



# City Commission Regular Meeting Minutes

March 9, 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 3:32 p.m.

## 2. Invocation and Pledge of Allegiance

Pastor Ed Garvin, Calvary Assembly of God provided the invocation followed by the Pledge of Allegiance.

## 3. Approval of Agenda

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

## 4. Mayor's Report

Mayor Leary thanked Commissioners Seidel and Sprinkel for their service on the Commission.

Commissioner Sprinkel thanked the Commission, staff, city manager, city attorney, family and friends for their support and recognized her husband and son in the audience. She commented on her passion for learning and teaching and spoke on three points: dreams are more powerful than facts, myths are more potent than reality, and hope always triumphs over fear. She expressed her belief in this community and enjoyment for learning as a commissioner and participating in numerous celebrations. She thanked everyone for the privilege of serving.

Commissioner Seidel expressed his pleasure in serving and his pride in city staff. He summarized his vision when he was first elected. He spoke on the example that should be set for the community and future leaders to always try to do the right thing.

## 5. City Manager's Report

- Parks and Recreation Director Jason Seeley, showed the logo for the new Splash, Float Swim program which begins April 25. Mr. Seeley and Michael Dively, supporter of this initiative, presented each commissioner with a t-shirt. Mr. Dively thanked the commission for their support.
- Announced that the billboard at 2600 Lee Road has been removed and stated that almost ten have been removed.

- Stated that staff and the Sidewalk Art Festival Committee will be meeting tomorrow to discuss whether to move forward with the festival in light of the coronavirus. Extra hand washing stations will be provided and staff will continue to follow updates from health professionals.
- Thanked Commissioners Seidel and Sprinkel for their service.

#### 6. City Attorney's Report

- Expressed his pleasure working with Commissioners Seidel and Sprinkel.

#### 7. Non-Action Items

#### 8. Citizen Comments

Heard after 5:00 p.m.

#### 9. Consent Agenda

- a. Approve the minutes of February 24, 2020
- b. Appoint Leif Bouffard as alternate member on the South Seminole North Orange County Wastewater Transmission Authority.

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

**Motion made by Commissioner Sprinkel to approve Consent Agenda Item b; seconded by Commissioner Seidel. There were no public comments. Motion carried unanimously with a 5-0 vote.**

#### 10. Action items requiring discussion

#### 11. Public Hearings

- a. Request of Sydgan Corp. for:
  - Ordinance to amend the Comprehensive Plan Future Land Use Element Policy Text within the Hannibal Square Neighborhood Planning Area. (1)
  - Ordinance to amend the Future Land Use Map from Single Family and Low Density Residential to Commercial on 0.97-acres of the combined subject property located southwest of the Pennsylvania and Symonds Avenue intersection. (1)
  - Ordinance to amend the Official Zoning Map from Single Family (R-1A) and Low Density Residential (R-2) to Commercial (C-3) on 0.97-acres of the combined subject property located southwest of the Pennsylvania and Symonds Avenue intersection. (1)
  - Conditional Use approval to construct a three-story hotel of 140 rooms with associated restaurant and ballroom/meeting space on properties at the southwest corner of Symonds and Pennsylvania Avenues including Developer's Agreement, 3rd Amendment

A simultaneous public hearing was held on these requests.

Attorney Ardaman explained there are two ordinances, one ordinance for comp plan amendments and the other for rezoning. He read the ordinances by title.

Planner Allison McGillis presented this request to build a hotel on approximately four acres at the corner of Pennsylvania and Symonds Avenues. Without the first request to amend the comp plan text policies, the three subsequent requests would not be possible. She provided the history of redevelopment in this area and previous conditional use approval for a 120-room hotel. Because construction never moved forward, the conditional use approval expired. This request is for additional hotel rooms (140 total) and requires new conditional use approval.

She explained the Comprehensive Plan policy that discourages non-residential encroachment into residential sections in this planning area and should not be approved unless otherwise provided for in the Comprehensive Plan. If non-residential zoning is approved, the applicant must provide affordable or workforce housing or pay fees in lieu of housing to the Affordable Workforce Housing Trust Fund. The Planning and Zoning Board recommended the following policy changes.

1. That Comprehensive Plan Policy 1-H-6 be modified to only say non-residential land uses and zoning on the north side of Symonds Avenue between Capen Avenue and Pennsylvania Avenue be deemed to be in conflict with the Comprehensive Plan.
2. That Comprehensive Plan Policy 1-H-7 be removed since it is a duplicate of Policy 1-H-6.

The applicant is further requesting a policy amendment to allow for compensation of loss of housing by providing substantial infrastructure improvements with regional benefit or by donating park land for the regional benefit to the planning area. Mrs. McGillis showed a rendering of the stormwater retention/open park space which will be dedicated to the city but constructed and maintained by the applicant in accordance with staff and other agency's regulations. Compensation toward affordable or workforce housing units would be \$400,000 for four units (\$100,000/unit). She reviewed the property acreage by current and requested land use and zoning, the proposed site plan and the floor area ratio (FAR) analysis and stated the applicant is not maximizing the FAR. She summarized the parking analysis and traffic analysis and showed building elevations.

The Planning and Zoning Board recommended approval of the conditional use request subject to a Development Agreement and the following conditions:

1. That any ground signage be limited to the same size (square footage) and height of the Alford Inn monument sign.
2. That the applicant work with Urban Forestry and Public Works to add additional on-street parking along Pennsylvania Avenue.
3. That the project provides required bike parking per code and add two electrical vehicle charging stations to either the existing parking garage or added surface parking spaces.
4. The dedication to the city of the 0.79-acre retention area/park, the stormwater capacity that the city is gaining, along with the landscaping/irrigation and maintenance by the applicant agreement.
5. Agreement that the parking garage shall be shared by the hotel and office users.

6. That four affordable or workforce housing units be constructed within City limits or pay fee-in-lieu in the amount of \$400,000.00 (\$100,000.00 per unit) to the Affordable and Workforce Housing Trust Fund, prior to the Certificate of Occupancy of the hotel project.

Mrs. McGillis responded to questions stating that setbacks are larger in some areas with articulation and that the applicant has worked with staff on the stormwater retention area which meets code requirements.

Commissioner Seidel disclosed that he spoke with the developers and others.

Commissioner Sprinkel stated she has spoken with applicant.

Commissioner Cooper said that she has met with developer, applicant and staff.

Commissioner Weaver stated he met with staff.

Mrs. McGillis responded to questions by Commissioner Cooper stating Amendment #3 to the Development Agreement in the agenda packet is the current development agreement. The site plan approval is both preliminary and final. The property was approved for three stories in 2016 and current existing codes and regulations would allow three stories. At the time of initial approval, the code did not require inclusion of the parking garage in the FAR calculation.

Commissioner Cooper asked for documentation that the parking garage was excluded from the FAR and what has already been approved. Mrs. McGillis stated that exclusion of the parking garage from the FAR was not spelled out in any of the previous development agreements, plans or staff report and that only the requirement of the compensation of four residential units would remain.

Commissioner Cooper asked whether there are any vested rights if all conditional uses were expired. Mrs. McGillis stated there are no rights as it relates to the hotel. Mr. Ardaman stated that there are rights to develop under existing codes but the project as proposed cannot move forward without approval of these requests.

Dan Bellows, Sydgan Corp, and other members of the project team were present to answer questions.

Commissioner Seidel asked for information regarding the pond/park space design.

Steve Sloan, Sloan Engineering Group, explained that they used the existing permitted data but are doing additional soil borings to confirm that data. Commissioner Seidel expressed his concern about ground level and that it functions adequately and remains dry. Mr. Bellows stated that they have met with staff and St. John's Stormwater Management who are in favor of proposed design. He added that they are willing to accommodate stormwater with a wet pond under the vault inside the garage in order to maintain the area as a dry pond.

Commissioner Weaver expressed his concern that run-off from the street will create an unsafe and unhealthy play area for children and would like the park removed from the project.

**Motion made by Commissioner Sprinkel to approve the ordinances on first reading and the conditional use as presented; seconded by Mayor Leary.**

The following spoke in opposition to these requests citing loss of residential use, traffic, noise, loss of privacy and safety of children.

- Rebecca Talbert, 2024 Northwood Blvd.
- Mary Daniels, 650 Canton Avenue (submitted a letter and signatures of those in opposition)
- Marty Sullivan, 901 Georgia Avenue
- Camille Reynolds Lewis, Hannibal Square Community Land Trust Inc.
- Linda Rambeau, 657 Symonds Avenue
- Sheila Reid, 780 Carver Street
- Kent Kersten, 654 Canton Avenue
- Maria Bryant, 450 S. Virginia Avenue
- Gary George, 265 N. Capen Avenue
- Phil Anderson, 1621 Roundelay Lane
- Linda Eriksson, 535 N. Interlachen Avenue
- Aubrey Reed, 731 DePugh Street

Mr. Bellows commented on the initial opposition to redevelopment of New England Avenue but he has received positive comments on the redevelopment. He stated he is a resident of this community and would like to work with community and commission. He agreed with Commissioner Weaver's concerns about stormwater run-off to the pond. He said he would support tabling this request to allow the engineers to address concerns and to review the original development agreement. He pointed out that the current zoning is commercial and that this hotel would generate less trips than office/retail use.

**Motion made by Commissioner Seidel to table these requests; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote. (Previous motions for approval were not voted upon.)**

Mayor Leary called for a recess from 5:08 to 5:22 p.m.

## 8. Citizen Comments

Clark Sprinkel, son of Commissioner Sprinkel, thanked his mother for her commitment to the residents and city and shared accomplishments of the city during her terms that have impacted him and his family including the new library and events center and swimming program. He expressed his pride in her dedication to the city.

Will Graves, Founder of Friends of Winter Park, spoke in opposition to redevelopment and suggested a moratorium to stop over-development, particularly in west Winter Park.

Mayor Leary advised that Public Hearing e will be heard before Item b and c.

## 11. Public Hearings - continued

- b. RESOLUTION 2228-20 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ISSUANCE IN AN AGGREGATE PRINCIPAL AMOUNT OF A NOT TO EXCEED \$2,095,000 GENERAL OBLIGATION BOND, SERIES 2020 FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF THE ACQUISITION AND

CONSTRUCTION OF THE WINTER PARK LIBRARY AND EVENTS CENTER AND RELATED IMPROVEMENTS IN THE CITY; PROVIDING THAT SUCH BONDS SHALL BE PAYABLE FROM AD VALOREM TAXATION; PROVIDING FOR THE LEVY OF NECESSARY AD VALOREM TAXES; PROVIDING FOR THE TERMS AND DETAILS OF SAID BOND; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING A NEGOTIATED SALE OF SUCH BOND; AND PROVIDING AN EFFECTIVE DATE.

Attorney Ardaman read the resolution by title and stated the resolution reflects the reduced interest rate of 1.88%.

**Motion made by Commissioner Sprinkel to approve the resolution with the revised interest rate; seconded by Mayor Leary. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

e. Request of Hill/Grey Seven LLC for:

- ORDINANCE 3170-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" TO AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM AN MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO A PARKING LOT FUTURE LAND USE DESIGNATION ON THE PROPERTY AT 472 BROADVIEW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. (Second Reading)
- ORDINANCE 3171-20 - AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" TO AMEND THE "OFFICIAL ZONING MAP" TO CHANGE FROM MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO PARKING LOT (PL) DISTRICT ZONING ON THE PROPERTY AT 472 BROADVIEW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. (Second Reading)
- Conditional Use approval to construct 24,000 square feet of two-story commercial buildings on the properties at 415 S. Orlando Avenue and 336 and 434 Grove Avenue.

A simultaneous public hearing was held on these requests. Attorney Ardaman read the ordinances by title.

Principal Planner Jeff Briggs stated the Conditional Use was approved at first reading of the ordinances on February 24, 2020.

**Motion made by Commissioner Cooper to adopt the comp plan and zoning ordinances on second reading; seconded by Commissioner Sprinkel.**

**Motion made by Commissioner Seidel to amend the main motion to direct staff to investigate swapping right-of-way from Grove Avenue for Orlando Avenue right-of-way to provide for future southbound turn lanes on Fairbanks Avenue; seconded by Commissioner Weaver. (Withdrawn)**

Commissioner Seidel explained his intent is have right-of-way available along Orlando Avenue to provide for a future turn lane which would start just south of the entrance and shift the rear parking back toward Grove Avenue. This would be an opportunity to receive right-of-way

from the developer for future intersection improvements. Discussion ensued on options and impact to project and neighborhood.

Rebecca Wilson, attorney representing the applicant, said she understands the request would be to dedicate land to FDOT, since Orlando Avenue is a state road, in exchange for city right-of-way. However, FDOT currently has program for Orlando Avenue. Commissioner Seidel pointed out that FDOT is not intending to add turn lanes and feels that this proposal will benefit everyone with no impact to developer. Mrs. Wilson stated they would need relief on the landscape buffer and possibly other portions of plan. She questioned their obligation to investigate and to what extent. She said she would investigate in good faith but could not agree if there is a cost involved.

Mayor Leary offered Mrs. Wilson the opportunity to discuss this with her client and bring the item back up for discussion later in the meeting.

After discussion, Commissioner Seidel withdrew his motion.

Mary Black, area resident, expressed her concern that the suggested amendment will affect the landscape barrier and the quality of life.

**Motion made by Commission Cooper that any reconsideration of the site layout come to the Commission for approval; seconded by Commissioner Seidel.**

Upon questioning, Mr. Ardaman stated that this motion would apply to both the comprehensive plan amendment and rezoning. Mrs. Wilson stated Commissioner Seidel's suggestion to investigate does not impact the parklet or barrier. She said they will work with staff to ensure there will be no impact to what was approved in the previous meeting if they give some of the right-of-way on Orlando Avenue. She added that the Commission would also have to approve the vacation of any portion of Grove.

Mr. Stephenson advised that all of the improvements of concern to the neighbors are within private property site and modification of the grass area that may be modified would not affect any of the conditions in place to protect the neighborhood.

After additional discussion, Commissioner Cooper withdrew her motion.

**Upon a roll call vote to adopt the Comp Plan amendment ordinance, Mayor Leary and Commissioners Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

**Upon a roll call vote to approve the rezoning ordinance, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

c. Request of the City of Winter Park for:

- ORDINANCE 3166-20 -AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT NEW GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT TO ESTABLISH THE ORANGE AVENUE OVERLAY DISTRICT; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE. (Second Reading)

- ORDINANCE 3167-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT A NEW ZONING DISTRICT SECTION 58-83 OVERLAY DISTRICT (OD); PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE. (Second Reading)

A simultaneous public hearing was held on these ordinances. Attorney Ardaman read the ordinances by title.

Mr. Stephenson gave a presentation on the overlay including the impact of amendments made at first reading such as reduction of FAR which limits opportunities for use of development enhancement menu and reduces the potential of Progress Point. He reviewed the requirements of properties upon adoption of the ordinance and stated State of Florida agencies reviewed the Overlay with positive or no comments.

He explained that only Subareas D and J start with a higher floor area ratio (FAR) than currently permitted which is needed to allow properties to develop and create parking solutions. Traffic studies performed by the traffic consultant included modeling and solutions which are currently underway or in the design phase. FDOT reviewed the Overlay and the entitlements and determined that it will not have a significant adverse impact and did not have any technical assistance comments.

Mr. Stephenson reviewed the purpose of density transfers. He stated no new residential units are created over what is currently entitled. Current density allowances are significantly lower than comparable communities. Mixed uses must have a residential component which will create a day and nighttime sense of community. He explained density transfers - what it does, what it will not allow, and the impact. He showed area maps indicating maximum height and changes in maximum height which show no changes in 49% of the overlay, a decrease in 32% and an increase in 19% (if Progress Point is developed increased height).

Commissioner Seidel asked whether amendments on second reading are permissible. Attorney Ardaman explained that the Charter states if there is a substantive change to the text of the ordinance then the reading at the time of the change would be deemed first reading. He reviewed State law and attorney general opinions and opined that a change to the general purpose of the ordinance would be considered substantive change. He added that the amendments made today will determine whether the changes are substantive. For example, expanding the area of the Overlay would be a substantive change; however, changes to the FAR, in his opinion, are not substantive changes and would not require another public hearing. He cited previous commission actions/decisions on substantive changes where the city attorney made the determination at the time as to whether the changes were substantive.

Commissioner Seidel addressed Subarea C, Progress Point, and suggested allowing 40,000 square feet of regular uses and make any cultural use exempt from FAR which allows extra FAR to allow for uses wanted by the residents. Mr. Stephenson stated the requirements need to be addressed with a maximum FAR but an exemption to the FAR for cultural uses would accomplish the city's goal for placemaking on this property.

Commissioner Seidel stated his conclusion that large properties with higher FAR and residential component would increase daily trips but produce less peak hour trips. Mr. Stephenson stated



it would depend on the number of units and mixture of uses but based on square footage, residential use creates significantly less trips.

Commissioner Sprinkel expressed her appreciation for staff's work to clarify some of the concerns and questions. She feels this works because it is a community effort.

Commissioner Cooper addressed Policy 1-8.1.6 and asked whether added the changes to allow ground floor and top floor conflicts with policy as it relates to Subarea E. Mr. Stephenson stated language from the land development code ordinance would be reflected in this policy as well. Commissioner Cooper suggested adding an exception where special provisions were allowed for Subarea E.

Commissioner Seidel commented on the benefits of this overlay stating it is not entirely about FAR - it is a way to incentivize development to help pay for traffic improvements and provide meaningful open space. He stated that within six months a traffic study will be completed with a plan for improvements and anticipated cost to the city and developers. He pointed out that the incentive menu allows the city to receive property voluntarily from developers for right-of-way improvements in exchange for enhancements for their projects.

Mr. Stephenson showed the 15 intersections being studied including numerous intersections on 17-92, Clay Avenue, Lee Road, and Denning Drive.

**Main Motion:** Motion made by Commissioner Seidel to adopt the Comp Plan and Zoning ordinances as presented on second reading; seconded by Commissioner Sprinkel.

**Amendment #1:** Motion made by Commissioner Seidel to amend the motion to establish a base FAR of 25% in Subarea C and a maximum achievable FAR of 60% for non-profit arts and cultural uses with a 501C3 status; seconded by Commissioner Sprinkel.

**Amendment #2:** Motion made by Commissioner Seidel to amend the main motion to change the maximum achievable FAR to 200% in Subareas D and J providing 40% is for residential use; seconded by Commissioner Sprinkel.

Commissioner Seidel commented on breweries and distilleries and the ability to serve food as a permitted versus a conditional use. Discussion ensued on the ability of a brewery/distillery to serve food whether as a permitted or conditional use.

**Amendment #3:** Motion made by Commissioner Sprinkel to amend the main motion to add breweries/distilleries without food sale as a permitted use; seconded by Mayor Leary.

Commissioner Cooper expressed her concern about the intensity of land use and density transfers. She spoke about traffic issues and said that improvements can still be made without the Overlay but it may cost more and take longer. She sees value in many aspects of the overlay but she does not view density transfers as a tool to make traffic improvements.

**Amendment #4:** Motion made by Commissioner Cooper to amend the main motion to delete all density transfers from the Overlay and allow residential development based on the existing Comp Plan of 17 density units per acre; seconded by Commissioner Weaver.

**Amendment #5:** Motion made by Commissioner Cooper to amend the main motion to add language to Policies 1-8.1.4 and 1-8.15 to allow transfer of residential entitlements only

to the extent that the sending properties are not already developed and at the rate of 1,000 square feet per unit; seconded by Commissioner Weaver.

**Amendment #6:** Motion made by Commissioner Cooper to amend the main motion to establish a maximum density with density transfers equal to 1.5 times the density allowance of the current underlying zoning; seconded by Commissioner Weaver.

**Amendment #7:** Motion made by Commissioner Cooper to amend the main motion to add to Comp Plan Policy 1-8.1.6 the zoning language stating parking structures west of Orlando Avenue shall include the FAR for structures greater than two levels (ground +1); seconded by Commissioner Weaver.

**Amendment #8:** Motion made by Commissioner Cooper to amend the main motion to modify Enhancement Menu Items OS.4 (Mead Garden) and OS.6 (MLK Park) to grant 1 square foot of additional building space for each \$10 donation; seconded by Commissioner Weaver.

**Amendment #9:** Motion made by Commissioner Cooper to amend the main motion to lower the base FAR in Subareas D and J to the current maximum FAR allowed by Comp Plan; seconded by Commissioner Weaver.

Commissioner Weaver thanked staff, committee and others for their work and input on the Overlay. He expressed his pleasure that amendments at first reading resulted in increased in greenspace, sidewalks for trail, 1.5 acres of parkland on Progress Point, and larger property owners contributing to transportation improvements. He shared his concerns about traffic, density and intensity, and granting residential entitlements without getting something back for the residents.

**Amendment #10:** Motion made by Commissioner Weaver to amend the main motion to remove Enhancement CT.7 and add for Subarea D properties: property owner(s) of Subarea D must provide a City easement and a 24-foot wide city-owned roadway connecting the current western terminus of Palmetto Avenue to Orlando Avenue with a right in, right out configuration at Orlando Avenue per FDOT standards. The easement must provide sufficient right-of-way to accommodate landscaping, sidewalks and parallel parking along 50% of the length of the new section or not less than existing parking on adoption of this ordinance. The easement shall have an unobstructed vertical clearance which meets or exceeds National Fire Protection codes. The above easement must be granted prior to any entitlements over and above the current base zoning. Motion seconded by Commissioner Cooper.

Discussion ensued on the intent and impact and legal implications. Commissioner Weaver provided further information on the intent to provide a parallel route for local traffic. He states his intent is to remove this as an enhancement and make it a requirement.

Mayor Leary called for recess from 7:28 to 8:00 p.m.

**Amendment #11:** Motion made by Commissioner Weaver to amend the main motion to remove Enhancement CT.7 and add for Subarea J properties: property owners of Subarea J must provide a City easement to accommodate a 12-foot wide FDOT standard roadway parallel to West Fairbanks and north of West Fairbanks between Denning Drive and

extending east along the entire length of those Subarea B properties in common ownership with Subarea J. The easement must provide sufficient right-of-way to accommodate landscaping and sidewalks on adoption of this ordinance. The above easement must be granted prior to any entitlements over and above the current zoning; seconded by Commissioner Cooper.

**Amendment #12:** Motion made by Commissioner Seidel to amend the main motion to require that road widths be a minimum of 24 feet; seconded by Commissioner Cooper.

**Amendment #13:** Motion made by Commissioner Weaver to amend the main motion to change Subarea C (Progress Point) to a base and maximum FAR of 25%; seconded by Commissioner Cooper.

**Amendment #14:** Motion made by Commissioner Weaver to amend the main motion to limit the parking garage height in Subarea C to 2 stories/3 parking levels; seconded by Commissioner Cooper.

**Amendment #15:** Motion made by Commissioner Weaver to amend the main motion to limit the maximum FAR to 125% if parking garages are excluded from FAR calculations; seconded by Commissioner Cooper.

**Amendment #16:** Motion made by Commissioner Weaver to amend the main motion to limit the maximum FAR to 150% if parking garages are included in FAR calculations; seconded by Commissioner Cooper.

**Amendment #17:** Motion made by Commissioner Cooper to amend the main motion to add to the general statement “protection of onsite parking and maximizing ease of traffic flow where Palmetto Avenue westerly of Cypress Avenue shall be matters of priority, concern and permitting; seconded by Commissioner Weaver.

**Amendment #18:** Motion made by Commissioner Cooper to amend the main motion to limit the height of any structures in Subarea C fronting on Orange Avenue to no more than two stories consistent with the rest of Subarea A and anything above two stories must be located back 50 feet; seconded by Commissioner Weaver.

**Amendment #19:** Motion made by Commissioner Cooper to amend the main motion to limit all development fronting on Orange Avenue to two stories and a maximum height of 33 feet and anything taller must be set located 50 feet back; seconded by Commissioner Weaver.

Commissioner Seidel asked what requests require city-wide notices. Mrs. McGillis stated any building over 35,000 square feet, residential projects with over 25 units, and rezoning or any project that involves more than 80,000 square feet require city-wide notice. Two public hearings are required on conditional use requests and those that require city-wide notice.

Discussion followed on the city-wide notice and necessity of public hearings on projects.

**Amendment #20:** Motion made by Commissioner Seidel amend the main motion to change the meaningful open space requirement to 50% of hardscape; seconded by Commissioner Sprinkel.

The following spoke in opposition to the Overlay due to high density, increased traffic, lack of consideration for residential neighborhoods, high FAR, impact on small businesses.

- Ann Higbie, 190 Ward Drive
- Marty Sullivan, 980 Georgia Avenue (gave presentation on traffic impacts and density)
- Kay Carpenter, Norfolk Avenue
- Terry Roen, 2209 Hawick Lane
- Jack Rogers, 311 E. Morse Blvd. (gave presentation on height in other communities, FAR impact)
- Bonnie Ferguson, 700 Melrose Avenue
- Jeff Williams, 1152 Harmon Avenue
- Judy Maynard, 1531 Berkshire Avenue
- Randy Vance, 2111 Oakhurst Avenue
- Carol Rosenfelt, 1642 Lookout Landing Circle
- Charley Williams, 757 Antonette Avenue

The following spoke in favor of the Overlay

- Dykes Everett, 341 E. Webster
- Jim Lee, 2200 Via Luna, owner of office building on Palmetto Avenue
- Robin Swann, 281 Salvador Square
- Michelle Heatherly, 940 W. Canton Avenue
- Edward Wood, 2973 Sanbina Street
- Larry Adams, 955 N. Pennsylvania Avenue, architect for Demetree Global
- Christopher Hughes, Track Shack,
- Julie Von Weller, 641 Williams Avenue
- Quentin Green, 2661 Queen Mary Place, Maitland
- Carl Creasman, 2013 Kimbrace Place
- Betsy Gardner Eckbert, President and CEO of Winter Park Chamber of Commerce

Scott Peelen, 1555 Lakehurst Avenue, expressed his concern that the amendments have angered the public and urged caution moving forward.

Phillip Anderson, 1621 Roundelay Lane, commented on the public's perception that the city was not forthcoming in providing visual images showing density. He feels it is a great beginning to a plan.

Steve Goldman, 2009 Venetian Way, spoke in support of a park on Progress Point and connectivity to Mead Garden but opposed high density and trading FAR in the overlay.

Frank Hamner, Balmoral Road, pointed out that any plans must come back to the commission for approval and said he feels there is misinformation and misrepresentation of the facts. He supported going back to the original proposal for public notice, allowing four-stories with required setbacks, and open space requirement.

Micky Grindstaff, 1900 W. Fawsett Road, resident and attorney representing Demetree Global, spoke in favor of the amendments to the FAR in areas D and J but only if the mixed used project contains at least 40% residential, density transfers, and reduction in meaningful open

space, but opposed every other amendment. He pointed out that visual images cannot be provided until the regulations are known.

Rick Baldocchi, 2301 Forrest Road, commented on FAR and showed a comparison of trip generation based on FAR and mixed-use components and said cross-access is needed to relieve traffic.

Maggie DeVane, 460 Fairfax Avenue, asked for consideration of the neighbors bordering the city off Fairbanks who will be impacted by cut-through traffic.

The Public Hearing was closed.

In response to questions by Mayor Leary on the setbacks on Fairbanks (Subarea J), Mr. Stephenson stated the setback for the first two stories is ten feet, with an additional 10-foot setback for each additional story. However, with amendments, the fourth story the setback would be 100 feet. Mayor Leary said he feels the 100 feet setback is drastic. Commissioner Cooper pointed out that currently only three-story buildings are allowed. Discussion followed setbacks fronting on Fairbanks.

**Amendment #21: Motion made by Commissioner Seidel to amend the main motion to modify Subarea J to allow three stories fronting on Fairbanks Avenue and four stories with a 50-foot setback from Fairbanks Avenue; seconded by Mayor Leary.**

Commissioner Weaver addressed the need for an easement to allow for a right-turn lane eastbound on Fairbanks to access the parking garage. Mr. Stephenson stated that right-of-way for the turn lane is required before using the enhancement menu.

**Motion made by Cooper to amend the main motion to consider lowering the FAR in Subareas J & D to 125% excluding parking garages consistent with Subarea I; seconded by Commissioner Weaver. (duplicate of Amendment #15)**

### **Vote on Amendments**

#### **Amendment #1:**

Mr. Stephenson stated that requiring organizations to have 501C3 status may exclude some organizations from the Progress Point development. After discussion, Commissioner Seidel and Commissioner Sprinkel agreed to removing 501C3 organizations from the original motion.

**Upon a roll call vote, Mayor Leary and Commissioners Seidel and Sprinkel voted yes and Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.**

#### **Amendment #2:**

**Upon a roll call vote, Mayor Leary and Commissioners Seidel and Sprinkel voted yes and Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.**

#### **Amendment #3:**

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

#### **Amendment #4:**

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

**Amendment #5:**

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

**Amendment #6:**

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

**Amendment #7:**

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.

**Amendment #8:**

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted no. Motion failed with a 0-5 vote.

**Amendment #9:**

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

**Amendment #10:**

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

**Amendment #11:**

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

**Amendment #12:**

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

**Amendment #13:**

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

**Amendment #14:**

Upon a roll call vote, Commissioner Weaver voted yes and Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted no. Motion failed with a 1-4 vote.

**Amendment #15:**

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

**Amendment #16:**

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

**Amendment #17:**

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

**Amendment #18:**

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

**Amendment #19:**

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

**Amendment #20:**

Upon a roll call vote, Mayor Leary and Commissioners Seidel and Sprinkel voted yes and Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

**Amendment #21:**

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

**Main Motion as Amended (Comprehensive Plan):**

Upon a roll call vote, Mayor Leary and Commissioners Seidel and Sprinkel voted yes and Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

**Main Motion as Amended (Zoning):**

Upon a roll call vote, Mayor Leary and Commissioners Seidel and Sprinkel voted yes and Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

Mayor Leary declared a short break.

d. Request of Rollins College for:

- ORDINANCE 3168-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" TO AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM AN OFFICE FUTURE LAND USE DESIGNATION TO AN INSTITUTIONAL FUTURE LAND USE DESIGNATION ON THE PROPERTIES AT 200 E. NEW ENGLAND AVENUE AND 203 E. LYMAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. (Second Reading)
- ORDINANCE 3169-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" TO AMEND THE "OFFICIAL ZONING MAP" TO CHANGE FROM OFFICE (O-1) DISTRICT ZONING TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ZONING ON THE PROPERTIES AT

200 E. NEW ENGLAND AVENUE AND 203 E. LYMAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. (Second Reading)

- Conditional Use approval to maintain the existing 4-story Lawrence Center office building and to build a new 3-story, 31,000 square foot Rollins Museum and a new 2-story, 44,500 square foot Crummer Graduate School of Business building, on the properties at 200 E. New England and 203 E. Lyman Avenues including a Community Benefit Agreement.

A simultaneous public hearing was held on these requests. Attorney Ardaman read the ordinances by title.

Principal Planner Jeff Briggs stated the applicant has revised the preliminary site plan in response to comments made in the previous meeting. Crummer Graduate School has been reduced to two stories and 44,500 square feet with increased setbacks to 25 feet on Lyman and 80 feet on Interlachen. The setback on New England Avenue has been increased to 25 feet. The overall FAR for the site has been reduced to 127%. He showed the preliminary floor plans with final approval of site plan coming at a later date. In response to a question by Commissioner Cooper, Mr. Briggs stated that the development agreement does not set a maximum FAR.

Commissioner Seidel disclosed that he spoke with Rollins staff and representatives. He expressed his appreciation for the applicant's compromise to address concerns raised.

Grant Cornwell, President of Rollins College, stated this project is key to their strategy. They have addressed the concerns with increased setbacks and lowering the FAR to 127% from 166%. He pointed out that Crummer is a school for business professionals and graduate students. With these accommodations, he requested approval.

Rebecca Wilson, attorney representing the applicant, responded to questions. She stated that the conditional use permit will allow a maximum FAR of 127%. She stated that she is not aware of any plans to rebuild Lawrence Center in the future that may require additional FAR.

Commissioner Sprinkel expressed her support citing the economic boon due to education being the fourth largest economy in the world, graduate starting salaries in excess of \$100,000, and the caliber of students that will be attending Crummer Graduate School of Business.

Commissioner Cooper said she is concerned about using properties in the Central Business District for educational purposes in the long-term. She commented on the terms of the development agreement that there will no instructional or dormitory uses for 20 years, which she feels should be longer. She thanked the applicant for responding to the Commission's concerns.

Commissioner Seidel questioned whether the FAR should be slightly higher than 127% but less than the 166% as originally proposed.

**Motion made by Mayor Leary to adopt the ordinances on second reading, to approve the Conditional Use as revised and presented (which includes the Community Benefit Agreement); seconded by Commissioner Sprinkel.**



Commissioner Weaver thanked the applicant for addressing concerns and supports the revised plans.

**Motion made by Commissioner Seidel to increase and limit the FAR on the property from 127% as presented to 150%; seconded by Commissioner Cooper.**

Commissioner Cooper disclosed that she spoke with Sam Stark and others.

Mayor Leary disclosed that he spoke with Sam Stark.

Randy Robertson, 1350 College Point, past Board chair of Rollins Museum and CEO of Gladdening Light in partnership with Rollins College, 1350 College Point, spoke in support of these requests as it will be an excellent addition to the city and benefit to the citizens.

Cecelia Bonifay, attorney representing The Residences of Winter Park Condominium Association, stated that Rollins has an existing agreement with her client to provide ten parking spaces for use by condominium. She asked that a condition be placed on the conditional use recognizing the agreement and that the terms of the agreement be enforced.

Jim Barnes, 7 Isle of Sicily, expressed his support for this project.

John Race, DePrince, Race and Zollo, 250 S. Park Avenue, introduced doctorate student Robert Ronska, executive director at Advent Health. Mr. Ronska explained the benefits he has received as a Crummer graduate and thanked the city for their support.

Carl Creasman, 2013 Kimbrace Place, spoke in support of these requests.

Patricia Lancaster, 2827 Lake Baldwin Lane, Rollins faculty member, spoke in support.

Commissioner Cooper asked whether the city would incur liability by adding a condition recognizing the rights of Residences of Winter Park. Attorney Ardaman said that he has reviewed the agreement which requires the parking spaces to be relocated in the future at the reasonable discretion of Rollins but the city is not a party and should not be involved in that agreement and assume liability if the parties enter a dispute. He suggested language to minimize the city's liability.

Mrs. Wilson said there is a recorded parking easement that explicitly states the agreement between the parties, which does allow relocation under certain circumstances and to the Alford Inn property or Lawrence Center property. Rollins will continue to abide by the agreement and urged the city not to get involved in the private agreement.

Mr. Ardaman stated that the city becomes involved in the dispute if the city approves something that interferes with the parking spaces and it is not relocated.

In response to questions by Commissioner Seidel, Mrs. Wilson stated the preliminary site plan would be approved tonight with final site plan approval at a later date. She stated they understand they need to abide by the agreement. They are looking for some flexibility since the timeline for construction of the buildings is unknown. She restated her position that it is not the city's business to insert itself in the enforcement of a private parking agreement and where those parking spaces would be relocated.

Commissioner Seidel questioned whether this can be addressed at the time final site plan approval. Mr. Ardaman stated this should be addressed now, not at a later date. Giving

approval of the comp plan, rezoning and conditional use with the agreement allows the project to move forward. He recommended language stating the applicant and the property owner are responsible for obtaining approvals as may be necessary to comply with the terms of the parking agreement.

Mrs. Wilson stated there is a problem if the city intervenes as the mechanism for enforcement. Mayor Leary said he feels the city should not be involved. Commissioner Sprinkel agreed. Commissioner Cooper said she is comfortable with Mr. Ardaman's recommendation. Discussion followed on the city's involvement and potential liability.

**Motion made by Commissioner Weaver to table the conditional use approval until the applicant and other party sort this out. Motion failed for lack of second.**

Mrs. Wilson restated that the agreement allows Rollins to relocate the parking spaces on-site or at the Alford Inn and that they intend to work with the condominium association as the project progresses. Their preliminary site plan meets the requirement under the parking easement; however, she understands that is not acceptable to the condominium association/residents. If the city intervenes, then the city will be placed in the position to determine whether the Rollins is using its reasonable discretion in the relocation, which is a position she feels the city would want to avoid.

Orlando Evora, trustee for Rollins College, stated their intent is to possibly relocate ten spaces to the southwest corner of the project; however, The Residences do not appear to agree to that. He questioned how the city would resolve that issue.

Ms. Bonifay, stated if approved and if there is a dispute that revolves around the approved site plan, then the city is going to be involved. She expressed a preference to address the parking now rather than at final site plan approval.

Mrs. Wilson stated that if liability and the possibility of going to court is the primary concern of the city, then they would be willing to add to the agreement an indemnification clause releasing the city of liability. Mr. Ardaman said that an indemnification clause that releases the city from costs and fees would be acceptable. Mrs. Wilson expressed a willingness to work with the city attorney on drafting that clause.

**Motion made by Commissioner Cooper to amend the motion to authorize the City Attorney to work with the applicant to develop indemnification/hold harmless agreement relative to any outside lawsuits; seconded by Mayor Leary.**

Upon a roll call vote to increase and limit the FAR on the property to 150%, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote to include the condition requiring an indemnification/hold harmless agreement, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote to adopt the comp plan amendment ordinance on second reading, Mayor Leary and Commissioners Seidel, Sprinkel and Weaver voted yes and Commissioner Cooper voted no. Motion carried with a 4-1 vote.

Upon a roll call vote to adopt the rezoning ordinance on second reading, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote to approve the conditional use request as amended, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

## 12. City Commission Reports:

### Commissioner Seidel

- Thanked city staff for their support during his tenure on the commission.

### Commissioner Sprinkel

- Expressed her pride in the city.

### Commissioner Cooper

- Expressed her pleasure in working with Commissioner Sprinkel and Commissioner Seidel and her appreciation for the expertise they brought to the commission.

### Commissioner Weaver

- Thanked Commissioners Sprinkel and Commissioner Seidel.

### Mayor Leary

- Thanked Commissioners Sprinkel for bring her enthusiasm and heart.
- Expressed his appreciation to Commissioner Seidel for his steady and calming influence.
- Thanked staff for their work on the Overlay.
- Commented on need to respect the board members, neighbors and residents.

The meeting adjourned at 11:30 p.m.

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Mayor Steve Leary

ATTEST:

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City Clerk Rene Cranis, CMC