffic stacking and circulation. She acknowledged the applicant's willingness to work out an easement agreement with the neighboring commercial property owner, South Aloma Properties. She stated that if they are not able to work out a resolve with them prior to the City Commission meeting, they will pull the item from the agenda. She indicated that McDonald’s was in agreement with the conditions suggested by staff as they do not believe the sound from the speakers will ever be a problem especially with the wall buffer. She responded to Board member questions and concerns.

Trippe Cheek, 329 North Park Ave, represented South Aloma Properties. He acknowledged Mrs. Wilson’s statements and agreed to withhold opposition to allow for a resolution to the easement issue.

Angel Taggerty, 212 Tyree Lane, He explained that he has lived in the neighborhood for nine years and expressed concern with the noise from the speaker and current traffic conditions.

Tim Fitzsimmons, 2260 Glenwood Drive, stated that he feels that the applicant’s drawings were inaccurate and do not depict current conditions. He also spoke regarding current traffic conditions and he said that he feels that the wall will not stop noise and that the redevelopment will have a negative impact on property values.

David Williams, 1567 Pinehurst, Casselberry, explained that he owns three properties in the adjacent neighborhood. He spoke concerning the unmaintained drainage ditch. He explained that he is not against McDonald’s building there, but that he does not think that they are doing it properly. He also spoke concerning current traffic conditions thru the neighborhood.

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

Chairman Whiting suggested that the Board discuss the Comp. FLU and Rezoning requests first and then move on to the conditional use. Mr. Johnston expressed that there are offices across Glenwood Avenue that act as a buffer to the residential neighborhood and also a large buffer across St. Andrews Blvd. of the drainage ditch and landscaping buffering for the apartments to the west. As such this change makes the total site feasible for redevelopment without negative effects. Mr. Livingston agreed and indicated that fostering redevelopment on Aloma is what we are also trying to encourage on West Fairbanks. Mr. Hahn agreed but asked that there be less of a car-centric focus and an equal pedestrian focus as we need to envision neighbors nearby walking to the McDonald’s for morning coffee, etc. Mr. Slocum pointed out that the rear portion of the property is just vehicle support as parking and drive-thru and if it were a sit down restaurant then the same rear parking could be built without a zoning change so it is less of a major change to the zoning than it appears. Mr. Gottfried noted the parallel to West Fairbanks in that again we need to provide proper depth for redevelopment if that is what is desired. Mr. Krecicki indicated that he original was concerned about the change but the discussion of the ability to encourage redevelopment of the strip commercial along Aloma is persuasive. Chairman Whiting agreed but noted the request does significantly increase traffic at times when the streets are already very congested so the City needs to recognize that trade-off for redevelopment.
Chairman Whiting then asked for Board member comments on the Conditional Use. Mr. Johnston stated his support indicating that no variances were requested and with the wall buffer and landscaping there is very good screening and protection for the neighbors. Mr. Krecicki indicated his support but expressed that the cross access concerns raised by the adjoining property owner tonight needed to be resolved. Mr. Livingston pointed out that this plan was on a very small, tight site compared to most McDonald’s. The Board discussed the traffic circulation aspects of the plans and agreed that if any changes need to be made due to the cross access easement, those needed to happen prior to the City Commission meeting.

Motion made by Mr. Krecicki, seconded by Mr. Livingston to approve the request to amend the comprehensive plan future land use map from office to commercial. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Gottfried, seconded by Mr. Livingston to approve the request to amend the official zoning map from R-3 to C-3. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Krecicki, seconded by Mr. Livingston to approve the conditional use request as recommended by staff subject to the following conditions:

1. If there are noise complaints from residential property near to the site, modifications will need to be made to the menu/ordering board speaker system for ordering to address those nuisances. The standard for a request by the City for remedial action shall be if the noise or sound from the menu/order board speakers is plainly audible within the inside of a residence (with windows and doors closed).
2. That the final landscape plan and exterior wall plans be subject to approval from the Planning and Zoning Board with respect to design and materials.
3. That the easement issue be resolved with adjacent commercial property owner, South Aloma Properties, Inc., be resolved prior to the City Commission public hearing.

Motion carried unanimously with a 7-0 vote.

REQUEST OF THE CITY OF WINTER PARK TO: AMEND THE COMPREHENSIVE PLAN” FUTURE LAND USE ELEMENT SO AS TO ADD NEW POLICY TEXT AND A NEW FUTURE LAND USE CATEGORY FOR PARKING LOT USE TO CORRESPOND TO THE PARKING LOT (PL) ZONING DISTRICT.

REQUEST OF THE CITY OF WINTER PARK TO: AMEND SECTION 58-80 PARKING LOT (PL) DISTRICT TO PROVIDE DESIGN STANDARDS FOR PARKING LOTS IN PROXIMITY TO RESIDENTIAL PROPERTY.

Planning Director Jeffrey Briggs presented the staff report. He explained that the public hearing is a city staff generated request to amend the Comprehensive Plan to add a new Future Land use category for parking lots to correspond to the city’s parking lot (PL) zoning district and to include the recently adopted parking lot buffering and screening standards with the parking lot (PL) zoning district. He explained that this issue arose earlier in the year when the City was asked to rezone 1210 Dallas Avenue for expanded parking for the Regions Bank property. The City has a Parking Lot (PL) zoning district just for such occasions. The PL zoning only allows surface parking lots and the land cannot be used in the future for an office or commercial building, unless rezoned again. So this Parking Lot (PL) zoning district is just for that use as a surface parking. Further, the problem is that the City does not have a corresponding Future Land Use (FLU) designation in the Comprehensive Plan. So in the case of 1210 Dallas Avenue, the City had to establish an ‘office’ future land use designation as the City could not permit the parking in the previous single family residential FLU designation.
The concern is that when the City grants office FLU which in effect says the land can be used for an office building the City is only granting PL zoning which says that it can only be used for parking. These are in conflict. There needs to be a corresponding future land use designation for the Comprehensive Plan (just like we have for the Zoning Map) so that when neighbors are promised that the only future use will be as a parking lot, the City can enforce that promise.

The need for this new FLU designation for parking lots was highlighted in the Urban Land Institute’s Technical Assistance Panel program in June. The consensus and agreement is that for the north side of West Fairbanks to redevelop, the City will need to annex and rezone the residential properties directly behind. The ULI team confirmed that as part of their recommendations. He explained that the draft of the West Fairbanks Design Standards outline how that would be done. The specific details on the buffer walls, landscaping, restrictions on access, etc. are detailed for such future parking lot expansions. The method to accomplish this will be a rezoning to the PL zoning district. By having the Parking Lot future land use designation, when the City promises those neighbors that the land across the street from their homes will only be used for a surface parking lot and not for commercial or office buildings then the Comp. Plan FLU category will supports that use and limitation.

He summarized by stating that the City has codified into the Landscape Code the landscape and buffer wall design standards which were patterned after the YMCA parking lot. The staff’s experience is that citizens, developers and attorneys look at the Zoning Code. Landscape architects look at the landscape regulations. Even though it is redundant, the staff believes the City needs to repeat the screen wall and landscape buffering requirements already adopted by the City in the landscape regulations to be also included within the Parking Lot (PL) zoning district as well. Staff recommended approval. Mr. Briggs responded to Board member questions and concerns.

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

Motion made by Mr. Krecicki, seconded by Mr. Sacha to approve the request to add a new policy text and future land use category for parking lot use. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Krecicki, seconded by Mr. Sacha to approve the request to amend the parking lot district to provide design standards for parking lots in proximity to residential property. Motion carried unanimously with a 7-0 vote.

NEW BUSINESS:

Mr. Briggs announced the following upcoming Meeting Dates:
- Wednesday, October 24th @ Noon to discuss the Park Avenue Zoning, south of Comstock.
- Wednesday, November 28th @ 5:30 joint work session with EDAB to discuss the Progress Point site.

There was no further business. Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary