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

Approval of minutes – October 2, 2012:

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the October 2, 2012, meeting minutes. Motion carried unanimously with a 7-0 vote.

PUBLIC HEARINGS:

REQUEST OF THE WINTER PARK YMCA TO: AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS CHANGE THE EXISTING DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO INSTITUTIONAL ON THE PROPERTIES AT 1751 AND 1761 PALMER AVENUE.

REQUEST OF THE WINTER PARK YMCA TO: AMEND THE OFFICIAL ZONING MAP SO AS CHANGE THE EXISTING ZONING DESIGNATION OF SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ON THE PROPERTIES AT 1751 AND 1761 PALMER AVENUE.

REQUEST OF THE WINTER PARK YMCA FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT AN ADDITIONAL ZERO DEPTH CHILDREN’S SWIMMING POOL AND TO EXPAND THE EXISTING YMCA PARKING LOT ONTO THE PROPERTIES AT 1751 AND 1761 PALMER AVENUE.

Planning Director Jeffrey Briggs presented the requests of the YMCA for:

1. Comprehensive Plan and Zoning Map Amendments to change from Single Family (R-1A) to Public Quasi-Public (PQP) and Future Land Use from Single Family Residential to Institutional on the properties located at 1751 and 1761 Palmer Avenue to allow the expansion of the existing YMCA for a new zero depth swimming pool and parking lot onto those two properties.

2. Conditional Use approval to add an additional zero-depth children’s pool and parking lot onto the expanded property.

Mr. Briggs reviewed the following aspects of the new proposal. The Winter Park YMCA has submitted their proposed site plans and architectural elevation drawings for these expansion requests. In terms of code compliance, the project would meet the setbacks, floor area ratio and other development standards for the PQP zoning (if approved). The existing YMCA is 33,450 square feet in size. The YMCA now has about 139 parking spaces. The YMCA owns and has owned since the 1960’s, the 35 feet of property south of the
existing south wall of their swimming pool which appears to be visually part of the backyards of the two homes at 1751/1761 Palmer Avenue. You will note on the site plan that the design preserves the existing large oak tree as an amenity for the combined swimming pool facilities. The balance of the residential lots is proposed for use as the expanded parking lot. The plans would continue the buffer wall and landscape program that presently exists along Palmer Avenue, as a buffer for that expanded parking.

Mr. Briggs also discussed the recent history of the 1997 Development Agreement, and overview of the opposition. Mr. Briggs indicated that the staff has difficulty providing any measurable negative impacts as to how the parking lot expansion would be a significant negative effect upon the adjoining residential community. The proposed screen wall and landscaping is the template that the City uses to show how to successfully integrate a parking lot into a residential neighborhood. The wall and landscape buffer must successfully accomplish the intent because there are two new single family homes under construction directly across the street, another one ready to start right next door. However, on the opposite side, the predicament just as was faced in 2009 is the a 1997 Development Agreement contract that prohibits this approval. There is no alternate Development Agreement or Amendment that has been provided by the YMCA to consider that would be the basis for action. Mr. Briggs summarized by providing staff's position on this issue. He said that the Planning Commission has three options:

1. Approve the entire request as submitted, or
2. Deny the entire request, or
3. Approve a portion of the request, such as just the swimming pool.

The public hearing was opened with Planning Board members disclosing ex-parte communications.

Frank Hamner, 405 Balmoral Avenue, and Bud Oliver, of the Winter Park YMCA, represented the applicant. Mr. Hamner used a Power Point presentation to present the YMCA’s request. Mr. Hamner provided a detailed history of the YMCA and its expansions and provided a comprehensive analysis of the development agreement the provisions that they are offering as a request to amend the Development Agreement. Mr. Oliver also responded to Board member questions and concerns.

The following people spoke in opposition to the request: Margaret DeBoer, 1748 Pine Avenue; Stan Lineberger, 1748 Pine Avenue; Jeanne Brown, 536 Brookshire; John and Lis Kurash, 1050 North Lakemont Avenue; Rebekkah Wilson, 1724 Pine Avenue; Kathleen Kiely, 1800 Oneco Avenue; Geri Throne, 1771 Chestnut Ave; Byron McIntosh, 4105 Bibb Lane, Jeffrey Hale, 1640 Palm Avenue; and Jean McIntosh, 1756 Pine Avenue. The speakers cited the 1997 Development Agreement promises that were made and broken. They spoke to the negative impact on their homes from increased traffic and noise. They spoke to the continuing expansion of the YMCA over the years and indicated that there were no assurances that the YMCA would not continue to expand the building and parking.

The following people spoke in support of the request: Ann Schmultz, 1570 Palmer Avenue; Melissa Mishol, 326 Fitzhugh Road; Andrea Massey-Farrell, 1825 Loch Berry Road; Patrick Chapin, 1800 Pepperidge Drive, Orlando (spoke as a member of the YMCA’s Board); Jere Daniels, Jr. (spoke as a past Board member), 1770 Shawnee Trail, Maitland; Terry Hotard (spoke as a past City Commission member), 1461 Palmer Avenue; Orlando; Shawn Stephens, 1650 Cheyenne Trail, Maitland; Barry Wilcox, 15115 Chestnut Avenue; Lisa Wilcox, 1727 Palmer Avenue; Rose Rogers, 2801 Little John Road; Susan Holland, 877 Broad Street, Orlando; and Brad Hester, 1906 Whitehall Drive. The speakers cited the growing service that the YMCA provides to the community, their personal desire and need for the zero depth swimming pool and parking and the minimal impact these facilities would have.

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

Chairman Whiting noted for the record, the email from the City Attorney that the Development Agreement has been reviewed by the City’s Attorney office and the Agreement is still in effect. Consensus of the Board was that a new agreement needs to be completed.
Mr. Hahn spoke to a concern that he did not feel that the Master Plan and the Development Agreement are aligned with one another. He expressed concern that there may not have been enough dialog between the YMCA and the community. He also said that he feels that Phelps Park should be enveloped into the Master Planning of the YMCA. Mr. Slocum agreed with Mr. Hahn’s comments. He said that he feels that in addition, there needs to be a definition of what should be the ideal size of a neighborhood YMCA facilitating the needs of Winter Park. He said that comes from taking into consideration the number of comments from users outside of the City that utilize the facility.

Mr. Sacha discussed his history with the YMCA. He said that he feels that the development agreement needs to be redone because times have changed, the community has changed and the needs of the YMCA have changed. He said that he is disappointed that there has been no communication between the two sides during the last three years. He stated strongly that he feels that needs to happen. He expressed support of the zero depth pool.

Mrs. Whiting discussed the past request of the YMCA and the pros/cons of amending the development agreement. She noted that in 2009, the request was denied by the City to amend the development agreement.

Mr. Johnston stated that he feels that what must be looked at currently is what they are proposing in the context of what is there now and is it appropriate and if the Board is comfortable with that being done. He said that due to the fact that the size of the building not increasing, and what they are proposing as a buffer for the pool and parking, the plan is acceptable.

Mr. Gottfried said that he feels that the Board should focus on the planning issues because the development agreement is an issue for the attorneys to negotiate. The YMCA is an asset to the residents of the City of Winter Park and to the community as a whole and that there needs to be a new development agreement.

Mr. Livingston stated that he feels that there should definitely be a new agreement and further that the agreement. He said that he feels that lighting should be addressed; trees to shield noise; reduce the size of the parking lot; no slide on the swimming pool and extend the buffer wall further north in order to screen the pool. Mr. Slocum agreed with Mr. Livingston and also requested that if that is accepted to also add a condition that prohibits them from increasing the size of the building in the future.

Motion made by Mr. Johnston, seconded by Mr. Gottfried to approve proposed ordinance amending the "Comprehensive Plan" Future Land Use Map so as change the existing designation of single family residential to institutional on the properties at 1751 and 1761 Palmer Avenue. Motion carried with a vote of 5-2. Mrs. Whiting and Mr. Slocum voted against the motion.

Motion made by Mr. Gottfried, seconded by Mr. Johnston proposed ordinance amending the "zoning regulations" and the official zoning map so as change the existing zoning designation of single family residential (R-1A) district to Public, Quasi-Public (PQP) district on the properties at 1751 and 1761 Palmer Avenue. Motion carried with a vote of 5-2. Mrs. Whiting and Mr. Slocum voted against the motion.

Motion made by Mr. Gottfried, seconded by Mr. Johnston to approve the proposed conditional use request to construct an additional zero depth children’s swimming pool and to expand the existing YMCA parking lot onto the properties at 1751 and 1761 Palmer Avenue subject to drafting a new Development Agreement that incorporates the following conditions: lighting protection for neighbors; landscaping to shield noise; reduce the size of the parking lot from 40 down to 30; no swimming pool slide; extend wall further north the property line in order to screen the pool; and a condition that prohibits them from increasing the size of the building in the future. In addition, incorporate the items outlined in the letter presented by Attorney Frank Hamner. Motion carried with a 6-1 vote. Mrs. Whiting voted against the motion.
REQUEST OF ABC LIQUORS INC. FOR: CONDITIONAL USE APPROVAL TO CONSTRUCT A NEW 13,550 SQUARE FOOT ABC LIQUORS RETAIL STORE ON THE PROPERTY AT 401 N. ORLANDO AVENUE WITHIN 300 FEET OF RESIDENTIAL PROPERTIES.

Planning Director Jeffrey Briggs presented the staff report and explained that this item requires conditional use approval because it is over 10,000 square feet and within 300 feet of residential property. He said that ABC Liquors is requesting conditional use approval to redevelop the existing store location at 401 N. Orlando Avenue by constructing a new 13,281 sq. ft. ABC store directly behind to the rear of the existing building. Then when that new store is completed, the existing store that currently is 7,200 square feet in size will be demolished. He added that in order to accomplish this redevelopment, ABC Liquors is purchasing the property at 1411 Tovillion Avenue which is immediately behind the existing ABC property and further, both properties are zoned commercial (C-3). He reviewed the proposed redevelopment site and context, building plans, parking, traffic generation, storm water retention, architecture and landscaping. He summarized by stating that there may be neighbors concerned with a larger ABC store closer to their residences. However, this store will not have a rear door access like the current one does, so while one can park in back and walk up front, it will not be preferable. Instead increasing the customer parking from 7 spaces to 19 spaces in the front will make that the focus of customer traffic and activity. Clearly the image and traffic safety of the new front parking lot will vastly improve this ABC store functional operations and visual appeal. The new storm water and landscape area at the corner gives the City the chance to do something special visually on that corner. Staff recommended approval with the condition that the landscape be reviewed and approved by the Planning Board. Mr. Briggs responded to Board member questions and concerns.

John Kelly, DRMP Engineering and Rex Weeks, Director of Construction for ABC stores represented the applicant. Mr. Kelly stated that they were in agreement with the staff recommendation. He provided details concerning the proposed redevelopment with regard to FAR, setbacks, parking and traffic circulation. He responded to Board member questions and concerns with regard to the proposed site plan.

The following residents of the Killarney Bay Condominiums spoke concerning the request: Nancy Ponting, 570 Killarney Bay Court; Stephanie Barnes, 620 Killarney Bay Court; Jessica Petravich, 630 Killarney Bay Court; Theresa Scaldini, 720 Killarney Bay Court; and Chris Laidley, 120 Killarney Bay Court. The residents expressed concern with crime that has occurred at the store and concern about it increasing the adequacy of parking, site lighting, times of deliveries, traffic circulation, and the negative affect having a liquor store so close to their properties would have on the property values.

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

The Board members addressed these issues particularly the site lighting, parking and deliveries with the applicant. Mr. Weeks assured the Board that if deliveries are now being made from the street the new plan would require delivery trucks to park in the rear parking lot. Mr. Kelly noted that the daily traffic increase is projected to only be 24 more cars. Mr. Slocum asked questions regarding the architectural roof materials and noted for the Board that there is architectural detail and articulation as we like to see.

Mr. Slocum stated that he likes that the new plan which allows for better access for ingress/egress. Mrs. Whiting agreed with his comments. The Board consensus was that the plan would improve the appearance of the Orlando Avenue frontage and make the parking circulation safer.

Motion made by Mr. Johnston, seconded by Mr. Sacha to approve the conditional use request with the condition that all loading and unloading must be off-street. Motion carried unanimously with a 7-0 vote.
REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE TO AMEND THE "ZONING REGULATIONS" SECTION 58-75 "COMMERCIAL (C-2) DISTRICT," SO AS TO REVISE THE PERMITTED USES ALONG PARK AVENUE IN THE BLOCK SOUTH OF COMSTOCK AVENUE.

Planning Director Jeff Briggs presented the staff report and explained that this agenda item returns for P&Z Board discussion to decide whether to amend the C-2 commercial zoning rules along Park Avenue in the one block south of Comstock Avenue. He noted that this issue was previously discussed by P&Z in July and September as well as a work session was held by the Planning and Zoning Board on October 24th with members from the Park Avenue Area Association. The original intention by the planning staff was to help the five properties in this one block of Park Avenue, south of Comstock Avenue that has struggled for many years. This block 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.

He stated that unfortunately, these zoning rules changes have generated a great deal of controversy. The primary concerns were about whether there was a need for these changes, about the scale of these changes and unintended consequences. As a result, the "menu" of the proposed changes has been significantly scaled back to a much more limited scope as follows:

1. Allows as a permitted use, barber shops, beauty/nail salons and other cosmetic treatment businesses. This is in recognition that Gary Lamberts’ salon has been in this block for 30+ years and it would provide some additional tenant flexibility for these owners.
2. Allows for "fast casual" restaurants within this block where ordering and payment may be done at a counter but the food or meals are brought to the customer’s tables (other than take-out). Fast casual restaurants also would not include any type of restaurants where the business model is predominately, in the majority of other locations, as drive-thru or take-out restaurants.

Mr. Briggs responded to Board member questions and concerns.

John Dowd, 427 North Phelps Avenue, represented the Park Avenue Area Association. He stated that the Association is not in favor of the code change. He said that it is the Associations’ position that the proposal is ill-conceived and further no compelling reason has been presented necessitating the change.

Frank Hamner, 405 Balmoral Road, represented the Holler Family. He explained that they have only recently seen some movement in that block. He said that what they are requesting is to allow fast casual restaurants that don't offer pre-packaged or off-site food prepared food as entrees and whose core business model does not include drive-thru or predominantly take-out service. He gave his concerns with regard to the City’s definition of fine dining. He asked that the change for the salons be deleted.

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

The P&Z Board expressed general support of the proposed change. They noted that the scale of the changes have been greatly reduced from the original proposal that was voted down by the Park Avenue Association and some added tenant flexibility in this block is warranted. Mr. Slocum noted he could support some variation for this block because its' location made it different. Mr. Johnston noted his support in recognition of this different setting as well. Mrs. Whiting stated that the concern about precedent is real but the condition for the Brandywine’s block are different. Mr. Gottfried agreed.

Motion made by Mr. Johnston, seconded by Mr. Gottfried to approve the proposed ordinance as presented in the staff report for “fast casual” restaurants only. Mrs. Whiting noted the approval is only for “fast casual” restaurants not salons. Motion carried unanimously with a 7-0 vote.
REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE AMENDING THE "ZONING REGULATIONS" SECTION 58-87 "LAKEFRONT LOTS" TO REVISE THE PERMITTED SIZE AND LENGTH OF DOCKS.

Planning Director Jeffrey Briggs presented the staff report. He explained that the Lakes and Waterways Advisory Board has the responsibility under our Code to review and approve all docks and boathouses on the City’s lakes. The Lakes Board has requested that P&Z and City Commission consider changes to the length and size of docks (those rules are in the Zoning Code) in order to streamline the permit process on Lake Killarney where shallow water conditions necessitate some additional dock length.

A recent dock variance request on Lake Killarney initiated this discussion at the Lakes Board related to the length and square footage allowance. Historically the City has had a maximum 30 foot dock length on our lakes and when Lake Killarney was annexed (which had a 50 foot length from the Orange County regulations) our code related to dock length was modified to allow docks up to 50 feet in length (from OHW) on Lake Killarney. However, at that time the total maximum size or square foot area of docks and boathouses was not changed to reflect the extra allowed length. This has resulted in variance requests that have had to go to the Zoning Board of Adjustment for approval and then to the Lakes and Waterways Board for review and approval. This two-step process is time consuming (3 months) for the lakefront property owners and largely unnecessary given the thorough Lakes Board public hearing review process, notice to neighbors, etc.

The Board asked Mr. Briggs if there have been other cases on the lakes where the two step process is needed for variances from The Board of Adjustment and then a secondary approval from the Lakes Board. Mr. Briggs indicated that there has been the occasional situation where variances were requested and necessary from the 30 foot maximum length due to unique shallow water conditions. As a result, the planning staff would suggest that the Code be further modified by allowing up to 10 additional feet to address those situations so again such approvals can be streamlined by only going to the Lakes Board and not two boards. Staff is comfortable with this because the ordinance has strict criteria in both instances that the allowance is only “when the applicant has provided sufficient water depth and bottom contour information to demonstrate that the additional length is needed and essential for normal boathouse/boatlift operation”. Staff recommendation is for approval. Mr. Briggs responded to Board member questions and concerns.

Mr. Gottfried indicated that he was a former member of the Lakes Board and that they give a very careful review of the request for docks and boathouses and neighbors are notified of such plans. He assured the Board that a lakefront owner should not need to go to two Boards to ask the same question. Mr. Johnston agreed that in past the Planning Board has looked for ways to streamline the approval process and this seemed like a very good improvement. There was agreement amongst the Board members that the suggestion for the Code modification from the Lakes Board was a good idea as well to broaden the scope to the other lakes.

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

Motion made by Mr. Gottfried, seconded by Mr. Livingston to approve the proposed ordinance. Motion carried unanimously with a 7-0 vote.

NEW BUSINESS:

There was no further business. Meeting adjourned at 11:00 p.m.

Respectfully submitted,

Lisa M. Smith,
Recording Secretary
Planning & Zoning Board