



City Commission Work Session Minutes

June 25, 2020 at 1:00 p.m.

Virtual Meeting

Present

Vice Mayor Carolyn Cooper
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Todd Weaver

City Manager Randy Knight
City Attorney Kurt Ardaman
City Clerk Rene Cranis

Absent: Mayor Leary

Others Present:

Bronce Stephenson, Director of Planning and Transportation
Allison McGillis, Planner

Meeting called to order

Vice Mayor Cooper called the work session to order at 1:00 p.m.

Orange Avenue Overlay

Transfer of Development Rights

Vice Mayor Cooper presented questions previously submitted and asked Mr. Stephenson to respond.

Mr. Stephenson stated the parking survey of businesses and property owners has been sent. The website has been updated with relevant documentation and links to the State's website for information on the state's review of the OAO. Mr. Stephenson began review of questions from the commission.

- What other Florida cities permit Transfer of Residential Density? Mr. Stephenson explained the difference between Transfer of Residential Density (TRD) and Transfer of Development Rights (TDR) and showed different examples of both in Winter Park. He stated that TRD is unique in Florida with most cities having density bonuses for achieving a certain density. Per GAI, Coral Gables and Dania Beach have similar policies. (Staff to provide link to these cities code/policy.)
- What is the purpose of TRDs used in these other cities? Mr. Stephenson explained that the purpose was to create mixed use areas. Without a residential component it could be difficult to build mixed use buildings, pay for parking, etc. After discussion, staff will research use for historical preservation or for environmental impact in cities and counties.)
- What happens to property giving up the rights? Mr. Stephenson explained provisions of density transfers and impact to development rights on donating property. Discussion followed on potential impact on different properties.

- What is the process and calculations used to determine when/how many units of density can be transferred? Mr. Stephenson explained that whatever is owned on the date of adoption are the only properties eligible for density transfer.
- Should Subareas (A, B, C, G, I, K) have the same TRD rights based on ownership versus as larger developments in the area? Mr. Stephenson explained that the two larger developments were identified as the nodes of intensity that would provide parking and other needed amenities for the area and are the only two properties allowed to have the on-time TRD rights upon adoption of the ordinance. The process was established to prevent banking of units that could be sold which would create more mass to the district. Commissioner Sullivan stated that he felt this was an unfair advantage to the other property owners. Mr. Stephenson stated that the other properties still had their units they would be able to build on.
- What are the lessons learned by other cities that have used density transfers? Mr. Stephenson explained that density in Winter Park is too low to compare.
- What would happen if TRDs are allowed and if they are not? Mr. Stephenson explained it would create the mixed-use environment needed to provide parking and create economic viability in the area. Without the yield of units, the OAO district would be less viable and likely move toward surface parking and standard commercial strip development. He explained that having the two larger areas as the nodes of intensity for the district would help the smaller properties develop at a smaller scale.

Discussion was held on the larger properties, such as Jewett Orthopedic, Bank of the Ozark and Progress Point properties, and their intended use in the Overlay.

Commissioner Weaver stated that he believes the public does not want to see large developments at two locations and feels it would be fairer to spread the FAR to the four large properties rather than having large developments at very difficult intersections. Mr. Stephenson stated that it was possible, but raises the question of whether the properties could contribute to parking.

Commissioner Sullivan commented on the Demetree properties and said he understands that the minimum number of residential units that would lead to a parking structure would be 150 (32 units per acre). Currently, there would be 36 units per acre with all of the transfers on the Demetree property. He asked whether there could be a cap on the number of residential units per acre on top of residential density. Commissioner Cooper stated that per the comp plan, there had to be a cap on the number of residential units per acre even if TDR is allowed. Mr. Stephenson stated this is part of the submittal to the State.

Further discussion ensued regarding maximum entitlements and how an agreement could be made on setting residential limits. Mr. Stephenson clarified that the 170 - 180 residential units/36 units per acre would be permitted on the Demetree properties.

Commissioner Cooper stated she feels TRDs should be used to preserve greenspace and historic assets, if necessary, and increasing intensity of development at failing intersections is not a public benefit. She stated that she is not comfortable going above existing maximum entitlements allowed by the comp plan. She is not interested in TRDs from properties that have already maximized their potential under other zoning and would only consider the residual FAR and associated density. She added she is more comfortable removing TRDs completely from the OAO and setting a maximum of 25 units per acre.

In response to questions by Commissioner Sullivan on units per acre, Mr. Stephenson stated that he would provide the Commission the GAI study from July of 2017 and other resources that would help with visualizing density and context. Commissioner Sullivan stated that he would like to get input from large property owners on what 120 units would look like.

Commissioner Weaver agreed with Vice Mayor Cooper and asked what percentage of commercial and residential use would be acceptable in the overall mixed-use development. Mr. Stephenson said the current language states 75% residential but not on the first floor. He responded to questions stating that vertical mixed use would be preferred on the larger properties. He noted the potential exists for townhomes on Palmetto Avenue as it becomes more of a through-road and that the Trovillion Trust properties between Progress Point and the Demetree property had potential for double frontage lots with the front facing Palmetto and the back connected to a regional bike trail.

Commissioner DeCiccio stated the justification for allowing RDT was to incentivize developers to build parking garages to meet parking need and feels there would be no need to offer RDTs to the larger properties if Progress Point could meet the parking needs. Mr. Stephenson stated a parking survey had been sent to property owners and business owners to get both perspectives of parking needs for the area and he will share data from that parking survey. Commissioner Cooper suggested a work session focusing on parking.

Mr. Stephenson asked if there is interest in knowing that additional density may become available if it cannot be used on the transferring property but give additional enhancements such as open space.

Commissioner Cooper reiterated that she was not interested in transferring any non-existent development rights anywhere under any condition and feels this unequitable and unfair to the community.

Commissioner Weaver expressed concern that this would set a precedent and opposed RDTs.

Commissioner Cooper summarized that three commissioners have no interest in setting a precedent and supported removing transfer of development rights from the OAO and Commissioner Sullivan would like to more information and to looking at this further.

Commissioner DeCiccio reiterated that she would like the parking information before making a final decision.

Commissioner Cooper stated that moving forward with transfers would impact three changes in the Comp Plan and if there is going to be any change, there should be a maximum density with the transfers. This would also impact the Land Development Code in Subareas D and J and definition section.

Commissioner Weaver stated he understands that no transfers would be available if there are no residential entitlements without removing a building. He said that he was not proponent of manufacturing residential entitlements that don't exist. After further discussion, consensus of the commissioners was that none were comfortable with allowing TRDs at present.

City Attorney Ardaman addressed the Commission if it is their intent that excess development rights under the zoning could be used to transfer to another property if the transferring property is already developed and has not utilized all of its existing development rights. He

provided scenarios and discussion followed on protection of existing property owner rights and the Commission's objectives for the OAO.

Use of public right-of-way

Harmon Avenue and Palmetto Avenue - Mr. Stephenson explained that Harmon Avenue is currently one-way road at a bad intersection and is currently the third most dangerous road in terms of collisions in the City. He discussed the idea of swapping the Harmon Avenue right of way for an extension of Palmetto Avenue through the Lombardi's property with a right/in and right/out on 17-92. This would remove a portion of the bad intersection, improve traffic flow, create a secondary access through Palmetto, and the right/in and right/out would reduce the number of accidents. He stated that the Palmetto extension would be a safer road than existing Harmon Avenue and noted that it would have to be an even swap with Demetree. Because it will not be a highly travelled pedestrian road requiring sidewalk on both sides, it provides a good opportunity to locate the rail trail adjacent to the road with the 12-15-foot path with decorative lighting, benches, etc.

Commissioner Sullivan agreed and asked if anyone was opposed to a property swap of Harmon Avenue for the extension of Palmetto Avenue. Commissioner DeCiccio said she feels it is a great idea. Discussion followed on the Harmon Avenue intersection, the extension of Palmetto Avenue, the effect it would have on Area D property owners and the advantages of the extension and maintaining the right-of-way for the citizens of Winter Park.

Vivian Avenue - Mr. Stephenson stated that Vivian Avenue is a one-way street on the north side of the railroad track on the east and west side of 17-92. Staff's suggestion is to use Vivian Avenue as an access point for a future bike/ped bridge at 17-92. Commissioners Weaver and Sullivan supported retaining Vivian Avenue right-of-way.

Commissioner Cooper asked the commission to look at language relating to intersections.

Holt Avenue - Mr. Stephenson stated that Holt Avenue provides an opportunity to create a better bike/ped connection to Rollins College. He commented on the potential of closing Holt Avenue to vehicular traffic between the Subarea J and the baseball field to create an outdoor space for pedestrians. Discussion followed on the impact of this closure on area roads.

Capen Avenue - Mr. Stephenson stated that closure of Capen Avenue at Fairbanks provides an additional opportunity for a bike/ped way which is supported by the Police Department due to the large number of crashes at that intersection.

Commissioner Cooper supported the idea of pedestrian walkways but felt that those initiatives should be project specific.

Commissioner Weaver suggested a no left turn sign both eastbound and westbound at Orange Avenue could alleviate potential for crashes. He opposed giving up rights-of-way for these areas, but spoke in favor of allowing the developers to build over roads for parking or something else provided there was sufficient clearance for fire vehicles. Commissioner Cooper opposed giving up traditional grid-system roads.

Bike/Ped Path - Mr. Stephenson showed a map of the existing bike paths and connectivity to other bike paths and recommended future bike and ped paths on Denning Drive and outlined bike/ped path opportunities associated with the development enhancement menu. Discussion

followed on providing safe bike/ped intersection crossings and opportunities for future connections at Mead Garden and to the CBD.

Commission Cooper provided a summary of the discussion:

- Maintain a way to extend Palmetto to 17/92 and trade Harmon Avenue right-of-way for equivalent right-of-way to make that possible.
- Retain Vivian Avenue right-of-way and consider an easement.
- Important to maintain grid system of roads.
- Further review Capen Avenue for bike/ped only with input from Police Department.
- Review comp plan and zoning changes - pages 16, 17, 26, 29 for Sub Areas C, D, E and J.
- Consider prior commitments relative to right of ways.

Commissioner Weaver felt the Commission had a path forward on TRD and public right of way topics and asked what the next work session topic would be.

Commissioner DeCiccio asked if the parking data would be available for next meeting. Mr. Stephenson asked the commission for more time review the parking data and do additional analysis. He reviewed deliverable dates for the Kimley-Horn and GAI studies and said he will provide pertinent materials to the commission for their review.

Commissioner Cooper suggested inviting Orange Avenue property and business owners to a work session to present their comments, concerns and questions. After discussion, Mr. Stephenson said he would try to schedule a work session for July 16th and visuals on July 23rd. Additional work sessions will be scheduled to discuss parking, incentives and enhancements, and transportation data.

Mr. Stephenson commented on the pending lawsuits and the impact on the timeframe for adopting a moratorium during the COVID19.

City Attorney Dan Langley explained that the public notice for the moratorium had to be re-advertised due to changing from a live meeting to a virtual meeting due to the Governor's Executive Order. He explained that the future public notices would include proper language to allow for an in-person meeting with the option for a virtual meeting if the Executive Order is extended again.

Commission Weaver stated that there was a consensus amongst the commission to continue virtual meetings for near future due to COVID19 exposure and asked that a letter of exemption for in-person meetings be sent to the Governor due higher risk of some members of the commission. Mr. Langley stated that it would be okay to send a communication to the Governor as other agencies have likely done.

In-depth discussion was held on moving toward in-person meetings versus continuing virtual meetings or holding hybrid meetings provided public can participate in either forum.

After discussion, consensus was to change the July 7th, in person Planning and Zoning Board meeting to a virtual meeting for board members to review board processes. Items scheduled for the regular meeting shall be rescheduled to a virtual meeting on July 21st, at 6 p.m.

Topics and dates for the upcoming work sessions were re-addressed. Mr. Stephenson asked the commission to give staff two weeks to compile data and work on other tasks already assigned. The decision was made to have a work session on parking on July 16th.

Topics for future work sessions were the enhancement menu, proportionate transportation fee for new development, setbacks and stepbacks, and design standards.

Mr. Stephenson suggested bi-weekly work sessions to allow staff sufficient time to provide necessary data for the meetings while still managing other department responsibilities.

Commissioner DeCiccio requested that Progress Point be added to the next Commission meeting to discuss next steps. Approved by consensus.

Consensus was that Commissioner Cooper and Mr. Stephenson prepare a preliminary calendar for completion of the OAO with work sessions Thursday after regular commission meetings and that property owners and business owners in the OAO be invited to future work sessions.

Commissioner Weaver asked staff to consider using Zoom as a platform to accommodate the virtual board meetings. Mr. Knight explained that Zoom did not easily provide for public participation but staff would research the application.

The next work session was scheduled for July 9th, 1:00 - 3:00 p.m. to meet with the property owners and business owners in the OAO.

Commissioner DeCiccio asked staff and the Commission if they had received a letter related to Dinky Dock rental companies taking up parking spaces. Mr. Knight stated that staff had received the information and is looking into the issue.

The meeting adjourned at 3:54 p.m.