

REGULAR MEETING OF THE CITY COMMISSION
August 25, 2008

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 Pastor George Cope – Calvary Assembly of God, followed by the Pledge of Allegiance.

Members present:

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

Also present:

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

Citizen Budget Comments and Requests:

Bill Swartz, 2020 Taylor Avenue, addressed the Parks and Recreation staff attending a State conference this week to learn about accreditation and programming. He hoped the Commission will fund Parks and Recreation appropriately for a community this size.

Mayor's Report:

No items.

Action Items:

- a) Approve the minutes of 7/31/08 and 8/11/08. **(8/11/08) PULLED FOR DISCUSSION. SEE BELOW.**
- b) Approve the Boys and Girls Club of Central Florida FY 08-09 Operating Agreement. **PULLED FOR DISCUSSION. SEE BELOW.**

The following action items were pulled for discussion: Items a and b.

Action Item a): Approve the minutes of 7/31/08 and 8/11/08.

Commissioner Bridges asked for clarification regarding the motion made by Commissioner Anderson to remove the Transit Oriented Development (TOD) language on the 8/11/08 minutes, page 9. Commissioner Anderson clarified the intent; Commissioner Bridges was satisfied with the clarification.

Motion made by Commissioner Diebel to approve the minutes of 7/31/08 and 8/11/08; seconded by Commissioner Dillaha. The motion carried with a 5-0 vote.

Action Item b): Approve the Boys and Girls Club of Central Florida FY 08-09 Operating Agreement.

CRA Manager Sherry Gutch gave a power point presentation on the "Expansion of Service: The Boys & Girls Clubs (B&GC) at the Winter Park Community Center". She spoke about the Community Center survey and public meetings, The Boys & Girls Clubs (B&GC); B&GC contract;

new Community Center programs; higher level of service; and the timeline. Ms. Gutch expressed that staff recommends supporting the hiring of the B&GC to take over youth programming (ages 6-18) at the Winter Park Community Center. She stated this is a one year contract beginning October 1, 2008 and will give the City and the Club the opportunity to determine if this partnership will work on both sides. Effective October 1, 2008 they will take over and run programs five days a week including summer and some holidays. She explained that if approved eight new jobs will be created by the Club and they will participate in the Programming Fair on September 18, 2008.

Ms. Gutch summarized that the privatization of the Community Center Youth Programming will allow for a greater level of service for our residents without any substantial changes in cost. The B&GC will bring in an internationally known brand and reputable provider of proven and effective youth programs while creating local job opportunities. In addition all CRA, Head start, OCPS, Crealde, Rollins, transportation, and facility use programs will continue to operate at the Center. She stated the B&GC would replace the after school program which the YMCA previously did.

Gary Cain, President of the Boys and Girls Clubs of Central Florida, gave a brief overview of the B&GC and commented that if they are selected they will exceed expectations. Ms. Gutch and Mr. Cain answered questions.

Bill Swartz, 2020 Taylor Avenue, was in favor of the B&GC coming to the Community Center. He expressed concerns about the short time frame for the B&GC to hire qualified staff; the City staff schedule; City staffing; and the Westside pool having little or no public use.

Mary Daniels, 650 Canton Avenue, expressed concerns about the abrupt change. She commented about staff being notified about their jobs cuts and hoped they are given an opportunity to interview with the B&GC and that they consider people who are interested and qualified within the community. She emphasized the Community Center being for the community is a facility of Winter Park as a whole.

Joe Terranova, 700 Melrose Avenue, addressed the CRA's first Strategic Plan Goal being the building of a new Community Center and the opportunity to improve the level of services and not increase the costs. He urged the Commission to approve this item.

Bonnie Jackson, 3009 Temple Trail, Parks and Recreation Board, spoke in opposition to this item because she has not seen the contract. She disputed some conclusions made during the presentation and also expressed that government should not be in the business of social services. She asked the Commission to consider if this was going to be a Community Center just for the Westside or for everyone in Winter Park.

Lurline Fletcher, 790 Lyman Avenue, voiced concerns about residents that responded to the survey but did not attend the meetings and staff losing their jobs. She questioned who would be staffed with the B&GC.

Linda Walker, 794 Comstock Avenue, expressed that the community was not notified about the jobs being cut and bringing in a new program. She asked the Commission not to cut staff and allow them the opportunity to show what they are capable of doing at the new facility. Commissioner Bridges explained that prior to becoming a Commissioner she attended numerous meetings regarding the Community Center, the programming, and the building itself. She expressed that she attended these meetings with Ms. Walker and other neighbors from the

Westside. She stated she has listened to the concerns and agreed there are issues but believed they could be resolved. She commented that the B&GC has demonstrated the ability to do this and it is a one year contract.

Commissioner Anderson commented that the B&GC seems to do a good job providing services, it will be a great addition and it is a way of buying those kinds of services and having a group that already has that capability and expertise. Ms. Gutch agreed. Ms. Gutch and Mr. Cain answered questions.

Commissioner Diebel agreed with Commissioner Anderson. She believed Winter Park is a fortunate community to have this level of funding available for social programming and that it is a priority. She supported the B&GC as an exemplary model and providing this in their budget is significant.

Ms. Gutch addressed citizen comments and expressed the need to prove to the citizens that the B&GC is the right way to go and the one year contract will allow them to do that. She invited people to come to the job fair on September 18, 2008 to participate.

Parks and Recreation Director John Holland addressed this not being a new item and that he and Commissioner DeVane met with Mr. Cain six years ago; because of the new Community Center and the CRA, this has finally come together. He thanked the B&GC for staying with them through this process. City Manager Knight also commented about telling the employees of their job cuts upfront rather than hearing it was going to be on a public agenda. Ms. Gutch and City Manager Knight answered further questions.

Motion made by Commissioner Anderson to approve the contract with the Boys & Girls Club; seconded by Commissioner Diebel. The motion carried unanimously with a 5-0 vote.

Public Hearings:

- a) ORDINANCE NO. 2745-08: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO SPECIAL RESIDENTIAL PARKING DISTRICTS; ADDING A NEW SECTION 98-71 ENTITLED "SPECIAL RESIDENTIAL PARKING DISTRICTS"; PROVIDING FOR THE ISSUANCE OF PARKING PERMITS; PROVIDING FOR EXEMPTIONS; PROVIDING AN EFFECTIVE DATE Second Reading

Attorney Cheek read the ordinance by title. Public Works Director Troy Attaway explained the intent of the ordinance.

Joan Cason, 1915 Woodcrest Drive, asked how many complaints have been received and did not see this as an issue. Mr. Attaway responded regarding the areas having the most problems. Mayor Strong commented that this ordinance does not require them to implement this in any particular neighborhood. Attorney Cheek agreed and stated this ordinance allows the City to establish the districts.

Mr. Attaway commented that two districts being presented for approval at the next meeting are good districts and that they will be provided notice.

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

- b) Request of Camden WP, LLC - Conditional use approval to build a three story, 28,500 square foot, 30 room assisted living facility on the properties at 930, 950 and 960 Minnesota Avenue.

Planning Director Jeff Briggs explained the conditional use request of Doug Trovillion (applicant) to build and operate a three-story 28,500 square foot assisted living facility on the properties zoned R-3 at 930, 950 and 960 Minnesota. He spoke about the land area for the project, setbacks, floor area ratio and compatibility with the surrounding neighborhood. He commented on the code requirements with regard to these types of facilities and stated they were provided the conceptual layouts that showed what they would contemplate in terms of sight plan and elevation for that facility. Mr. Briggs discussed project issues and explained it was not possible for the Planning Commission to come to a conclusion about the specific building but approved the concept of an assisted living facility on the properties. Mr. Briggs answered questions.

Applicant Doug Trovillion explained this project was originally slated to build 12 condominiums, the second choice was a bed and breakfast and third was an assisted living facility. He gave an overview of the layout and commented that the property is surrounded by commercial zoning on Orange Avenue as well as three parking lots. He believed it was a good project and expressed the need for these facilities because of the growing demographic with the elderly. He asked for approval and answered questions.

Joe Terranova, 700 Melrose Avenue, addressed the conditional use meeting the criteria of our current and new proposed code. He urged the Commission to approve the recommendation of the P&Z and that they reserve judgment that the project be made smaller until it has gone through the P&Z process.

Michael Dick, 823 Granville Drive, clarified the action taken by P&Z. He stated it was a 5-0 vote approving that particular land use for that location and it was not a specific building. He expressed that the Land Development Code allows for an assisted living use in R-3 zoning and that is only what P&Z addressed and voted on. He commented on the need to send this back to the P&Z if the applicant asks the Commission to vote on the project itself.

Guy Nicosia, 836 Miles Avenue, spoke in opposition to the request. He commented that this type of use may be too intense for the residential neighborhood and that the proposed use causes a commercial creep and increased traffic. Mr. Nicosia expressed concern about a heavy parking need and a 24 hour use due to staffing requirements, ambulances, fire trucks, delivery trucks, etc. He urged the Commission to not let this happen.

Commissioner Anderson addressed the intensity of use of that site and it being a lighter use overall than a condominium use. Commissioner Bridges disagreed with Commissioner Anderson and expressed concerns about the intensity of use on this location and the commercial creep across the street from a residential neighborhood as well as other concerns with traffic and mass and scale.

Fire Chief White spoke about calls being limited to assisted living facilities. He added that they look at the access with projects like this and ensure there is a minimal amount of congestion and not having to park on the street.

Commissioner Diebel commented that this was a hard decision because of the residential nature and the bordering community. Commissioner Dillaha spoke about concerns with not having a defined user for the property, this being an institutional use and is significantly different from the predominant residential use, the size of 28,500 square feet is unprecedented for this neighborhood and the impacts of the neighborhood. She asked the Commission to consider taking no action and have P&Z work more on this.

Mayor Strong commented that they are not talking about approving any building today but are talking about a building that is certainly smaller than it could be with a condominium use. He added that he is willing to support this conditional use approval (not necessarily the building they want) because these facilities are all over Winter Park. He commented that Winter Park Towers and the Mayflower are between commercial and residential neighborhoods and this particular neighborhood is not unlike what they have seen elsewhere in Winter Park.

Commissioner Bridges addressed concerns about the parking situation that will result from this usage and our existing code not providing for what P&Z thought was sufficient parking. She believed they needed more information and for P&Z to define what the parking requirements should be because of a potential for pushing overflow parking spaces into the neighborhood.

Commissioner Anderson believed that this is a good use and believed a gross square foot per unit from 800–1,000 would be a nice commodity. He asked if the applicant would be willing to do this. Mr. Trovillion spoke about the history of this project and that much of the questions were answered at P&Z who was comfortable voting 5-0 in favor of doing the assisted living facility. He stated it is zoned R-3, assisted living. Mayor Strong commented he believed it is appropriate under certain circumstances and if Mr. Trovillion is willing to spend the money to prove that it will have low impact on the neighborhood, he would support that. Mr. Briggs answered further questions. Commissioner Anderson commented that demonstrating this is a lower intensity use is one thing that might be a requirement for final approval. Commissioner Bridges added that P&Z said Mr. Trovillion would need to bring back a much smaller building.

Motion made by Commissioner Dillaha to take no action on the request of the conditional use approval to build a three story, 28,500 square foot building, 30 room assisted living facility on Minnesota. City Attorney Cheek suggested there be a motion to approve in concept the use of this property for this purpose and to clarify that it is not an approval of the building and this is not a preliminary approval under 58-86e which is the two step process that is referenced. He stated they are telling the applicant he can place an assisted living facility there but all other aspects of the project are subject to being approved or denied. **Motion withdrawn.**

Motion made by Commissioner Anderson to allow a conditional use as an assisted living facility but with absolutely no representations as to the size of the building or the number of units or anything to do with the project in particular. Attorney Cheek clarified that it is not a preliminary approval under 58-86e. **Seconded by Mayor Strong. Upon a roll call vote, Mayor Strong and Commissioners Anderson, and Diebel voted yes. Commissioners Bridges and Dillaha voted no. The motion carried unanimously with a 3-2 vote.**

There was a recess taken from 5:45 – 5:52 p.m.

- c) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO TAXICABS; AMENDING SECTION 110-107 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK TO ALLOW A TRIP SURCHARGE AS DETERMINED BY THE CITY COMMISSION IN TAXICAB RATES; PROVIDING AN EFFECTIVE DATE. First Reading

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

Building Director George Wiggins presented the ordinance at the request of Mears Taxi Services and a resolution for a taxi surcharge for a fuel rate adjustment. He stated if they approve the ordinance, it would require two readings and the resolution would not be adopted until the next Commission meeting.

Roger Chapin, Vice President Mears Transportation Group, explained that they adhere to City of Orlando meter rates and they apply that to all fleets across all geographical boundaries. He commented that this is an emergency fuel surcharge that will go into effect that is \$.50 per trip, \$1.00 in and out of the Airport, and will expire March 2009.

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

- d) A RESOLUTION OF THE WINTER PARK CITY COMMISSION PURSUANT TO THE PROVISIONS OF SECTION 110-107 OF CHAPTER 110 OF THE CODE OF THE CITY OF WINTER PARK TO ESTABLISH AN EMERGENCY FUEL SURCHARGE FOR TAXICABS.

Attorney Cheek recommended waiting until the second reading of this ordinance. Mr. Wiggins agreed.

- e) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE REFUNDING OF ALL THE OUTSTANDING ELECTRIC REVENUE BONDS, SERIES 2005A AND SERIES 2005B, OF THE CITY; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$55,000,000 ELECTRIC REFUNDING REVENUE BONDS, SERIES 2008, OF THE CITY TO BE APPLIED TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM SUCH ELECTRIC SYSTEM; AND AUTHORIZING THE TERMINATION OF INTEREST RATE SWAP AGREEMENTS RELATED TO SUCH REFUNDED BONDS, UNDER CERTAIN CONDITIONS; AND PROVIDING AN EFFECTIVE DATE. First Reading

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

Finance Director Wes Hamil explained the intent of the ordinance was to provide an alternative to the currently contemplated variable rate demand obligation plan backed by FSA insurance if the market for FSA backed debt does not improve in the next few weeks. He stated that a change to the ordinance was necessary to increase the amount from \$55,000,000 to \$60,000,000. He added that the extra \$5,000,000 provides funding for a debt service reserve that could be required depending on what type of financing arrangement is determined to be most favorable. A revised ordinance will be presented for the second reading. Also, a

resolution and financial analysis will be presented to the Commission prior to a final decision on this bond issue. Financial Advisor Craig Dunlap spoke about the options they are exploring to get some interest savings on the electric bonds. Mr. Hamil and Mr. Dunlap answered questions.

Motion made by Commissioner Anderson to accept the ordinance on first reading with the amendment to \$60,000,000 for the 2008 bonds; seconded by Commissioner Diebel. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

f) Transmittal of the Comprehensive Plan.

Mayor Strong addressed the public participation aspect of the hearing, what the statutes mandate and the City's compliance with those mandates. Planning Director Jeff Briggs stated the hearing was starting after 5:00 as advertised and briefly went through the power point presentation that was being entered into the public record which has already been presented previously. This addressed the history of the comprehensive plan legislation, why the plan is important, comprehensive plan elements, overall city-wide goal, concurrency, major policy issues, the height map, the Central Business District height map, new major policy issues, and the time table/schedule.

He spoke about the numerous revisions made since the previous plan was rescinded. Major revisions included the deletion of the density height bonus for the extra floor, extra 27% FAR, included the area of parking garages in the FAR City-wide except in the Central Business District (CBD) and defined the differences that we can exempt public parking spaces but not private ones. He spoke about the importance of the maximum height map by putting a firm cap on height in terms of stories and the inclusion in the plan of specific areas within the CBD that are limited to two stories. He further addressed other significant changes in the comprehensive plan. Mr. Briggs summarized the schedule for adoption and upon transmittal approval this evening, will mail the information to the DCA by September 5, receive the ORC in November, staff will make further modifications in December and January, will go to the P&Z in February and to the Commission in March for adoption. Mr. Briggs answered questions.

Mr. Briggs suggested if the Commission wanted to approve transmittal this evening but schedule a work session for review and approval prior to mailing, that would allow editorial changes to be made that do not change the content or policy. Attorney Cheek recommended transmitting what has been voted on other than minor changes such as word spellings and not changing it again after that vote.

Commissioner Bridges addressed words that she thought would give opportunities for misinterpretation that she wanted to see changed. Commissioner Dillaha spoke about not being comfortable transmitting a document that has portions incorrect and asked to go through those items this evening to come to a resolution so the plan can be transmitted. Attorney Cheek clarified his statement made above and stated the plan can be changed before adoption and did not recommend transmitting the document and then make changes to the document.

Public comments were opened.

Don Ammerman, spoke about their project that has been stalled for rezoning on property near Lake Killarney for over a year. He addressed concerns of the surgeons at that location with the length of time it is taking to approve his request and asked how much longer approval will take. It was clarified that there are no zoning change approvals until the comprehensive plan is adopted which is estimated to be March 2009 plus the time to process the request.

Rebecca Furman, Lowndes, Doster, Kantor and Reed law firm, representing New England Partners, requested that the comprehensive plan map (CBD) regarding New England Avenue be extended down to New York Avenue. She stated this will allow that section of New England to mature and build out in a manner consistent with the newest development around Hannibal Square and on Park Avenue. She also addressed the property on Welbourne and the existing designation of multi-family, 25 units an acres and the proposed plan changing it to medium density residential, 17 units an acre. She urged transmittal this evening and answered questions.

Sandy Womble, Old England Avenue, read a letter submitted by Sally Flynn (resides on Highland) and her request to take out the alternate FAR.

April Kirsheman, on behalf of St. Michael, Ltd. and Winter Park Redevelopment Agency Ltd, reiterated comments by Ms. Furman regarding making New England "pink" to extend the CBD designation to New York Avenue. She also asked for the allowance of a simple majority for comprehensive plan amendments.

Frank Hamner, 1011 N. Wymore Road, spoke against the proposed comprehensive plan, the difficulty of the plan, and the height map as to how the Commission handled this. He stated there is no rational relationship on the map to any health, safety and welfare which are supposed to be the primary concerns. He addressed the importance of a simple majority on amendments and urged the Commission to be realistic and not require a supermajority.

Joe Terranova, 700 Melrose Avenue, urged the Commission to transmit the document and work on any changes between now and the time it comes back. He opposed the requirement of a supermajority. He stated it is going to do the opposite of what the Commission wants and asked that this be taken out of the plan.

Tyler Everett, Akerman Senterfitt law firm, and speaking on behalf of 250 Park Avenue Trustees, Inc., BFC New England, LLC, and EPIL Morse Blvd., LLC, opposed certain portions of the proposed plan. He stated that development within the CBD is too restricted, specifically the inclusion of the parking area within the FAR calculation. He expressed concerns with the failure of the comments by DCA and the ORC and NOI to be addressed in the comprehensive plan. He opposed the requirement of a supermajority vote for plan amendments.

Yvonne Traylor, 150 Chelton Circle, expressed a concern with Policy 3-1.4.5 now changed to 6 which she believed is too open ended. She asked that it be revised back to the previous regulation.

Pat McDonald, 2348 Summerfield Road, asked the Commission to consider amending a few policies including Policy 1-3.2.2 (change non-residential - it should apply to any property) as well as many other requested changes. She also asked to rescind the 2004 alternate FAR of 43% and to return to the prior maximum FAR of 38%.

Joan Cason, 1915 Woodcrest Drive, addressed items under definitions that she wanted revised to make them clearer.

Kim Allen, 271 Virginia Drive, voiced her concerns with the CIE element concerning funding of the regional mobility strategy and that it is extremely broad.

Paula Dorney, 503 N. Interlachen, speaking on behalf of Donna Colado (327 Beloit Avenue) provided a copy of the staff report regarding the residential alternate FAR. She asked that the residential FAR roll back to the 2001 level.

Carolyn Cooper, 1047 McKean Circle, stated the plan has increased the allowable FAR on 600 acres of land from 45% to 65% in an effort to put more feet on the street in Winter Park. She asked for a review of compliancy against the NOI and the ORC. She recommended that the Planned Development (PD) maps be listed under additional maps and not under future land use maps. She addressed the zoning compatibility chart that lists PD-1 and PD-2 which do not exist in the City at this time and asked to remove them. Ms. Cooper addressed several other revisions she wanted to see in the proposed plan.

Will Graves, "Friends of Winter Park" (non-resident), spoke about unfettered development and the need for correct regulations.

There was a recess taken from 7:40 – 7:47 p.m.

Mayor strong commented that they would vote on issues raised by citizens. Each item listed was discussed and voted on individually.

1. Re-designation of New England to the "pink" category

Motion by Commission Anderson to make New England "pink" from New York west to where it is already pink, seconded by Commissioner Diebel. Commissioner Anderson asked about the history of this and stated if this issue has been discussed, has received input and is illustrated this has been the intent for some time, he is open to changing it to pink; if it is questionable or has a lack of a public process that has followed in that, he may not ask it to be changed at this time but would be open to discuss this between now and the time of adoption.

Discussion ensued. Mr. Briggs addressed the history. Commissioners Bridges and Dillaha addressed concerns with the residential immediately adjacent and wanted to be sure that is protected in the C-2 as proposed. Mr. Briggs responded. Commissioner Anderson wanted to hear a P&Z recommendation. Mr. Briggs clarified that while it is being made pink at this time, prior to adoption of the comprehensive plan, the Commission wants a recommendation of the Planning and Zoning Commission.

Upon a roll call vote, Commissioners Bridges, Anderson (pending next motion) and Dillaha voted no. Mayor Strong and Commissioner Diebel voted yes. The motion failed with a 3-2 vote.

Motion made by Commissioner Bridges that we request a recommendation from P&Z regarding this property on New England that is currently colored red to be colored pink on the future land use map of the comprehensive plan, seconded by Anderson. Upon a

roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

2. Consideration of the alternate FAR.

Planning Director Briggs summarized the P&Z history of this and stated we can make it 38% this evening, understanding that by March the Commission will decide if this is the correct percentage. Building Director Wiggins spoke about agreeing with some of the sentiment regarding the scale of homes and believed it to be a large mistake to remove the allowance of 43%. He asked that this not be a part of the comprehensive plan, but to be able to use it as a tool to deal with the mass and size of homes. He explained the downside of this.

Motion by Commissioner Dillaha to revert to the pre-2004 FAR's for single family residential buildings to go from 33% to a maximum of 38% FAR as opposed to the current 38% to a maximum of 43% FAR, seconded by Commissioner Bridges. Commissioner Anderson wanted more discussion on this before it is changed. Commissioner Dillaha stated this is only to set the FAR back and that Land Development Code issues can be worked on later. Mayor Strong clarified that this would not go into effect until six months from now and within that time they can deal with other LDC issues related to this.

Upon a roll call vote, Mayor Strong and Commissioners Bridges and Dillaha voted yes. Commissioners Anderson and Diebel voted no. The motion carried with a 3-2 vote.

3. Supermajority.

Planning Director Briggs explained the provisions within the comprehensive plan.

Motion by Commissioner Dillaha to keep in place the requirement of a supermajority for comprehensive plan amendments and CRA creations or expansions; seconded by Commissioner Bridges.

Commissioner Dillaha explained why she has favored this. Commissioner Anderson stated it should be a supermajority vote but had concerns with this comprehensive plan not being ready for that. Mr. Briggs clarified this decision does not have to be made today but can wait until adoption. Further discussion ensued.

Motion withdrawn by Commissioner Dillaha; seconder agreed.

Motion made by Commissioner Dillaha to require a supermajority vote for changes to the land use element only as opposed to having a supermajority for any comp plan amendment. Motion failed for lack of a second.

Motion made by Commissioner Diebel to withdraw the supermajority that has been inserted into the comp plan with the exception of the one that exists presently which is if it is a denial by the P&Z it would require a supermajority for the Commission (status quo); seconded by Commissioner Anderson. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson and Diebel voted yes. Commissioner Dillaha voted no. The motion carried with a 4-1 vote.

Motion made by Commissioner Anderson that comp plan amendments to grant PD designation comprehensive plan amendments or the creation of a CRA and annexations be a supermajority vote; seconded by Commissioner Dillaha. Commissioner Diebel asked that the motion be separated because there was a simple majority for annexations in the work session. **Motion was withdrawn by Commissioner Anderson.**

Motion made by Commissioner Anderson to require a supermajority for PD comp plan amendments granting Plan Development designations; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson and Dillaha voted yes. Commissioner Diebel voted no. The motion carried with a 4-1 vote.

Motion made by Commissioner Anderson to require a supermajority for a CRA creation or expansion; seconded by Commissioner Dillaha. Upon a roll call vote, Commissioners Bridges, Anderson and Dillaha voted yes. Mayor Strong and Commissioner Diebel voted no. The motion carried with a 3-2 vote.

Motion made by Commissioner Anderson that any annexation require a supermajority; seconded by Commissioner Dillaha. Planning Director Briggs explained the ordinance in place and how it works. He stated he did not understand why the motion was made to require a supermajority. Upon discussion and **upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted no. The motion failed with a 5-0 vote.**

4. Not include parking garages in the FAR calculations

Mayor Strong stated a citizen wanted this changed to not include it. After discussion, no motion was made to change this.

5. Policy 3-1.4.5

Planning Director Briggs stated he believed this is being read more liberally than it is intended to be. He explained they need to show in their housing element that they are trying to provide special housing for all needy or elderly in the City and a lot of time in lieu of going to assisted living facilities, they want to come to the property and live with their children. He stated there have been guest houses built for the parent(s) and further explained the protections in the code. Commissioner Bridges stated this is already covered under historic districts which allows for this. Mr. Briggs stated since it is already in the zoning code, he suggested deleting the policy from the comp plan.

Motion made by Commissioner Bridges to strike Policy 3-1.4.5 from the comprehensive plan, seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried with a 5-0 vote.

6. Policy 7-2.1.5

Mr. Briggs answered questions and explained what evolved from the conference call with the DCA. Discussion ensued regarding the language in the policy.

Motion made by Mayor Strong to change the language as follows: “the City currently has agreed to contribute its” and in line 5 after improvements, to read “improvements within the City identified in the regional transportation”; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried with a 5-0 vote.

7. PD Maps being transferred to the additional maps section

No action was taken.

8. PD’s not referenced in comprehensive plan

Mr. Briggs explained the comp plan will be adopted and within a year will adopt the zoning districts but they cannot be used until the comp plan is amended. Commissioner Dillaha preferred to keep this out of the zoning chart until the code is created. Planning Director Briggs reminded the Commission of the timing and explained that including them now eliminates the need for a comp plan amendment after the plan is adopted.

Motion made by Commissioner Dillaha to remove the PD’s from the zoning districts in the comprehensive plan until the code has been written and an ordinance passed supporting those zones; seconded by Commissioner Bridges. Upon a roll call vote, Commissioners Bridges and Dillaha voted yes. Mayor Strong and Commissioners Anderson and Diebel voted no. The motion failed with a 3-2 vote.

9. Policy 1-2.2.4: R-4 being 200% coverage

Planning Director Briggs explained how the map works on 200%.

Motion made by Commissioner Anderson to leave the 200%; seconded by Commissioner Bridges. Commissioner Anderson expressed concerns with volume. After further comments and a roll call vote, Mayor Strong and Commissioners Anderson (voted against his motion), Dillaha and Diebel voted no. Commissioner Bridges voted yes. The motion failed with a 4-1 vote.

10. Height in the Central Business District – 2 and 3 stories with conditional use

Commissioner Dillaha stated there are two policies pertaining to this: 1-3.2.2 and 1-3.8.9, objecting to the word non-residential. Mr. Briggs explained the zoning on the east side of Interlachen. After further comments, **motion made by Mayor Strong that we defer this for a clarification by the P&Z as to their recommendation for both policies subsequent to transmittal; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

Mayor Strong stated that concluded the public comments made and that the following suggested revisions are being brought forward by each Commissioner.

Commissioner Anderson recommended changes:

1. Commissioner Anderson addressed Policy 1-3.2.1 and recommended to delete the last sentence "Throughout the City". After discussion, **motion made by Commissioner Diebel to delete the last sentence of 1-3.2.1; seconded by Commissioner Anderson. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.**

2. Commissioner Anderson addressed 1-3.2.7 that was eliminated that reinforced the decision making power regarding PD zones. He asked if this should be reinstated.

Motion made by Commissioner Anderson to reinstate old Policy 1-3.2.7 amended to become Planned Development, seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

3. Commissioner Anderson addressed Policy 1-3.8.2, Parking Garages and whether the words "public parking" should be capitalized; he wanted to be sure it is not ambiguous. Commissioner Dillaha addressed the definitions of private and public parking garages and whether the policy language that follows it is necessary. She believed that should be struck from the plan. She addressed public use of private parking after the normal business hours and that it should read "above or below grade". Mr. Briggs explained why we have FAR's to control the size of buildings. She asked it should be in perpetuity instead of a long term basis by the City (under public parking garage). Attorney Cheek recommended against using perpetuity and that the word "long term" should be used because of the flexibility. Mr. Briggs suggested sending this back to the P&Z for clarification as to how it should be worded.

Motion made by Commissioner Anderson for this to be referred back to the P&Z to make sure there is no ambiguity between the definitions and this provision/policy (post transmittal), seconded by Commissioner Bridges. Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

4. Commissioner Anderson addressed Policy 2-2.2, Level of Service and Transportation. It was clarified that this was already discussed. Mr. Briggs stated he spoke with our consultant after the last meeting, listed the roads that are Level D and explained what takes place if you go to a Level C. After further discussion, there was a consensus to leave it at Level D so no action was taken.

Commissioner Dillaha's recommended changes:

1. Commissioner Dillaha addressed Policy 1-2.5.1, Winter Park Hospital Policy and her issue with the last sentence "shall be permitted". She suggested revising the language to say "the City shall review the enhancement and redevelopment of the Winter Park Hospital campus", etc.etc. There was further discussion.

Motion made by Commissioner Diebel to leave the language in this section as is and as proposed and transmit, seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

2. Commissioner Dillaha addressed Policy 2-6.9, Freight Mobility Study. Mr. Briggs stated they discussed about amending this to clarify they were only talking about staff assistance and not money; he supported this.

Motion made by Commissioner Dillaha to change the language of Policy 2-6.9, Regional Freight Mobility Study, to add "Participation will be limited to staff assistance.", seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

3. Commissioner Dillaha addressed the definition of "goal".

Motion made by Commissioner Dillaha to eliminate the words "measurable or unattainable, seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

4. Commissioner Dillaha addressed the definition of "policy". She decided to leave as is. Planning Director Briggs clarified that the definitions of arterial road and collector road have been added as per a previous discussion.

5. Definition of CBD:

Motion made by Commissioner Dillaha to add to the last phrase of the definition of CBD "or with the CBD Future Land Use Designation or the CBD C-2 zoning"; seconded by Commissioner Diebel. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

6. Policy 1-3.2.3, Hannibal Square Neighborhood Community District

Motion made by Commissioner Dillaha to eliminate the phrase "so as to function as an extension of the CBD from Policy 1-3.2.3"; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

Transmittal of the Comprehensive Plan:

Motion made by Commissioner Bridges to transmit the Comprehensive Plan, subject to the changes described this evening, seconded by Commissioner Anderson. Upon a roll call vote, Mayor Strong and Commissioners Bridges, Anderson, Dillaha and Diebel voted yes. The motion carried unanimously with a 5-0 vote.

City Attorney's Report:

1. Attorney Cheek addressed that they completed the closing on the Water Plant sale and the City has the proceeds from that sale.
2. He commented that several Commissioners have talked to him about legal issues they were interested in and encouraged them to continue to do that.

Non-Action Items:

a) City Manager's Report.

1. City Manager Knight stated that Commissioner Anderson had a meeting with the Brookshire Task Force and Orange County School Board member Joey Cadle. Commissioner Anderson stated he would give an update at the next meeting.
2. Mr. Knight commented that the Bank of America will have its air conditioning units replaced this weekend and will be closing Park Avenue with a crane 7:00 a.m. Sunday morning. He stated this seems to be the best time for the least amount of impact to the businesses. Mr. Knight answered questions.
3. Mayor Strong commented that the AMR contract has been signed. Mr. Knight stated that was correct.

New Business (Public):

No new business.

New Business (City Commission):

1. Commissioner Dillaha commented that she sent City Manager Knight Rick Fogelson's email regarding Lake Bell. She stated it appears that Commissioner Brummer does not want our resolution to go to the Orange County Commissioners for review. She stated she sent this so that maybe they could discuss it another time.
2. Commissioner Dillaha asked for an understanding of what our financial obligations are if we opt out of commuter rail at the end of seven years and what we might owe Florida Department of Transportation (FDOT). She stated with this type of agreement they should know all the financial ramifications and what they might have to budget. She commented that there has not been anything in writing and asked Mr. Knight for that information.

Mr. Knight explained that what they placed in the budget was the best information available at this time. He stated the only thing they do not have is something that says they have to pay it back in 2017 it was best not to have that in writing at this date. Mayor Strong agreed with Mr. Knight. Mayor Strong addressed that the worst circumstance is they opt out and they give back all the money they gave the City but they cannot get more than that. He stated they planned for the worst case scenario. Mr. Knight explained that each time they have an update to their pro forma they will factor that into the budget process. Commissioner Dillaha thought it was prudent to have this in writing and know what the implications are.

She asked that they have a discussion at the next Commission meeting or a work session regarding commuter rail and the O&M that they would have to pay. She commented that she had conversations with Attorney Cheek about the legalities of some of these things and believed it was important to review. Mr. Knight added they have the architectural work that will be done and it will be on the agenda for the next Commission meeting. He stated if the Commission would like the discussion of the O&M added to the agenda they will do so.

3. Commissioner Diebel commented that the Parks and Recreation Department had a great tree dedication at the Howell Branch Preserve on Saturday. She thanked City Manager Knight, Director of Parks and Recreation John Holland and the entire staff for sponsoring that and commented that the Parks Department did a wonderful job.

4. Commissioner Dillaha thanked staff with how they handled Tropical Storm Fay this past week and the great job they did. Commissioner Bridges agreed.

5. Mayor Strong commented they will have the first reading of the ordinances for the millage and budget on September 8, 2008. A budget work session was scheduled for September 8 at 2:00 p.m. Commissioner Dillaha commented that they would also discuss commuter rail at the next Commission meeting.

6. Mayor Strong commented that City Manager Knight's review would be on the next agenda and that they are obligated by contract to do an annual review the first meeting in September. Commissioner Dillaha asked if there is a job description for the City Manager. Mr. Knight explained there is no job description other than what is in the Charter as a job description for the City Manager. Commissioner Dillaha commented that it would be good to have something because it would be to his benefit that everyone looks at the same criteria. Mayor Strong stated they probably could not have anything ready for this evaluation. Mr. Knight addressed that he could ask Human Resources Director Anna Currie to find something that another City uses and if the Commission wants to follow that, it would be fine.

Commissioner Anderson stated the best place to measure is against the Strategic Plan Map and see if Mr. Knight is moving them in the right direction in terms of those objectives.


7. Mayor Strong commented that Mr. Knight will be on vacation starting tomorrow and Commissioner Bridges would be in charge as Vice Mayor for two weeks.

The meeting adjourned at 9:49 p.m.



Mayor David C. Strong

ATTEST:



Cynthia S. Bonham, City Clerk

Comprehensive Plan Transmittal Presentation to the City Commission



August 25, 2008

Why Are We Here, some History?

- The Florida Growth Management Act of 1985 mandated that all local jurisdictions in the State of Florida adopt Comprehensive Plans to guide the growth of their respective communities.
- The City of Winter Park adopted its first Comprehensive Plan in 1976. An update to that Plan was then adopted in 1991, which has been amended through the years, and is the Plan currently in place.
- Every seven years an update – Evaluation and Appraisal Report (EAR) – is completed. The last EAR completed for the City was in 1998. That report proposed a broad rewrite of the Comprehensive Plan to reflect changes in City Policies.
- The Comprehensive Plan rewrite is a significant task as it allows the City to consider how it wants to plan for the next 20 years.

Why the plan is important?

- The Plan provides a future vision for the community.
- The Plan addresses a wide range of community issues.
- The Plan guides the investment and land use development decisions of the City.
- The Plan enables the City Commission and other Boards and Commissions to make fair and consistent decisions on projects and policies.

Comprehensive Plan Elements

- 
- Capital Improvements
 - Conservation
 - Future Land Use
 - Housing
 - Public Schools
 - Intergovernmental Coordination
 - Recreation and Open Space
 - Public Facilities including Water Supply
 - Transportation

Overall City-Wide Goal

- Winter Park will ensure that the character and location of land uses incorporate the following: (a) resource conservation; (b) smooth and orderly land use transition; (c) aesthetics; (d) avoidance of incompatible land uses threatening health, safety and welfare; and (e) avoidance of environmental degradation, hazards and nuisances. Although Winter Park lives within a rapidly urbanizing metropolitan area, the City will maintain its individual identity and character by allowing new growth and redevelopment which (i) enhances the City's attractive environment; (ii) preserves the City's economic, socio-economic and ethnic diversity; (iii) strengthens the City's excellence, character and reputation by promoting quality infill development conducive to the most efficient provision of services; and (iv) protects the City's natural resources and environmental assets.

Concurrency

Development review process and reporting mechanism to insure that infrastructure capacity needed for growth and development is available concurrent with the need for that infrastructure. Based upon Level of Service (LOS) standards in the Comprehensive Plan.

*Water

*Solid Waste

*Sewer

*Transportation

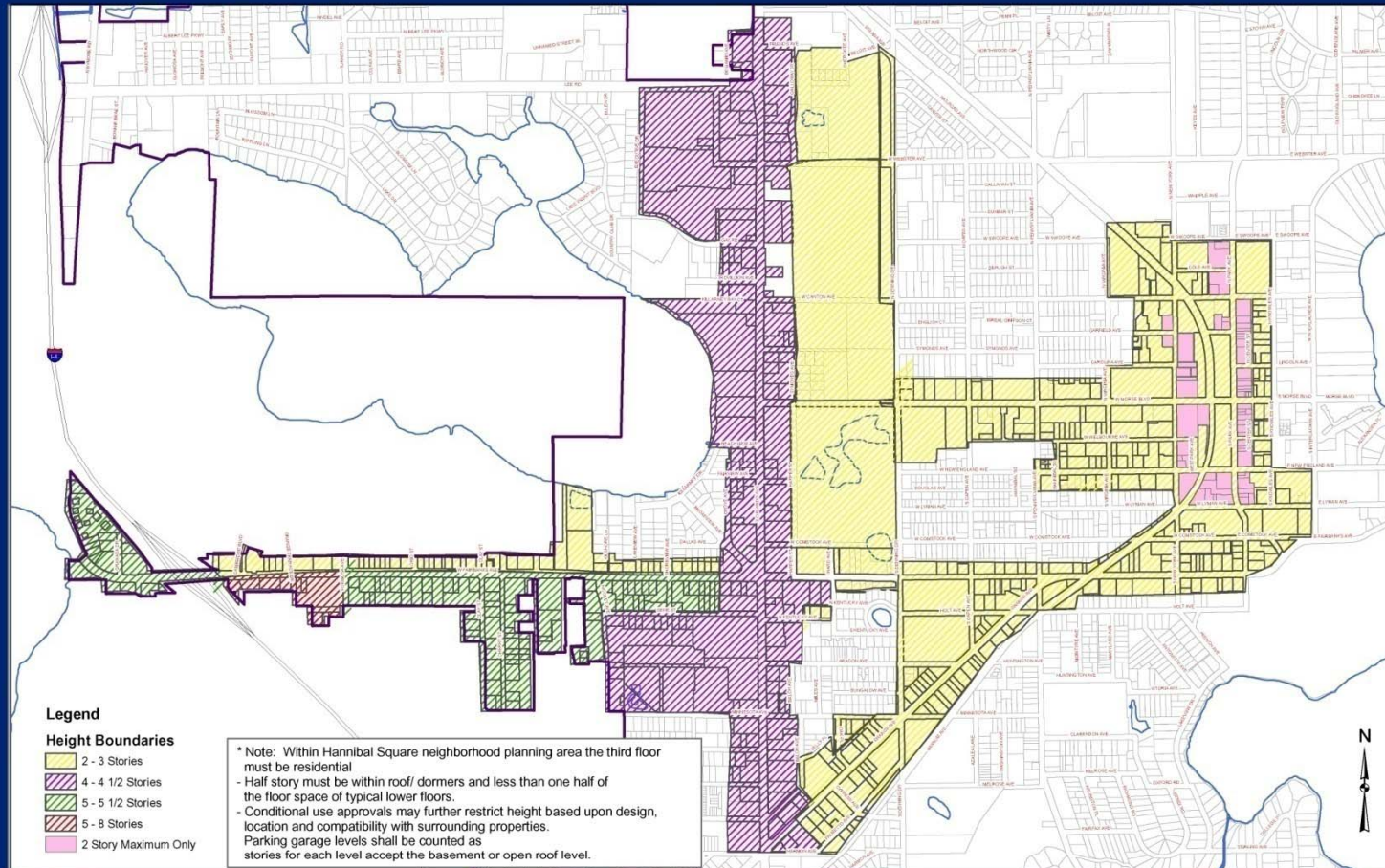
*Drainage/Stormwater

*(Park Land)

Major Policy Issues

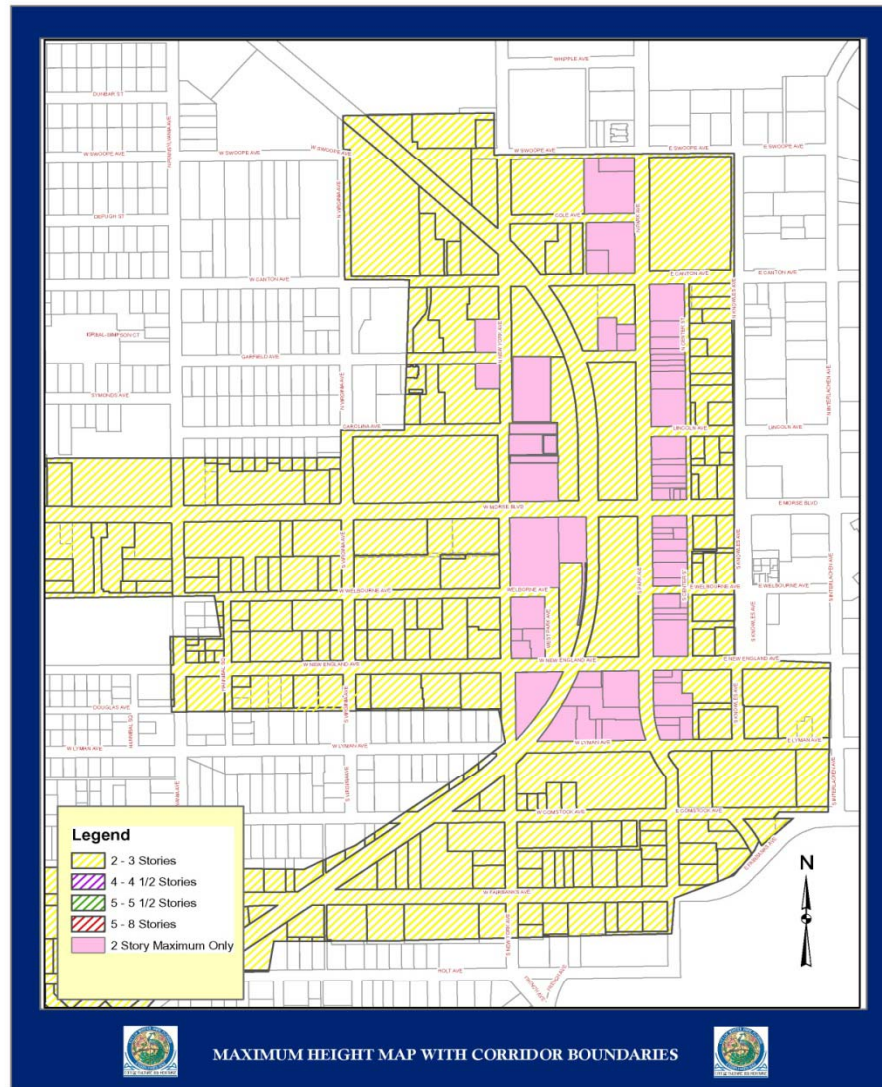
- Policies Removed from the Previously Adopted Comp. Plan:
 - Delete Density/Height Bonus – Extra floor & 27% Floor Area Ratio (FAR).
 - Include parking garages in the FAR city-wide, except Central Business District (CBD). (Define public/private garages in CBD).
 - Adopt Maximum Height Map

HEIGHT MAP



MAXIMUM HEIGHT MAP

CENTRAL BUSINESS DISTRICT HEIGHT MAP



New Major Policy Issues

- New Policy Initiatives:
 - Mixed Use/Urban Use renamed to Planned Development – FAR and densities reduced – limited to four geographic areas.
 - Height Map reduced to two stories for parts of the CBD
 - Prohibition of subdivisions/lot splits for lakefronts and any estate lot.
 - Lot consolidations require approvals.

CITY OF CULTURE AND HERITAGE

New Major Policy Issues

- Reduced residential density in Office/Commercial areas:
 - 25 units/acre to 17 units/acre
 - 55% building lot coverage to 40% maximum
 - 110%/170% FAR to 60% FAR
- Population projections reduced.
- Medium Density policies – two stories only east of Denning Drive (except CBD).
- City Commission Approvals Requiring Four Votes: CITY OF CULTURE AND HERITAGE
 - All Comprehensive Plan Amendments
 - CRA creation of expansions

COMPREHENSIVE PLAN

Time Table/Schedule

April 23, 2008	City Commission work session on Comprehensive Plan review of Comprehensive Plan
April 28, 2008	adopted versus Comprehensive Plan transmitted.
adoption of	City Commission public hearing (1 st reading) to consider ordinance rescinding the Comprehensive Plan.
May 5, 2008	City Commission/Planning Commission joint work session on Comprehensive Plan
May 12, 2008	City Commission public hearing (2 nd reading) on ordinance
May 19, 2008	City Commission work session on Comprehensive Plan
May 28, 2008	Planning Commission work session on Comprehensive Plan modifications
June 18, 2008	Planning Commission work session on Comprehensive Plan modifications
July 8, 2008	City Commission/Planning Commission joint work session on Comprehensive Plan
July 15, 2008	modifications
August 25, 2008	P&Z public hearing on Comprehensive Plan transmittal
Sept. 5, 2008	City Commission public hearing on Comprehensive Plan transmittal
November, 2008	Comprehensive Plan (complete package) mailed to DCA for review
(60 days	DCA responds with Objections, Recommendations and Comments (ORC) report after receipt) on compliance of Comp. Plan. City then has 120 days to respond with adoption
Dec. – Jan. 2009	Public Hearings by P&Z and City Commission on adoption of the Comprehensive Plan
March, 2009	DCA responds (45 days after receipt of adoption document) on Compliance or Non-
Non-	compliance.
appeal is	(If Comp. Plan is deemed in compliance, then there is a 21 day appeal period. If not filed Comp. Plan becomes official)