

**REGULAR MEETING OF THE CITY COMMISSION**  
**March 27, 2017**

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Reverend David Miller, First United Methodist Church, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary  
Commissioner Greg Seidel  
Commissioner Sarah Sprinkel  
Commissioner Carolyn Cooper  
Commissioner Pete Weldon

Also present:

City Manager Randy Knight  
City Clerk Cynthia Bonham  
City Attorney Kurt Ardaman  
Asst. City Manager Michelle Neuner - 9:00

**Oath of Office**

The Oath of Office was administered to re-elected Commissioner Greg Seidel (Seat 1) by Reverend John Williams of Ward Chapel African Methodist Episcopal Church; and to re-elected Commissioner Sarah Sprinkel (Seat 2) by her husband George Sprinkel.

**Approval of the agenda**

**Motion made by Commissioner Seidel to approve the agenda; seconded by Commissioner Sprinkel and carried with a 5-0 vote.**

**Mayor's Report**

a. Proclamation – Allen Trovillion Day

Mayor Leary presented Allen Trovillion (former Mayor from 1962-1967) with a proclamation proclaiming March 27, 2017 as Allen Trovillion Day. The front porch of City Hall was named Trovillion Porch in his honor. He was presented with a rocking chair with a plaque like the ones being placed at City Hall. Mr. Trovillion spoke about his past and growing up in Winter Park and was joined by many of his family members.

b. Legislative update

Mayor Leary reported that he traveled to Tallahassee with City Manager Knight to meet with their state legislators. He spoke about the legislation at the state level regarding home rule powers where there is an attempt to take authority back from cities to put at the state level. He stated the League of Mayors, the League of Cities and others are currently in discussions with our legislature and Governor's office to try to make sure this does not pass.

Mayor Leary spoke that locally, they discussed the opportunity to purchase wetlands in the City (40-50 acres) that the State last year through Senate President

Gardner and other local officials was able to allocate funding for which is still available. They are hoping to have a resolution in the coming months to secure additional wetlands and greenspace they could possibly turn into trails or navigable waterways. Commissioner Cooper spoke about bills on the table that limit the City's ability to collect revenue and limit our home rule authority.

### **City Manager's Report**

Commissioner Cooper inquired about the bond offering to the community. City Manager Knight stated they are still working through that to determine if it can be done.

### **City Attorney's Report**

Attorney Ardaman reported that the Library/Events Center remaining litigation in court has granted their Motion to Dismiss of the Petitioner's Committee lawsuit.

He stated a draft of the drone ordinance was provided to the Commission and that it should proceed forward if the Commission agrees based on comments and submission to the FAA.

He spoke about the previous charitable organization discussion and that they may be able to use an existing organization to allow donors that wish to donate to City related projects. He will be providing this along with other alternatives. Commissioner Cooper asked that when this brought forward that the Attorney provide what other cities have these and how that works in their cities.

Mayor Leary inquired about 'For Lease' signs posted in front of buildings that are occupied and if there is anything in the code that addresses those where they can be removed or address the property owners. Fire Chief White (Code Compliance) asked that those addresses be forwarded to him. He said that it is a flexible situation where they may not have completely leased out all their spaces but that size and placement on the roadway needs to be reviewed.

### **Non-Action Item**

#### **a. Presentation of Comprehensive Annual Financial Report (CAFR)**

Finance Director Wes Hamil addressed the CAFR. He introduced Dan O'Keefe of Moore Stephens Lovelace CPA's and Advisors who summarized the audit and the process.

### **Action Items Requiring Discussion**

No items.

### **Consent Agenda**

- a. Approve the minutes of March 13, 2017.
- b. Approve the following contracts:
  1. Geosyntec Consultants, RFQ-4-2017, Continuing Contract for Professional Stormwater Management & Design Services; and authorize the Mayor to execute contract.
  2. Singhofen & Associates, Inc., RFQ-4-2017, Continuing Contract for Professional Stormwater Management & Design Services; and authorize the Mayor to execute contract.
  3. Kimley-Horn, RFQ-6-2017, Continuing Contract for Professional Transportation Planning & Engineering Services and authorize the Mayor to execute contract.
  4. Amendment No. 1 with AVCON, Inc., RFQ-15-2015, FDOT LAP Continuing Services Contract for Engineering & Design Services and authorize the Mayor to execute renewal.
  5. Amendment No. 1 with Comprehensive Engineering Services, Inc., RFQ-15-2015, FDOT LAP Continuing Services Contract for Engineering & Design Services and authorize the Mayor to execute renewal.  
Amendment No. 1 with Kelly, Colling & Gentry, Inc., RFQ-15-2015, FDOT LAP Continuing Services Contract for Engineering & Design Services and authorize the Mayor to execute renewal.

**Motion made by Commissioner Cooper to approve the Consent Agenda; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.** No public comments were made.

### **Public Hearings:**

- a. Request of Deshpande, Inc.:

Attorney Ardaman read all ordinances by title. This was a simultaneous public hearing.

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL FUTURE LAND USE TO LOW DENSITY RESIDENTIAL ON THE PROPERTY AT 524 COUNTRY CLUB DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING TO LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING ON THE PROPERTY AT 524 COUNTRY CLUB DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading



To amend their preliminary subdivision plat encompassing the current lakefront properties at 524/532/600/604 Country Club Drive to revise the lot size dimensions of the proposed six lakefront lots and include a common area lakefront tract.

Planning Manager Jeff Briggs explained that this lot (524 Country Club Drive) was zoned Single Family R-1A and the balance of the properties are zoned R-2. He addressed the hearing last month with the 31 lot subdivision and that this one property was zoned Single Family and the remainder of the R-2 lots were being divided. He spoke about the request to change the land use and zoning (R-1A to R-2) on this one property. He stated this does not change the unit density but is allowing the extra square footage to create the 20' lake access strip that would allow the residents to enjoy the lake. He explained why the plat is being amended because of the reshaping of the lots with the rezoning. He also explained the P&Z approval and the recommendation to limit the FAR to ½ of the increase making the home only 500 square feet larger. He stated the Lakes and Waterways Board will be approving anything related to boat ramps or gazebos.

Mr. Briggs answered Commission questions regarding the use of residents for lake access, restrictions if the property was not rezoned, and setbacks.

Representing the applicant, Tara Tedrow of the Lowndes Drosdick Doster Kantor & Reed Law Firm summarized the background of the project including the preliminary plat approval on February 27, the zoning, and the future land use approval of all lots except 524 Country Club Drive. She displayed the site plan, the location and zoning of the properties. Ms. Tedrow addressed the criteria for approval, their request to amend the future land use map and to rezone the property, the revised lot dimensions, and the lake access. She stated the developer is responsible for determining access rights for the neighbors and that the developer will grant lake access to those in the subdivision and those owners with historical access rights if the owners opt into the homeowners association to gain access rights, or execute agreements to gain access rights.

Ms. Tedrow concluded that they are requesting to amend the Future Land Use Map to Low Density Residential and to rezone to R-2 for 524 Country Club Drive (Lot 9) subject to staff condition of approval for the FAR restriction of 49% and to amend the lot dimensions for Lots 4-9 on the approved Preliminary Subdivision Plat. She also commented that this complies with code criteria. Ms. Tedrow addressed questions of the Commission. Randall Slocum, Slocum Architects spoke about the setbacks.

**Motion made by Commissioner Sprinkel to accept the comprehensive plan ordinance on first reading; seconded by Commissioner Seidel.**

**Motion made by Commissioner Sprinkel to accept the zoning ordinance on first reading; seconded by Commissioner Seidel.**

**Motion made by Commissioner Sprinkel to amend the preliminary subdivision plat encompassing the current lakefront properties at 524/532/600/604 Country Club Drive to revise the lot size dimensions of the proposed six lakefront lots and include a common area lakefront tract; seconded by Commissioner Seidel.**

**Motion amended by Commissioner Cooper that we incorporate all the verbal commitments from the applicant this evening (day use on the dock; and availability to all homeowners in the neighborhood that they could participate in either the homeowners association or an agreement (waiver) to use the access; seconded by Commissioner Seidel.**

David Robold, 612 and 518 Country Club Drive, spoke in opposition to the request because of setback concerns and lake access.

Peter Gottfried, 1841 Carollee Lane, stated he wanted to make sure the applicant is contributing to the parks fund toward a trail in the neighborhood that takes them to the new development on Lee Road. Mr. Briggs clarified that in substitute for the fee they set aside a lot to provide open space for the residents and to be used for stormwater retention.

Commissioner Weldon asked regarding the setbacks available to Mr. Robold's property and if they would automatically accrue the same setback as Lots 5-8. Mr. Briggs explained the process on lakefront lots. Commissioner Weldon stated if Mr. Robold has the intention of improving his property in the future that it would seem reasonable that he be afforded a setback equal and also appropriate to the other lakefront lots.

Mr. Robold stated that is not reasonable because he does not have any intention to improve his property and intends to stay there. He expressed concerns with having two large homes on both sides with walls that would be his view and that his current open space would be impacted. Commissioner Weldon stated this should be resolved at the Lakes and Waterways Board meeting review of the lakefront independent of the Commission's approvals.

Ms. Tedrow stated they will be compliant with code requirements when they go before the Lakes and Waterways Board so when the final lot design is done they will have the exact layout of the homes on the lots because they are still trying to accommodate tree preservation on a lot by lot basis. Concerning the setbacks, they will look at the average of the homes within 200' of the subject property. Mayor Leary stated the Commission would appreciate working with the homeowner that is most affected.

Other discussion ensued regarding how they are going to control who can have access to the lake. Ms. Tedrow agreed at the second reading of the ordinances to provide a list of properties that would be eligible to use the boat ramp and have access.



**Upon a roll call vote on the amendment, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

**Upon a roll call vote on the comprehensive plan ordinance, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

**Upon a roll call vote on the zoning ordinance, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

**Upon a roll call vote on the approval of the preliminary subdivision plat, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

**Public Comments (Items not on the agenda)**

Michael Johnson, 312 Tangerine Street, Altamonte Springs, spoke about an incident in the media concerning a Rollins College professor and student and freedom of speech.

- b. RESOLUTION NO. 2181-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, TO EXECUTE A PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE SECTION 5309 EARMARK GRANT FUNDING ENABLING THE CITY OF WINTER PARK TO MITIGATE TRESPASSING AND SAFETY HAZARDS.

Attorney Ardaman read the resolution by title. Assistant Public Works Director Don Marcotte explained the intent of the resolution.

**Motion made by Commissioner Cooper to adopt the resolution; seconded by Commissioner Weldon.**

Mary Grace Gordon, 550 Holt Avenue, asked that this be extended to Pennsylvania Avenue because of safety concerns at the railroad track. No other public comments were made.

**Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

- c. Request of Oppidan Holdings LLC: Conditional use approval to build an Orchard Supply Hardware Store on the current site of the Aloma Bowl at 2530 Aloma Avenue, zoned Commercial (C-3) and providing for certain exceptions and a development agreement, if required.

Planning Manager Jeff Briggs explained the request to redevelop the property with a new Orchard Supply Hardware store. He spoke about the Planning and Zoning Board condition regarding a new monument sign (lower scale), displayed an aerial of the property showing the current layout and the lack of parking at the site. He addressed the parking needs of the Panera Bread and that they have 24 extra parking places whereby an agreement has been reached with them to obtain an easement to park on that property so they reach the parking numbers similar to the variance approved for the Orlando Avenue store.

Mr. Briggs addressed the conditions imposed by the Planning and Zoning Board as to the specifics of how to accomplish that. He stated they need a total of 135 spaces based on allocations; they have 87 spaces on site, 24 offsite at the Panera Bread property which now requires a 24 space variance. He addressed condition #4 imposed by the P&Z Board that our City Attorney expanded on so any action to approve would require the approval of the revised condition #4. Discussion ensued regarding the number of spaces being potentially utilized during the business hours.

Attorney Becky Wilson, Lowndes Drosdick Doster Kantor and Reed Law Firm presented the request. She stated their engineers and architect are also present. Ms. Wilson provided a PowerPoint presentation concerning the location, zoning, existing site, the existing use, parking easements, parking study, architecture, view from the street, and their request for final CUP approval with conditions.

After further discussion and comments, **motion made by Commissioner Cooper to approve an Orchard Supply provided they can meet our code requirements for parking on their site.** Mayor Leary clarified the code. She stated she is comfortable with dedicated parking at Panera Bread, but not with shared parking. Mr. Briggs clarified they can legally count the 24 spaces at Panera and have another 24 space deficit (requiring a variance). Commissioner Cooper clarified that she is willing to approve 24 spaces but not 48 spaces. **Motion was withdrawn.**

Commissioner Weldon provided comments regarding the signed petition to keep Aloma Bowl and that the Commission has to follow the law and cannot deny a project only to compel the current owner to continue to operate the Aloma Bowl. He urged the petitioners to direct their petitions to the owner and operator of Aloma Bowl; not to the City. He stated if this request is denied the reasons can only relate to a determination that the request does not meet the requirements of our codes and that the owner of Aloma Bowl will retain the freedom to do what they want to for their property.

**Motion made by Commissioner Weldon that this project is approvable provided the applicant meets the entire City parking code requirements as written; seconded by Commissioner Cooper.** Mayor Leary clarified the approval is conditioned on finding an additional 24 parking spaces or downsize the building. (see revised motion below)



**Motion amended by Commissioner Seidel that the developer be required to make a connection to Balfour for an exit at the signalized roadway. Motion failed for lack of a second.**

**Motion amended by Commissioner Seidel to have the building located towards the front of the property to follow the village character that our vision plan has put in place for the City of Winter Park. Motion failed for lack of a second.**

Discussion ensued that the main motion is to deny if the applicant finds it unacceptable. Ms. Wilson clarified the Commission agrees with using the Panera Bread 24 spaces but is uncomfortable with them using the second 24 spaces at the dentist office. She explained when they would be utilizing those spaces and that this would meet code at the peak times. Commissioner Weldon encouraged them to come back after the other Orchard Supply in the City opens and prove that the actual requirements are in conformance with what they claim it is. He stated that would be a substantiated new argument in favor of reconsideration.

**Motion made by Commissioner Weldon to deny based upon non-compliance that the proposed plan meets or exceed all other applicable minimum standards and requirements as set forth (variance for parking); and that the site plan provides onsite parking to meet the code required and expected demands of the proposed use (variance for parking); seconded by Commissioner Cooper to accept the revised motion.**

The following spoke in opposition to the request: Danielle Allison, 722 Carnation Drive (provided a PowerPoint presentation); and Susan Kragh, 1024 Tuscany Place.

Ms. Wilson was allowed the opportunity to respond to comments. Executive Vice President, CPH, engineer of record for the project provided traffic numbers. The process to be followed if they come back with a revised plan was discussed. Attorney Ardaman stated it would be a new application so that process needs to be followed.

**Upon a roll call vote to deny the conditional use approval, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

### **Recess**

A recess was taken from 6:36 – 6:54 p.m.

- d. Request of Villa Tuscany Holdings, LLC: Conditional use approval to build a three story, 41,352 square foot, 24 unit, 51 bed, Memory Care Facility at 1298 Howell Branch Road, zoned Multi-Family Residential (R-3), providing for certain exceptions and for a development agreement, if required.



Planning Manager Jeff Briggs addressed the conditional use request. He spoke about the parking requirements that meet the requirements based on the code regarding assisted living, landscaping, walls, variances, height of the building, and architecture of the building and that the project will have all turning movements in and out at the traffic light to ensure safety at the sight. He stated that the Planning and Zoning Board approved this project with conditions. Mr. Briggs spoke about what could be built there if this is not approved. He answered questions regarding the lakefront setback, parking at the location, the square footage of the corner points within the 25' setback, and the existing weir between the lakes.

All Commissioners and the Mayor disclosed conversations prior to the meeting with various staff, applicant, and residents.

Attorney Becky Wilson, representing the applicant, provided a PowerPoint presentation showing property context photographs of commercial uses on the north side of Howell Branch Road, the east of property along Temple Drive, and residential south and west of the property; the property location and zoning, comprehensive plan and zoning, the use and need in Winter Park, the P&Z Board approvals, the site plan, building size, front yard setback, architecture (front and rear perspective), view of site from across Lake Temple, response to neighborhood concerns, additional proposed conditions, and their request of the final CUP with staff and owner conditions.

Commissioner Cooper expressed concerns with providing ample parking spaces for those that drive. Ms. Wilson stated vehicles are not allowed (will be a part of the developer's agreement). Commissioner Sprinkel spoke about her struggle with this request and placing conditions on who can live there depending on the seriousness of their memory care. She expressed concerns with not having enough parking for visitors and building this facility close to the R-1 zoned neighborhood because of the large size of the building. She also addressed the people across the lake having to look at the building and asked about building a structure so it is not visible.

**Motion made by Commissioner Sprinkel to deny the conditional use approval because of non-compliance with: the proposed plan being inconsistent with Policy 1-3.8.6 of the comprehensive plan, the proposed plan not meeting all applicable minimum standards and requirements as set forth (front setback); and that the building size, floor area ratio, height and mass are not compatible and consistent with the scale and character of the immediate neighborhood; and that parking is not in compliance with the lakefront setback; seconded by Commissioner Cooper.**

Ms. Wilson addressed questions of the Commission regarding saving trees, size and scale of the building and the view from the lake.

Commissioner Weldon stated he supports the use of the property but believed this building in its current form is not compatible with the other two story buildings that are present along Howell Branch Road. He stated he wants to work to make this

happen and the use for the neighbor's benefit is benign compared to what can be built with townhomes. He stated if the stories and height were lowered he would be interested in looking at variances that would allow them to do what they need to do within that kind of massing.

Mayor Leary addressed his challenge with the request because of being part of a residential neighborhood and not being compatible with the neighborhood. He reiterated the fact that other projects could be built there that could have a greater impact. Commissioner Cooper agreed with the use but had an issue with compatibility with the neighbors, the lack of adequate setback from the lake for the parking lot and associated wall, and that the project is too large for the site.

**Motion made by Commissioner Weldon to table this item with the understanding that it will come back with a project that is no more than two stories and 30' high and the limitation on the occupancy and residents to be as stated in the condition offered by the applicant that was edit by our City Attorney (the Villa Tuscany facility shall be licensed only as an assisted living facility under Florida Statutes and the resident population shall be limited to the treatment and care for adults primarily with Alzheimer's disease or a related dementia or memory disorder and such the resident population will specifically exclude those undergoing drug or alcohol rehabilitation and/or mental health treatment; and that no resident shall be allowed to bring their own vehicles to the facility) and with the same conditions of the applicant and Planning and Zoning Board. Motion failed for lack of a second.**

The following spoke in opposition: Mark and Nancy Freeman (PowerPoint presentation); Bob Halback, 1160 Howell Branch Road; Paul Morgan, 1056 Tuscany Place; Debra Wert, 1621 Via Tuscany; Charlotte Schmitt, 1124 Howell Branch Road; Jim Bogner, 1009 Tuscany Place; Barbara Anderson, 1016 Tuscany Place; Elizabeth Bosserman, 818 Antonette Avenue; David and Sarah Danziger, 1049 Tuscany Place; Barbara Diaz, 1048 Tuscany Place; Jim Kragh, 1024 Tuscany Place; Alie Weber, 303 Sandlewood Trail; Van Bogan, 2456 Via Sienna; Phil Karr (Winter Springs - unknown address); Stephen Coutant, 905 Lakeview Drive; and Susan Block, 1060 Via Morano Court (representing their HOA).

The following spoke in favor: Eric Mock, 2000 N. Semoran Blvd.; Charlie Joseph, 130 Birchwood Drive, Maitland; Robyn Edelstein, 430 E. Packwood Ave., Maitland; Amy Cameron O'Rourke, 202 Quayside Circle, Maitland; Maura Brandes of behalf of Deborah Carroll, 310 E. Morse Blvd.; and Joe Terranova, 151 N. Virginia Avenue.

Following public comments, Ms. Wilson commented that they are happy to go back and take into consideration comments made by the public and the Commission regarding location of the parking. She spoke about people agreeing with the use and if they reassess the site plan and bring it back to the Commission they hope they can come to an agreement.



**Upon a roll call vote to deny the request, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion to deny carried unanimously with a 5-0 vote.**

**Recess**

A recess was taken from 8:49 – 8:59 p.m.

- e. Request of BFC New England LLC: Conditional use approval to construct a three story mixed use building of 52,601 square feet with parking in a basement level on property zoned Commercial (C-2) at 158 East New England Avenue and providing for certain exceptions including setbacks and parking and for approval of a developer's agreement.

Planning Manager Jeff Briggs summarized the conditional use request. He stated that the Planning and Zoning Board was in support of the building with two exceptions that were both supported by staff and the P&Z Board. He addressed the two exceptions/variances: Have a building height of 45' in lieu of the maximum of 40' because the applicant wants to have the floor to ceiling heights necessary for the first floor retail/restaurant spaces, and to achieve the design parameters for the Class A office space on the second and third floors; and for no setback for the third floor of the building along the Knowles Avenue frontage.

Mr. Briggs spoke about the request by the applicant for 122 spaces (25% variance). He summarized the parking at the Bank of America building parking garage and that the applicant has provided 197 fobs who are allowed to utilize the garage at any time via the provision of their lease. He stated there are 90 spaces left open after considering the 197 fobs (all may not be there at the same time). He stated the applicant wants to utilize the 90 spaces towards the parking needs of the new project. He concluded that the proposed project requires 122 parking spaces; they have 57 spaces provided on-site and 90 spaces within the Bank of America parking garage to equal 147 spaces. The applicant asked to be able to use the 25 surplus spaces to allow 100 seats for lunch time use in the restaurants and proposed the use of a valet service to park the cars for the 100 seats. Staff did not support further parking for any daytime restaurant seating. Mr. Briggs addressed the 3-3 vote of the P&Z Board.

In summary, the three variances requested were: 1) use the 3 spaces per 1,000 (staff approved); 2) use the 90 vacant spaces across the street (staff approved); and 3) to allow 244 daytime restaurant seats (36 spaces) (staff denial). Mr. Briggs addressed questions of the Commission regarding parking and setbacks.

Planning Director Dori Stone addressed the need to deal with downtown parking and are in the process of doing a downtown parking strategy to look at City codes and the way parking functions that will be brought back to the Commission for recommendations.



Attorney Mickey Grindstaff, Shutts and Bowen, LLP represented the applicant. Mr. Grindstaff spoke about the P&Z minutes where he disagreed with what was written concerning Mr. Slocum's comment on the last page. He also clarified the number of variances for the project which also included the setback issue on Knowles and the height as well as the parking variances.

Mr. Grindstaff spoke about the other setbacks associated with the project, the history of the Bank of America building and garage, and parking spaces. He stated they have withdrawn their request for daytime/lunchtime parking for the restaurants. He stated if preliminary approval is granted this evening he will be coming back for a final development plan review and that they need feedback from the Commission as to what will be part of the final review. Mr. Grindstaff provided a copy of the draft conditions of approval where they provided suggested language changes.

Daniel Butts spoke about the restaurant lunchtime limitations and nights/weekends regarding seating and parking needs. Discussion ensued concerning future parking needs and employee parking along Park Avenue.

Commissioner Weldon spoke about meetings he had with the applicant, the applicant's attorney and staff. He talked about our codes whereby any new project with the CBD is required to provide their own parking and about the applicant providing parking for all their employees. He inquired whether they are prepared to do that for the 250 Park Avenue building. Mr. Butts stated they will not lease to a tenant that requires more parking than is provided and that all their leases require that all employees have a fob with their information associated with it and are all required to parking within the facility. Commissioner Weldon spoke about the need for the City to start addressing shared parking. Mr. Butts commented about the valet parking that operates on evenings and weekends and they have the ability to utilize the garage during those hours and off business hours. Mr. Butts stated they are willing to commit in agreement what they are already doing for parking for both facilities.

Discussion ensued regarding any considerations for public parking in the garage. Commissioner Cooper addressed the need for a clear definition of Class A Office.

**Motion made by Commissioner Sprinkel to approve this with the draft conditions of approval brought forward by Attorney Grindstaff, inclusive of the 5' variance in height, the setback variance, and to work together to develop a parking plan based on comments heard this evening by the Commission; seconded by Mayor Leary.**

**Motion amended by Commissioner Weldon to include limiting Park Avenue Bank of America building with no lunchtime parking; seconded by Mayor Leary.**

**Motion amended by Commissioner Weldon that the parking agreement has to allow public access at least during the restaurant hours of operation that are provided by the applicant's Attorney after 4:00 p.m., weekends, holidays and events sanctioned by the City (self-park in addition to valet parking) on a ticketed basis; seconded by Commissioner Cooper.**

**Motion amended by Commissioner Weldon that the parking agreement includes a requirement for valet parking within one or both the garages during restaurant operations exclusively; seconded by Commissioner Sprinkel.**

**Motion amended by Commissioner Weldon that the restriction that all employees of the retail office and restaurant components of the project be required by lease agreement to park either in one of the garages, that applies to both the 158 New England Avenue building and the 250 Park Avenue building; seconded by Commissioner Cooper.**

**Motion amended by Commissioner Cooper to put a cap on restaurant seats of 500; seconded by Commissioner Seidel.**

**Motion amended by Commissioner Cooper to provide a mutually accepted definition of Class A Office in the development agreement. Motion failed for lack of a second.**

The following spoke in opposition to the request: Scott Zimmerman, 210 E. Morse Boulevard; Ruth Heine, 2358 Summerfield Road; Allen Deaver, 306 S. Park Avenue; Michele Massoni-Dubuc, 508 Balmoral Avenue; Bill Rosenfelt, 1400 N. New York Avenue; Pat McDonald, 2348 Summerfield Road; Rick Frazee, 1921 Englewood Road; Carol Rosenfelt, 1400 N. New York Avenue; Elizabeth Bosserman, 818 Antonette Avenue; Joan Cason, 1915 Woodcrest Drive; Sally Flynn, 1400 Highland Road; Kevin Wray (Peterbrooke Chocolatier), 300 S. Park Avenue; John Dowd, 427 N. Phelps Avenue; Peter Gottfried, 1841 Carollee Lane; Ann Higbie (no address). Bee Epley, 151 N. Orlando Avenue did not speak.

Eric Foglesong, 1217 Sharon Place, spoke in favor of the request.

After public comments, Attorney Grindstaff asked for a favorable vote on the motion so they can go back and come up with a development agreement that addresses parking concerns.

After further comments regarding the need to further review all the issues, **motion made by Mayor Leary to table this item; seconded by Commissioner Cooper. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

f. Fee Schedule to be effective April 1, 2017

Finance Director Wes Hamil presented the fee schedule. He spoke about another request not in the packet regarding off-duty police officers rates that they would like to increase.

After Commissioner comments, **motion made by Mayor Leary to table this item until the next meeting; seconded by Commissioner Seidel and carried unanimously with a 5-0 vote.**

**City Commission Reports:**

a. Commissioner Seidel – Spoke about not undergrounding the first 300' of Fairbanks Avenue; and asked about bonding additional monies to accelerate electric undergrounding. He did not receive support of the Commission.

b. Commissioner Sprinkel – Spoke about another near accident on Cady Way Trail and asked about the status. Assistant City Manager Neuner will review with staff. Commissioner Sprinkel reported she took the Spectrum tour that she recommended and addressed the need to fix the parking situation in the City.

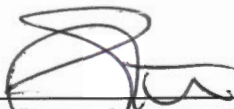
c. Commissioner Cooper – Asked about the two new police officers budgeted. It was clarified they were hired and now there are two additional vacancies.

d. Commissioner Weldon – Asked for a consensus to have a brief work session to discuss the various possibilities on what to do with the bowling alley property on Fairbanks Avenue and how that relates to the parking structure that may be on the library property. It was determined that the MLK Park study is under way.

He stated they need to determine if there is a consensus with using CRA funds for the parking structure at the library relative to the trade-offs of what they do with the land that was purchased on Fairbanks. Mayor Leary expressed the need to see what the Parks Department has thus far regarding the MLK Park study. There was a consensus to have a work session before the next meeting of April 10 at 2:30.

e. Mayor Leary – No report.

The meeting adjourned at 11:38 p.m.

  
\_\_\_\_\_  
Mayor Steve Leary

ATTEST:

  
\_\_\_\_\_  
City Clerk Cynthia S. Bonham, MMC