

REGULAR MEETING OF THE CITY COMMISSION
JUNE 25, 2018

Mayor Steve Leary called the meeting of the Winter Park City Commission to order at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Pastor Ed Garvin, Calvary Assembly of God, followed by the Pledge of Allegiance.

Members present:

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

Also Present:

City Manager Randy Knight
City Attorney Kurt Ardaman
City Clerk Cynthia Bonham

Member absent:

Commissioner Sarah Sprinkel

Approval of agenda

Motion made by Commissioner Weldon to approve the agenda; seconded by Commissioner Seidel and carried unanimously with a 4-0 vote.

Mayor's Report

No report.

City Manager's Report

City Manager Knight addressed potential dates for upcoming meetings. Upon discussion, the following meetings were scheduled: CRA meeting on July 9 at 2:30 to discuss a potential parking garage with Rollins; a Commission work session on July 10 at 8:00 a.m. to discuss mixed use; and a CRA budget meeting on July 23 at 2:00 p.m.

Commissioner Cooper expressed her preference that all Commissioners be invited to all meetings.

City Attorney's Report

Attorney Ardaman provided an update on the Harmon lawsuit.

Discussion ensued regarding more than one Commissioner attending meetings outside of the Commission Chambers.

Non-Action Items

No items.

Consent Agenda

- a. Approve the minutes of June 11, 2018.
- b. Approve the minor change to Commission minutes of May 14.
- c. Approve the following piggyback agreement and authorize the Mayor to execute:
 1. Lafleur Nurseries & Garden Center, LLC - Piggyback agreement of City of Longwood contract #RFQ02092017 - Landscape Installation Services for Projects Less Than \$500,000; \$150,000.
- d. Approve the following purchase and authorize the execution of a purchase order:
 1. All-Rite Fence Services, Inc. - Fencing installation and maintenance services at the Azalea Lane Tennis Center; \$80,000.

Motion made by Commissioner Seidel to approve the Consent Agenda; seconded by Commissioner Weldon and carried unanimously with a 4-0 vote. No public comments were made.

Action Items Requiring Discussion

- a. Four Seasons Condominium Association of Winter Park, Inc. License and Landscape Agreement

City Manager Knight explained the agreement completes the St. Andrews bike trail that connects from Cady Way to Aloma Avenue and allows the bike trail to be placed next to the Four Seasons Condominiums.

Motion made by Commissioner Weldon to approve the agreement; seconded by Commissioner Seidel. There were no public comments made. **Upon a roll call vote, the motion carried unanimously with a 4-0 vote.**

Public Hearings:

- a. RESOLUTION NO. 2207-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE REQUIRED ASSURANCES INCLUDED WITHIN THIS RESOLUTION IN ACCORDANCE WITH THE REQUISITE LIBRARY CONSTRUCTION GRANT REQUIREMENTS ESTABLISHED BY THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES, FOR THE PURPOSE OF SECURING A PUBLIC LIBRARY CONSTRUCTION GRANT; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Ardaman read the resolution by title. City Manager Knight explained the resolution is necessary and has to be part of the library grant application. There was a consensus that this will be a legislative priority.

Motion made by Mayor Leary to adopt the resolution; seconded by Commissioner Weldon. There were no public comments made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING A 15 FOOT EASEMENT GRANTED TO THE CITY OF WINTER PARK ON OCTOBER 17, 1995, RECORDED IN OFFICIAL RECORDS BOOK 4964, PAGE 2797 AND OFFICIAL RECORDS BOOK 4971, PAGE 4989 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA (EXHIBIT A); PARTICULARLY DESCRIBED IN EXHIBIT B; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Public Works Director Troy Attaway stated that this easement was granted for a project that is no longer there and not needed.

Motion made by Commissioner Cooper to accept the ordinance on first reading; seconded by Commissioner Seidel. There were no public comments made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

- c. and d. Request of Z Properties Group:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO PARKING LOT ON A PORTION OF THE PROPERTY AT 301 NORTH SOUTH PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE LOW DENSITY RESIDENTIAL (R-2) ZONING TO PARKING LOT (PL) DISTRICT ZONING ON A PORTION OF THE PROPERTY AT 301 NORTH PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE First Reading

Request of Z Properties Group for Development Plan and subdivision approval for a two-story, 5,494 square foot retail/office building, and the associated parking lot, and a two-story residential home for the benefit of the Hannibal Square Community

Land Trust on the property at 301 N. Pennsylvania Avenue, prospectively zoned C-3, PL, and R-2.

Planning Manager Jeff Briggs explained the requests and answered questions.

Motion made by Commissioner Weldon to accept the comprehensive plan ordinance on first reading; seconded by Commissioner Cooper.

Motion made by Commissioner Weldon to accept the zoning ordinance on first reading; seconded by Commissioner Cooper.

The following spoke in favor of the request:

Camille Reynolds, Hannibal Square Community Land Trust
Mary Daniels, 650 W. Canton Avenue

Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

Upon a roll call vote on the second ordinance (zoning), Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

Motion made by Commissioner Cooper to approve the development plan and subdivision approval as presented with the Planning and Zoning Board conditions; seconded by Commissioner Weldon. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

e. and f. Request of Sydgan Corporation:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTIES AT 218 S PENNSYLVANIA AVE AND 217 HANNIBAL SQUARE EAST, AND FROM COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 227 HANNIBAL SQUARE EAST, MORE PARTICULARLY DESCRIBED HEREIN PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE FIRST READING

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE MEDIUM

DENSITY MULTI-FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTIES AT 218 S PENNSYLVANIA AVE AND 217 HANNIBAL SQUARE EAST, AND TO CHANGE FROM COMMERCIAL (C-3) TO COMMERCIAL (C-2) ON THE PROPERTY AT 227 HANNIBAL SQUARE EAST, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE FIRST READING

- Site and building plan approval to construct a two-story approximately 4,275 square foot retail/residential building at 218 South Pennsylvania Avenue and to construct a two-story 5,492 square foot residential building at 217 and 227 Hannibal Square East.

Planning Manager Jeff Briggs addressed the zoning, the eligibility of the two properties that have been demolished to become commercial, the proposed plan for the properties, and the parking requirements.

Commissioner Cooper spoke in opposition to the request. She addressed the single family home being built across from this property where the property owner wanted to have C-2 zoning but was not agreed to by staff. She spoke about the number of parking spaces that she believed was not enough. She expressed concerns with the overall impact of the gradual erosion of available parking (even though it is on private property) that currently supports this business area and that more parking is being taken away. She asked why R-3 zoning was recommended by staff on 226 S. Pennsylvania Avenue and why C-2 is acceptable to staff on 217 and 218 S. Pennsylvania Avenue which would provide less parking. Mr. Briggs explained the property at 218 S. Pennsylvania will have retail space on the ground floor that needs commercial zoning to allow this. Commissioner Cooper stated she did not agree that the net new parking spaces being proposed will be good for the community.

Motion made by Commissioner Cooper to deny the request. Motion failed for lack of a second.

Motion made by Commissioner Weldon to accept the comprehensive plan ordinance on first reading; seconded by Mayor Leary.

Motion made by Commissioner Weldon to accept the zoning ordinance on first reading; seconded by Mayor Leary.

There were no public comments made.

Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Leary and Commissioners Seidel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.

Upon a roll call vote on the second ordinance (zoning), Mayor Leary and Commissioners Seidel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.

Motion made by Commissioner Weldon to approve the site and building plan with the Planning and Zoning Board conditions; seconded by Mayor Leary. Upon a roll call vote, Mayor Leary and Commissioners Seidel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.

g. and h. Request of Amy Black:

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO MODIFY AND ADD COMPREHENSIVE PLAN POLICIES WITHIN THE TEXT OF THE FUTURE LAND USE ELEMENT REGARDING SUBDIVISIONS OF LAKEFRONT PROPERTIES AND ESTATES ON LAKE KILLARNEY, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE First Reading

Subdivision approval to split the property at 1800 Boitnott Lane into three single family lots of approximately one acre each in size

Attorney Ardaman read the ordinance by title.

Planning Manager Jeff Briggs provided the staff report and the need to amend the comprehensive plan so the applicant can divide the property into three single family lots approximately one acre each. He explained the lot sizes of the current homes on Lake Killarney and that this property is much larger than the other properties currently there. He spoke about the current comprehensive plan that prohibits this type of action and that this one change would be only for Lake Killarney. He addressed the need for public infrastructure improvements in the future and that the Boitnott homes will have to be re-addressed as Lake Drive. He commented about the conditions attached to the subdivision request.

Commissioner Cooper expressed concerns with dividing an estate lot and wanted to make sure our policy statement does not make the cypress trees on the lot vulnerable. Mr. Briggs explained the trees are around the perimeter of the lake.

Attorney Tara Tedrow, representing the applicant, summarized the project. She addressed the lot being significantly larger than the other site, the current zoning, the sizes of the other homes there, the comprehensive plan policy and other sections of the code, the request is not precedent setting because it only pertains to one property on the lake, and that staff and the P&Z Board approved the request. She concluded that their request can be done one of two ways: to amend the comprehensive plan to permit subdivision of lakefront lots into average sized lots of one acre or greater on Lake Killarney only; or to add language to Planning Area K as Policy 1-K-7 regarding lakefront estates on Lake Killarney. She summarized the rationale of the request.

Ms. Tedrow then spoke about the subdivision request and asked for approval of the comprehensive plan amendment and subdivision for three estate lots, per staff's recommended conditions of approval as follows:

- 1) That the property owner execute a public access easement for the 4,380 square foot cul-de-sac bulb shown on the proposed plan to the benefit of the three proposed lots, as presented, and also to the owners of 2064 Lake Drive, who currently use that driveway;
- 2) That the common access easement 4,380 square foot cul-de-sac bulb, as presented, be constructed with pavement/curbing per city roadway specifications, which must be completed at the time of construction of the second new home, prior to the issuance of any temporary or final certificate of occupancy;
- 3) That new potable water and fire flow infrastructure be constructed including fire hydrant(s) as needed within 300 feet travel distance to all sides of all three homes and any water line upgrades needed (2 inch to 4 inch) which must be completed at the development's expense prior to the issuance of the building permit for the construction of the second new home; and
- 4) That all three new homes be assigned Lake Drive addresses.

She stated they will come back for second reading of the ordinance for final approval after it comes back from the State.

Commissioners Weldon, Cooper and Seidel as well as Mayor Leary disclosed conversations with either the applicant's attorney or neighbors.

Motion made by Commissioner Weldon to accept the comprehensive plan amendment on first reading as recommended by staff and the Planning and Zoning Board; seconded by Commissioner Seidel.

Motion amended by Commissioner Cooper that all healthy cypress trees be preserved or relocated on the property. Motion failed for lack of a second.

Motion amended by Commissioner Cooper to opt for Option 2 moving the change in the comprehensive plan language into the neighborhood Planning Area L; seconded by Commissioner Seidel.

The following made public comments:

Todd Weaver, 1051 Lake Bell Drive, asked that boring samples be done on site to make sure that the fill is not contaminated before moving forward.

Sally Flynn, 1400 Highland Road, agreed with the lot split.

Property owner Amy Black, 1427 Melrose Place, Homewood, Alabama, explained why the family wants to split their property and asked for approval.

Upon a roll call vote on the amendment, Commissioners Seidel, Cooper and Weldon voted yes. Mayor Leary voted no. The motion carried with a 3-1 vote.

Upon a roll call vote on the ordinance, Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

Motion made by Commissioner Seidel to approve the lot split including the Planning and Zoning Board recommendations; seconded by Commissioner Weldon. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

Public comments (items not on the agenda):

Todd Weaver, 1051 Lake Bell Drive, asked that the canopy of oak trees at the Rachel D. Murrah Civic Center be saved for replanting at the new library and events center. He spoke about preserving trees by placing them in crates and caring for them until they can be replanted. He provided a photo showing this. He stated he would be willing to pay the rental fee for the crane for the operation.

Sabrina Bernat, Winter Park Public Library Assistant Director provided an update as to what is happening at the library this summer. She also thanked the Commission for their support with the construction grant.

- i. Request of Villa Tuscany Holdings LLC for subdivision approval to divide the property at 1298 Howell Branch Road on Lake Temple, zoned R-3, into four lakefront lots ranging in size from 20,473 square feet to 24,892 square feet in size.

Planning Manager Jeff Briggs explained the request and the process moving forward.

Motion made by Commissioner Seidel to approve the request to include the Planning and Zoning Board recommendations; seconded by Commissioner Cooper.

Nancy Freeman, 1055 Tuscany Place, spoke in favor of the request. She addressed a comment made at the P&Z Board meeting regarding the developer meeting with the neighbors prior to going to P&Z for approval of the individual homes and hoped that would happen. Mr. Briggs stated they can encourage that but there is nothing mandating it.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

- j. Request of Verax Investments, LLC for approval of the final building elevations for the proposed medical office building located at 1111 W Fairbanks Avenue.

Planning Manager Briggs explained the condition of approval of the building concerning the final architectural elevations to come back to the P&Z and Commission. He stated an acceptable resolution has been reached on the issues.

Motion made by Mayor Leary to approve the final building elevations; seconded by Commissioner Weldon. There were no public comments made.

City Manager Knight updated the Commission regarding the parking issue. Public Works Director Attaway explained in order to do what they would like to do on Comstock Avenue they would need to utilize a portion of their property that is their 8' landscape buffer. Mr. Knight stated they have agreed to this at the City's expense. Planning Director Dori Stone addressed the issue at hand this evening is only to approve the final building elevations.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

Mr. Attaway displayed a visual of the parking lot for the development and spaces on West Comstock Avenue and how those spaces would lay out. He stated they would replicate the same look on the north side of Comstock where they have a similar size buffer between the existing parking lot that is adjacent to the softball field. Mayor Leary asked that staff bring back a plan for Comstock Avenue.

- k. ORDINANCE NO. 3111-18: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, GRANTING TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE AGREEMENT TO USE THE PUBLIC RIGHTS OF WAY OF THE CITY OF WINTER PARK, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE; AND REPEALING AND REPLACING THE PRIOR ORDINANCE AND FRANCHISE AGREEMENT Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Seidel to adopt the ordinance; seconded by Commissioner Weldon. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

City Commission Reports:

Commissioner Seidel – Spoke about the tree issue that Mr. Weaver brought forth that he believed should be investigated.

Commissioner Sprinkel – Absent.

Commissioner Cooper – Spoke about Mr. Weaver's tree comments and wanted to see a cost analysis of the net cost including everything from removal to keeping them alive.

Spoke about mixed uses on 2 to 5 acre lots and asked for addresses where she can see and better understand it at differing Floor Area Ratios.

Spoke about the discussion at the last meeting where Commissioner Seidel wanted more information about the perimeter setback along Aloma Avenue within the hospital district.

Spoke about what she wanted to see in the new Planning Director. She expressed her preference that the new director has experience harnessing the economic value of historic preservation, human scaled development, greenspace, and the arts.

Commissioner Weldon – Spoke about Denning Drive and the improvements made. Asked for consideration to rename it as a boulevard instead of a drive.

Mayor Leary – Asked that staff bring forward an agenda item regarding the 'prohibit' language within the comprehensive plan that he believed to be a burden on the residents when the plan says you are prohibited from asking for something. There was a consensus to discuss this further and put on a future agenda.

Spoke about seeing a lot of Executive Branch members coming through the city which is good for all the positions to visit and hear from residents as to what they expect from their elected leaders at the higher levels of office.

The meeting adjourned at 5:36 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC