

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
January 9, 2006**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth A Kip Marchman at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was offered by Finance Director Wes Hamil, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Marchman
Commissioner John Eckbert (arrived at 6:08)
Commissioner Barbara DeVane
Commissioner Douglas Metcalf
Commissioner Douglas Storer

Also present:

City Attorney Trippe Cheek
City Manager James Williams
City Clerk Cynthia Bonham

MAYOR'S REPORT:

- a) Winter Park High School Football Team recognition.

Mayor Marchman recognized the Winter Park High School Football team for winning the 2005 Metro District and Regional Championship.

- b) Proclamation - Rollins College Cornell Fine Arts Museum Day.

Mayor Marchman declared January 20, 2006, as Rollins College Cornell Fine Arts Museum Day.

- c) Presentation to the City by Police Captain Brett Railey for the Police Department's First Place Award in the Florida Department of Transportation 2004 Florida Law Enforcement Challenge.

Police Captain Brett Railey accepted on behalf of the City a trophy from Charles Kelly, Florida Department of Transportation, for the Police Department placing first in the 2004 Florida Law Enforcement Challenge.

- d) Presentation to John Misuraca from Cool Time Rent A Trailer and Michael Jenson for their contributions to the Winter Park Police Department and Central Florida Police Chiefs Task Force Hurricane Katrina relief efforts.

Police Captain Brett Railey recognized and presented plaques to John Misuraca and Michael Jenson for their generous contributions and assistance with the Police Department's response to Hurricane Katrina.

e) January 2006 Outstanding Employee of the Month

Mayor Marchman recognized Blakely Vasen, Firefighter/EMT as the January 2006 Outstanding Employee of the Month.

f) Special Mayor's Awards - City of Winter Park Building Inspectors.

Mayor Marchman and Building Official George Wiggins recognized inspectors Doug Diebler, Ken Whittle, Jim Carson, Jack Degraw and Bennie Tillman for their outstanding performance and dedication to their department and the City.

g) Board appointment: Civil Service Board:

Mayor Marchman nominated Don Palladeno to the Civil Service Board for the one year remaining of Terry Hotard's term, seconded by Commissioner DeVane. Mayor Marchman and Commissioners Storer and DeVane voted yes. Commissioner Metcalf voted no. The motion carried by a 3-1 vote. Commissioner Eckbert was not present to vote.

Mayor Marchman nominated Keith Mansey to the Code Enforcement Board, seconded by Commissioner Storer. The motion carried unanimously by a 4-0 vote. Commissioner Eckbert was not present to vote.

NEW BUSINESS – CITIZENS COMMENTS:

1. Carolyn Cooper, 1047 McKean Circle, asked the Commission to consider a larger area of traffic impact when considering a large scale project. Commissioner DeVane elaborated on the City's inability to impose a transportation impact fee and the need to install signalization on un-signalized intersections and introduce mid pedestrian crosswalks for safety purposes. Commissioner DeVane asked that staff return with a presentation on impact fees to fund signalized intersections and safer pedestrian crossings.
2. Lurline Fletcher, 790 Lyman Avenue, commented on the overdevelopment occurring on the Westside of Winter Park, the historical designation of English Court, and the upcoming Martin Luther King Holiday observance.
3. Kenna Noone, 1710 Lyndall, expressed her concern with the scale of the projects being considered for the City.

CITY ATTORNEY'S REPORT:

a) Resolution – Designating 1355 Pelham Road as a historic resource.

RESOLUTION NO. 1937-06: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1355 PELHAM ROAD, WINTER PARK, FLORIDA, AS A HISTORIC RESOURCE IN THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Cheek read the resolution by title. No public comments were made.

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Eckbert was not present to vote.

- b) RESOLUTION NO. 1938-06: A RESOLUTION OF THE CITY OF WINTER PARK, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2006 LEGISLATIVE SESSION.

Attorney Cheek read the resolution by title. No public comments were made.

Motion made by Commissioner Storer to adopt the resolution, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Eckbert was not present to vote.

- c) RESOLUTION NO. 1939-06: A NON BINDING RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA REQUESTING A VOLUNTARY DELAY FOR REZONING AND PLANNED DEVELOPMENT APPLICATIONS UNTIL MAY 1, 2006 FOR MAJOR COMMERCIAL, OFFICE AND/OR MULTI-FAMILY DEVELOPMENT PROJECTS WITHIN THE CENTRAL BUSINESS DISTRICT AND THE COMMUNITY REDEVELOPMENT AREA.

Attorney Cheek read the resolution by title. Commissioner DeVane explained the reason for reconsideration of the proposed resolution. She noted that actual ordinances have been adopted in the state that have imposed moratoriums. She cited the City of Coral Springs as an example. She continued that the intent of the resolution is to place a non binding halt on any development that will require rezoning or variances from existing codes.

Mayor Marchman expressed his preference of a resolution instead of an ordinance to deal with this issue. He elaborated on the review process as it relates to development and the importance of obtaining a consensus understanding of this matter.

Commissioner Storer stated that although he was opposed from the beginning to a moratorium for the City, he was committed to improving the development process. He said adopting a non binding resolution may provide the time needed to improve the process.

Kathryn Grammer, 200 South Interlachen Avenue, asked Commissioner Storer why he was opposed to a moratorium because he believed it conflicts with property rights. He said a more equitable solution needs to be provided and that a moratorium is not appropriate for this situation. He said the core of the issue is to find out what is right for Winter Park. Commissioner Storer stated that he hoped the changes to the code are in place by May 1.

Bill Shallcross, 1450 Bonnie Burn Circle, asked that a referendum be held regarding this issue. Mayor Marchman provided the legal requirements for a referendum.

Martha McHenry, 530 Clarendon Avenue, spoke in favor of a moratorium because of the large scale projects being proposed and built.

James Ruth, 939 Mead Avenue, elaborated that the main issue to consider with a moratorium is how it may impact the City's tax base.

Jack Rogers, 1002 Temple Grove, addressed the current comprehensive codes and the need to carefully review them. He spoke in support of responsible development and reported that 20 professionals encompass the current group that is privately reviewing the city's code. He asked that the Commission consider a moratorium to allow time to review the codes and to design the right solution.

Beth Dillaha, 1801 Forrest Road, supportive of the proposed resolution, asked why Commissioner Storer believed the moratorium is inappropriate for Winter Park. Additionally, she spoke about the Coral Springs moratorium that remains undefeated in court.

Bernie Essex, 269 East Canton Avenue, read a prepared statement against the approval of large scale development in the City because of the impact to the character of the City.

Carolyn Cooper, 1047 McKean Circle, explained why the city needs a temporary moratorium and to improve procedures related to capacity planning.

Kim Allen, 271 Virginia Drive, spoke in favor of a moratorium because of the impact to schools and streets caused by over development.

Lurline Fletcher, 790 Lyman Avenue, agreed that a moratorium is appropriate for the City because of the impact from large development and parking garages on the Westside.

Joe Terranova, 700 Melrose Avenue, spoke in opposition to the resolution and a moratorium. He agreed with the citizens that expressed the need for Winter Park to be a premiere urban village, but noted that the development process should not be halted until May 1.

Reginald Clark, 855 English Court, inquired whether his property will be affected as a result of the redevelopment plans proposed for properties located on the Westside.

Thaddeus Seymour, 1804 Summerfield Road, spoke in favor of a moratorium.

Michael Dick, 823 Granville Drive, spoke in favor of a moratorium and the need to reevaluate the City's vision. He agreed with responsible development and addressed the need to work on the process.

Margie Wagner, 181 W. Stovin Avenue, spoke in favor of a moratorium and expressed concerns with not considering concurrency. She asked the Commission to delay the process until May 1.

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Storer.

Prior to the roll call vote, Commissioners provided the following comments:

Commissioner Storer elaborated on the need to shift the negative dialogue pertaining to this matter to a more positive one. He expressed his disagreement with many of the assertions that have been made over the past several months that included that staff and the Commission are recklessly out of control, that developers are mining the shop, and that variances in all instances are an evil thing. He continued that the variance process provides a mechanism to gain advantages for the citizens and that the trade-offs that have been made have resulted in benefits for the community. Commissioner Storer expressed that he was less concerned with his legacy and more concerned with doing the right thing and that he was committed to improving and correcting the process, engaging the public in the process, and meeting the deadline that will ultimately result in obtaining consensus. He said he was supportive of the resolution and challenged everyone to remain involved to make this a positive community building experience.

Appreciative of the comments provided, Commissioner Metcalf expressed his concern with the concept of a moratorium. He commented that his main concern involves the various projects and their impact on staff. Commissioner Metcalf expressed his trepidation over the demanding nature of the various projects, an understaffed Planning Department, traffic issues, and the impact to Winter Park schools. He inquired from Commissioner DeVane about the status of the effort to maintain Winter Park schools as A-rated schools. Commissioner DeVane elaborated that although Orange County Public Schools is primarily responsible for maintaining ratings, the process is on-going and an update on this issue will be provided in the future. Commissioner Metcalf expressed his opposition to a moratorium and the proposed resolution based upon general principles. He commented that the Comprehensive Plan Task Force is currently reviewing the process, and is working as diligently and expeditiously as possible to meet a June 1, 2006, deadline of completion. Unsupportive of securing additional planning staff to deal with this issue, Commissioner Metcalf suggested to table this matter and that staff return with a process that identifies a staging solution on how staff can adequately handle the current projects and assist developers with understanding the submission process and the requirements involved. He expressed his preference of staff direction and input on this matter.

In response to Commissioner Metcalf's comments, Commissioner DeVane stated she understood the Commission's apprehension of enacting a moratorium, but noted that the moratorium is designed specifically to address the two areas of discontent. She elaborated that the proposed resolution will allow for the continuation of development that meets current codes, as well as provide the flexibility to allow a review of projects that does not meet current codes. Commissioner DeVane commented that the resolution will allow the Planning and Zoning Commission and the Comprehensive Plan Task Force the opportunity to focus their energy on creating a system that will address the concerns and the problems expressed. She said she is trying to accomplish a timeout to let both boards accomplish the task at hand and to submit a finished product to the Commission for review perhaps prior to May 1, 2006.

Mayor Marchman appreciative of the Commission's reluctance stated that tabling this issue will create additional burden on the Planning Department and exacerbate the problem. He said timeframes were provided that proved that it was conceivable to complete the review process by May 1, 2006. He asked that this move forward and that the vote be taken.

Commissioner Metcalf reiterated his concern with a voluntary delay. He elaborated that he agrees with the comments expressed by citizens and the Planning Department. Appreciative of the burden this issue has placed upon the Planning Department, Commissioner Metcalf asked

that the City Manager work with the Planning Department to prioritize tasks that involve the Comprehensive Plan.

Commissioner Storer asked that the Planning and Zoning Commission take this time to focus on improving the planning process. He said a rational approach needs to be taken that will include community input as well.

Mayor Marchman noted that a Comprehensive Growth Plan as adopted by the State Legislature contemplates that a comprehensive plan is under continuous review and that Winter Park is in a growth cycle driven by economics. He cautioned that the City can not afford to miss economic cycles nor can it allow for economic cycles to destroy the character of the City.

Upon a roll call vote, Mayor Marchman and Commissioners Storer and DeVane voted yes. Commissioner Metcalf voted no. The motion carried unanimously with a 3-1 vote. Commissioner Eckbert was not present to vote.

- d) RESOLUTION NO. 1940-06: A RESOLUTION AUTHORIZING EXECUTION OF A RAILROAD REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF GRADE CROSSING TRAFFIC CONTROL DEVICES, AND FUTURE MAINTENANCE AND ADJUSTMENT OF SAID DEVICE; PROVIDING FOR THE EXPENDITURE OF FUNDS; AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT.

This agreement was with the State of Florida Department of Transportation and CSX Transportation, Inc. for installing and maintaining of railroad grade crossing control devices on South Denning Drive. Attorney Cheek read the resolution by title.

Commissioner DeVane inquired into the review process of the condition of the train tracks located adjacent to Farmers' Market. Commissioner Metcalf commented on the substandard condition of the train tracks located adjacent to PR's Mexican Restaurant and asked that the City Manager look into safety issues with the train tracks at that location. Additionally, Commissioner Metcalf asked if the proposed resolution addresses the issue of quiet zones.

Public Works Director Troy Attaway elaborated on the specifics of the proposed agreement. He stated that it does not address the quiet zone issue and provided a status update. Discussion ensued on the use of medians or gates as safety requirements for railroad crossings. Commissioner DeVane inquired into the cost of four gates at railroad crossings. Mr. Attaway responded that CSX needs to provide cost information. Discussion continued on which agency has the ability to declare unsafe conditions at railroad crossings. Mr. Attaway explained the criteria used to declare unsafe conditions at railroad crossings. City Attorney Cheek clarified that the Florida Railroad Association typically defers to the railroad carrier's determination on safety matters. There was discussion on whether the City has any standing on declaring a crossing unsafe. City Attorney Cheek explained that the City can declare a crossing unsafe, but the declaration may not be binding on the carrier.

James Ruth, 939 Mead Avenue, spoke of the inability of the carrier to maintain ADA standards.

Kim Allen, 271 Virginia Drive, commented on safety issues related to quiet zones and how whistles serve as notification to parents with children in Central Park.

Motion made by Commissioner Storer to adopt the resolution, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Eckbert was not present to vote.

Recess taken from 5:35-5:42 pm

CONSENT AGENDA:

- a) Approve the minutes of 12/12/05.
- b) Approve the following Purchase Orders:
 - 1) PO 121610 to Hydro-Dyne Engineering (after-the-fact) to remanufacture mechanical screen at WWT plant on Bongart; \$28,300.00 (Budget: Utilities)
 - 2) PR 123258 to American Water Service Underground Infrastructure, Inc. for lining of sanitary mains at various locations off of Volusia County contract PA4412; total estimated cost \$579,172.75 (Budget: Utilities)
 - 3) Proposed contract with Miller Sellen et. al. (MSCW) for RFQ-1-2006 for Conceptual Design Services for the former Holler auto business and Progress Energy sites.
- c) Receive the reports from the Federal and State Lobbyists regarding appropriations and legislative matters.

City Planner Jeff Briggs noted that the task force appointed to review the Holler and Progress Energy properties met to review the scope of services. He said that based upon the active participation of representatives from both of the property owners, changes were made to the scope of services. He said the committee recommends the proposed contract which is within the budget.

Carolyn Cooper, 1047 McKean Circle, inquired into the scope of services for the review of the Holler and Progress Energy properties.

Motion made by Commissioner DeVane to approve the Consent Agenda with the exception of item 'c', seconded by Commissioner Storer and carried unanimously with a 4-0 vote. Commissioner Eckbert was not present to vote.

Consent Agenda Item 'c'

Commissioner DeVane suggested that each Commissioner provide a list of priorities, additions or a list of projects each Commissioner prefers to pursue. City Manager Williams commented on the items that have been identified as Community Issue Budget Requests (CIBR) items that have been provided to the City's lobbyist. He said a lobbying update will be provided at an upcoming Commission meeting. Mayor Marchman suggested that each Commissioner provide editorial comments to the City Manager for the lobbyist. Commissioner Metcalf asked that lobbyist information be provided electronically.

Motion made by Commissioner DeVane to approve Consent Agenda item 'c', seconded by Commissioner Metcalf and carried unanimously with a 4-0 vote. Commissioner Eckbert was not present to vote.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2658-06: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ACQUISITION AND/OR CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS IN THE CITY; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$5,200,000 CAPITAL IMPROVEMENT NOTES, SERIES 2006, OF THE CITY TO BE APPLIED TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH NOTES FROM CERTAIN FUNDS OF THE CITY DERIVED FROM SOURCES OTHER THAN AD VALOREM TAXATION; AND PROVIDING AN EFFECTIVE DATE.
Second Reading

Attorney Cheek read the ordinance by title. No public comments were provided.

Motion made by Commissioner Metcalf to adopt the ordinance, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, and Metcalf voted yes. Commissioner DeVane vote no. The motion carried with a 3-1 vote. Commissioner Eckbert was not present to vote.

- b) Subdivision request of Homer Whittaker to split the property at 1501 Magnolia Avenue

Planner Jeffrey Briggs addressed the subdivision request for a lot split at 1501 Magnolia Avenue, zoned R-1A. He stated the property is 100' wide and that the applicant wishes to split the property into the original 50' platted lots. He explained the necessary variances for this property due to the size of the lots. He stated that 16 of the 19 surrounding property owners have agreed to the request as well as the variances. He spoke about the unanimous approval by the Planning and Zoning Commission. The applicant was present but not wish to speak.

Motion made by Commissioner Metcalf to approve the subdivision request with the variances, seconded by Commissioner DeVane and carried unanimously with a 4-0 vote. Commissioner Eckbert was not present to vote.

- c) Conditional Use Request of Don Casto Lifestyle Properties to redevelop the current driver's license property at 940 W. Canton Avenue

Commissioner Eckbert arrived during the staff presentation at 6:08. Planner Jeff Briggs summarized the proposed redevelopment of the driver's license property at 940 W. Canton Avenue with a 140 unit condominium building under the existing O-1 zoning which allows R-4 multi-family zoning permitted uses. He stated the request meets the zoning standards without variances for setbacks or lot coverage and the building height would be potentially permitted under R-4 zoning (up to 55' or 5 floors). He stated a three story building is being proposed on the Denning Drive frontage to conform to the Denning Drive Charrette intensity with a four story building on the Canton Avenue/State Office Building/western property sides.

He spoke about the internal first two floors containing two levels of parking; 350 parking spaces for the 140 units and under the City's previous code of two spaces per unit, gives them 32 extra parking spaces. He addressed the code was changed to 2 ½ spaces and they are short of that amount but that they have a 110' setback on the western side of the property and if they needed to build extra parking, they could put a surface parking lot in that area and meet the code. He

stated having the 32 extra guest parking spaces within the building and given the mix of unit sizes and the remainder of the parking, the P&Z believed that was adequate and would much rather have all the green space on the western side of the building than have 1/3 be an asphalt surface parking lot. He also addressed that the 110' on the west side provides an opportunity to provide something special in terms of green open space. He also addressed the aesthetic consideration of having one of the two services where the dumpsters and trash pickup will occur on opposite ends of the building – one is now facing out to Denning Drive and that staff has suggested moving that over to face the State office building property on that corner so it is less visible and provide a better view on Denning Drive. He stated that relies on the City to grant an easement for them to travel 800' or so into the property to get service. He stated that the P&Z recommended approval of the design with the easement.

Mr. Briggs spoke about the project originally being much larger and that the developer has provided a project much smaller but a project less than the code would allow. Mr. Briggs addressed the involvement of Mr. Jack Rogers with this project in terms of changes in design and improvements to the projects above and beyond what Mr. Vargas persuaded them to agree to. He spoke about one unresolved issue of the project coming back to the P&Z with the two prominent visible corners on the north corner of Denning/Canton and the south corner of Denning/State office building being softened. He stated this has not been resolved as how to accomplish this. He commented about the need according to Mr. Rogers to take units off of the corner and wrap both corners with the three story building to accomplish what is within the Denning Drive Charrette. He stated that the P&Z was not sure this was the solution and that uncertainty still exists regarding what softening actually means. He stated this is probably the only instance where if and when the conditional use is granted that the Commission will not be granting it with a guaranteed density pending the resolution of how to soften the two corners to fit into the Denning Drive image on the three to four story building transition. He spoke about the positive resident comments received at the P&Z due to the significant reductions in density and intensity that have taken place from the beginning of the project.

Commissioner Metcalf posed questions that Mr. Briggs responded to. He asked Mr. Briggs about the guarantees of the quality of the construction and exterior materials. Mr. Briggs stated the specific review by the P&Z will address the external building materials. He stated that internal building materials will depend on how they want to appeal to the marketplace in terms of the quality within the individual unit interiors.

Commissioner DeVane spoke about the need to clarify what a conceptual approval means. Mr. Briggs provided an explanation. Commissioner DeVane said she was not comfortable with the explanation and asked that better definitions be provided concerning conceptual definitions. She asked that staff provide more complete documents to review to clarify issues such as height on the corners of the building being proposed. She asked how long the façade is on Denning Drive. Mr. Briggs stated the applicant will address specific numbers regarding the project. She addressed the greenspace to the north and that the City is going to receive a commitment that this will remain greenspace and will not be developed into something else. Mr. Briggs confirmed this. She also stated she would like discussions with the developer to widen the 40' greenway connection to accommodate the bike path previously discussed. She expressed interest in moving the bike path off the roadway and have a corridor that is considered a bike trail.

Assistant Planning Director Alberto Vargas summarized the setbacks, the concept of four stories, the residential scale, building height and mass, greenspace within the project, Denning Drive elevation of the proposed building, the break between the two buildings versus one building, the concept of eliminating units along Canton Avenue and the architectural challenges with this project. He stated the proposed elevation has been provided in the Commission packages which is the concept provided by Mr. Rogers and his group of volunteers. Commissioner DeVane inquired as to the length of the building along Denning Drive and the width of the sidewalk.

Representing the applicant Attorney Hal Kantor, provided a power point presentation outlining the number of units being proposed. He stated they do not wish to reduce the unit count or square footage nor did the P&Z require it. He stated the P&Z asked them to make changes on the corner pieces to accommodate a lower profile. He addressed the compromises made by the developer. He summarized the type of units, the parking garage being internal; and the project benefits with providing additional housing adding to the City's tax revenue and reduction in traffic impact in Winter Park. He displayed drawings of the proposed buildings and identified the various elevations. He spoke about the corners of the buildings and the various opinions of the architects involved. He addressed a break in the building that was not included in the architectural rendering but is a part of the plan. He spoke about being in compliance with the building codes in all areas of the development. He addressed the P&Z decision that the 2.2 parking spaces per unit was sufficient. He summarized the staff recommendations and the additional conditions that were added. He asked for approval of the conditional use in accordance with the recommendation of the P&Z including the reduction in parking.

Jack Rogers, 1002 Temple Drive, summarized the meetings held with the group of consultants that worked with him on this project to bring forth recommendations for approval. He stated they believed there were some comprehensive plan statements that need to be considered. He addressed the need to soften the building on Denning and Canton and on the south corner of the building going northbound on Denning. He spoke about the need to determine having more density on this property than another owner other than the Winter Park Village would have. He stated they recommended a reduction of 7 units, not only the corner unit but on the fourth floor (4 additional units along Canton and 3 additional units along the south). He addressed the concern they had with when the request is submitted that conceptual design needs to be clarified as to its meaning and the concept regarding the scale of the building.

Mr. Rogers spoke about the need for a package of documents from the developer that is well coordinated that they can review and make recommendations to the P&Z. He stated they have recommended sending this back to the P&Z; they believe the 7 unit reduction is reasonable and the P&Z and City Commission should consider the density issue as stated above. He stated they has been a lot of work to try to integrate things they and the City has suggested and believe they can together provide a reasonable project but may be one Planning and Zoning Commission meeting away from accomplishing that.

Joe Terranova, 700 Melrose Avenue, spoke in favor of the project and the project staying within City code requirements. He stated he would like 100' setback in the back to add green space to this property and to eliminate parking to make this possible. He spoke about the softening of the corner and taking off 7 units was excessive. He spoke about the suggestion made by Mr.

Vargas at the P&Z meeting to take off 1 unit on each corner and putting up something similar to the SunTrust building. He urged approval of the project.

Bill Rosenfelt, 1400 New York Avenue, spoke about the corner of the Rollins College building as he came down Lyman Avenue where it remains two stories for quite a length and that it sets back off of the street which makes the building attractive. He encouraged the Commission to listen to Mr. Rogers and to ask the applicant to produce a drawing showing what Mr. Rogers proposes and another proposal as to what they would like so you can better understand what the perspective would be from one or the other.

Lurline Fletcher, 790 Lyman Avenue, spoke against building condominiums at this location and addressed the need for more houses. She asked that the plans be sent back to the P&Z for clarification as to the intent of the project and the number of stories the building will be.

Reginald Clark, 855 English Court, expressed concerns with the development affecting his residence. He stated he did not oppose development or redevelopment but that his street is going to be lost in this project. He also addressed the Denning Drive apartments overlooking his residence and asked what the plan is for the other side of Denning where houses are located. He spoke about the four lots left that are residential and that his residence is behind the City owned lot. He asked for clarification as to the overall plan for developing this area and how it will affect his residence in the future. Mayor Marchman stated this has been a concern in this area because people will sell their property and the owner is the only person that can maintain control over what is developed. He asked Mr. Clark to contact the City Manager's office who will explain what the current zoning is and what is happening in this area.

Carolyn Cooper, 1047 McKean Circle, asked that more clear drawings be provided that reflects precisely consistent architecture throughout.. She asked that this be sent back to the P&Z and spoke about the need to support Mr. Roger's recommendation. She asked that the parking be limited to residents only; no valet or employees of the Village. She also believed this should not be part of the Winter Park Village but should be stand alone development. She also recommended that no permits be issued or development agreements be approved for any more projects until the City has performed appropriate traffic circulation studies.

Commissioner DeVane asked the developer if Mr. Rogers recommendations were provided to the developer prior to the P&Z or Commission meeting. Attorney Kantor stated they had not reviewed Mr. Roger's comments that were provided this evening. Mr. Kantor was presented a copy for review at this time. Commissioner DeVane expressed her concerns that were not addressed this evening. She asked about the bus stop location. She stated she wanted to see landscaping and pedestrian amenities along this strip. Mr. Casto stated they have agreed to work with the committee on the 40' greenway along the westerly portion of the property. Commissioner DeVane spoke about the need to widen the proposed sidewalks along Canton and Denning. Mr. Casto stated they are looking at 6' walks on the project and there is an extensive landscaping program in the package. She asked to widen the sidewalks to 8-10 feet, that there be no cobra head lights in the project but put in decorative streetlights along all four sides of the building, to expand #3 of the P&Z condition to include no timesharing of the apartments or condos, allow no enclosed patios or balconies; and include a bicycle path within the 40' pedestrian area. She asked that the recommendations of Mr. Rogers be incorporated

into the drawings since this is a conceptual approval. She stated she will support the project as it is now with the modifications she has recommended.

Attorney Kantor stated he has reviewed the recommendations of Mr. Rogers and that they are not voluntarily going to eliminate units but that they will address the P&Z and show them another design with the correct number of windows. He stated that the official filing contains the correct number of windows. Mr. Kantor addressed their cooperativeness with the City to try to bring forth a good project which has been reduced from the original proposal.

Commissioner Storer disclosed that he met with the developer several months when the original submittal was provided. He agreed with Commissioner DeVane and that the process is working because of the reduction of density resulting from the Charrette and obtaining community input which the developer responded to. He spoke about the valuable input from Mr. Roger's group. He stated he backs the P&Z recommendations.

Mayor Marchman stated his comment relates to the Casto Group and the Village. He addressed the need to work out the Harper Street easement regarding access to the electric distribution centers and if electric distribution is going to be at that location. He stated if the Commission grants the conditional use, he wanted consensus not to issue building permits until this is resolved in a recorded and agreeable fashion to the City. He asked that this be made a condition of approval. Mr. Casto stated this has been an ongoing discussion with the City for 4-5 months and provided a fully executed easement agreement they have attempted to deliver to the City in the last 6-8 weeks. Attorney Cheek stated he needed to review it and asked if the surveyors have met. Mr. Casto and Mayor Marchman stated they both want this issue off of the table. Attorney Cheek stated they met before the holidays and made a lot of progress and are close to getting this completed but is not quite done. He stated he is optimistic that once the surveyors complete their portion, the agreement will be completed. He stated this is the same version that the City previously rejected. He stated with good faith efforts between the parties, he believed this could be worked out.

Commissioner Eckbert apologized for his tardiness. He spoke in support of the project and offered another amendment to P&Z condition #1. He asked that this include the approval of a color palette prior to a building permit. He disclosed meeting with the developer several months ago. Mayor Marchman and Commissioner Devane also disclosed meeting with the developer early in the beginning stages where different plans were presented other than was presented this evening.

Mayor Marchman expressed his satisfaction with the public process that has taken place. He stated he appreciates the volunteer work provided for this project by the architect group led by Mr. Rogers.

Motion made by Commissioner DeVane that we move forward with the Planning and Zoning Commission recommendations for conceptual approval of the project with the following additions: 1) Under item #1, that we include the review of a color palette; 2) under item #3, that we include no timeshares, 3) include under item #3 no enclosed patios or balconies, 4) include under item #3, in the pedestrian greenway the potential for a future bike path; 5) that we add the following: wider sidewalks between 8'-10'on Canton and Denning with the shift of the building on the Denning side 10' to the west to

accommodate landscaping closer to the street; 6) the use of residential decorative streetlights instead of cobra head lights; 7) that the final plans come back to the Commission as well; and 8) that before building permits are issued that the Harper easement agreement regarding access to the electric distribution centers has been accepted by the City Attorney and recorded. Seconded by Commissioner Storer and carried unanimously with a 5-0 vote.

d) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-82 "GENERAL PROVISIONS" SO AS TO REQUIRE SPACE BE PROVIDED FOR PAD MOUNTED TRANSFORMERS. First Reading

Attorney Cheek read the ordinance by title. Planner Jeff Briggs addressed the request from the Utilities Division that pad mounted transformers for underground power be on private property and not part of the right-of-way. No public comments were made.

Motion made by Commissioner Storer to accept the ordinance on first reading, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert and DeVane voted yes. Commissioner Metcalf was absent for the vote. The vote carried unanimously with a 4-0 vote.

e) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-81 "OFF-STREET PARKING AND LOADING REGULATIONS" SO AS TO REQUIRE BICYCLE PARKING BE PROVIDED BY NEW DEVELOPMENTS OR SPECIFIED REDEVELOPMENTS AS PER THE REQUIRED USES OUTLINED HEREIN. First Reading

Attorney Cheek read the ordinance by title. Planner Jeff Briggs addressed the recommendation made by the Bicycle and Pedestrian Committee to include in the Zoning code a parking requirement for bicycles requiring new buildings to install bicycle lockers/"U' racks".

Marty Sullivan, Chairman of the Bicycle Pedestrian Advisory Committee, spoke in favor of the request. Commissioner Eckbert addressed bicyclists on Park Avenue and asked that the committee consider what can be done to make it more bicycle friendly. Mr. Sullivan encouraged bicyclists to ride on Park Avenue. Commuter rail was discussed and whether bicyclists will be accommodated. The number of bicycles that one parking space can accommodate was addressed by Mr. Dan Schuck of the Planning Department. Commissioner DeVane asked that the Rollins and Park Place garages be reviewed to see if lockers/U racks can be installed utilizing dead space. No further public comments were made.

Motion made by Commissioner Metcalf to accept the ordinance on first reading, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The vote carried unanimously with a 5-0 vote.

f) ORD-Request of the City of Winter Park to amend Chapter 58 "Land Development Code", Article III, Zoning, to establish a new Section 58-91, "Zoning

in Progress” establishing a process and procedure for the implementation of zoning regulations involving development standards and permitted and conditional uses more restrictive than current zoning, creating overlays of specific geographic areas that such Zoning in Progress regulations shall apply, establishing regulations for nonconforming uses within the Zoning in Progress overlay areas, providing an appeals process. (1) **WITHDRAWN BY STAFF TO ALLOW FOR MORE COMMUNITY EDUCATION.**

Recess

A recess was taken from 7:45 – 7:50 p.m.

CITY MANAGER’S REPORT:

a) Art in Public Places Proposal Update.

City Manager Williams introduced Jan Clanton from the Public Art Advisory Board to present this item. Ms. Clanton explained that the Public Art Advisory Board (PAAB) is proposing an Art in Public Places temporary exhibition of 7-9 pieces of outdoor sculptures by noted artists. She said the exhibition proposed will take place from November 1, 2006 through February 28, 2007. She reported that the PAAB has contracted with art consultant Joyce Pomeroy Schwartz to curate the exhibition. Ms. Clanton explained that Ms. Schwartz will select appropriate artworks by major artists that will be on loan to the city, make recommendations regarding themes and placements and write an essay about the exhibition for the permanent exhibition brochure/catalog.

Ms. Clanton continued that the PAAB has met with the Parks and Recreation Advisory Board on three occasions and once with the Genius Foundation to introduce the proposal and to provide updates as the details develop. Ms. Clanton stated that the PAAB prefers that the City as well as the private sector partner with this proposal. She stated that participation solicitation will be more effective if the City provides a letter in support of the proposal. Ms. Clanton elaborated on the educational component proposed for the exhibition, and how it can become a community builder for the downtown area. She noted the exhibition will be temporary with no intent to purchase any pieces of artwork. Ms. Clanton stated that the PAAB’s request is for a letter from the Commission in support of the project to enhance the chances of involving the private sector.

Noting that staff recommended conceptual approval of the request, Mayor Marchman inquired from Ms. Clanton as to the PAAB’s interpretation of a conceptual approval. She responded that a conceptual approval will acknowledge that the Commission is amenable to the concept, with the expectation of regular updates presented to the Parks and Recreation Commission and the City Commission. Ms. Clanton elaborated on the unsecured artwork loan agreements and the changes that continue. She said changes will be provided to the Commission as updates.

There was discussion on the interpretation of conceptual approvals and the PAAB’s commitment with the project. Mayor Marchman expressed his concern with obligating City funding with the unknowns that exist involving funding from the private sector. Mayor Marchman expressed his preference of allowing for public input prior to making a decision on a non-reversible approval. Ms. Clanton explained the benefit of securing an objective curator to select the pieces of artwork to avoid matters of censorship. Mayor Marchman expressed his preference of scheduling a

public hearing for the consideration of a conceptual approval. He asked that the conceptual approval be appropriately noticed on the agenda and that Ms. Clanton return to re-present the proposal.

Commissioner DeVane expressed her preference of moving forward with this project, but noted her concern with the funding. Ms. Clanton elaborated on solicitation efforts and the boards attempt to obtain more funding from the private sector and in-kind support from the City. She stated a more formal budget will be provided once the artwork has been selected. Commissioner DeVane suggested changing the approval from conceptual to preliminary to allow for the board to move forward with the next step, and to allow more flexibility on the site locations with input from the Parks and Recreation Commission.

Mayor Marchman amenable to moving forward stated he preferred that the board provide specific information for the public to review and provide input on. Commissioner Storer expressed his support and suggested that the City's cultural institutions assist with staffing necessities. He commented that this exhibition will attract visitors to the other museums in the City.

Commissioner Eckbert expressed his support for a conceptual approval. He elaborated on how the exhibition will benefit the City. He suggested isolating the issue of funding as the matter to address at a public hearing. He asked that proper notice of the exhibition be distributed throughout the City for a good turnout and to draw attention to this event in Central Park. He suggested the use of the City's Communication Department to assist with serving notice of the exhibition to the community. Ms. Clanton explained that the curator is willing to provide discussions or public forums on artwork to build community interest.

Commissioner Metcalf expressed his support of a conceptual approval that will eventually move the project forward. Mayor Marchman reiterated his concern with a conceptual approval being properly noticed. Consensus was that this proposal be scheduled and listed on the agenda for the next Commission meeting as a conceptual approval request. Responding to Commissioner Eckbert's request, Mayor Marchman asked to place this item under the Mayor's Report.

Ann Saurman, 1041 Osceola Avenue, opposed the proposed exhibition because she did not think it was appropriate for Central Park.

Carolyn Cooper, 1047 McKean Circle, explained the ordinance that exists that prohibits structures in the park.

NEW BUSINESS (CITY COMMISSION):

1) Commissioner Metcalf commented on the building color and surface lights of the Park Place building. He explained that the property owner has asked to close the fifth floor of the parking garage to allow for surface light replacement, but has offered to allow the public use of the second and third floor for parking instead while the improvements to the building are underway. He continued that improvements on the color of the building are also being considered. Consensus was to approve the temporary closure of the fifth floor to accommodate for improvements made to surface lighting; and to allow temporary use of the second and third floor for public parking in exchange for the fifth floor closure.

2) Commissioner Storer expressed his disappointment with an editorial that dealt with lawsuits from developers and how they stifle free speech; specifically the lawsuit that involves the City. He wanted to clarify that although a lawsuit was brought against the City that resulted in stifling the public's free speech to discuss a particular project, many of the individuals enjoyed in the lawsuit remain as active members on City boards. He wanted to clarify and respond for the record that free speech is still alive and well in the City of Winter Park.

3) Commissioner DeVane commented on the expanded café seating and whether it was supposed to be directly from the curb. She inquired into the effectiveness of the medallions and whether tables should be placed directly on the curb. Commissioner DeVane asked that staff provide via email the ordinance that regulates the requirements for expanded café seating on Park Avenue.

Mayor Marchman adjourned the meeting at 8:21 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham