

**TOWN OF WINTER PARK
PLANNING COMMISSION
Tuesday, May 13, 2014**

Minutes

- I. The meeting was called to order at 8:00 am.
- II. Roll Call indicated present: Dick Norman, Susan Keck, Charles Banks, Brad Holzwarth, and Cliff Anderson.
- III. Commissioner Anderson moved, and Commissioner Banks seconded a motion to approve the minutes of April 22, 2014. Motion carried: 5-0.
- IV. NEW BUSINESS:

- A. Commercial Enhancement Grants

Chairman Norman recused himself since he is representing the HOA at Pine Tree Plaza. Commissioner Holzwarth conducted the meeting during the Commercial Enhancement Grants.

Planner Shockey reminded the Commission that the Council has final approval of the monetary value, the Commission is to rank the projects based on potential impacts to the downtown. Each application was presented and discussion was held.

The Commission reviewed the applications, listened to presentations, and ranked the projects to assist the Council in determining which projects will have the most beneficial impact on the downtown. The Commission ranked the projects in the following order –

- 1. Casa Mexico Restaurant – (Expand the outdoor dining area off the second level of Cooper Creek Square, \$2,000.00). This project could be implemented quickly and at a low cost. The improvements will allow patrons to have a meal or drink while watching their children at the playground. It has the potential to increase pedestrian activity at the shopping center. Mark Hanna and Ron Jones were present.
- 2. Adolf's – (Mural on the exterior wall on the south side of patio flowers for the existing planters and landscape area, \$887.50). This project will finish their design for the new patio. The mural was approved in 2013 but they were unable to finish the work in the calendar year. No one was present.
- 3. Smokehouse Restaurant – (New siding, add post and beams details to building façade, introduce new roof details and add building signage, \$40,000.) The proposed improvements to the outside structure will provide a visually appealing building that is currently lacking due to the stigma of it being a Pizza Hut. The design will create a unique building in the downtown. Katie Riemschneider represented Jim Creek Investments. David Dresen with Snow Mountain Builders was also there.

4. Da Vinci's Restaurant – (Build and outdoor dining deck off of the third level of Cooper Creek Square, \$24,048.67). This project has appeal, as it will provide additional outdoor seating for summertime use in the shopping center. The south-facing deck, with views of James Peak should be a hit with locals and the tourists. Mark Hanna and Ron Jones were present.
5. Pine Tree Plaza HOA – (Build a wildlife resistant dumpster enclosure, \$6,450.00). This project will screen an unsightly dumpster that is seen by tourists at the Foundry. The Commission felt this project would have a visually impact to the community as well as additional safety feature for wildlife. Dick Norman represented the HOA.
6. Village Center – (\$23,180.64) The proposed lighting plan would finish the project that the HOA has already started on the property. The rope lighting will highlight the building during the dark winter months. No one was present.
7. Best Western – Repainting of the exterior of the building and replacement of existing awnings with more modern metal pieces. Total requested was \$16,850.00 but Planning Commission is only recommending doing the awnings of \$9,485.00 because painting is regular maintenance of a building and is not eligible for funding. They did recommend approval of the awnings as it would add curb appeal to the building. No one was present.

Commissioner Anderson moved and Commissioner Banks seconded a motion recommending all of the Commercial Enhancement Grant Applications because they are worthwhile. Motion carried: 4-0.

Commissioner Anderson moved and Commissioner Banks seconded a motion recommending the Town Council increase their funding for the Commercial Enhancement Grants and fund each project fully. Motion carried: 4-0.

These will go to the Town Council on May 20, 2014.

Chairman Norman resumed running the meeting.

B. Special Use Permit – The Spot

Planner Shockey presented his staff report.

Section 7-5B-2B of the Town Code states that outdoor vending is permitted in the D-C district subject to the provisions of this title and upon the issuance of a special use permit.

The owner is requesting to amend the special use permit to conduct outdoor vending on private property. The outdoor vending would consist of a food trailer that would operate from year-around from 10 am to 3 am.

A Public Notice was published in the Sky Hi Daily News on April 24, sent to adjacent property owners, and posted on the property on April 25, providing notification of the meeting and requesting comments. No comments have been received.

The applicant is requesting to amend his special use permit to operate daily from 10:00 am to 3:00 am. Originally he was operating from 10 pm to 2:30 am with a 10' x 5' trailer that was towed behind a vehicle and setup nightly in the parking lot of Local Experience (next to the Post Office). To ensure timely order and to prevent loitering, no seating was be provided. Power to the trailer will be supplied by a generator. He would like to have seating available during the daytime in the form of a picnic table and umbrella. He is also requesting to leave the trailer on-site and not remove it each night as originally permitted.

Staff did not hear complaints about the operation this winter and the police department did not have issues with the applicant or the patrons. Since the operation was so late at night, a majority of people never knew about it unless they were out at that time. Each evening he would set up and in the morning, the trailer was gone. When the applicant was operating late at night, a niche needed to be filled because the town does not have late night restaurants. When an outdoor vendor has operated during the day, we have received complaints in the past from brick and mortar businesses that this type of business is not fair to permit because it takes away from permanent restaurants that operate year around and have all the overhead costs associated with it (rent, electric, water, etc...). The Commission should decide if this special use would have a negative effect on existing businesses. The Commission will also need to decide if it is appropriate to leave the trailer on-site.

A Special Use Permit shall not be granted unless the Commission finds that:

1. The use is appropriate to the location, the lot and the neighborhood.
2. The use does not substantially change the character of the neighborhood.

If the Commission was in favor of the amended permit, the following conditions should be required as part of the approval -

1. That written permission from the property owner must be provided to the town prior to conducting business.
2. Hours of Operation shall be 10:00 am to 3:00 am daily.
3. The trailer is permitted to remain on the property.
4. Signage is limited to six square feet (size of a sandwich board).
5. The cart shall be required to have a trash receptacle.
6. Up to a maximum of two picnic tables with umbrellas are permitted.
7. Restrooms must be made available to the public.
8. No device, stand, or box container shall be permitted with expectation of a small table for condiments.
9. The applicant shall not leave the cart unattended at anytime.
10. A business license must be purchased and sales tax must be collected and remitted to the Town.

11. The operator of the cart may not yell, scream, use blow horns or megaphones to sell the product.
12. Any required state licensing and health permits must be obtained and visible.
13. The applicant and their employees shall be courteous to the public, efficient and neat in appearance. The applicant shall not use foul or vulgar language or act in a loud, boisterous, or otherwise improper or unacceptable manner. The applicant shall not engage in open, notorious and / or public disputes, disagreements or conflicts tending to deteriorate the quality of the surrounding or that of their competitors and / or businesses. Obscene communications or gestures, intimidation in any form, threats of violence or physical harm, fighting, gambling, illegal activity, being under the influence of alcohol or illegal substances or carrying of weapons or illegal substances is strictly prohibited. Any violation may result in immediate revocation of the permit.
14. The Special Use Permit is valid until May 1, 2015.
15. Failure to comply with the conditions listed above may result in revocation of the special use permit as described in Section 7-9-6 of the Winter Park Town Code.
16. Failure to comply with the conditions listed above shall constitute a zoning violation as described in Section 7-10-6 of the Winter Park Town Code. Penalties as outlined in Section 7-10-7 of the Winter Park Town Code shall be applicable. Each day during which violation occurs shall be deemed a separate offense.

Cody Martin, owner of The Spot was present for questions.

Discussion was held.

Commissioner Holzwarth moved, and Commissioner Banks seconded to approve the Special Use Permit for The Spot, with conditions listed above. Motion carried: 5-0.

This will go to the Town Council on May 20, 2014.

C. Planning Commission Appointment

Commissioner Charles Banks gave his resignation because he is now on the Town Council.

The Planning Commission received one application for the vacant seat on the Planning Commission. Doug Robbins had been interviewed at the last meeting for Design Review Committee so no further questions were needed. The Commission recommended Doug Robbins be appointed. The recommendation will be forwarded to the Town Council. Commissioner Anderson moved and Commissioner Keck seconded. Motion carried: 5-0.

This will go to the Town Council on May 20, 2014.

VI. STAFF UPDATE

- Eagle Wind Condominiums
- Preserve
- Trailhead Lodges

Upon a previously adopted motion, the meeting was adjourned at 9:53 a.m.