



City Commission Regular Meeting Minutes

January 13, 2020 at 3:30 p.m.

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

Present

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Todd Weaver

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

1. Meeting called to order

Mayor Leary called the meeting of the Winter Park City Commission to order at 3:34 p.m.

2. Invocation and Pledge of Allegiance

Peter Moore, Division Director of Office of Management and Budget, provided the invocation followed by the Pledge of Allegiance.

3. Approval of Agenda

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

4. Mayor's Report

- a. Appointment of Michael Dively to the Transportation Advisory Board (alternate)
- b. Appointment of John Miller to the Code Compliance Board (alternate)

Motion to appoint Michael Dively as alternate member to the Transportation Advisory and John Miller as alternate to the Code Compliance Board made by Mayor Leary; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

5. City Manager's Report

6. City Attorney's Report

No report.

7. Non-Action Items

8. Citizen Comments

9. Consent Agenda

- a. Approve the minutes of December 9, 2019

- b. Approve the following purchase:
 - 1) Dobbs Equipment: John Deere 410SL 4x4 Backhoe Loader & 330G Skid Steer Loader replacing units 4450 & 4998, respectively; \$151,352.25.
- c. Approve the following contract items:
 - 1) Thomson Reuters: Renewal of CLEAR online investigative services subscription (3-year renewal term); \$15,541.
 - 2) Advanced Demolition: Award of IFB-21-2019 and Notice to Proceed with the Demolition of Progress Point; \$89,765. **(Pulled by Commissioner Weaver)**
 - 3) Gerhartz & Associates: Amendment to renew RFQ-16-2012 - Continuing Contract for GIS Services; Not to exceed \$175,000.
- d. Approve the following piggyback agreements:
 - 1) Office Depot: OMNIA Partners/City of Tamarac contract #19-12R - Office Supplies, Products & Related Services; Total expenditure under the contract not to exceed \$75,000 per year.
 - 2) Granite Inliner: City of Casselberry contract #RFP-2019-0467 - Sanitary Sewer, Manhole & Lift Station Wet Well Rehabilitation; FY20 expenditure under the contract not to exceed \$725,000.
 - 3) ABM Industry Groups: Pasco County IFB-TB- 16-131 - Ongoing & As-Needed Janitorial Services & Equipment; Total expenditure under the contract not to exceed \$525,000 per year.
 - 4) Shaw Industries: Sourcewell contract #080819 - Flooring Materials with Related Supplies & Services; FY20 expenditure under the contract not to exceed \$100,000.
- e. Public Emergency Management Transportation Letter of Agreement

Commissioner Weaver asked to remove Item 9.c.2.

Motion made by Commissioner Sprinkel to approve the Consent Agenda except 9.c.2; seconded by Commissioner Seidel.

There were no public comments.

Commissioner Weaver stated he would like to table this item until after the public hearing on the Orange Avenue Overlay to discuss the scope and redevelopment of this property.

Motion made by Commissioner Weaver to remove Consent Agenda Item 9.c.2; seconded by Commissioner Cooper.

There were no public comments on Item 9.c.2.

Discussion ensued on the scope of the demolition and potential reuse of the existing buildings. Mr. Knight confirmed that demolition is for all four buildings on the property.

Upon a roll call vote on the motion to remove Consent Agenda Item 9.c.2, Mayor Leary, Commissioners Seidel, Sprinkel, Cooper and Weaver voted no. Motion failed with a 0-5 vote.

Upon a roll call vote on the motion to approve the Consent Agenda, Mayor Leary, Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

10. Action Items requiring Discussion

a. Final approval of Canopy Project

Mr. Knight provided a brief history of the project and cost. He explained that the Community Redevelopment Area Advisory Board added a condition of pervious paving which increased the budget but is still within budget due to some construction changes. This is ready for final approval of the project, the gross maximum price and moving forward.

Russell Crader, Senior Director, Adjaye Associates, gave a presentation on the site layout, building location and floor plans of library with auditorium, computer lab, children's library, archive room, and administrative offices. The events center will have a ballroom on the first floor and a ballroom and outdoor venue on the second floor. He showed renderings of building from different sides, outdoor venue, interior of buildings, and materials. He responded to questions regarding details of the design, children's safety, stair rail, exterior materials and color, and connection to the existing bridge.

Commissioner Seidel asked for clarification on the exclusions from the contract. Mr. Knight advised that some of the exclusions are items that the city is doing in-house, are non-construction components, or were not and will not be part of the design.

Jim Ellspermann, Vice President, Brassfield & Gorrie, introduced their professional staff present to address the GMP and exclusions.

Michelle Whiteside, Senior Lead Manager, Brassfield & Gorrie, explained that some exclusions tell the history of the design process. She stated that it is important to list the exclusions to show the full scope of the project including owner responsibilities for the cost.

Mr. Ellspermann provided information on the structure of the GMP and reasons for listing the exclusions. He stated the cost will not exceed the GMP unless there are items added or unforeseen issues arise. Mr. Knight explained the components of the overall budget of approximately \$41,148,848 with a construction cost of approximately \$41,148,848, non-construction costs (furnishings, fixtures, etc.) of approximately \$7.4 million, and value of work performed by the City of approximately \$229,000.

In response to questions, Mr. Ellspermann stated that he will provide their projects that have exceeded the GMP. He confirmed that the GMP would increase unless the owner adds items or unforeseen conditions arise and that the exclusions are those not part of their scope and as a result, not part of the GMP.

Mr. Knight advised that the exclusions were reviewed by staff and the design team and staff is comfortable in the list of inclusions and exclusions.

Commissioner Weaver expressed his concern about the exclusions and that the contract is labeled “draft” and said that he cannot accept the GMP labeled as a draft.

Jacob Stern, Preconstruction Manager, Brassfield and Gorrie, explained the components of GMP: history of the process showing what was included but are not any longer, soft costs such as furnishings and equipment, tasks performed by city. He stated the exclusions simply clarify the scope of work.

After discussion on the exclusions and responsibility for cost of items, Commissioners Weaver and Cooper suggested a work session to go through each exclusion and to understand what is being taken out and the liability if the city performs some tasks.

Upon comments by Commissioner Seidel regarding the exclusion for demucking and rigid inclusion/soil improvement, Public Works Director Troy Attaway explained that demucking and rigid inclusion/soil improvement is in an area with pavers not a building. This process is part of the city’s scope and expense.

The list of exclusions was reviewed by the commission with staff providing the basis for each exclusion and Mr. Stern, Ms. Whiteside and Carlo Burns, Project Manager, Pizzuti Solutions, providing additional information in response to questions.

Commissioner Cooper asked for clarification on the contingency cost. Mr. Stern stated that the industry standard is 3-5% with this project at the lower end due to extensive project review over the past three years and knowledge of the design team.

Mr. Knight reviewed the Cost Management Log which shows Brassfield and Gorrie’s original bid for the project and soft costs for a total project cost of \$43,073,356. Staff, consultants and the design team reviewed the project list to determine whether any items could be eliminated to reduce the overall cost. He reviewed the items recommended to be removed from or included in the project and the associated costs or cost savings. He responded to questions regarding vertical concrete finish and maintenance/cleaning and demucking.

Mayor asked for commission recommendations for removal or inclusion.

Commissioner Weaver said he has no additions.

Commissioner Cooper commented on the prioritized ranking of potential value engineering add-backs and supported Adjaye’s top five value-added items as follows:

1. Eliminate the extruded aluminum special profile at the portals
2. Provide standard finish on all vertical concrete
3. Eliminate precast bench around plinth and install more traditional type benches
4. Provide alternate light fixture package
5. Replace oculus with roofing and EIFs

She stated she feels demucking should be done through professional contracts (net addition of \$350,000). She spoke in favor of using quality materials due to the significance of this project.

Commissioner Sprinkel spoke in favor of the Adjaye's top five recommendations.

Commissioner Seidel addressed the south parking area on Harper Avenue and building parking garage in order to keep the south parking lot as greenspace. He suggested that CRA funds could be used for a parking garage for the events center and area businesses. Following discussion on the parking lot/garage options and cost, consensus was for staff to investigate parking opportunities in the area and with area businesses.

Commissioner Seidel and Mayor Leary spoke in support of Adjaye's top five recommendations and of city staff performing the demucking.

In response to questions by Mayor Leary, Mr. Knight stated the target budget was \$41,148,848 and the changes added \$567,226 for a total budget of \$42,716,074, which creates a shortfall of \$2,740,792. Options to cover the shortfall include issuance an additional \$2 million in bonds and additional CRA funding of approximately \$750,000, which could be addressed in the Agency's meeting on Monday, January 27th. He added that issuing the additional bonds would impact property taxes by approximately \$2.70/per year for each \$100,000 of assessed value.

(Main) motion made by Commissioner Sprinkel to add back into the project the five recommended value-added items at additional cost of \$567,226 and to fund the shortfall of \$2,740,792 by issuance of additional \$2 million in bond issue and approximately \$750k in CRA funds (pending approval by CRA Agency in 1/27 meeting)

Discussion ensued on the budget, additions and funding. Mr. Knight advised the total CRA contribution, if the additional \$750,000 is approved, would be \$2,132,775. He added that furniture costs for both the library and events center are included in the overall budget.

Commissioner Seidel commented on signage and suggested inclusion of Martin L. King Jr. Park on the signage. He suggested removing the referral to the Canopy and renaming it Winter Park Library and Winter Park Events Center at Martin Luther King, Jr. Park. Commissioner Weaver agreed.

Discussion followed on the naming of the facilities, reference to MLK Park and signage.

Main motion seconded by Commissioner Seidel.

Motion made by Commissioner Seidel to amend the main motion to remove reference to the name Canopy; seconded by Commissioner Cooper.

Mr. Knight advised that the total GMP with amendments is \$34,072,395.

Motion made by Commissioner Seidel that Brassfield and Gorrie provide their projects that were over budget prior to signing final contract; seconded by Commissioner Weaver. After discussion, motion was withdrawn.

Commissioner Weaver stated he will vote against this due to the cost, lack of parking structure and lack of funds raised from public donations and his belief that this violates public trust.

Mayor Leary summarized the motions and cost and next steps.

The following spoke in favor of the project:

- Nancy Shutts, 2010 Brandywine Drive
- Brad Dossier, President Winter Park Library Board of Trustees, 1581 Magnolia Avenue
- Rachel Simmons, archivist, Winter Park Library.
- Sabrina Bernat, Director, Winter Park Public Library
- Ann Murrah, 1600 Alabama Avenue, #402
- Tom McMacken, 1829 Shiloh Lane
- Frank Hamner, 405 Balmoral Road

The following spoke in opposition of the project citing high cost, budget, design:

- Marty Sullivan, 901 Georgia Avenue
- Laurie White, Raintree Place
- Bonnie Hanson, Kilshore Drive
- Jim Fitch, 1820 Via Genoa
- Bill Rosenfelt, 1642 Lookout Landing Circle
- Amgali Vaya, 1717 Pine Avenue
- Elizabeth Bosserman, 818 Antonette Avenue
- Charley Williams, 757 Antonette Avenue
- Rochelle Kolin, 225 Trismen Terrace
- Kim Allen
- Vicki Krueger, 200 Carolina Avenue #201
- Scott Campbell, 1690 Cypress Point Lane

Attorney Ardaman advised that anybody that was downstairs were offered the opportunity to speak.

Mayor Leary advised that the bond referendum was site specific to this location and that additional funding will come from CRA funds and other sources without increasing ad valorem taxes.

Commissioner Seidel said that due to misinformation there have been divisive opinions and expressed his displeasure with the disrespect of different views. He expressed his concern about the budget and that project will go over budget. He suggested a work session to discuss the contract and then discuss additional funding from the CRA at the scheduled CRA Agency meeting on January 27th.

Mayor Leary said that the contract needs to be approved and a work session will need to be held before the CRA Agency meeting in order to address additional funding that may be needed from the CRA.

Commissioner Sprinkel said she feels the library sets the stage for community support of literacy and that the city has to do this for children and grandchildren. She said she is ready to move forward and that the citizens have waited long enough.

Commissioner Cooper expressed her discomfort with the budget that exceeds the \$30 million bond. She spoke in support of the new library and appropriate facilities but also supported scheduling a work session for further discussion.

Commissioner Weaver expressed his concern with the budget, parking, lack of function, and safety with insufficient handrails and the open children's section. He said he feels this is not what the citizens voted for.

Mayor Leary stated he feels there is misinformation, but the city needs to move forward. He asked Randy to review the GMP.

Mr. Knight explained that the GMP does not include non-construction (soft) costs or tasks completed by city staff. The total budget including these costs totals \$41,618.074 and causes for going over-budget would be owner-directed changes or unanticipated problems that arise. He stated that staff is comfortable with contract as is the city attorney.

Mayor Leary stated that he would prefer to move forward as he feels delays will create angst if the project is not moved forward.

Commissioner Seidel expressed his concern about greenspace and with the footprint of the project smaller than the original plan, removal of the southern-most parking area from the plan should be considered. Mayor Leary agreed that the southern parking area does not need to be a part of this; however, it may jeopardize additional funding from the grant.

Discussion followed on the risks with delaying a decision which include possibility of increased materials and construction costs.

Motion made by Commissioner Seidel to table to the next commission meeting and to schedule a work session before the CRA Agency meeting on January 27th; seconded by Commissioner Weaver. Upon a roll call vote, Commissioners Seidel, Cooper and Weaver voted yes and Mayor Leary and Commissioner Sprinkel voted no. Motion carried with a 3-2 vote.

Due to tabling of this item, no vote was taken on other motions.

Mayor Leary called for a recess at 7:25 and reconvened the meeting at 7:50 p.m.

8. Citizen Comments

Tom McMacken, 1821 Shiloh Lane, thanked city staff for efforts on coordinating the many holiday events.

11. Public Hearings

Public Hearings were taken out of order.

b. Request of the Edyth Bush Charitable Foundation for:

Conditional Use approval to demolish their existing 3-story building and rebuild a new 3-story 19,602 square foot building at 199 East Welbourne Avenue, zoned C-2.

Principal Planner Jeff Briggs reviewed the request to demolish the existing building and build a new 3-story building which received unanimous recommendation for approval from the Planning and Zoning Board.

David Odahowski, President and CEO of Edyth Bush Charitable Foundation, provided the biography of Mr. and Mrs. Bush and the creation and goals of the Foundation.

Rebecca Wilson, attorney representing the applicant, responded to questions regarding current and proposed parking needs, which will be diminished with this new building and use. She stated the parking spaces could not be leased for payment as it would affect the Foundation's non-profit status.

Motion made by Commissioner Cooper to approve the conditional use; seconded by Commissioner Sprinkel. There were no public comments. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

c. Request of Lundev Homes for:

Subdivision approval to split the property at 1666 Chestnut Avenue into two single-family lots. No variances are requested.

Principal Planner Jeff Briggs reviewed this subdivision request and stated the Planning and Zoning Board recommended approval with the condition that the architecture of the houses varies.

Brett Lundequam, applicant, was present to answer questions.

Motion made by Commissioner Sprinkel to approve the subdivision with the condition as recommended, seconded by Commissioner Weaver. There were no public comments. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

a. RESOLUTION 2225-20 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, PROVIDING AUTHORIZATIONS TO THE ORANGE COUNTY CANVASSING BOARD WITH RESPECT TO THE CITY'S MARCH 17, 2020 GENERAL ELECTION; PROVIDING AN EFFECTIVE DATE.

Motion made by Mayor Leary to approve the resolution; seconded by Commissioner Sprinkel. There were no public comments made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

d. Request of the City of Winter Park for:

- Ordinance - Amending Chapter 58 “Land Development Code” Article I, “Comprehensive Plan” to adopt new goals, objectives and policies of the future land use element to establish the Orange Avenue Overlay District. (1)
- Ordinance - Amending Chapter 58 “Land Development Code” Article III, “Zoning” to adopt a new zoning district Section 58-83 Overlay Districts (OD). (1)

A simultaneous public hearing was held on these ordinances.

Attorney Aradman read the ordinances by title.

Planning and Community Development Director Bronce Stephenson reviewed the non-substantive edits made by the City Attorney in the zoning ordinance and comprehensive plan ordinance. Attorney Aradman advised that these changes corrected inconsistencies in the density transfer language in Subarea D and J.

Commissioner Seidel suggested that the property owners be removed and properties be referenced by parcel number.

Mr. Stephenson recognized and thanked members of the OAO Steering Committee and Planning and Zoning Board for their work and input. He gave a presentation on the Overlay including the purpose and the boundaries of the overlay. He summarized the topics of community concerns that the process was rushed, increased height and scale, lack of transportation analysis and modeling, and lack of visualization of development scenarios. He reviewed the process that included public input, online survey, dedicated e-mail address, individual meetings with homeowners’ groups, property owners, and stakeholders, meetings with other city boards, an Orange Avenue walkshop, public hearings and numerous work sessions.

Mr. Stephenson provided details on building heights and setback concerns and stated that staff went above and beyond to avoid “canyonization” as is seen neighboring cities. He displayed renderings of existing buildings and proposed buildings which show setbacks and stepbacks.

Stephen Stansbury, Kimley Horn, provided data on traffic patterns which shows that cut-through traffic dominates Orange Avenue and data on crash patterns which shows that the traffic characteristics are influencing the safety by higher speeds and driving behavior. He stated that once the code is adopted, then it is an applicant’s responsibility as part of their change of use or intensity to do a traffic impact study to support their application, identify deficiencies and provide mitigation and implementation strategies. He advised that if roads are designed to accommodate more traffic then more traffic will result; however, if the area is designed for people a more vibrant and safer conditions will result.

Commissioner Cooper asked what traffic improvements need to be made and the cost associated with those improvements. Mr. Stansbury stated that there are opportunities to improve critical movements and suggested looking both documents for guidance incremental improvements. He stated that timing of the improvements would depend on development. He stated that they will be providing additional forecasting to support developers along the

corridor when the present requests for rezoning and project approval. Commissioner Cooper asked for recommendations on traffic infrastructure improvements based on projects using entitlements. Mr. Stansbury stated that it is difficult to implement improvements based on unknown entitlements and that it would be more appropriate to incrementally create partnerships to implement changes.

Mr. Stephenson stated that two areas are being studied for immediate improvements: the intersection of Minnesota/Orange/Denning and the intersection of Denning and Fairbanks Avenue. He showed conceptual renderings of potential development but reminded everyone that these are what-if models not an expectation of what is planned. He showed conceptual site plans for the Progress Point property and the property on the corner of Fairbanks and Denning with opportunity to acquire right-of-way for dedicated turn lanes on Denning and Fairbanks as part of development approval.

Commissioner Seidel disclosed that he has worked with Kimley Horn with some of his clients.

Mr. Stephenson played a video of public process. He stated that the steering committee recommended approval by a vote of 8-2 due to absence of unanimous agreement on the use of Progress Point property. He reviewed the support and approval by city boards and responded to questions.

Motion made by Commissioner Seidel to approve the ordinances amending the Comprehensive Plan and Zoning Code as presented and including city attorney revisions; seconded by Commissioner Sprinkel.

Commissioner Seidel commented on architectural guidelines and suggested implementation of peer review of architecture by consultant or in-house staff. Mr. Stephenson stated that there are licensed architects on staff but the city also has continuing services contracts with architects that could provide the review. Discussion followed on the professionals needed on the review committee to include a landscape architect and civil engineer to review parking and access and the scope of the review.

Amendment #1: Motion made by Commissioner Cooper, seconded by Commissioner Seidel, to amend the main motion to add a new section 3.1.i.10, Architectural Review:

In addition to meeting the architectural standards as set forth in this section, for developments requiring a conditional use approval having a land area of more than 80,000 square feet, having more than 25 residential units, or having structures exceeding 35,000 gross square feet above grade, professionally prepared fully rendered 3-D digital architectural perspective images and elevations that show all sides of the proposed building(s), parking areas, parking structures and any other site improvement shall be submitted to and reviewed by and commented upon by a City retained professional architect or by a City established architectural review committee consisting of two licensed architects, a licensed landscape architect, and a licensed professional engineer (only if project involves a parking garage), to ensure high quality architecture consistent with the goals and objectives of the OAO. The comments and

recommendations of such professional architect, or architectural review committee shall be transmitted to the planning and zoning board and city commission for consideration in rendering a decision on the proposed conditional use sought for the proposed development.

Commissioner Seidel expressed his concern about the inclusion of Subarea E parcels adjacent to 17-92. He feels these parcels should be part of the 17-92 study as redevelopment would impact 17-92 more than Orange Avenue.

Mr. Stephenson explained that that these areas were included since they are for sale and their redevelopment would be an opportunity for the city to apply Orange Avenue Overlay standards. Discussion followed on inclusion of properties adjacent to 17-92.

Amendment #2: Motion made by Commissioner Seidel to amend the main motion to remove Subarea E adjacent to 17-92 between Miller Avenue and Indiana Avenue and Subarea E south of Minnesota between 17-92 and Balch Avenue (the location of the former Orchard Supply and all parcels on the east side of Orlando Avenue); seconded by Commissioner Cooper.

Commissioner Seidel commented on the city-owned property in Subarea C (Progress Point) and the need to establish standards for redevelopment of the property when/if sold. Discussion followed on development standards and placing requirements on future redevelopment proposals within the ordinance or at a future date.

Amendment #3: Motion made by Commissioner Seidel to amend the main motion to require on city-owned property, Subarea C, a minimum of 1.5 acres of parkland, maximum of 20,000 square foot footprint at 2-story maximum, and parking; seconded by Commissioner Weaver.

Commissioner Seidel spoke on the intent to add a parallel road to Orange Avenue to remove trips from Orange Avenue to Palmetto Avenue and Harmon Drive. Mr. Stephenson stated language is included in the ordinance. Commissioner Cooper said she feels the city should own the roads.

Mayor Leary paused the discussion and asked for a show of hands of those in support and in opposition to the overlay (approximately 50/50). He advised that that public comments on these ordinances will be taken after the amendments are made so the public can provide their comments based on the amendments.

Commissioner Seidel asked if the ordinance addressed transportation mobility impact fees. Mr. Stephenson read the language on transportation impact fees. Attorney Ardaman advised that the impact fees must be tied to roadway impacts.

Amendment #4: Motion made by Commissioner Cooper to amend the main motion to change Section b.1 Purpose (21) from “Explore the implementation of a Transportation Impact Fee” to “Implement a Transportation Impact Fee;” seconded by Commissioner Weaver.

Commissioner Seidel expressed his opposition to allowing the removal of a connection road and supported replacement of a vacated road with another to provide similar circulation.

Motion made by Commissioner Cooper to amend the main motion to remove all language that prejudices abandonment of city roads.

Commissioner Seidel stressed the need for parallel road to Orange Avenue. Commissioner Weaver stated he feels the language is prejudicial for future right-of-way abandonment requests and suggested changing the language from “shall be encouraged” to “shall be considered.” Discussion followed on the interpretation of the language as being prejudicial and encouraging abandonment of city streets.

Motion seconded by Commissioner Weaver. Motion withdrawn

Amendment #5: Motion made by Commissioner Seidel to amend the main motion to change road closure provisions from “right-of-way shall be encouraged” to “right-of-way may be considered”; seconded by Commissioner Sprinkel.

Commissioner Seidel addressed the property on the northwest corner of Harmon Avenue and 17-92 and asked whether provisions were added to allow rooftops for penthouse areas. Mr. Stephenson stated provisions were added and would apply to all properties within the overlay to allow for a small footprint of the roof for roof decks, solar panels, gardens or green roof features.

Commissioner Cooper expressed her concern for protection of residential properties which she feels should be removed from the overlay or additional protections added.

Amendment #6: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion changing Section 3.1.g, Single Family Residential Uses to read as follows:

Residential Uses within the Overlay District. The OAO shall not apply to existing residential uses or structures developed prior to the effective date of this section. Protections of existing residential uses and structures shall be implemented. Properties currently used and developed as residential prior to the effective date of this section shall continue to be subject only to current Land Development Code standards and protections governing such properties’ underlying zoning designation and not those set forth in the OAO, unless and until such properties redevelop. Any change of use or redevelopment on the existing residentially developed properties shall require compliance with OAO standards. In order to protect existing structures that are used as a residence, new non-residential or mixed-use development within the OAO shall have its structures setback at least 35 feet from the property boundaries of parcels with existing residential structures used as a residence that are not intended to be part of the proposed development, unless a written consent can be obtained from owner(s) of the affected existing residential structure(s) consenting to the waiver of such minimum setback requirement of this subsection. Parking garages shall be setback at

least 100 feet from the property boundary of parcels used and developed as single-family or low-density residential.

Amendment #7: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion changing Section 3.1.k to read as follows:

Public Notice and Hearing Requirements.

(1) City-wide notice, as defined in Section 58-89, shall be required for any proposed development within the OAO that requires a conditional use approval having a land area of more than 80,000 square feet, a building of more than 35,000 square feet or having more than 25 residential units. Proposed development not hitting the thresholds set forth above and otherwise that meet the criteria for city-wide notice, as defined in Section 58-89, within the OAO, shall not be required to provide city-wide notice; however, in the alternative, such proposed development shall be required to send notice to all properties within the OAO and all properties within 1,000 feet of the boundary of the OAO. All Conditional Use requests within the OAO shall be required to send public notice to all properties within 1,000 feet of the subject property, post signage on the property and publish notice in a newspaper of local circulation.

(2) For any proposed development within the OAO that requires a conditional use approval having a land area of more than 80,000 square feet, a building of more than 35,000 square feet or having more than 25 residential units, there must be at least two public hearings before the city commission on the proposed conditional use conducted at least ten days apart prior to approval of such conditional use. If the city commission denies the required conditional use at the first public hearing such shall be the final decision of the city commission and a second public hearing is not required.

Commissioner Cooper expressed her opposition to residential density transfers without reducing square footage on the property from which the density is transferred.

Amendment #8: Motion made by Commissioner Cooper, seconded by Commissioner Weaver, to amend the main motion related to transfer of residential density in Subareas D & J as follows:

Density Transfer. The owner of properties within Subarea (D or J) (as defined by the map below) shall be allowed to transfer the existing residential density entitlements, based on the maximum residential units per acre permitted under the underlying zoning designation existing just prior to the effective date of this section, from other properties within the OAO that are under common ownership on the date of the first reading of the ordinance adopting this section, though not the square footage. However, properties that have previously developed to the maximum entitled square footage under their underlying zoning designation existing just prior to the adoption of this section do not qualify for and are not permitted to transfer residential density to receiving properties within the OAO. Properties that transfer residential density shall also receive a reduction of the maximum floor area ratio governing the development

or redevelopment of such property under the OAO based on the number of residential units transferred times 450 square feet. Once the residential density entitlements are transferred from such other commonly-owned properties, no residential units can be constructed on the property from which the density transfer occurs and as referenced above the non-residential development maximum floor area ratio shall be reduced on the property from which the residential density transfer occurs. The documents to be recorded in the Orange County Public Records memorializing the aforesaid density and floor area ratio including associated deed restriction shall be reviewed and approved by the City and thereafter executed and recorded prior to any development occurring that relies on such density transfer. It is the intent of density transfers under this subsection to create nodes of intensity, allowing for residential uses, which are key to the successful creation of mixed-use districts and of development that can fund the needed parking and regional stormwater areas in the district. By clustering the intensity, there will be a reduction in overall massing throughout the OAO. Density Transfer shall only allow the transfer of currently entitled units at the underlying zoning into the defined Subarea (D or J). This language shall not allow transfer of units into other Subareas. The map below depicts the properties within this subarea that qualify for this density transfer. No properties other than those shown on the map below, owned by Demetree Global or subsidiaries (define), shall be eligible for density transfer within Subarea (D or J).

Mr. Stephenson provided alternative language to Motion #8 that any property that transfers density can no longer use the development enhancement menu to increase the floor area ratio (FAR) beyond the base FAR.

Amendment #9: Motion made by Commissioner Sprinkel, seconded by Commissioner Seidel, to amend the main motion to accept staff's recommended language as follows:

“Properties transferring available residential units to either Subarea D or J are then not eligible for utilization of the development enhancement menu to earn additional FAR and are therefore capped at the base FAR for said subarea in which they lie”.

Amendment #10: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to add the following whereas paragraph in the zoning code amendment:

“Whereas” Comprehensive Plan Policy 1-2.4.14, Mixed Use Designation directed, within one year from the adoption of this Comprehensive Plan, the City will create a mixed use overlay or district for commercially designated parcels that would be intended to facilitate design and use flexibility to achieve pedestrian scale, innovative transit connectivity and maximizing open space within a commercially viable and architecturally desirable design. Complementary uses may include, but are not limited to retail, entertainment, office, civic and residential uses. The City shall also prepare companion land development code regulations that implement the proposed mixed use overlay or district simultaneously with any policy amendments related to this overlay

or district. All policies related to this overlay or district will be subject to a Comprehensive Plan amendment.

Motion made by Commissioner Cooper to amend the main motion to delete Item 21 under Purposes relating to transportation impact fees. Motion failed for lack of second.

In response to comments by Commissioner Cooper, Mr. Stephenson clarified that the planting strips are meant to provide greenspace between vehicles and pedestrians.

Motion made by Commissioner Cooper to amend the main motion to require all setbacks to include a six-foot planting area to allow for healthy development of trees. Mr. Stephenson clarified that because of the large setbacks and sidewalks there will be ample area for pedestrian traffic, trees and healthy growth. Motion was withdrawn.

Commissioner Cooper asked for confirmation that there is adequate room from the rail trail to allow the trees to flourish. Mr. Stephenson stated that language in the ordinance requires sufficient room for adequate growth and for review of tree species by the city arborist.

In response to questions by Commissioner Cooper, Attorney Ardaman and Director of Building and Permitting George Wiggins advised that construction and materials must comply with current building codes.

Amendment #11: Motion made by Commissioner Cooper and seconded by Commissioner Weaver to amend the main motion to add under Parking Requirements:

Medical: One parking space per 200 square feet of gross floor space.

Commissioner Cooper displayed and reviewed a graph showing the effect of excluding parking garage square footage from the FAR calculation which she feels will allow large building mass in three subareas.

Amendment #12: Motion made by Commissioner Cooper to amend the main motion to include parking garages in FAR; seconded by Commissioner Weaver.

Amendment #13: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to add language stating that Subarea A properties shall be given priority for available parking garage spaces that are required to be available for lease.

Mayor Leary called for a recess at 10:45 and reconvened the meeting at 11:00 p.m.

Amendment #14: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to add in Section 3.i.j.7.F “liner buildings” as acceptable parking garage screening.

Commissioner Cooper requested that public comment be taken at this time so people can leave if they desire. Mayor Leary suggested that amendments should be completed before public comments are taken so speakers can address the amendments.

Amendment #15: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to add a new section after 3.1.o that reads:

Transportation infrastructure proportionate fair share. Development and redevelopment within the OAO requiring a conditional use approval shall pay a proportionate fair share of the estimated cost necessary to fund the design, engineering, permitting and construction of those transportation projects within or proximate to the OAO that are impacted by such development or redevelopment projects that utilize additional entitlements provided under the OAO. The owner and developer of a project shall enter into a proportionate fair share agreement with the city, with terms and conditions acceptable to the city, as part of conditional use approval. The city has initiated action to develop a traffic model, identify needed transportation improvements and establish a formula for calculating a proportionate share fair system.

Discussion followed on the conflict between this motion and the motion made by Commissioner Seidel (#4). Attorney Ardaman stated this language provides more flexibility.

Motion made by Commissioner Cooper to amend the motion to add that the variances shall be considered by the Board of Adjustments. Mr. Stephenson clarified that the City Commission has the authority to grant variances in conjunction with City Code as part of conditional use requests. **Motion was withdrawn.**

Commissioner Cooper asked for clarification on exemptions to land development code requirements for properties in Subarea A and whether FAR requirements must be met. Mr. Stephenson explained that language requires that the existing use, size and conditions of the building must be maintained, which addresses the FAR.

Amendment #16: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to add language to Section 3.1.p.1.a.1 to read: “Floor Area Ratio (to the extent existing structure already exceeds FAR.)”

Motion made by Commissioner Cooper to amend the main motion to incorporate the Miller Sellen study on Orange Avenue streetscape design. Motion failed for lack of second.

Amendment #17: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change Subarea B language, Section 3.1.p.2.a.5.c, to require a 30-foot rear setback.

Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to reduce the maximum achievable FAR to 80% in Subarea C.

Commissioner Seidel questioned whether this conflicted with his motion (#3) which set development standards for Subarea C. **Commissioner Cooper withdrew her motion.** She suggested that the FAR be removed the development standards for Subarea C. Mr. Stephenson suggested that development standards be determined by the commission in conjunction with

solicitation of development proposals for city-owned property. Mayor Leary pointed out that Commissioner Seidel's motion (#3) did not include a FAR requirement.

Amendment #18: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change language in Section 3.1.p.3.d to read:

Road. Realignment of the Palmetto Avenue right-of-way shall be considered, subject to City Commission approval, as the street bisects the property and creates limited development opportunities of the site but is necessary it be maintained as a parallel transportation facility to relieve congestion on Orange Avenue.

Amendment #19: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change all of the Subarea Base FAR percentages to the existing underlying zoning district maximum achievable FAR in current Zoning Code. 20 Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to modify Subarea D to a maximum achievable FAR of 100% and modify the maximum height to the average height (in feet) of Commerce National Bank and TD Bank heights, and to modify the Zoning Ordinance setbacks of Subarea D to the average setback of Commerce National Bank and TD Bank.

Amendment #20: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to modify Subarea D to a Maximum Achievable FAR of 100% and modify the maximum height to the average height (in feet) of Commerce National Bank and TD Bank, and to modify the Zoning Ordinance setbacks of Subarea D to the average setback of Commerce National Bank and TD Bank.

Amendment #21: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to modify the Zoning Ordinance setbacks of Subarea D to the average setback of Commerce National Bank and TD Bank.

Amendment #22: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to limit Subarea D and J to a maximum of 25 units per acre with density transfers.

Motion made by Commissioner Cooper to amend the main motion to reduce maximum achievable FAR in Subarea I to 85%. Motion failed for lack of second.

Motion made by Commissioner Cooper to amend the main motion to reduce base FAR in Subarea J to existing maximum FAR of 60%; seconded by Commissioner Weaver. (covered in motion #19)

Amendment #23: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change Subarea J maximum FAR to Maximum Achievable FAR of 85% until the 3D illustration is provided and traffic impact and improvements are reviewed.

Amendment #24: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change Subarea J to a maximum height of three

stories fronting on Fairbanks Avenue, and to four stories when located 100 feet back from Fairbanks Avenue.

Motion made by Commissioner Cooper to amend the main motion to change Subarea J to a maximum residential density of 25 units per acres with density transfer. (covered in Motion #22)

Motion made by Commissioner Cooper to add the same Density Transfer language in Subarea D to Subarea J (Covered in Motion #8); seconded by Commissioner Weaver.

Motion made by Commissioner Cooper to amend the main motion to establish a rear setback of 30 feet in Subarea K or equal to the building height; seconded by Commissioner Weaver. Motion was withdrawn.

Amendment #25: Motion made by Commissioner Cooper and seconded by Commissioner Weaver to amend the main motion to limit Development Enhancement Menu Options to the following:

- AC3, Space for Non-Profit Arts and Cultural Organizations
- P1, Public Parking
- M2, Workforce Housing Provided
- OS1, Open Space Beyond Minimums
- OS2, Shade Tree Planting
- OS5, Donation of Land for Parks
- OS6, Martin Luther King, Jr. Park Expansion
- CT1, Rail-Trail Construction and Easement
- CT3, Denning Drive Mobility Extension
- CT7, Land Donation for Transportation Improvements.

Commissioner Weaver expressed his concern for fairness, equity and parity of benefit. He said that they have not covered entire document and he feels there is not equal benefit for properties or citizens. He outlined his concerns with various aspects of the overlay.

Amendment #26: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to exclude properties with underlying residential zoning.

Amendment #27: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to remove all references to the plural “districts” in the enacting language and use the word “district.”

Amendment #28: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to remove Subarea G (west of Denning and north of Fairbanks) from the Overlay District.

In response to questions, Mr. Stephenson advised the intent is to purchase these properties for expansion of MLK Park and that the overlay development standards would apply.

Amendment #29: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to change Section 3.1.c Permitted Uses (2) to require food sales in Bars, taverns, cocktail lounges by deleting “or without.”

Amendment #30: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to add in Section 2.1.c Permitted Uses (5) to require food sales in Breweries/distilleries) by adding “(with food sales).”

Amendment #31: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to change Section 3.1.i.1, Architectural Standards, to refer to parking garages in terms of stories rather than levels as follows:

Building Height. To allow for flexibility in design, but preserving development standards that will reduce building massing. Buildings shall be measured in stories. Only floors visible on the exterior of the building shall be counted towards building height (ex. A 4-story building wraps around a 5-level interior parking garage, only the 4 stories would count as they are the only part visible).”

Amendment #32: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to delete the words “recorded easement or” in Section 3.1.j.1 to read:

Parallel Orange Avenue Access. Where Palmetto Drive, Vivian Drive and Harmon Drive provide secondary and primary access to properties within the OAO area, portions of these roadways may be closed, vacated or re-aligned, so long as a through access road, as approved by the City Commission, is maintained to allow vehicular access between Orlando Avenue and Denning Drive. A road that allows public through-access in perpetuity via a dedicated public street shall be allowed in-lieu of vacated streets, if approved by the City Commission. Any road shall be constructed at a minimum street width of 20 feet unobstructed and shall have unobstructed vertical clearance per National Fire Protection Act (NFPA) codes.”

Commissioner Seidel provided the basis for his concerns about maintaining dedicated public access on the parallel road.

Commissioner Weaver spoke in opposition to parking garage access to/from Orange, Fairbanks or Orlando Avenues. Mr. Stephenson stated access can be addressed at conditional use approval. Discussion ensued on the need for parking garages.

Motion made by Commissioner Weaver to amend the main motion to prohibit parking garages fronting on Fairbanks, Orlando and Orange (no direct access)” (Section j, Parking Requirements). Motion failed for lack of second.

Motion made by Commissioner Weaver to amend the main motion to strike “to the maximum extent feasible.” Section j, Parking Requirements.

Commissioner Seidel asked for input from the traffic consultant regarding parking garage access. Mr. Stansbury, Kimley Horn, stated that trips would be part of a traffic study and that

numerous factors would be considered for queuing and access to parking garages. **Motion was withdrawn.**

Amendment #33: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to prohibit parking garages on the north side of Fairbanks changing the language to read” “Parking structures on the north side of Fairbanks Avenue shall not be allowed.”

Amendment #34: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to require in Section 3.1.l, Meaningful Open Space Requirements, “at least 80% of open-space areas provided shall be greenspace.”

Motion made by Commissioner Cooper to continue this to another meeting; seconded by Commissioner Weaver. Attorney Ardaman stated that the Commission can continue or table provided it is to a date and time certain without having to re-advertise. If no date is set, re-advertisement will be required. **Motion was withdrawn.**

Motion made by Commissioner Weaver to amend the main motion to change the enhancement for Enhancement OS.4, Mead Garden Improvements, Expansion, to provide for a dollar amount per square foot rather than a percentage of FAR.

Discussion ensued on the calculation of FAR and valuation of additional FAR per square foot.

Amendment #35: Motion made by Commissioner Weaver, seconded by Commissioner Seidel to amend his motion to change Section 3.1.q.1, OAO District Development Enhancements/Bonuses, Table 6, Meaningful Open Space, OS.4, Mead Garden Improvements as follows:

“Donation to Mead Botanical Garden Improvements/Restoration/Enhancements shall Earn one square foot of additional building space per each \$10 donation, with the allowable square footage earned up to a 10% entitlement increase. The Funds Shall Only Be Used for Capital Improvements or Enhancements in Mead Botanical Garden.

Amendment #36: Motion made by Commissioner Weaver, seconded by Commissioner Seidel to amend the main motion to change Section 3.1.q.1, OAO District Development Enhancements/ Bonuses, Table 6, Meaningful Open space, OS.6, Martin Luther King, Jr. Park as follows:

“Donation to the City of Winter Park, Park Acquisition Fund Shall Earn a one square foot of additional building space per each \$10 donation, with the allowable square footage earned up to a 10% entitlement increase. Funds shall only be used for the acquisition of additional park land. The funds shall only be used for the acquisition of the area identified as Subarea "G" herein, to expand Martin Luther King, Jr. Park.”

The following spoke in favor of the ordinances:

- Julie Von Weller, 641 Williams Drive
- Teri Gagliano, 2349 Lafayette Avenue
- Bob Bendick, Winter Park Land Trust, 1211 Oxford Road

- Steven Goldman, Winter Park Land Trust, 2009 Venetian Way
- Bruce Stephenson, 421 Genius Drive
- Emily Russell, Director, Winter Park Land Trust
- Chris Hughes, Track Shack and Track Shack Events, 1104 N. Mills Avenue
- Wade Miller, 1520 Glencoe Road
- Robin Swann, 281 Salvador Square
- Jill Hamilton Buss, 1935 Oakhurst Drive
- Lamont Garber, 1071 Lakeview Drive
- Lawrence Lyman, 1731 Diana Drive
- Phillip Anderson, 1621 Roundelay Lane
- Michael Dick, 100 S. Virginia Avenue
- Edward Wood, 2973 Sanbina Avenue
- Rick Baldocchi, 2301 Forrest Road
- Laura Walda, 1791 Shiloh Lane
- Michele Massoni-Dubuc, 508 Balmoral Road
- Larry Adams, 955 N. Pennsylvania Avenue
- Carl Creasman, 2013 Kimbrace Place
- Michelle Heatherly, Demetree Global, 941 W. Morse Blvd.
- Betsy Gardner Eckbert, Winter Park Chamber of Commerce
- Michael Grindstaff, Shutts & Bowen, 300 S. Orange Avenue
- Frank Hamner, 405 Balmoral Road
- Sheila DeCiccio, 1630 Laurel Road
- Bill Rosenfelt, 1641 Lookout Landing Circle
- Genean McKinnon, 701 Via Bella

The following spoke in opposition to the ordinances:

- Ann Higbie, 190 Ward Drive
- Peter Bauer, 1177 South Denning
- Jack Rogers, 311 E. Morse Blvd.
- John Reker, 1660 Joeline Court
- Yvonne Rausch, 1355 Orange Avenue
- Bonnie Ferguson, 700 Melrose Avenue
- Beth Hall, 516 Sylvan Drive

There was no additional public input.

Members of the commission restated their position on these ordinances and the feasibility of a transportation study or model at this point.

Motion made by Commissioner Seidel, seconded by Commissioner to continue this until Thursday, January 16, 2020. Motion carried unanimously.

8. Citizen Comments

Taken before public hearings.

12. City Commission Reports:

No reports.

The meeting adjourned at 2:30 a.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis, CMC