

**REGULAR MEETING OF THE CITY COMMISSION**  
**February 9, 2009**

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

The invocation was given by Father Russell Wohlever, All Saints Episcopal Church followed by the Pledge of Allegiance.

**Members present:**

Mayor David Strong  
Commissioner Margie Bridges  
Commissioner Beth Dillaha  
Commissioner Karen Diebel  
Commissioner Phil Anderson

**Also present:**

City Manager Randy Knight  
City Attorney Trippe Cheek  
City Clerk Cynthia Bonham  
Deputy City Clerk Nancy McLean

**Citizen Comments:**

There were no citizen comments.

**Mayor's Report:**

- a) Leadership Winter Park presentation of checks to area elementary schools from the proceeds of their Pancake Breakfast held in Central Park on December 6.

Debra Hendrickson, Executive Director of Leadership Winter Park, Katie Miller, Co-Chair of Leadership Winter Park 10<sup>th</sup> Annual Pancake Breakfast and School Board member Nancy Robinson, presented the six area elementary schools with checks from funds raised at the annual Pancake Breakfast.

- b) Board appointment (not on agenda) – Gary Mitchell to replace Dan Hagedorn on the Winter Park Firefighters' Pension Trust Fund board effective February 12, 2009.

**Motion made by Commissioner Bridges to confirm Gary Mitchell to the Firefighters' Pension Board; seconded by Commissioner Anderson. The motion carried unanimously with a 5-0 vote.**

- c) Board appointment - Code Enforcement Board (to replace Zane Williams).

Mayor Strong nominated the existing alternate, Peter Weldon to fill the remaining term of Zane Williams and also nominated Roy Ray to assume the alternate position. Commissioner Bridges commented that she did not receive Mr. Roy's application and asked if this could be deferred until the next meeting. Mayor Strong asked City Manager Knight to circulate Mr. Roy's application to the Commission and to place his nomination on the next agenda. Mr. Knight agreed.

**Motion made by Commissioner Anderson to appoint Peter Weldon to replace Zane Williams; seconded by Commissioner Diebel. The motion carried unanimously with a 5-0 vote.**

d) Dates for Home Acres Work Session

City Manager Knight explained that the purpose of the work session is to meet with Mr. Bellows to discuss his plans for Home Acres prior to his submission to the County Commission. After discussion, the Home Acres work session was scheduled for February 20 from 11:30 a.m. to 1:00 p.m.

**Consent Agenda:**

- a) Approve the minutes of 1/22/09 (special meeting) and 1/26/09 (regular meeting).
- b) Approval to move the pro shop operations into the lounge of the Country Club.  
**PULLED FOR DISCUSSION. SEE BELOW.**
- c) Approval to increase the building rental fee for the Winter Park Farmer's Market on the weekend from \$750 to \$900, the hourly rate on weekdays from \$100 to \$140 and the continuous group rate from \$55 per hour to \$70 per hour.

Consent Agenda item b) was pulled for discussion.

**Motion made by Commissioner Dillaha to approve Consent Agenda items a) and c); seconded by Commissioner Bridges. The motion carried unanimously with a 5-0 vote.**

Commissioner Bridges asked for clarification on the \$400,000 cost of the new pro shop and what that number was based on. Mr. Holland answered questions. Commissioner Bridges had concerns with spending a good amount of money when they could use the building they already have. She also expressed that the existing Country Club is a historic building and wanted the Historic Preservation Board to review the proposed plans. She had a concern about the uses of the building and the damage to the hard wood floors if carpet is installed. She also believed this would require special funding for special maintenance.

Commissioner Anderson agreed with reusing and maximizing the return on our existing assets but wanted things worked out such as the historic issues and the financial impact before making a decision. He commented that a merchant suggested looking at using it for limited dining and wanted to refer that back to the Parks Board to address. He stated that he would not vote for the \$15,000 expenditure until it goes into the next budget cycle.

Commissioner Dillaha commented if they wait until the next budget cycle it would be good to present this to the Historic Preservation Board for their review. Mayor Strong asked that they look at the cost to put the existing pro shop into a first class condition. He stated regardless of whether or not they use this as a pro shop, they need to think about having it in good shape as a historic building and wanted to see the budget for that. Mr. Holland agreed to work on these items and take it to the Historic Preservation Board.

**Action Items Requiring Discussion:**

- a) Hours of alcohol sales in Hannibal Square.

Planning Director Jeff Briggs explained the history of this item. In 1997-1998, when the CRA redevelopment of the Hannibal Square neighborhood first began, the City reviewed conditional use requests to establish the Dexter's Restaurant, Chez Vincent Restaurant and the barbeque restaurant (now Hot Olives). At that time, there was a concern about the potential impact of late

night activity associated with these establishments because many times restaurants can evolve into bars during the late night hours. He stated the City was concerned over the potential to regenerate late night noise and traffic activity becoming a nuisance to the nearby residential homes and apartments.

He stated that as a result, the Planning and Zoning Commission (P&Z) and the City Commission approved the conditional uses for these three establishments with a one year trial period to ensure that the character of their operation was not detrimental to the surrounding neighborhood. The other condition imposed on these restaurants was the more restrictive hours of operation which later on were put into the zoning and the alcoholic beverage codes. This way the more restrictive hours for the sale of consumption of alcoholic beverages would apply to any and all restaurant establishments in the west side (now referred to as the Hannibal Square) neighborhood, while typically the hours permitted for the sale and consumption of alcoholic beverages in Winter Park are up until 2:00 a.m. each day except midnight on Sundays. He stated that the regulations now in effect for the Hannibal Square neighborhood are up until 11:00 p.m. Sunday thru Thursday and midnight on Friday and Saturday.

He explained the "promise" made that future restaurants would not cause the same late night noise and other problems caused by the previous bars. The new alcohol ordinance adopted at the last Commission meeting provides a tool the City could use to keep extended hours from being a problem if the City Commission desires to grant the change. He stated they could consider providing a method for special events to occur in the extended hours such as wedding receptions, private parties, after the symphony/theater dinners for the performers, etc. The ordinance would allow the City Manager to approve special event permits for those individual situations.

Mr. Briggs stated that the restaurants believe they are not a problem and this is unfair. He commented that they can go back to P&Z but will get the same recommendation for denial. He stated that the CRA Advisory Board voted twice against any change and asked staff not to bring this back to them again. He explained that with the hours of sale and consumption in the zoning code and the alcoholic beverage code, a vote against a change to the hours from the P&Z Commission would require four City Commission votes to override that recommendation for denial. He also stated that staff recommends proceeding with the special event ordinance that would give some flexibility on a special event basis.

Lurline Fletcher, 790 Lyman Avenue, opposed the change to the hours of sale and consumption of alcoholic beverages in the Hannibal Square neighborhood.

Mary Daniels, 650 Canton Avenue, opposed the change to the hours in Hannibal Square. She asked the Commission to respect the decisions made by the P&Z and the CRA Advisory Board.

Teri Gagliano, 2349 Lafayette Avenue, commented that she has a wedding party coming up but they will not contract with her if it has to stop at midnight. She stated that she is losing business and it seems unfair to hold something against them when they have done nothing wrong. She expressed that the new special event option would be helpful.

Baxter Matthews, President of the Hannibal Square Association, expressed that all the merchants in Hannibal Square are in favor of extending the hours so they can be competitive with the rest of the City.

Dan Bellows, 533 West New England Avenue, expressed that businesses in the Hannibal Square should have the same rights as the other businesses in the City. He commented that businesses in Hannibal Square have been very responsible and they are not running a bar district in that area.

Frank Baker, 650 Northwood Circle, opposed the change to the hours in Hannibal Square and asked the Commission to deny the request.

Janie Baker, 650 Northwood Circle, opposed the change to the hours in the Hannibal Square neighborhood.

Dexter Richardson, Dexter's of Winter Park, believed they should include the establishments of Hannibal Square into the new "Hours of Sales" ordinance that was adopted January 26, 2009. He also expressed that 2009 will be very difficult on retail and encouraged the City and citizens to support local businesses.

Mr. Briggs answered questions posed by the Commission. Deputy Police Chief Bill McEachnie commented that there have been very few service calls in that area. He stated that in the last two years since the Commission granted the exceptions on New Year's Eve there have been no incidents from activities at the licensed establishments to sell alcohol in Hannibal Square. He answered questions.

Commissioner Anderson stated that the City has every right to set special boundaries around special services. Ms. Gagliano addressed the number of people that normally attend her special events. Mayor Strong commented that he was looking at this as if it was his neighborhood and he would be vocal about trying to limit the activity and the noise but also believed there are responsible restaurant owners in the area and he would be receptive to discussing a special exception at times as an experiment.

Commissioner Bridges expressed concerns with allowing special circumstances because of having to determine how many exceptions to grant. She commented that these restaurants are very nice, but they want to keep them as restaurants and not as bars and did not want to accommodate a behavior that they are not trying to promote in a residential area. She stated she empathized with the business owners, but also wanted to respect the residential neighborhood.

Commissioner Anderson agreed that the current hours work in this neighborhood and that New Year's Eve is alright until 1:00 a.m. as a special exception. He expressed concerns with determining how many special exceptions should be permitted, if any special exceptions beyond New Year's Eve should be permitted, and what the boundaries are of that. He stated that he was open for discussion.

Commissioner Dillaha stated they have seen the issues that have been associated with staying open until 2:00 a.m. and that the noise ordinance not being violated in Hannibal Square is presently working. She supported keeping things the way they are and opposed introducing an ordinance for the City Manager to approve special events. She addressed the weddings at Casa Feliz finishing by 11:00 p.m. She stated if they do this, they will have to allow anyone throughout the City exceptions and it relates to fairness.

Commissioner Diebel commented that she was supportive of enacting this and it was a safe step forward to see if this could be an acceptable operator environment for this district which would also include the small establishments on Fairbanks Avenue. She believed this ordinance could have some evaluation period associated with it and did not agree with restraining the number of events.

Commissioner Anderson addressed his preference to have discussion outside of Commission meetings regarding this topic and suggested tabling it. Mayor Strong agreed that they should give this more thought and to table it.

Commissioner Diebel addressed the request to extend hours for New Year's Eve being reasonable for this area and the area around Fairbanks. City Manager Knight commented that for the last two years they have approved allowing Hannibal Square to stay open for later hours on New Year's Eve. He stated the more pressing need is for Ms. Gagliano who is waiting to give an answer to the customer if she can accommodate them with their wedding party.

Commissioner Diebel suggested they codify the extended hours on New Year's Eve. Mayor Strong stated he had no problem codifying the extended hours on New Year's Eve until it is proven to be a problem. He asked Attorney Cheek to prepare the ordinance for this. Commissioner Anderson agreed but with the caveat that it is annually approved by the City Manager. He commented that saying that it is allowed every year may open this up to discussion on how they are going to apply the ordinance that was passed at the last meeting. Attorney Cheek asked for clarification of the intent. Mayor Strong commented that they only wanted the New Year's Eve ordinance for now because the Commission is unsure about the special events.

There was a recess taken from 5:02 to 5:09 p.m.

**Public Hearings:**

a) Adoption of the Comprehensive Plan.

Planning Director Jeff Briggs stated for the record it was after 5:00 p.m. and was beginning the public hearing on the adoption of the comprehensive plan. He explained that Department of Community Affairs (DCA) rules require him to provide a sign-in sheet which will get you correspondence from the DCA that is sent out concerning our comprehensive plan. He stated that anything from the DCA, ORC or Notice of Intent is immediately posted on the website for access as well.

Mr. Briggs provided a power point presentation. He spoke about the history; why the comprehensive plan is important; the plan elements; the importance of implementing concurrency; the Central Business District height map; the major policy issues; the ORC response; issues referred back to P&Z; and the CBD versus Central Business zoning (C-2).

Jim Barnes, 7 Isle of Sicily, spoke on behalf of New England Partners. He stated they were in favor of continuing the existing development on New England Avenue from Hannibal Square over to Park Avenue.

Barry Greenstein, 2348 Summerfield Road, spoke in favor of the adoption of the comprehensive plan and recommended that the proposed changes to the land use code should be dealt with

separately by P&Z after the comprehensive plan is adopted. He also recommended the deletion of Sections 3 & 4 of the proposed ordinance.

Pat McDonald, 2348 Summerfield Road, agreed with the deletion of Sections 3 & 4 and that the proposed changes to the land use code should be dealt with separately by P&Z after the comprehensive plan is adopted. She expressed appreciation for the deletion of "support" from the Definitions section and asked that "maintain" also be deleted from Definitions.

Jack Rogers, 1002 Temple Grove, addressed single-family residential provisions of the comprehensive plan; referencing standards of scale, mass, setbacks and economies of space as represented by James Gamble Rogers' 60-plus homes dating from 1930. He recommended a threshold Floor Area Ratio (FAR) of 38%, for lots less than 11,600 square feet in area. He suggested that any increase in this FAR, up to a maximum of 43%, be based upon specific incentives to be established after review of Nore Winter's final report on the Neighborhood Character workshop conducted on January 23 and 24.

There was a recess taken from 5:34 – 5:39 p.m. due to audio problems.

Dan Bellows, 533 West New England Avenue, explained that he was representing 12 entities that own a fee simple title to 57 parcels within the City limits of Winter Park and submitted the list for the record. He addressed them being in opposition to the current language in the comprehensive plan as currently suggested to be transmitted. He opposed the W. New England lot; the supermajority; 34 policies that negatively affect his current vested property rights (he asked for clarification on the Policy 1-3.8.7: Repeal Apartment/Hotel as a Conditional Use); Symonds Avenue; 531 W. Morse Avenue; 550 N. Denning Avenue; and the Hal Kantor attachment listing multiple policies.

Hal Kantor, Lowndes Drosdick Doster Kantor & Reed law firm explained that he sent a letter to the Commissioners and Attorney Cheek which identifies 35 provisions of the comprehensive plan that has a negative impact on property rights and the value to property owners both residential and commercial. He stated that he was putting the City on notice on behalf of clients (and there may be a class action) that if they proceed in adopting these plans they may be compelled to litigate against the City as outlined in the letter. He submitted the letter for the record.

Carolyn Cooper, 1047 McKean Circle, expressed that the City has made amazing strides to try and put together a comprehensive plan that will encourage economic development. She encouraged the Commission to do what is best for the City and to be cautious about giving away any increased density without clear consideration.

Steven Ziffer, 101 S. New York Avenue, spoke against the comprehensive plan not including how the City will deal with train horn noise. He stated there is no relief for nearby residents.

Lurline Fletcher, 790 Lyman Avenue, disliked the way the west side is being developed and opposed parking garages encroaching in the neighborhood.

Donna Colado, 327 Beloit Avenue, explained that she attended the P&Z meeting where they discussed New England Avenue and believed they came up with good solutions on the enhanced commercial idea. She stated this will give incentives, be larger than regular

commercial and will not be as massive as our C-2. She also spoke about the residential FAR and hoped they keep it at the current level that is in the comprehensive plan.

Rebecca Furman, Lowndes Drosdick Doster Kantor & Reed law firm, representing New England Partners LLC, requested that "the comprehensive plan be adopted with the future land use map accurately depicting the vision for the redevelopment of New England Avenue as CBD". She explained that P&Z recommended that lot 401 W. New England be changed to CBD; she asked that the remainder of New England also be changed to CBD. She stated they strongly object to the CBD "Lite". Ms. Furman addressed the property on Welbourne and the existing designation of high density multi-family, 25 units an acre and the proposed plan changing it to medium density multi-family, 17 units an acre. She stated they were not requesting changes be made to Welbourne at this time.

Mayor Strong asked if they were going to have feedback from consultant Nore Winter regarding the residential FAR prior to their next hearing. Building Director George Wiggins explained that he spoke with Mr. Winter and he is preparing a final report on the neighborhood character that will be completed this week. He stated that staff will review this and make recommendations, have a public meeting, then move forward to the P&Z. Mayor Strong commented that since they have been through the process he would like to hear what Mr. Winter has to say before he reaches any personal conclusions. Commissioner Dillaha was satisfied with keeping the comprehensive plan as is until they have something from Nore Winter and for staff to come up with recommendations. Mayor Strong asked the Commission to voice their concerns in order to be prepared to take final action at the next meeting.

Commissioner Anderson spoke about the residential FAR and the way the comprehensive plan is written with the maximum of 38%. He stated they have to meet certain criteria to get 43%. He explained in the Nore Winter process they are trying to figure out what tools there are and determine the right boundary that might give additional square footage. He commented that finding the right formula to go from 38% to 43% is critical and that staff is coming up with new guidelines on how to get the density bonus to 43%. Mr. Briggs answered questions.

Commissioner Dillaha suggested it read: "38% is the threshold and 43% is the maximum and to achieve between 38% and 43% will be based upon yet to be determined incentive tools that can be applied for and utilized." Mr. Briggs suggested staff work on that language for the next meeting and they will also have Nore Winter's report by then.

Commissioner Anderson addressed his need to understand and work through the impacts of the Lee Road extension on Palmer Avenue and North Park Avenue before saying the City is in favor of this. He also spoke about the Capital Improvement Element (CIE) and the Transportation Element. He asked if there was a way to put forward that they are in favor of spending money on these initiatives to the extent that we have funding sources in addition to the City's General Fund. Mr. Briggs responded. Commissioner Dillaha commented that she also had concerns with the CIE and the Transportation Element.

Commissioner Anderson voiced concerns about the New England map CBD (pink) versus C-3 (red) colors. He was debating leaving it as is or going forward with P&Z's recommendation to expand the existing development rights where it brings clarity and describes what the City or P&Z would like to see. Mr. Briggs explained this in further detail and answered questions.

Commissioner Diebel commented that they should connect the two areas so the setbacks are not different and all the intangibles the consultants have advised provide for the pedestrian nature of the village character and the village center is accomplished by this. She stated this is a break up of what they are trying to achieve and did not know why they have to restrict and change the zoning code for one block. She advocated having it CBD because it is consistent with their policy objectives, Charettes, public input and with what people want to see.

Commissioner Dillaha commented that she was not in favor of the piecemeal approach and believed they need to look at sections of the City holistically and determine what they want to accomplish. She stated there needs to be a defined Hannibal Square neighborhood commercial district like the defined CBD geographic area and CBD land use designation. She stated they have different characteristics but we have not been able to clearly articulate those two districts so they are understandable. She supported P&Z's recommendation. Commissioner Diebel believed this is a code issue and should go through the land use process if the intention is to have consistency.

Mayor Strong commented that this is really half a block and they were spending a lot of time on 3 or 4 lots. He stated that because the block is built out and not subject to change any time soon he wanted whatever they do to be consistent with that. Further discussion ensued on the CBD (pink) versus C-3 (red) colors and the increase of the FAR from 45% to 100% in order to grant additional considerations and densities. Mr. Briggs answered further questions.

**Motion made by Commissioner Dillaha to approve Planning and Zoning's recommendation to keep the comprehensive plan Future Land Use designation for the area on New England Avenue between the Virginia and New York Avenues commercial (red) with enhanced intensities and special considerations applied as follows: a) through f) as written and put into the record except for d) the maximum building length shall be 125 feet before a 15 foot separation is required to break up the mass and create either a separate building or the appearance of a separate building. Mr. Briggs explained it has been amended and he did strike "or the appearance of a separated building"; seconded by Commissioner Bridges. Mayor Strong clarified that they can rescind the motion on the second reading and to change it if they decide to.**

Commissioner Anderson commented that they are putting in 100% FAR and would prefer to see a) through f) be part of the land use code that implements this. He was concerned about putting this into the comprehensive plan. Mr. Briggs explained they have to put the FAR in the comprehensive plan and can put the other provisos and design in the zoning code. **Commissioner Anderson asked to amend the motion to be limited to the FAR 100% provision. Commissioner Dillaha agreed. Commissioner Bridges seconded the amendment. Upon a roll call, Commissioners Bridges, Anderson, and Dillaha voted yes. The motion carried with 3-2 vote. Mayor Strong and Commissioner Diebel voted no.**

**Motion made by Commissioner Bridges that 401 W. New England be designated C-2 (pink); seconded by Commissioner Anderson. Upon a roll call, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

Mayor Strong stated that the next item was the P&Z's recommendation of maximum height/stories in the CBD.



**Motion made by Commissioner Bridges to approve the height/stories limit within the CBD that buildings would be permitted to be two stories and up to three stories as a conditional use. Upon a roll call, Mayor Strong and Commissioners Bridges, Anderson, and Dillaha voted yes. The motion carried with a 4-1 vote. Commissioner Diebel voted no.**

Mayor Strong stated the last item was the definition of public versus private parking garages. Mr. Briggs explained that P&Z modified the language that would allow for joint ventures in terms of parking garages. He stated that as long as the City owned its portion of the parking garage, it was public parking 24 hours a day and 7 days a week and they were not interested in providing language that would allow partial exceptions.

**Motion made by Commissioner Bridges to accept the Planning and Zoning language for the public versus private parking garages; seconded by Commissioner Dillaha. Commissioner Dillaha asked to amend the motion to accept Planning and Zoning's definition of public parking garage as well as their definition of private parking garage. Commissioner Bridges agreed to accept the language clarification; seconded by Commissioner Dillaha.**

Commissioner Anderson suggested other modifications to the language. Attorney Cheek suggested the second to the last sentence say, "**the parking garage floor area may be defined as public parking for purposes of this provision if approved by the City Commission and deed restricted as public parking**". Commissioner Anderson wanted the language to be clearer. Attorney Cheek then suggested "**public parking as defined in the public parking garage provision of this comprehensive plan**". Commissioner Anderson agreed. **Commissioner Bridges amended the motion to accept the modifications suggested by the City Attorney; seconded by Commissioner Dillaha. Upon a roll call, Mayor Strong and Commissioners Bridges, Anderson, and Dillaha voted yes. The motion carried with a 4-1 vote. Commissioner Diebel voted no.**

Mr. Briggs explained that there was one more item from P&Z regarding a policy in the comprehensive plan that says they cannot have a parking garage abutting single family or low density residential. He stated the Winter Park Towers wants to build a parking garage at some point and their property abuts Waterbridge which is single family. He explained that Winter Park Towers wanted to know how far away (foot standard) they have to be to not be considered abutting. He stated that P&Z's general philosophy is that parking garages both by the mass of the building and due to the car and traffic noise, headlights, parking garage lights, etc., can be nuisances if too close to single family or townhomes so they recommended a 100 foot separation. He stated they recommended adding text to Policy 1-3.5.3: Protect Single Family and Low-Density Residential Property from Parking Garages. It reads as follows: "The City shall prohibit above grade parking garages from abutting single family or low density residential property. Parking garages shall be deemed not to be abutting if they are separated by at least 100 feet from the abutting single family or low density residential property."

**Motion made by Commissioner Dillaha to approve the recommendation; seconded by Commissioner Anderson. Upon a roll call, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

Commissioner Anderson asked if they were going to take action on the residential FAR. Mayor Strong stated he would like to hear what Mr. Winter has to say but they could take action

today and take a different action two weeks from now. Building Director George Wiggins stated that Nore Winter would provide the report this week.

**Motion made by Commissioner Anderson that for tonight's adoption they make the statement that the maximum residential FAR is 38% with the potential bonus of 5% based on meeting design incentives; seconded by Commissioner Dillaha.** Mayor Strong commented that this is how it is now and what their talking about is changing the design incentives. **Upon a roll call, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

Mayor Strong stated that his understanding is that any and all provisions of this comprehensive plan can be raised again at the next hearing by the Commission and the public. He stated they do not have to adopt what they adopt tonight and can have additional comments or provisions. Attorney Cheek agreed.

Commissioner Dillaha brought forward some issues.

1. Ordinance language.

**Motion made by Commissioner Dillaha to delete Section 3 and Section 4; seconded by Commissioner Bridges.** Attorney Cheek suggested leaving Section 4. **Commissioner Dillaha amended her motion to delete Section 3; seconded by Commissioner Bridges. Upon a roll call, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

**A. Definitions**

1. Maintain

**Motion made by Commissioner Dillaha to change the definition of "Maintain" to strike the phrase "to bear the expense of"; seconded by Commission Anderson. Upon a roll call, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

2. CBD Geographic Area, CBD Land Use Designations; CBD Zoning.

Commissioner Dillaha commented that she wanted to clarify the CBD geographic area, CBD land use designations; and CBD zoning. She asked to further clarify address the definitions on D-3 and D-4 and asked Mr. Briggs to work on this for the next hearing. Mr. Briggs agreed.

3. Hannibal Square

Commissioner Dillaha asked if it would be appropriate to go forward with redevelopment if they define the Hannibal Square district and supply a map, like they do with the CBD and C-2 zoning, for clarity. Mr. Briggs commented that they could do that and agreed to bring back a map for second reading.

**B. Future Land Use Element**

1. Policy 1.2.5.1: Institutional #4:

Commissioner Dillaha addressed this being conceptually approved and not having an approved final plan. She read her suggested language changes. Commissioner Bridges stated that they need to address the issue of conceptual master plans. Mr. Briggs answered questions. Commissioner Anderson recommended they change the wording of the last sentence to say "Development of the Winter Park Hospital campus and ancillary facilities shall be pursued in accordance with the conceptual master plan as approved on April 25, 2005." Commissioner Dillaha and Bridges agreed.

**Motion made by Commissioner Anderson to change the policy related to the redevelopment of Winter Park Hospital campus for last sentence to read "Development of the Winter Park Hospital campus and ancillary facilities shall be pursued in accordance with the conceptual master plan as approved on April 25, 2005"; seconded by Commissioner Dillaha. Upon a roll call, Mayor Strong and Commissioners Bridges, Anderson, and Dillaha voted yes. The motion carried with 4-1 vote. Commissioner Diebel voted no.**

2. Policy 1-3.2.3: Hannibal Square Neighborhood Community District.

Commissioner Dillaha asked if it should be: #2) Properties abutting New England Avenue between Pennsylvania Avenue and Virginia Avenue (instead of New York Avenue). Mr. Briggs explained this is still part of the Hannibal Square neighborhood. He suggested referencing a map as opposed to the street names and stated that he could work on this with Commissioner Dillaha.

3. Objective 1-4.1.G: Preservation of Winter Park's Village Atmosphere, Quality of Life, and Appropriate Density and Height.

Commissioner Dillaha commented that it should read "to encourage a stable customer base". Mr. Briggs commented that he already made note of that.

4. Policy 1-4.1.G.5: Preserve Central Business District Pedestrian Scale and Orientation by Restricting Height.

Commissioner Dillaha asked if this policy was changed. Mr. Briggs stated it was changed. He explained that because of the action by Planning and Zoning he was not supposed to say "non residential" because it now applies to everything. He also deleted the Planned Development Overlay approvals since it longer exists.

5. Policy 1-2.3.3: Central Business District (CBD).

Commissioner Dillaha commented that she wanted to further define CBD and set it apart as its own specific geographic area with its own characteristics. She suggested changes with more defined language as follows:

"This land use designation includes the retail business, restaurant, professional office and residential uses that are permitted within the historic downtown core of Winter Park. This land use is restricted to geographic areas of the City west of Knowles Avenue, south of Swoope Avenue, north of Comstock Avenue and east of and including the New York Avenue Corridor. Properties within the Land Use Designation are zoned C-2. This designation differs from the

commercial, planned development and office land use designations, and the Hannibal Square neighborhood Commercial District commercial areas in terms of the land use policies for this area which strive to maintain and enhance pedestrian orientation and scale of the historic premiere retail area, the eclectic mix of architectural styles, the open space vistas and non-commercialization of historic Central Park, and the predominance of small distinctive specialty shops. The floor area ratio shall not exceed 200% with residential units up to 17 units per acre allowed above the ground floor as listed in the Future land Use Density/Intensity Table on page 1-8."

**C. Capital Improvements Element (CIE)**

Commissioner Dillaha commented that the capital improvement balance sheet shows the commuter rail stop money from the construction costs coming in 2011. She believed that we were supposed to have this in advance of construction in 2009. Mr. Briggs stated that they will know when the money is coming by October and will update the table.

**D. Transportation Element**

1. Section 2-1: Transportation Goals, Objectives, and Implementing Policies.

Commissioner Dillaha suggested: "Winter Park is and will continue to be a walkable, pedestrian and bicycle-friendly, treed, relaxed, beautiful, safe, urban village that promotes neighborliness and courtesy among citizens and visitors". Mr. Briggs agreed.

2. Policy 2-6.9: Regional Freight Mobility Study.

Commissioner Dillaha stated that her questions about the Transportation Element refers to the commitment of funds for the City for all kinds of projects she is not sure she is comfortable with. She asked Mr. Briggs about this policy. He stated that MetroPlan Orlando is undertaking a study, they want us to participate, and we will attend the committee meetings.

3. Policy 2-6.9: Regional Mobility Strategy.

Commissioner Dillaha commented that she had concerns because so much language has been added to this Transportation Element that is committing us to funding a lot of different projects. Mr. Briggs explained the policy.

4. Policy 2-2.4: Monitoring and the Commuter Rail Before and After Study.

Commissioner Dillaha commented that she was not comfortable with a lot of the language in this policy. Mr. Briggs explained the policy. She also commented that there was a section committing us to the Operating and Maintenance (O&M) costs. Mr. Briggs explained it was in the spreadsheet of the CIE, we have an interlocal agreement with Orange County and have committed to pay for the O&M or we opt out. Commissioner Anderson commented if they opt out they will have to modify this. Mr. Briggs agreed. Mayor Strong commented that he did not see us committing ourselves to funding. Commissioner Diebel commented that this does not say anything inconsistent with what we have signed and until it becomes inconsistent there is no reason to modify it.

5. Data Information and Analysis (DIA)

Commissioner Dillaha commented that there is talk about joining in on a proposed Light Rail Transit System. She wanted to delete the sentence on land development regulations. Mr. Briggs explained that they are not adopting the DIA tonight and all they are adopting and putting into the code is the goals, objectives and policies. Mr. Briggs answered questions.

E. Future Land Use Element

Commissioner Diebel asked for consideration on the supermajority issues:

1. Policy 1-1.1.5: Amendment to this Comprehensive Plan.  
Policy 1-2.6.2: Conservation (CON).  
Policy 1-3.2.2: Maintain the Character and Vitality of the CBD Environs.  
Policy 1-3.8.9: Preserve the Pedestrian Scale and orientation of the CBD and Restricting Building Heights.

Commissioner Diebel commented that she did not believe in a supermajority when they are an elected equalized board that represents all citizens of Winter Park and that true democracy is that the majority should rule.

Mr. Briggs explained the places that require four (4) votes: 1) if a comprehensive plan amendment is recommended for denial by P&Z; 2) for the 3<sup>rd</sup> floor in the CBD and C-2 zoning; and 3) CRA expansions.

**Motion made by Commissioner Bridges to leave the supermajority votes that were discussed; with the 3<sup>rd</sup> floor in the CBD and C-2 zoning and overturning the P&Z and the CRA as proposed in the comprehensive plan; seconded by Commissioner Dillaha.**

Mayor Strong commented that he did not see Policy 1-2.6.2 Conservation as significant with requiring a supermajority. Mr. Briggs explained that it is already in our zoning code and has been there since the 1980's. **Upon a roll call, Mayor Strong and Commissioners Bridges, Anderson, and Dillaha voted yes. The motion carried with 4-1 vote. Commissioner Diebel voted no.**

**Motion made by Commissioner Bridges to accept the ordinance on the first reading with the amendments adopted tonight; seconded by Commissioner Anderson. Upon a roll call, Mayor Strong and Commissioners Bridges, Anderson, and Dillaha voted yes. The motion carried with 4-1 vote. Commissioner Diebel voted no.**

City Attorney's Report:

There were no items to report.

Non-Action Items:

- a) City Manager's Report.

City Manager Knight gave an update on the refuse/recycling RFP.

**New Business (Public):**

Dan Bellows stated that he had four proposals for the Commission's consideration.

1. Mr. Bellows commented that he owns a parcel on Lee Road and asked the City if they would consider allowing him to put up a new billboard there in exchange for trying to get two billboards removed. He expressed that he would like to clean up the corner of Lee Road and 17/92.

2. Mr. Bellows stated he owns land on New York/Lyman Avenues and the City owns a significant piece in that block. He suggested the City acquire that land from him and if they made three more purchases they could have that whole block. He suggested a practice soccer/Lacrosse field for kids to do sports activities and the parents could shop or have lunch in the downtown area.

3. Mr. Bellows commented that he has a brick building on New England Avenue and the entire second floor (office) is empty with 23,000 square feet of space. He suggested that the City lease this space for the Electric Department.

4. Mr. Bellows asked the Commission to consider purchasing the parking garage he is finishing in Hannibal Square. He stated the City could own fee simple the dirt, own the structure and have a 250 space public parking garage. Mr. Bellows answered questions.

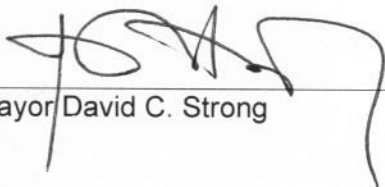
Mayor Strong suggested that Mr. Bellows prepare a specific proposal for these items and they will take a serious look at them. He stated that if he also wants to discuss this during the February 20 work session, they could do that as well.

5. Mr. Bellows again asked for clarification on Policy 1-3.8.7: Repeal Apartment/Hotel as a Conditional Use.

**New Business (City Commission):**

1. Commissioner Diebel requested that City Manager Knight invite our tax assessor to give us a current update on the effect of the tax base. She commented that she met with him last week because of confusion on whether taxes went up or down by a number of people. She stated she asked the tax assessor to validate the table Mr. Knight put forth. She stated he did not agree with the table or the prediction that homes assessed above \$500,000 will have their taxes increased and homes assessed below \$500,000 would generally have a tax decrease. She stated he said that this is not the right chart or the right formula.

The meeting adjourned at 8:50 p.m.

  
\_\_\_\_\_  
Mayor David C. Strong

ATTEST:

  
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Cynthia S. Bonham, City Clerk