



City Commission Work Session Minutes

April 23, 2020 at 3:00 p.m.

City Hall, Commissioner Chambers
401 S. Park Avenue | Winter Park, Florida

Present

Mayor Steve Leary
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Carolyn Cooper
Commissioner Todd Weaver

City Manager Randy Knight
Planning Director Bronce Stephenson
Deputy City Clerk Kim Breland

Meeting called to order

Mayor Leary called the work session to order at 3:00 p.m.

Orange Avenue Overlay District

Mr. Knight said the purpose of the work session was to discuss the next steps in the process and timeline for the Orange Avenue Overlay (OAO) redevelopment. He stated that it was important for staff to understand what the Commission wanted deliver in terms of data & analysis so that staff could deliver exactly what the Commission wants.

Mayor Leary said development of the OAO began with a task force in the Spring of 2019. He stated that he felt the first step in the process would be to seat a new task force to discuss the new Commission's expectations to revitalize the corridor.

Commissioner DeCiccio stated that she is unnecessary to seat a new committee and as a member of the OAO Committee, she felt the Committee had compiled all of the necessary data. She said she felt the Commission agreed with the changes needed for the Progress Point property and that there should be discussion regarding Areas D & J. She recalled that at first reading of the ordinance there seemed to be a consensus from the Commission on the majority of the ordinance with just a few points left to revisit.

Commissioner Sullivan said his approach to the OAO process would be to adhere to the Winter Park Vision Plan and that the plan mentioned that the City should be thinking 40 years into the future. He noted that the Comprehensive Plan reflects the same values to ensure the City maintains its traditional scale and low-density character. He discussed Floor Area Ratio (FAR) for parking garages and modes of transportation (walking, biking, transit and private vehicles). He remarked that with the entitlements listed in the ordinance were beyond what conforms to the Vision and Comprehensive Plan. He stated that the City should have a transportation plan that would accommodate potential development.

Commissioner Cooper addressed the process and discussed the steps needed for reviewing policies per the Ordinance 3172-20. She noted that the steps were mandated by the rescission ordinance which requires City staff to provide the Commission with data and analysis within

30 days of the executive order expiring that allows public meetings. She recalled that the Commission was to define the data and analysis it expects to get from staff in 30 days. She provided and reviewed the potential timeline:

1. Staff to mail repeal ordinance to all property owners in OAO. (Apr 27 - May 1)
2. Define tentative schedule. (Apr 23)
3. Commission to agree upon starting place for our discussions. OAO as proposed, OAO after 1st reading or OAO as adopted/repealed? (Apr 23)
4. Commission to define data and analysis needed for consideration before moving forward. (If staff is to provide data 30 days from EO expiration, CC needs to define D&A this next week.) (Apr 23- Apr 30). See below for expanded discussion.
5. Public Input (Apr 23 - May 29)
 - a. Discussion with property owners, steering committee and residents.
6. Commission to make policy decisions to include: (Apr 23 - May 29)
 - a. Treatment of Progress Point. (In/Out, FAR, Parking, Height, Own/Sell/Lease, Park, Use)
 - b. Treatment of parking garages relative to FAR calculations and impact on parking provision.
 - c. Use of existing public ROWs.
 - d. Parallel road facility.
 - e. Base FARs
 - f. Maximum FARs*
 - g. Consideration of Density Transfers, how they will be calculated and set maximum density with transfers. *
 - h. Building heights.
7. Which incentives/enhancements to keep, adjust or delete. *
8. Staff to provide City Commission D&A in public workshops. (Jun 1/ Jun 8)
9. Schedule public forums for presentation and consideration and public input. (Jun 8 -Jul 7)
10. Schedule P&Z (Jul 7) and Commission hearings (Jul 27/Aug 10) to reconsider OAO.

*After D&A reviewed.

Commissioner Cooper said she sent her fellow Commissioners an expansion of what the data and analysis (D&A) might look like from her point of view. She stated at a minimum staff should be directed to mail the rescission ordinance, define a tentative schedule, find a starting place for the discussion and develop a definition of data and analysis, if possible.

Mayor Leary stated that he would like the Commission to focus on the policy issues discussed by Commissioner Cooper. He emphasized importance on discussing parking needs, parking garages, public right of way, base and max FAR and consideration of density transfer and heights. He noted that all of the items mentioned were critical to the process moving forward and changing any of those policies would affect support and participation from large and small property owners in the Orange Avenue Overlay. He stated that Orange Avenue had the most opportunity given the three nodes along the corridor that could address some of the issues, traffic, water and parking. If the Commission would not allow for a different way to handle parking in the corridor, the Overlay was moot. He expressed concerns with the revisions to

process and suggested a new task force with new directions, goals and policies to start the process over and let staff meet the Commission's objectives.

Commissioner Sullivan agreed that negotiations with the major properties owners was a step that would move the process in the right direction, part of which would be an economic evaluation of enhancements and how that weighs in the best interest of the citizens and still provide something for the property owners. In his opinion, the process has been too adversarial between the citizens, property owners and current Commission. He stated that there needed to be good faith negotiations. The Commission should work in conjunction with the property owners so it works in the best interest of everyone. He feels it would be difficult, based on how the Commission has interacted with the development community, but felt it was critical element to come up with an Orange Avenue Overlay that works in the best interest of the citizens and gives property owners what they need to develop successfully.

In relation to parking concerns, Commissioner DeCiccio said, in order to make the Overlay successful, the Commission needed to provide the developers with policy guidelines to provide direction and prevent sprawl throughout the corridor. She expressed frustration and explained that not knowing what how the property owners wanted to develop their properties made it difficult for the Commission to provide policy guidelines for Orange Avenue. She remarked that it was important to understand what the property owners wanted to develop their property so the Commission could work with them to develop the Overlay.

Mayor Leary said he believed some of the developers were frustrated as they felt they had worked through the entire process and understood what they could do with their properties as the process unfolded and what could be done should they applied for any of the incentives. From a development standpoint, developers were not going to develop plans without having an idea of what to expect from the process. He explained that the process created an opportunity for developers to consider how their properties could be developed. Discussion ensued regarding parking garage FAR calculations, traffic concerns, traffic studies and modeling, and entitlements.

Commissioner Cooper asked that staff review comp plan from 2006 to determine why it didn't work. According to the City code, any developer seeking to make changes to the comp plan has to provide plans/drawings and the Orange Avenue Overlay circumvented the code requirement that developers define what they planned to build before approval by the Commission. She stated that she agreed with Commissioner Sullivan's suggestion for a policy decision that says, "what if the commission approved a comprehensive plan change that allowed the opportunity to apply to be a part of the Overlay". She stated that if that if a Future Land Use was established and developers applied for the rezoning, the Commission would have drawings and the developer would pay for the traffic impact analysis for their property. A lengthy discussion ensued regarding opinions of why the developers were not able to provide plans for what they would build in the proposed Overlay, community outcry and misinformation, and how to move forward.

During the discussion Commissioner DeCiccio noted that the purpose for the Overlay was to have architectural continuity, more green space, setbacks that were the same, bike paths and

turn lanes. She stated that if the City was going to ask developers to give certain things, the City had to be willing to give back. She reiterated that she felt the City and developers should work together and noted that a lot of ideas from the original Overlay proposal were good and would help the smaller businesses.

Commissioner Sullivan stated that he did not receive input from the developers and reiterated that the Commission holds the reins of what the developers can build in the City and the Commission should steer those reins in such a way that it enhances the City so that it does not turn into high density and increased traffic. He stated that he needed ideas for how the Commission would get into good faith negotiation of what the developers need and how that would balance with what the City would give them through entitlements. There was further discussion on how traffic might be improved, traffic modeling vs. traffic studies and how entitlements would impact traffic. He stated that he was told by Public Works Director Troy Attaway that there had been no increase of traffic in the City since 1998 and stated that he would like to see the data.

Commissioner Weaver stated that that traffic study was FDOT intersectional data for a variety of intersections such as 17-92 and Fairbanks. He stated that the data was correct in that there had not been an increase in those traffic counts at those intersections and in some cases, traffic had decreased during the economic downturn. He explained that intersections were at capacity and the extra traffic was finding side routes, such as neighborhoods in the City's case, which was problematic because the streets were not made for that volume of traffic. Commissioner Sullivan added that if traffic is at capacity the traffic counts would represent the state of traffic. Further discussion ensued regarding the different traffic challenges throughout the City and how they relate to the Overlay.

Commissioner Cooper requested that the Commission review the 9-step document she provided which allows the Commission to deal with one item at a time. She stated that she thought the Commission needed to focus on where to start the discussion.

Planning Director Bronze Stephenson addressed the Commission and expressed legal concerns regarding separating the comp plan and zoning elements. He explained the legal ramifications that could develop from not having a zoning code to back up the comprehensive plan.

Commissioner DeCiccio agreed with Commissioner Cooper and stated that she felt the Commission should start with the first reading of the Ordinance. Mayor Leary asked for 3 nods to start with the first reading, there was no consensus.

Commissioner Sullivan stated that he was inclined to start the discussion with the current entitlements as opposed to the first reading.

Commissioner Cooper stated that she didn't now want to throw away the parts of the first reading that the Commission was comfortable with. She asked Commissioner Sullivan if he would be comfortable starting with the structure as laid out in the OAO document excluding specifics of FAR and entitlements. Commissioners Sullivan and DeCiccio agreed to use the OAO document as a model.

Commissioner DeCiccio asked if the Commission could give Staff direction to inquire if the WP Playhouse would like to move to Progress Point. Mayor Leary stated that he felt the Commission should decide what should happen with the property and send out an RFP. Mr. Stephenson commented that he and Commissioner DeCiccio had discussed that leaving the Progress Point property within the Overlay provided the most flexibility to do whatever the Commission feels is the best option for the property.

Commissioner Weaver stated that he was not agreeable to an RFP process for Progress point, was not interested in developing Progress Point other than parkland, stormwater and parking. He stated he would agree to carving out a portion to zone office and if the city wanted to lease out the property to the WP Playhouse or any other user, he would be amenable provided it was a small footprint. Mayor Leary clarified that the Commission controls the RFP process and could include his conditions. He stated that the property could play a critical role in alleviating stresses to the Corridor. Commissioner Cooper suggested that perhaps the Commission should have a meeting just about Progress Point.

Mr. Stephenson reviewed the criteria included in Technical Memo #4.

Commissioner Cooper stated that she would like the following items included in the D&A:

1. Pros and cons of density transfer.
2. Visuals and massing model for Areas I, D and J, from the same view based on based on maximum FAR and two data points in between.
3. Transportation visuals and modeling for entire Overlay area.
4. Economic assessment of the enhancements and incentives menu.
5. Define comparative transportation.
6. Recommendation from Kimley-Horn for most efficient alignment of Palmetto Avenue to provide a parallel road facility as to where it ties into 17-92 at the south end.

Commissioner Cooper that added that if the list that the Commission comes up with for the transportation data and analysis comes close to satisfying what is needed to establish a proportionate fair share that the Commission should make the final tweaks to so when the Commission gets the data they are in a position to establish that fair share.

Mayor Leary thanked Commissioner Cooper for her efforts in providing her information for the D&A. He expressed concerns with potential costs associated with modeling and studies requested. Discussion ensued regarding the processes and costs involved providing visuals and models for the Overlay as well as public perception of what could be proposed. As a result, Mr. Stephenson and Commissioner Cooper decided to meet to review her criteria for visuals and modeling specifications. Mayor Leary asked that Mr. Stephenson provide feedback to the Commission after their meeting.

Mayor Leary asked if there was a consensus of the Commission to start the discussion from the first reading. Commissioner Sullivan stated that the first reading from January 16 would be used as starting point to discuss FAR and enhancements.

Commission Weaver stated that he was not comfortable with using the first reading as a starting point. He agreed that there were very good points to the first reading that he would

like to preserve, but cited 200% FAR, not counting parking garages and no guarantee of traffic improvements and not understanding the density and intensity was problematic.

Commissioner Cooper clarified that starting with the first reading would not preclude Commissioner Weaver from discussing his concerns for the Overlay. She stated that it would provide the structure for the discussion.

Mayor Leary that a copy of the schedule be sent to him. Commissioner Cooper asked staff to send out the repeal ordinance. Mayor Leary stated that he did not believe there was a reason to rush the process and noted it was important to involve property owners and residents in the process.

Commissioner Cooper asked for legal advice regarding the timeline to adopt a new Ordinance for the OAO. City Attorney Kurt Ardaman stated that the Commission could take their time to go through the process, but suggested moving forward with the Moratorium. There were 3 nods (Cooper, Sullivan, DeCiccio) to have a discussion regarding the moratorium at the next Commission meeting.

Discussion ensued regarding the timeline and scheduling of meetings as they relate to the Executive Order and how that affects collection of information for the D&A. Mr. Stephenson stated that Staff would need direction on the budget for the items associated with the D&A request. Mayor Leary asked that staff provide a proposed budget based on Commissioner Cooper's list of items for the D&A.

Commissioner Cooper asked that Progress Point be a topic for the next work session. She stated she would like to have Steve Goldman present his renderings and ideas for the property. Mayor Leary expressed concern that having one person present to the Commission was prejudicial. Commissioner DeCiccio clarified that Mr. Goldman would not be providing ideas as a developer and she would welcome other developers come forward to present ideas. There were 3 nods (DeCiccio, Sullivan and Weaver) to have Mr. Goldman present his ideas for Progress Point at the next work session). Commissioner Cooper stated that she felt it was premature to have Mr. Goldman present his ideas until the Commission had decided what to do with the property. Discussion ensued.

There was consensus from the Commission to start the Overlay discussion with the January 16th first reading of the OAO Ordinance. The Commission will provide Mr. Knight with their items for the D&A. Mr. Knight will combine the items into one document and send the information out to the Commission.

Work Session adjourned at 5:15 p.m.

Deputy City Clerk Kim Breland