

**CITY OF WINTER PARK
REGULAR MEETING OF THE CITY COMMISSION
October 23, 2006**

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 offered by Pastor Stan Reinemund, Redeemer Lutheran Church, followed by the Pledge of Allegiance.

Members present:

Mayor David Strong
Commissioner John Eckbert
Commissioner Douglas Metcalf
Commissioner Barbara DeVane
Commissioner Douglas Storer

Also present:

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

MAYOR'S REPORT:

a) Presentation of 3CMA Silver Circle Award.

Director of Communications Clarissa Howard explained that the 3CMA award brings together professionals from all over the country to find and discuss new and better ways of communication with their citizens. Ms. Howard presented the Mayor and the Commission the 3CMA Silver Circle Award that the Communications Department received in the Community Visioning Category.

b) Proclamation – National Family Week.

Mayor Strong presented a proclamation to James Pratt on behalf of Orange County proclaiming National Family Week from October 28–November 5, 2006. Mr. Pratt, in return and on behalf of the Church of Jesus Christ Latter Day Saints, presented Mayor Strong with the National Week of the Family Award.

Items not on the agenda

1. Mayor Strong asked Communications Director Clarissa Howard to invite Pecora and Blexrud to a meeting at their convenience to explain the City's relationship with them and their activities within recent weeks.
2. Mayor Strong asked Mr. Briggs and Attorney Cheek to provide documentation that they can approve or consider regarding billboard replacement within the City limits of Winter Park. Mr. Briggs stated this will be discussed at the next Commission meeting.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1959-06: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO THE CONSTRUCTION OF A MASONRY WALL AT 791 NORTHWOOD CIRCLE; PROVIDING FOR REPAYMENT TO THE CITY OF THE COST OF CONSTRUCTION OF THE MASONRY WALL; PROVIDING AN EFFECTIVE DATE.

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

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

b) Introduction of a draft ordinance to repeal the PD Overlay ordinance.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING WITHIN CHARTER 58, "LAND DEVELOPMENT CODE," ARTICLE III, "ZONING," SO AS TO REPEAL SECTION 58-90, "PLANNED DEVELOPMENT (PD) OVERLAY;" PROVIDING AN EFFECTIVE DATE.

Commissioner Metcalf asked if there is anything in place permitting mixed use if the PD Overlay ordinance is repealed. Mr. Briggs explained that the PD Overlay relates to the variance procedure in the code; primarily for office, retail or multi-family projects. He stated this would be out of the code completely but there were alternatives to keep some of the elements in other sections of the code. He asked the Commission to direct staff to advertise the ordinance, present it to the Planning and Zoning Commission (P&Z) at their November meeting, and decide at the November 27, 2006 Commission meeting whether to move forward.

c) Report on removal of board members.

Attorney Cheek provided his report regarding removal of board members. Mayor Strong stated questions were asked about Mr. Hal Kantor serving on City boards. He explained Mr. Kantor was on the Economic Development Advisory Board and he was not going to question his ethics or his actions but did question if Mr. Kantor serving on this board was in the best interest of the City at this time. Mayor Strong commented about the importance of having the best interest of the City in mind when serving on any task force.

Mayor Strong suggested asking Mr. Kantor, through the City Attorney, to attend the next Commission meeting to address the concerns of the Mayor and citizens. Attorney Cheek replied that he will follow up with Mr. Kantor if that is the direction of the Commission. Commissioner Eckbert expressed concern with the opportunity for conflicts of interest to turn into a political tool. He stated he would like to see some due process for review whether a person has a conflict of interest or they find it difficult to have the best interest of Winter Park as their priority. Commissioner Metcalf agreed with Commissioner Eckbert's comments and spoke about his understanding with Mr. Kantor's attendance record on the board. Staff liaison Chip Weston stated Mr. Kantor's non attendance had been excused due to health problems. Staff liaison Anna Currie explained the meetings already held and the upcoming meeting to define the areas they need to review regarding ethical practices. She stated they are trying to come up with a process that includes the definition of conflicts but is taking some time.

Commissioner Storer asked if there will be objective criteria put in place and if other board members will be reviewed for conflicts of interest. He stated that objective criteria needs to be set and has to be allocated fairly to existing and future board members. Mayor Strong agreed and stated he did not imply that Mr. Kantor did anything illegal. He stressed the importance of persons acting in the best interest of Winter Park and this is the standard he would apply to any board member. Commissioner DeVane hoped that other board members follow that standard. She commented that the State has acknowledged that in most communities people wear many hats and under certain circumstances there will be a conflict of interest. She explained that the State has a process in place which they are aware of and if they have a conflict of interest there has to be a financial gain which is identifiable, they go on record, and do not participate in the vote for that issue. She stated it does not preclude them from having a conversation or an

opinion but they can not vote and she believed the process extends to all boards. Commissioner DeVane addressed the Ethics Task Force and hoped to have reports from them on many issues.

d) Introduce draft ordinance regarding a referendum on the commuter rail station.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR A REFERENDUM BY THE ELECTORS OF THE CITY OF WINTER PARK FOR APPROVAL OR REJECTION OF THE CONSTRUCTION OF OR OTHER CREATION OF A COMMUTER RAIL STATION WITHIN THE AREA OF CENTRAL PARK, OR FOR THE EXPENDITURE OF PUBLIC FUNDS ON A COMMUTER RAIL STATION ON PROPERTY NOT OWNED BY THE CITY; PROVIDING AN EFFECTIVE DATE.

Attorney Cheek read the title of the draft ordinance. He stated this was a draft ordinance that has not been advertised and it was presented for the Commission's consideration to determine if they would like to move forward with it. Mayor Strong addressed a letter sent from Mr. Stanley Wilson asking them not to consider an ordinance on the referendum until the facts are known on commuter rail. Mayor Strong stated he believed the Commission should have the facts and findings of the Commuter Rail Task Force on November 15, 2006.

Commissioner Metcalf stated they will receive information from the County also on that date and that the task force has encountered a few challenges with Orange County receiving information that explains the standards for working on a station and the major issue of what the City will pay in 2015. He explained other counties such as Volusia, Seminole, and Osceola indicating that their county will pay the Operations & Maintenance (O&M) cost and will divide these costs among the beneficiaries in a county-wide format. He stated Orange County decided the cities would pay the O & M costs and now the question is what that means for Winter Park. Commissioner Metcalf stated that no decisions have to be made until February 2007 and he would like to discuss the answers before they begin to talk about ordinances and referendums.

Mayor Strong agreed with Commissioner Metcalf that there should be no referendum until the facts are known and once they are in, it could have major positive and negative impacts on Winter Park. He commented if the Commission agrees that a referendum is appropriate, then the referendum should be during the March election. Mayor Strong stated a decision did not need to be made at this meeting but asked that an ordinance be prepared for consideration when the Commission receives information from the task force.

Attorney Cheek stated he prepared a draft ordinance and it was up to the Commission to decide. Mayor Strong asked City Clerk Cynthia Bonham the date this was needed by to be placed on the ballot for March. Ms. Bonham responded it would need to be at least 90 days in advance which would have to be adopted by December 11. Mayor Strong stated he would like to notice this for public hearings on November 27 and December 11. He hoped to have the facts to make decisions and if the Commission agrees, this would allow them time to place it on the March ballot.

Commissioner Eckbert stated when the task force makes a recommendation to the Commission, he would like to discuss whether they agree/support their recommendation and see if their proposal is worthy of a referendum. Mayor Strong stated there would be a wide diversity of opinions regarding the stop in Winter Park and that is why he believed there should be a public hearing towards the end of November. He reiterated if there is a referendum, the logical time would be during the municipal election, however, a special election could be held.

Commissioner Metcalf addressed upcoming task force public meetings. City Manager Williams stated that was under his report and addressed their request to approve November 27, 2006 and December 7, 2006 as public meetings. Commissioner DeVane asked if their presentation to the Commission will be on November 27 with public input because she would like to hear a report before discussing where they are headed. Staff liaison Don Marcotte stated he asked the task force whether they should present this to the Commission first and then have a town meeting; however he did not receive a conclusive answer from all the members.

Commissioner DeVane stated if they are going to have a referendum, the timeline would be short and she encouraged them to have the presentation on November 27. Mr. Marcotte stated these would be considered town meetings with public input. Mayor Strong suggested having a day meeting on December 4, 2006 and an evening meeting on December 7 allowing everyone an opportunity to attend either meeting and provide their input and hear the task force recommendations. Commissioner Metcalf stated he may not be here on December 7, 2006. Mr. Marcotte stated he would have the task force report to the Commission all the facts they have at the first meeting. He also addressed the County not knowing what their O & M costs would be by January 1, 2007 but he will try and obtain those answers by mid November. Mayor Strong stated they can not expect to respond to the County as to what the City should contribute without giving the City 90 days to consider it. Mayor Strong asked this be communicated to the County and the County needs to give the City information allowing them time to consider and receive public input. It was confirmed that these meetings would be scheduled for December 4, 2006 and December 7, 2006.

- e) RESOLUTION NO. 1960-06: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO THE PURCHASE OF THE PLYMOUTH APARTMENTS BY THE WINTER PARK HOUSING AUTHORITY; LOANING OR EXTENDING FUNDING TO THE WINTER PARK HOUSING AUTHORITY IN AN AMOUNT UP TO \$100,000.00 PER YEAR TO ASSIST IN THE PURCHASE OF THE PLYMOUTH APARTMENTS FOR A PERIOD NOT TO EXCEED TEN (10) YEARS; PROVIDING TERMS OF REPAYMENT BY THE WINTER PARK HOUSING AUTHORITY; PROVIDING AN EFFECTIVE DATE.

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

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Eckbert . Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

CONSENT AGENDA:

- a) Approve the minutes of 10/9/06.
- b) Approve the following bids and purchases:
 - 1) Purchase of bricks for Glencoe Road bricking, from Brick America, Inc.; estimated to be \$50,787.00 (Budget: Assessed Bricking Projects)
 - 2) Blanket PO (PR 129582) for the estimated annual purchase for Liquid Oxygen for the WTP, ordering on an "as needed basis" from the OUC contract with Air Liquide Industrial U.S., L.P.; estimated amount: \$175,000.00 (Budget: Utilities, for ozone gas production)
 - 3) PR 129543, to Chaz Equipment, for structural rehabilitation of manholes, from Delray Beach's Annual Contract # 2002-37; \$43,482.00 (Budget: Capital Utilities/Rehab. Manholes)
 - 4) Request for Proposals RFP-1-2007, for Mail and Telephone Survey to Profile Marketing Research as outlined on the attached memo (Budget: Communications and Contingency funds).

- 5) Bid WP-5-2004, extension for Auxiliary Generator Service with CJ's Sales and Service, Inc., with all terms, conditions and pricing remaining as in the original award (Budget: Utility)
 - 6) Change to Request for Proposals RFP-5-2006/7, with OR&L Custodial & Environmental, janitorial services for various buildings in the city, to add the ENCO office; \$4,515.00 per year (Budget: Facilities Maintenance)
- c) Approve the following budget adjustment:
- 1) Transfer \$16,000 from the Water and Wastewater Fund to the Vehicle Replacement Fund to purchase a vehicle for the Water Treatment Division Chief (FY 2006)
- d) Approve the United Way agreement to administer the City's Utility Assistance Program.
- e) Approve the addendum to the Lake Island cell tower contract with Royal Street Communications to begin monthly payments of \$1,400 immediately in exchange for excluding the relocation of the field lights and removal of the light pole from the original agreement.

Motion made by Commissioner Metcalf to approve the Consent Agenda, seconded by Commissioner Storer and carried unanimously with a 5-0 vote.

CITY MANAGER'S REPORT:

- a) State Office building located at the corner of Denning Drive and Morse Boulevard.

Public works Director Troy Attaway addressed the layout and the fair condition of the building with good structural integrity. He stated a real estate agent assessed how much capital would be needed to provide a Class B space for leasing and building and what the benefits would be over a 5-7 year time frame. Mr. Attaway addressed this as a suitable location for a future temporary City Hall and the building being an asset. He requested permission to advertise Requests For Proposals (RFP) to lease the building as is/where is and see how much they can get on a square foot basis.

Mark Van Valkenburgh, 319 Raintree Court, asked that the City refrain from leasing the site until a decision is made regarding the library.

Ann Murrah, 1601 Legion Drive, asked that the site be used for the library.

Carolyn Pine, 901 Palmer Avenue, member of Library Board of Trustees, spoke in favor of the library residing at this site.

Joe Terranova, 700 Melrose Avenue, spoke in favor of the library residing at this building and if not there, tell the library where they can build a new building before a commitment is made.

Commissioner DeVane spoke about having a short term lease for this property and suggested leasing it for 3 years or less, rather than having a vacant building and to pursue other locations for the library and to find other solutions. Commissioner Metcalf stated it needs to stay a useable and functioning building. Commissioner Eckbert expressed the need to make a decision regarding the library, City Hall, and the state building and wanted to see a recommendation for a process to move forward on these properties.

Commissioner DeVane described this as a parking lot issue for the strategic planning discussion. Commissioner Storer agreed that they had good processes in place but it needs to be started over. He explained they should not sign any long term leases regarding this issue and would like to see a year lease with a non-profit or someone that needs the space that can benefit by it being a public building. Commissioner Storer disagreed with the City making money on the building when it was acquired for public use and good. Mayor Strong stated ultimately the public purpose is what they want on that site. There was a consensus to see what someone would pay for a 1-3 year lease and if it makes sense for the City; advertise it 'as is' with no renovations by City and to bring information to the Commission by December 2006.

b) Review of 2006 resident survey topics.

Ms. Howard presented questions in draft form for possible inclusion in this year's survey. She explained the goal of the survey is to help the Commission drive the budgeting process with City staff on certain issues that can impact each of the department's budgets. Commissioner DeVane presented questions she believed would be more beneficial and more specific. Mayor Strong stated the questions should not be general and should have more substance. Commissioner DeVane included a couple open ended questions. Commissioner Eckbert stated that all the questions should drive towards guidance from the public on policy making issues. He suggested each of the Commissioners individually spend time with the survey representatives and provide five questions they would like to ask, have the representatives refine the questions and complete it before November 1, 2006. Ms. Howard stated she would schedule interviews with the Survey Company on Wednesday, October 25, 2006 and keep the November 1st deadline.

Beth Dillaha, 1801 Forrest Road, made a suggestion how to handle this so the Commission would not have to meet with the surveyor to streamline the process.

Mike Harbison, 2150 Forrest Road, spoke about paying extra funds for the surveyor over what was budgeted.

c) Acquisition of 1.41 +- acres of undeveloped property adjacent to the City's Public Works Central Compound located on the north side of Howell Creek as it enters Lake Waumpi.

Parks Director John Holland explained the location of the undeveloped property adjacent to the City's Public Works Central Compound. He stated the property will be included in the City's open park space and conservation area inventory and that the owner Brian Hoffman was considering the purchase price of \$35,000. Commissioner Eckbert stated he was in support of this but he was concerned about the quality, the maintenance and improvement of the City's existing parks. No public comments were made.

Mayor Strong asked what funds will be used to acquire this property. Mr. Holland stated they presently have \$25,000 in the Parks Acquisition Fund and Public Works offered \$10,000 from their Stormwater Fund.

Motion made by Commissioner DeVane to approve the request to purchase the property, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

d) Commuter Rail Task Force public forums.

The Commuter Rail Task Force meeting dates were already scheduled earlier. See above.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2690-06: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO STREET NAME CHANGES; AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES RELATING TO STREETS, SIDEWALKS AND OTHER PUBLIC PLACES BY ADDING A SECTION ON CHANGING THE NAME OF A STREET WITHIN THE CITY LIMITS OF WINTER PARK. Second Reading

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

Motion made by Commissioner Metcalf to adopt the ordinance; seconded by Commissioner DeVane. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

- b) Request to install a cell antenna/light pole at Showalter Field.

Building Director George Wiggins explained the request to replace one of the light towers with a combination cellular tower which will provide revenue for upkeep and for Showalter Field. He summarized the issues within the lease agreement and stated it meets the goals of the City's communication tower ordinance. Mr. Wiggins addressed the City sending courtesy notices to properties within 500 feet of the proposed tower and a public meeting to satisfy concerns they had about the appearance. He presented pictures of how it could look. Mr. Wiggins also stated that Royal Street Communications representative Tim O'Shaughnessy had another proposal to provide antennas inside the pole, however, the light pole would be 10' feet higher and it would be required to have other carriers on the pole.

Deborah Gardner, 2230 Cady Way, asked if the revenue they receive could be used for the 65 acre compound and if they would do construction like Lake Island Park. Mr. Holland explained the Parks Board proposed that the money go into a fund to be used for the maintenance of the athletic fields in the area. Commissioner Metcalf asked Mr. Holland if he had a recommendation on which proposal he preferred. Mr. Holland responded the higher pole of 10'.

Motion made by Commissioner Metcalf to approve the proposal of the 10' pole; seconded by Commissioner DeVane. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

- c) Conditional Use requests for live amplified musical entertainment (within 300' of residential properties): O' Boys Barbeque restaurant at 565 W. Fairbanks Avenue; and Urban Flats restaurant at 601 S. New York Avenue.

Planning Director Jeff Briggs explained the request for live amplified musical entertainment. He stated that O' Boys withdrew their request and that Urban Flats received unanimous approval from the Planning and Zoning (P&Z) Commission. He explained that Urban Flats is investing thousands of dollars for their own sound system and because of this the P&Z gave them a six month trial. He further explained if they sell the business, it will not transfer to a new owner and the P&Z placed limitations on the style and times of entertaining. Commissioner Metcalf stated he was in favor of the City having conditional uses on businesses like this and he supported this proposal. No public comments were made.

Motion made by Commissioner DeVane to approve the conditional use request, with P&Z's recommendation of the two additional conditions with the new technology they are going to implement to prevent sound from being heard outside the front door and that no unmanaged amplifiers from visiting bands be allowed in the facility, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

- d) Transmittal of the comprehensive plan to the DCA.

Comments were provided by Mayor Allen Trovillion and read by Mayor Joe Terranova concerning the need to update the comprehensive plan, the great job of staff, his belief that the plan needed modifications, and the need for the best solution to ensure that Winter Park is the best place to live, work and play.

Planning Director Jeff Briggs and Planner Stacey Scowden provided a presentation regarding the proposed comprehensive plan. Ms. Scowden provided the history of the comprehensive plan, explained its importance, listed the elements and addressed the City-wide land use goal. Mr. Briggs addressed the concurrency aspects of the plan. He spoke about City-wide land use policies, building heights and explained the proposed maximum height boundaries throughout the City as shown on a map. Mr. Briggs and Ms. Scowden summarized the outstanding issues that needed resolution, the involvement of City boards and the next steps in the process after the document is transmitted to the Department of Community Affairs. He stated he believed that we have a good document.

Consultant Brian Canin, Canin and Associates, 500 Delaney Avenue, Orlando, spoke about being retained to look at the big picture and was not hired to develop new standards for the City. He addressed a concept concern he had with the belief of citizens that the way to safeguard the City's future is to be very restrictive and that will bring higher quality. He stated that is exactly the wrong thing he believed would be achieved. Mr. Canin recommended transmitting the document with few changes and then putting the quality controls into place that are needed. He addressed his letter of October 11 containing his recommendations. He stated that the comprehensive plan needs to be updated expeditiously to bring the City out of non-compliance and to end the moratorium. He stated the plan is not the most suitable vehicle for dealing with the level of detail and complex design criteria the City deserves but should be seen as an instrument for achieving the purpose that everyone wants and there are better and more sophisticated tools available which should be employed.

Mr. Canin addressed areas/issues he believed needed to be addressed differently including the downtown and the corridors of Fairbanks, Orange Avenue, 17-92 and Lee Road. He addressed

the need for a vision. He recommended taking all the work by staff and committees and transmitting the plan but including caveats: put in a provision to sunset the design related issues when we have better information; he believed the height map provided is fine as a guide but believed it is overly restrictive in some of the recommendations that came out of the Planning and Zoning Commission. He stated the City needs a sunset provision for those types of design factors that may be improved later. He recommended that certain caveats not be included within the comprehensive plan: park space, and the relationship between Floor Area Ratio (FAR) and height. Commissioner DeVane spoke about the parks standard being one of the hallmarks of Winter Park for a long time and did not believe it was appropriate to take it out of the plan. The need to move forward with transmittal was discussed.

Sam Stark, Winter Park Chamber of Commerce, thanked the Commission and staff for their hard work. He stated they are pleased to share points of interest, some directly and some indirectly related to the comprehensive plan which they chose not to dissect point by point and issue by issue. He stated Mr. Canin's report appears to be credible and appropriate for a strategy for the City to adopt. He urged the Commission to find a middle ground. He introduced Chamber Board Chairman Frank Herring who provided their position statement concerning Park Avenue height limit, flexibility and frequent review of the plan, economic development, workforce housing, parking and density, commuter rail and Fairbanks and Orange Avenues.

Drew Krecicki, 1711 Chestnut Avenue, Planning and Zoning Commission member, stated they do not agree with Mr. Canin's recommendation but agreed on the need to transmit the plan. He displayed a list of issues they discussed and the votes of the P&Z.

Jeffrey Blydenburgh, 204 Genius Drive, spoke in favor of transmitting the plan and about the importance of a vision for the City.

Melixa Carbonell, 339 Park Avenue, spoke about the Park Avenue Association's support of the Chamber's position statement. She spoke in favor of adopting Mr. Canin's recommendation.

Sally Flynn, 1400 Highland Road, spoke in favor of supporting the P&Z recommendations and to transmit the plan this evening.

Charles Bohl, Coral Gables, Town Planning Educator, addressed the document getting bogged down in details and that certain issues should be part of the Land Development Code. He spoke in favor of Mr. Canin's process. He stated he was representing several Winter Park residents who asked him to provide his consulting services.

Todd Norman, representing Sydgan Corporation; St. Michaels, Ltd.; Winter Park Redevelopment Agency, Ltd.; Garmet, Ltd.; and Daniel B. Bellows as trustee of certain properties (which were provided at the P&Z hearing). He spoke about their concerns that the proposed plan being submitted tonight would prohibit the development of certain areas within the CRA. He asked that areas along the New England Avenue corridor be zoned CBD.

Carolyn Cooper, 1047 McKean Circle, spoke about the importance to repeal the current and adopt a new PD Overlay document. She asked that regulations be in place before approving mixed uses. Ms. Cooper addressed issues she believed were mis-communicated. She spoke about being in agreement on many of the key issues that included the Planned Development Overlay, Mixed Use, R-4 in Commercial (C-3), and heights. She spoke in favor of adopting the P&Z recommendations. She addressed a petition containing 200 signatures supporting this which was not provided to the City Clerk at the time of the meeting. (Ms. Cooper provided at a later date).

Jeff Cooper, 1047 McKean Circle, continued reading Ms. Cooper's comments after her allotted time ran out.

Ned Cooper, 1047 McKean Circle, spoke in favor of the transmittal. He asked that the Commission approve the plan that the P&Z has recommended for adoption.

Jan Nichols, 1505 Bonnie Burn Circle, spoke in favor of adopting the P&Z recommendations.

Joe Terranova, 700 Melrose Avenue, spoke about the importance of retaining the character of the City and to transmit the plan this evening. He listed the issues he believed should be changed within Mr. Canin's report.

A recess was taken from 6:45 – 7:00 p.m.

Leslie O'Shaughnessy, 255 Osceola Court, addressed her preference of adopting the sunset provision as suggested by Mr. Canin to allow more complete City-wide visioning.

Cathy Karunaratne, 750 Green Oaks Court, spoke in favor of adopting the P&Z recommendations and against the large buildings on Park Avenue and New York Avenue.

Mark Squires, 7630 Broken Arrow Trail, spoke about the large citizen input received on projects that did not happen in the past, and that the Commission needs to keep the comprehensive plan livable, breathable and to review this plan in the next 3-5 years.

Michael Dick, 823 Granville Drive, spoke in support of the P&Z recommendation. He spoke about FAR and R-4 zoning.

Marc Hagle, 1220 Park Avenue N., addressed the need for a vision for the City, development pressure on the City, the need for balance in the plan regarding growth, and the need to encourage investors and ensure that they know the rules.

Eric Rosoff, 503 N. Interlachen Avenue, spoke in favor of submitting the plan and for most of Mr. Canin's recommendations. He spoke against the issue of a super majority being in the plan but was in favor of taking out the FAR and putting it into the correct place. He was in favor of mixed use. He stated the plan needs further modifications but to transmit it to the State.

Patty Heidrich, 1112 Schultz Avenue, spoke in favor of transmitting the comprehensive plan and for the P&Z recommendations. She stated she did not support the Chamber position.

Will Graves, 3048D George Mason Avenue, spoke against larger buildings within the City and the need to no longer construct them.

Vicki Krueger, 200 Carolina Avenue #201, spoke in favor of transmitting the plan, the need for open space and trees and to support the P&Z recommendations.

Susan Gabel, 1539 Golfside Drive, spoke in favor of the P&Z recommendations and the need for a definition in the plan of workforce housing.

Lurline Fletcher, 790 Lyman Avenue, spoke in favor of the P&Z recommendations and areas she believed should be lower heights.

Martha McHenry, 530 Claredon Avenue, spoke in support of transmitting the plan but had concerns with the verbiage concerning concurrency.

Michele Rodriguez, 1667 N. Park Avenue, spoke against eliminating the parks and recreation element and supported the P&Z recommendations and transmittal of the plan. She spoke about the workforce housing definition not being in the plan.

Sandy Womble, 940 Old England Avenue, spoke in support of P&Z recommendations and transmittal of the plan. She stated they believe in urban infill but that there needs to be rules and regulations in place.

Attorney Tom Cloud, Gray Robinson law firm and representing Juliet Holler, encouraged the transmittal of the plan but with the modifications suggested by Mr. Canin. He commented that the Commission should not give up their ability to control local land use decisions by loading the plan with inflexible design standards that belong in the Land Development Code.

Margie Wagner, 4094 Oak Street, Orlando, endorsed the P&Z recommendations and spoke about new urbanism.

Patricia Greenstein, 2348 Summerfield Road, urged the support of the P&Z recommendations. She asked that mixed use not be approved without regulations being written and adopted.

Roger Holler, III, P.O. Box 2549, addressed concerns with the many details in the plan restricting the flexibility of the Commission. He asked that the plan be transmitted with the changes suggested by Mr. Canin to provide flexibility.

Janet Atkins, 1060 McKean Circle, supported transmittal with the P&Z recommendations.

Bee Epley, 151 N. Orlando Avenue, asked that a visual map of the scaled buildings and density impact on certain areas be provided in the future.

Beth Dillaha, 1801 Forrest Road, spoke in favor of transmitting with the P&Z recommendations and to abide by the comprehensive plan.

Ann Saurman, 1041 Osceola Avenue, asked for support of the transmittal and P&Z recommendations. She also read a letter from Mimi Dickinson supporting the P&Z recommendations.

Joan Cason, 1915 Woodcrest Drive, displayed the impact of one (1) acre of R-4 development and asked to maintain the current levels of service.

Barry Greenstein, 2348 Summerfield Road, supported the P&Z recommendations and opposed the PD Overlay ordinance as written.

Mark Van Valkenburg, 319 Raintree Court, spoke about the need for buildings with lower heights and for stricter regulations that are followed.

Danny Williams, 637 Blairshire Circle, supported transmittal but with modifications.

Donna Colado, 327 Beloit Avenue, spoke in favor of transmitting with the P&Z recommendations. She addressed concerns with approving mixed use without having regulations in place.

Chris Heidrich, 922 N. Pennsylvania Avenue, commented about the letter from Mr. Bohl from Coral Gables and his statement concerning the need for flexibility in the plan, and that decisions should be made on a parcel by parcel basis with certain generic design standards to follow. He asked that Winter Park remain the village they welcome and to follow the advice of the urban planners who advised the City.

Shay Silver, 735 Pansy Avenue, spoke in favor of transmitting the plan and on the need to maintain green space.

Attorney Richard Trismen, 1551 Laurel Road, spoke against a private/public partnership in the building of a new City Hall. He spoke about the importance of transmitting the plan and the need to follow the P&Z recommendations.

Dan Bellows, 533 New England Avenue, representing W.F.G., Ltd; Garmet, Ltd., St. Michael, Ltd.; WPRA. Ltd.; Denning Partners, Ltd.; Winter Park Redevelopment Management, Corp.; New England Avenue Development Company, Hannibal Square, Ltd; Daniel B. Bellows, Trustee and Daniel B. Bellows, spoke about the mixed use projects in the City (including ones he built) and that he was not sure everyone understood the definition of mixed use. He spoke about him following the CRA guidelines provided to him and that the projects on the Westside indicate responsible development and growth, providing affordable housing. He asked the Commission to vote to transmit the comprehensive plan, but to amend the map to extend the CBD future land use designation on New England Avenue from Virginia to New York Avenue (both sides).

Mary Rumberger, 1234 Palmer Avenue, thanked the Commission and staff for their work. She supported transmittal with the inclusion of the Canin Associates findings. She addressed Mr. Bohl's letter regarding the P&Z recommendations and running the risk of imposing a blight preservation ordinance that will inhibit and halt the redevelopment of some of the most unattractive properties in the City.

Steven Sheldon, representing the Winter Park Property and Consumer Rights Coalition (property owners at 118 E. Fairbanks; 140, 1230 and 1234 W. Fairbanks; 600, 663 and 700 Harold; and 663 Jackson Street), stated they wanted to see the language submitted by Sydgan, Corporation put into the plan because of the removal of the mixed use designation. He spoke against changing the designation of CBD to Commerce of property along the Fairbanks commercial corridor.

Kathy Keily, 1800 Oneco Avenue, addressed the need to transmit the plan with the recommendations by P&Z.

Kim Allen, 271 Virginia Drive, supported transmittal with P&Z recommendations.

Pam Peters, 467 Lakewood Drive, supported the P&Z modifications and recommendations and to transmit the plan. She summarized the areas she opposed and favored and addressed the need to preserve community. She asked which portions of the plan are open for consideration after they come back from the P&Z. Attorney Cheek explained the process.

Bernard Essex, 269 E. Canton Avenue, spoke in favor of transmitting the plan and encouraged the Commission to consider all public comments before the plan is submitted.

Thaddeus Seymour, 1804 Summerfield Road, supported transmittal with the inclusion of the P&Z recommendations.

The public hearing portion was closed.

Mayor Strong asked for clarification regarding Mr. Bellows and his belief that the proposed comprehensive plan precludes Mr. Bellows from completing his parking garage project plan. Mr. Briggs stated it does not preclude him from completing it. Mr. Briggs explained the history of the adoption of the 1994 CRA plan and changing the comprehensive plan to Commerce to allow commercial redevelopment along New England Avenue and the change of zoning of some areas to C-2. He explained that the property Mr. Bellows is referring to still contains a Commerce future land use designation that applies to General Commercial zoning and the projects Mr. Bellows wants will not fit under that designation so he needs the comprehensive plan and zoning changed which cannot be done until April. He stated if he can get it changed through the process here, the City cannot deny the rezonings in April because they will be consistent with the comprehensive plan.

He stated the Planning and Zoning Commission did not want it included in the comprehensive plan today and wanted to treat it as a package in April or May. He explained they want the Central Business District future land use designation so when they apply for C-2 zoning the City is legally obligated to approve it. Mr. Briggs explained that all requests for rezoning comprehensive plan changes are held up until April. He explained Mr. Bellows has approval to do the project but because the grocery store has to be moved to another location, he does not have zoning approvals to move the store across the street. P&Z recommended denial because they did not want retail on that side of the street. He stated if the Commission changes the text this evening, it circumvents P&Z and is guaranteed future retail.

Attorney Norman, representing Mr. Bellows, addressed their objections of taking their vested rights away if the C-2 zoning is not changed this evening. Mr. Bellows asked that the Commission change the comprehensive plan today to reflect the correct zoning so it is consistent with the CRA plan and the façade guideline plan. Commissioner DeVane expressed concerns with just receiving this information this evening. Mr. Briggs clarified that the Commission can review this over the next few months and make changes to any map they feel is appropriate up until the time the comprehensive plan is adopted. Commissioner Metcalf asked if the area should have previously been rezoned. Mr. Briggs responded it was not necessary back in 1994 because the map worked for other projects and nothing was being proposed for the north side of the street. He stated the rules have been for applicants to ask on a case by case basis and no one asked. Mr. Briggs stated the Commission can make the change this evening but if they want more time to review it, it not affect Mr. Bellows because he has to wait until April anyway. There were further questions and discussion regarding this request. This issue was again discussed on pages 20-21 of these minutes.

Mayor Strong addressed Mr. Canin's suggestions to adopt specific, restrictive criteria which will sunset if these are adopted in our Land Development Code. Mr. Canin responded affirmatively. Mayor Strong asked about adopting the restricted criteria today and having them sunset when and if they are incorporated into the Land Development Code. He commented they are going to identify the restrictions they want and where they believe they need to be placed. Mr. Canin stated it is not only restrictions but guidelines that far exceed some of the restrictions and there is nothing wrong with transmitting the plan this evening with the caveats that they included. Mr. Briggs provided the arguments against it. There was discussion as to how the City will be protected against variance requests.

Commissioner DeVane addressed her preference of wanting as much specificity as we can tonight in the comprehensive plan as they transmit because they still have not discussed the process to deal with rewriting or addressing problems in the land use areas. She stated she preferred to submit the document with the language that P&Z has recommended knowing there are areas Mr. Canin feels are overly restrictive and knowing that the specific items will be addressed one at a time later as to what will go into the Land Development Code. She stated she wants to know what the process is going to be before moving forward.

Commissioner Storer asked for clarification regarding any new codes after a visioning session is in place before the sunset expires. Mr. Canin responded regarding their recommended two changes which were based on what they reviewed before the P&Z vote. He stated they were very clear about the flaws they believed should be removed from the comprehensive plan before it is transmitted. He added that everything stays in place until the Commission adopts something better. Mayor Strong addressed the two contentious flaws: the park standard and the FAR inclusive or non-inclusive of the parking.

Commissioner DeVane spoke about the two parks board preferences of keeping this as a standard and not a goal. She stated it has been in the comprehensive plan since the beginning and if and when it becomes a binding constraint, they can discuss it and make decisions as to what to do. She stated she does not see any reason to remove it from the plan because it is not a binding number.

Commissioner Storer addressed the need to retain the level of service, useable parks and to conserve wetlands and open areas. He stated we need to focus on parks that are also usable and enjoyable, whether passive or recreational. He added it is a lot more cost effective for the community to look at maximizing our public recreation space. He spoke about the need for joint use agreements with the school district on all fields that are adjacent to schools and are a part of school properties.

Commissioner Eckbert delivered a prepared speech disclosing conversations with members of One Winter Park, members of the P&Z, developers, property owners, unaffiliated residents, and friends and neighbors. He thanked One Winter Park for their efforts to preserve the charm and character of the City. He spoke about the importance of preserving buildings and making sure they are consistent with the charm and scale of Winter Park. He commented that he serves the citizens exclusively and has no mixed motivations, economic relationships, conflicts of interest and has always voted in the best interest of the future of his children as they grow up in Winter Park. He stated he is not in favor of including content in the comprehensive plan that injects Tallahassee in our decision making process in ways we never intended. He stated he is supporting elements of the comprehensive plan as placeholders pending detailed overlays that address specific corridors and neighborhoods. He agreed with Mr. Canin's language that the comprehensive plan is a blunt instrument for detailed community planning. He spoke about the need for redevelopment of the Fairbanks Avenue corridor, his support of greater density and encouragement of development and his agreement with parking structures as well as other elements within the comprehensive plan being proposed. He commented that mixed use is the essence of Winter Park and must be a tool to be able to use as redevelopment goes forward.

Mayor Strong stated that a variety of the issues by Commissioner Eckbert appear to conflict with the P&Z recommendations. Commissioner Eckbert agreed that could be. Mayor Strong stated we need to take each issue one at a time and make decisions on each one.

Commissioner Storer believed to be close to agreement on the need for a sunset provision and a visioning process and going through Mr. Canin's suggestions knowing there is a process that will be put into place in the next 12 months that they will go through and develop Land

Development Codes that are worthy of being a companion to the comprehensive plan. He stated that part of the discourse and disharmony with citizens is because they are talking about one of three parts and everyone is anxious to shove everything into the first part. He hoped to agree on a visioning process. He concluded that he agreed to adopt Mr. Canin's general recommendation regardless of what the Commission decides to do. He spoke about the distrust of the citizens that is forcing the specificity into the comprehensive plan which he believed did not belong there.

Commissioner DeVane suggested a planning and zoning board review and deal with land use issues. She addressed the great job of the P&Z and that they know the plan thoroughly and have come up with a list of the issues and concerns. She suggested they meet weekly and that other boards can have representatives participate. She stated there is so much detail in the comprehensive plan right now that should be part of the Land Development Code because the citizens do not feel the codes are providing the proper protection. She addressed the need to move forward.

Mayor Strong and all four Commissioners reinforced the consensus to proceed under the program as outlined in the general recommendation by Mr. Canin. Mayor Strong suggested that the Commission make judgments on the P&Z recommendations specifically and anything else not within those recommendations that is a concern. Mr. Briggs stated that between now and when the comprehensive plan is adopted in April, we are going to work toward implementing these into the code as well as deciding which ones will sunset and continuing the public involvement process and visioning and all the last issues provided by the P&Z will be resolved between now and April. He stated if the Commission wants to decide this evening, they can do so but it will evolve out of the process that Mr. Canin has outlined this evening. He stated the five items that are unresolved on the P&Z list will evolve through the process the Commission has concurred to do. Mr. Briggs spoke about the five outstanding issues that are still unresolved.

Issue #1: Height Map

Mr. Briggs addressed the P&Z recommendation and options. Upon discussion, the following action was taken:

Motion made by Commissioner Metcalf that we approve the 75 foot width of three story maximum on the west side of Denning Drive, then 4-4.5 stories west of that line. Seconded by Commissioner Eckbert.

Commissioner DeVane addressed the 5-0 P&Z recommendation to have a three story height limit between Denning and that area. Mr. Briggs reminded the Commission that they can change it in April when it is adopted.

Upon a roll call vote, the **motion carried 3-2 with the following votes: Commissioners Storer, Eckbert and Metcalf voted yes; Mayor Strong and Commissioner DeVane voted no.**

To clarify: a) Incorporated a 75' strip along the west side of Denning Drive where three stories only is permitted. The height from Denning Drive west to Harper Street will be 4-4 ½ stories versus three stories; and b) Fairbanks from Denning Drive to Harper Street – three (3) stories maximum.

Issue #2: Buildings on Park Avenue - Thirty-foot (30') height limit – two (2) stories maximum

Mr. Briggs stated this issue relates to removing the conditional use for three story buildings along Park Avenue. He spoke about the work session held that the Commission concurred somewhat that keeping the buildings that front on Park Avenue two stories only was acceptable because he reassured the Commission as to the limited opportunities because of the lack of parking. He stated that the P&Z recommended extending this over to New York Avenue. He provided three options that the Commission needed to decide upon: 1) whether to extend the rule all the way to New York Avenue; 2) only include Park Avenue; or 3) or not at all.

Motion made by Commissioner DeVane that we adopt the proposed policy of the Planning and Zoning Commission that we have a 30' height limit on Park Avenue and it extend to the east side of New York Avenue as well.

Commissioner Eckbert asked about the wedding cake effect of the SunTrust building and how far back the third story begins. Mr. Briggs clarified the question.

Motion seconded by Mayor Strong. Upon a roll call vote, Commissioners Storer, Eckbert and Metcalf voted no. Mayor Strong and Commissioner DeVane voted yes. The motion failed with a 3-2 vote.

Motion made by Commissioner Eckbert that there be a two story, 30' maximum on Park Avenue frontage with a 25' setback requirement before a conditional use third story can be requested; seconded by Commissioner Storer for discussion.

Commissioner Storer questioned the 25'. Commissioner Eckbert addressed his comfort level with the appropriateness of the SunTrust building wedding cake effect that the third story level would be appropriately set back from the façade front for the two story buildings. Commissioner Storer asked for verification of the distance. Mr. Briggs addressed his uncertainty of the distance being 20' or 25'. Mr. Canin addressed the issue and the intent to look up from Park Avenue and only see 2 stories. Mr. Briggs suggested a one for one ratio.

Motion amended by Commissioner Eckbert to agree on a 1:1 ratio of height to setback on the third floor so it is specific to the building.

Commissioner DeVane expressed her concern that wedding caking a building is fine if there is another building across the street but when you move to an area where you are only talking about buildings and across the street is Central Park you will be see the additional story. Further discussion ensued regarding this issue. It was clarified that the two streets of Park Avenue and New York Avenue would be handled separately.

Upon a roll call vote, the motion carried with a 3-2 vote with Commissioners Storer, Eckbert and Metcalf voting yes and Mayor Strong and Commissioner DeVane voting no.

The east side of New York Avenue was addressed. Mayor Strong stated that the P&Z recommended changing the height to 30' as in Park Avenue. Mr. Briggs stated they asked for a three story building but would not be compelled to do the one for one setback. He asked if the Commission also wanted that to be on New York Avenue. Mr. Briggs clarified this applies to C-2 zoned properties on the east side of New York Avenue which would only affect the Farmers'

Market, the West Park Avenue Dan Hunter Block, the post office and the back of the Morse Museum property.

Motion made by Commissioner DeVane that the east side of New York Avenue have a height limit of 30', seconded by Mayor Strong. Upon a roll call vote, Commissioners Storer, Eckbert and Metcalf voted no. Mayor Strong and Commissioner DeVane voted yes. The motion failed with a 3-2 vote.

Motion made by Commissioner Metcalf that the east side of New York Avenue have a height limit of two stories with a 30' maximum, and with a 1:1 ratio of height to setback on the third floor, seconded by Commissioner Storer. Upon a roll call vote, Commissioners Storer, Eckbert and Metcalf voted yes. Mayor Strong and Commissioner DeVane voted no. The motion carried with a 3-2 vote.

Issue #3: **CBD 200% versus 260% Floor Area Ratio (FAR):**

Mr. Briggs stated this addresses the downtown and that the parking garage area can be exempted or have a more realistic 260% FAR to permit a three story building. He stated the P&Z agreed to count the area of the private parking garages and keep the code 200% that would not allow the three story buildings that the Commission just approved.

Motion made by Commissioner Metcalf to approve the 260%. Commissioner Eckbert addressed his concerns with the inclusion of parking garages outside of the Central Business District and that he agreed with Mr. Canin that parking garages should not be counted towards FAR. Mr. Briggs stated all decisions regarding this issue will be made when the mixed use code is adopted. He stated that Miller Sellen is not going to revise the CBD rules so the FAR needs to be decided upon this evening and others will follow in the future. Commissioner Storer spoke about making up a percentage based on the SunTrust building and that he wants garages not to be seen but if they are, to look good. He addressed future problems if we tie the hands of a designer with an arbitrary percentage to include an FAR and you don't include parking garages as part of the FAR calculations. **Motion was withdrawn by Commissioner Metcalf.** Further discussion ensued regarding this issue. Mr. Briggs explained the current code of 200% FAR that does not count parking garages.

Motion made by Commissioner Eckbert to approve the current code of 200% with regard to the Central Business District with the exclusion of the parking garage, seconded by Commissioner Storer. Commissioner Storer stated this will give the designers more flexibility in putting the correct structure there that has the least impact to the surrounding area. Upon a roll call vote, **Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. Mayor Strong voted no. The motion carried with a 4-1 vote.**

Issue #4: **PD Repeal/maintain setback variances:**

Mr. Briggs stated this issue was referred to the P&Z with a recommendation to come back to the Commission to take action before the comprehensive plan is adopted.

Issue #5: **Repealing R-4 density/uses in Office/Commercial Zoning districts:**

Mr. Briggs explained when you have an office or commercial zoned property and you can build office or retail building or a multi-family building to either R-3 or R-4 density. He spoke about

concerns with the R-4 being too large so the P&Z recommended the same FAR whether you are building residential or office. He addressed the P&Z recommendation to repeal R-4 as an allowable use in commercial or office areas as currently permitted by code; and residential density to be restricted to 45% FAR. Commission individual recommendations were provided. Mayor Strong addressed his preference of not having a residential use in a commercial or office district without a conditional use of any size. Mr. Briggs stated that is included as part of the recommendation for this issue.

Motion made by Mayor Strong to propose 'b' as the City's policy that there be no residential use in an office or commercial district except as a conditional use, seconded by Commissioner Metcalf.

Commissioner DeVane expressed a concern that when you move from office/commercial which has a 45% FAR, that the size of the building immediately increases. She stated they will have to have P&Z and Commission approval for any commercial or office zoned property wanting a mixed use. Mayor Strong spoke about discouraging conversion of office and commercial to residential use. Mr. Briggs further elaborated on this issue.

Motion made by Mayor Strong to require a conditional use if residential is involved unless it is a mixed use project with the first floor being retail, restaurant or office. The P&Z and Commission may deny the project if 100% residential is proposed. Eliminate the substitution of R-3; seconded by Commissioner DeVane. Upon a roll call vote, Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

Issue #6: Parks Level of Service (LOS):

Mr. Briggs addressed the parks Level of Service standard and not hearing Commission discussion to change their view regarding maintaining the 10 acres per 1,000 residents as the standard. He also spoke about the need to decide whether staff is required to find parkland every time there is an annexation or whether to have an exemption process. He spoke about the challenge with the economics involved in the annexations and that we may want to back off the park standard in those cases.

Commissioner Eckbert stated he is against using this park standard as a redevelopment inhibition tool. Commissioner DeVane spoke about the need to pursue a relationship with OCPS regarding land at our public school sites. Commissioner Storer stated with this existing park standard, it is saying you have to find land, the City is running out of land to comply with this and believed this to be a separate issue. Commissioner DeVane stated she does not want to change what we have as a standard that has enabled us to go forward and obtain assistance from the state. She asked that the Parks Board and Acquisition Task Force provide a plan as to how to move forward so it does not become a bind on development in the community. She concluded by stating she wants to spend more money on parks which is why a master planner is on board and preferred to wait for the report and move forward with this as a standard, knowing this will be addressed in the future. There was further discussion and comments made regarding the parks master plan. Mr. Briggs stated many of the Commission questions will be answered through the Parks Master Plan because they will come to the Commission and prioritize what needs to be done (improvements or new land) between now and April in terms of adoption and will advise the Commission on the standard.

Commissioner Eckbert stressed the importance of stating in the comprehensive plan that we are preparing a master plan and that the priorities for the developers will be recommended. He

disagreed with the requirement that the developer be required to purchase land to start because that is not consistent with good planning guidelines. Commissioner Metcalf stated he did not believe it to be consistent with the City obtaining the best land for the purchase price. Commissioner Storer stated they should be able to pay a fee (or an impact fee), per unit, and that the fee be standard and evenly applied regardless of the zoning because everyone uses parks. Commissioner DeVane preferred to wait until we obtain more information and come back and review this in the future. Mr. Briggs reminded the Commission it is only binding if it is adopted between now and April. Commissioner DeVane clarified that it is binding in terms of limiting development. Commissioner Eckbert addressed the need to have a mechanism in place to buy credits towards the park master plan prioritization. There was further discussion regarding this issue and that this applies only to annexations and mixed-use projects.

Commissioner DeVane asked that the master park planner provide numbers that more accurately reflects the actual acreage that we have and the expected park additions. She addressed parkland not included in the numbers and the need to devote time to obtain the report and address it then. She stated it is not a restrictive standard at this time because it is a requirement but is not eliminating any projects that are coming up in the future and the standard has a lot of clout when asking for money in Tallahassee. She suggested to leave the parks level of service as it currently is because it is harder to go back and put in a tougher standard once you back down from it.

Mayor Strong asked if they can amend the plan (the standard) annually. Mr. Briggs stated there is opportunity until it is adopted in April to amend the standard and twice a year following adoption. Mayor Strong agreed that this should be dealt with when they have the facts and not to change the standard until then. Commissioner Eckbert asked Mayor Strong if he supports a way for someone to buy credits. Mayor Strong responded affirmatively. Commissioner DeVane wanted to wait and see what the parks master planner has to say regarding this before providing her opinion regarding credits.

Commissioner DeVane reiterated her preference of leaving it as is for now because of the consultants doing the master plan and an inventory of existing parklands who will take that information and rewrite our impact fee and because the information they are reviewing this evening is not accurate and understates the amount of parkland, and they have received good suggestions on how to move forward such as a partnership with OCPS. Commissioner Metcalf addressed the importance of implementing a way for new people to buy their way in and out and that it should be part of the comprehensive plan so that they are factoring in funds for parkland into their plan.

Motion made by Commissioner Metcalf to maintain 10 acres per 1,000 residents as the Parks Level of Service standard; the ongoing Parks Master Plan will advise on the standard, the priorities for new acquisitions versus improvements to the existing parks, and will recommend a new parks impact fee and pay as you go (build) procedure for net new residential development; seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

Other issues:

1. Mayor Strong asked if the change has been made regarding the discussion about the Rollins development and his suggestion that these projects be compatible with adjacent residential neighborhoods. Mr. Briggs stated the changes have been made. Mayor Strong clarified it is policy FLG12.

Motion made by Mayor Strong to include the language in Policy FLG-12 that those projects be compatible with adjacent residential neighborhoods, rather than mitigating, seconded by Commissioner DeVane.

Commissioner Eckbert commented he wanted consideration for the impact of changing land uses for not for profits on the impact on the ad valorem tax base in the City and that this be revenue neutral. Commissioner DeVane commented about the great economic benefit to the City that Rollins and other cultural institutions having a not for profit status has and did not want the City to tie that to them. Mr. Briggs stated in each case you would have to approve a rezoning so the Commission would make a decision at that time. Mayor Strong stated he was thinking of terms of existing property they have that they want to modify and for that to be compatible with neighborhoods. Commissioner Eckbert stated he would support the Mayor's change. **Motion carried unanimously.**

2. Mayor Strong addressed the lack of a definition of workforce housing and that the plan should state affordable housing instead of workforce housing unless there is a definition that exists. Mr. Briggs stated the terms are interchangeable and explained each one. Commissioner Storer addressed the importance of defining terms that are in the plan. There was a consensus to reflect affordable housing (also called workforce housing).

3. Mayor Strong spoke about group housing, i.e., community residential homes. Mr. Briggs explained the state mandate. He explained that any building used for more than three unrelated individuals is a conditional use. He stated we comply with what the state says and the protection is in the zoning code. Mayor Strong withdrew his concern.

4. Mayor Strong addressed the downtown land use map where there is a three story designation on the east side of Knowles extending to Interlachen. This Lawrence Center property has a four story building on it and asked why that was three instead of four stories. Mr. Briggs stated there have been redevelopment proposals for that property and the only way it can be redeveloped is by asking for a rezoning to C-2. He further explained the height limits and setbacks in C-2 zoning and future development having to be consistent with the CBD three story zoning. Mayor Strong stated this is one area where four stories may be suitable since it is surrounded by other four story buildings. Commissioner Metcalf stated he was not sure why we might not want to designate it R-4 like the surrounding properties. Mr. Briggs stated he will provide the Commission with all the development scenarios so they can discuss them later.

5. Commissioner Metcalf addressed the issue with Mr. Bellows regarding the parking garage project. He stated he wants to move forward on whatever planning is necessary to get this done. Mr. Bellows explained where they stand right now. Mr. Briggs explained the garage is being built regardless of what happens and is currently under construction and will be completed. He stated by changing the former Sports Inn property to a CBD designation, it gives certainty that the store owner can be relocated there.

Motion made by Commissioner Metcalf that the property at 354 Hannibal Square, East (former Sports Inn) be designated CBD; seconded by Commissioner Storer. Upon a roll call vote, Commissioners Storer, Eckbert and Metcalf voted yes. Mayor Strong and Commissioner DeVane voted no. The motion carried with a 3-2 vote.

6. Commissioner Storer expressed concerns about the absence of mixed use from the comprehensive plan and if the PD Overlay goes away, there is nothing specific in the comprehensive plan that says we can do mixed use. Mr. Briggs spoke about the policy per the Commission direction that commits the City to adopt a mixed use zoning district and when this happens the Commission will also have to adopt and add to the comprehensive plan future land

use map a color for the mixed use. He agreed there is nothing currently in the comprehensive plan in the mixed use future land use category because they did not know what the density numbers were going to be. He stated by the time this is sent to Tallahassee in April the Miller Sellen work will be completed, and will come up with the terms and be able to put both of them into the comprehensive plan.

Motion made by Commissioner Storer to insert the appropriate language for the provision of the mixed use future land use designation in the comprehensive plan, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

7. Commissioner DeVane addressed the importance of informing the community how we will address the issues that are either going to sunset or have become serious land use concerns; who is going to do it and when it will begin. She recommended it be the purview of the Planning and Zoning and to begin before the end of the month. Mr. Briggs stated his understanding is the Commission wanted the recommendation follow up from Mr. Canin, in terms of how to do the public involvement and the visioning from here on out to adoption. He stated the program needs to feature P&Z's involvement. Commissioner DeVane addressed her preference to rely on existing boards. Mr. Canin commented that he did not believe activity can be done by the P&Z, they have a large part to play, the citizens and Commission have large parts to play but he did not think it would get done with the P&Z being tasked to do that because they are not set up to do that. Commissioner Storer spoke about P&Z's role to review the outcome of what the citizens vision is.

Motion made by Commissioner Eckbert to transmit the Comprehensive Plan to Tallahassee, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Strong and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

Carolyn Cooper, 1047 McKean Circle, addressed their disappointment. She stated they still do not know what was agreed to, the Levels of Service were lowered, the City's population was underestimated and have allowed density beyond what has been planned. She asked for an item by item list as to what was done with the P&Z recommendations. Mr. Briggs stated they will be rewriting the plan, taking in account all changes, before transmittal. He stated it will be posted on the website, and will have the Commission review it before it is sent for transmittal. He stated the process will take around three weeks total to have everything together to send to Tallahassee. He stated the review will confirm what was agreed upon this evening and this will be a consent agenda item and if any Commissioner disagrees with the wording, they can go back and revisit any policies to be consistent with the minutes. **(Ms. Cooper after the meeting asked that additional comments she believed should be part of the minutes be included. A copy of her comments are attached).**

Mark Hagle, 1220 Park Avenue North, suggested that staff have two public hearings in the next four months to do all the underlying documents that need to be completed and deliver to the P&Z to start the public process. He asked that a motion be made to that effect. No motion was made. Commissioner Storer stated they were all in agreement already that there would be a visioning process to engage the community and to obtain a consensus among the community for a collective vision. Mr. Hagle asked that a base document be prepared that does not preclude the visioning portion.

asked that additional comments she believed should be part of the minutes be included. A copy of her comments are attached).

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Commissioner Storer asked staff to advise them as to the best approach. Commissioner Metcalf asked the City Manager to come back to the next meeting to make a recommendation. Commissioner DeVane asked that staff have a list of all items they said they would be addressing in the land use documents as they are rewritten and things that will be have a sunset provision in a written format before they do anything. Mr. Briggs will provide a recommended path of action at the next meeting.

NEW BUSINESS (PUBLIC):

No new business.

NEW BUSINESS (CITY COMMISSION):

No new business.

The Commission meeting adjourned at 11:28 p.m.

ATTEST:



Mayor David C. Strong



City Clerk Cynthia Bonham

Commissioner Metcalf, Canin said that he meant to also say that they strongly support the Planned Development Overlay and Mixed Use. The Mayor asked if Canin had looked at our Planned Development Overlay and he answered that he had not.

Sam Stark, Winter Park Chamber of Commerce, thanked the Commission and staff for their hard work. He stated that the Chamber had created a separate task force to review the Comprehensive Plan. He stated they are pleased to share points of interest, some directly and some indirectly related to the comprehensive plan which they chose not to dissect

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point by point and issue by issue. He stated Mr. Canin's report appears to be credible and appropriate for a strategy for the City to adopt. He urged the Commission to find a middle ground. He introduced Chamber Board Chairman Frank Herring who provided their position statement concerning Park Avenue height limit, flexibility and frequent review of the plan, economic development, workforce housing, parking and density, commuter rail and Fairbanks and Orange Avenues.

Drew Krecicki, 1711 Chestnut Avenue, Planning and Zoning Commission member, stated they do not agree with Mr. Canin's recommendation but agreed on the need to transmit the plan. He displayed a list of ~~issues they discussed and the votes of the P&Z~~ recommendations the P&Z had made to the City Commission and pointed out that all had been approved with a unanimous 5-0 vote or 4-1. He requested the City Commission allow the P&Z to do their job and submit the Comprehensive Plan with P&Z recommendations.

Jeffrey Blydenburgh, 204 Genius Drive, spoke in favor of transmitting the plan and about the importance of a vision for the City.

Melixa Carbonell, 339 Park Avenue, spoke about the Park Avenue Association's support of the Chamber's position statement. She spoke in favor of adopting Mr. Canin's recommendation.

Sally Flynn, 1400 Highland Road, spoke in favor of supporting the P&Z recommendations and to transmit the plan this evening. She felt that State Statute 163.3174 placed the final authority for recommendation on Comp Plan approval with the P&Z and not a paid consultant. She also supported a 30 foot height restriction on Park Ave and New York.

Charles Bohl, Coral Gables, Town Planning Educator and paid consultant, addressed the document getting bogged down in details and that certain issues should be part of the Land Development Code. He spoke in favor of Mr. Canin's process. He stated he was representing several Winter Park residents who asked him to provide his consulting services. When questioned by the Mayor regarding who he was speaking on behalf of, he declined to disclose the names of his clients.

Todd Norman, representing Sydgan Corporation; St. Michaels, Ltd.; Winter Park Redevelopment Agency, Ltd.; Garmet, Ltd.; and Daniel B. Bellows as trustee of certain properties (which were provided at the P&Z hearing). He spoke about their concerns

that the proposed plan being submitted tonight would prohibit the development of certain areas within the CRA. He asked that areas along the New England Avenue corridor be zoned CBD as opposed to the current designation of Commercial shown on the Future Land Use Map.

Carolyn Cooper, 1047 McKean Circle, Comprehensive Plan Task Force Member, spoke about the importance need to repeal the current and adopt a new PD Overlay document. She asked that regulations be in place before approving mixed uses. Ms. Cooper addressed issues she believed were miscommunicated. She spoke about being in agreement on many of the key issues that included the use of a rewritten Planned Development Overlay and introduction of Mixed Use into our Comp Plan concurrent with drafted regulations but not before. She stated that the City had not projected providing services to the population that R-4 in Commercial (C-3) would create and requested removal of R4 use of Commercial Property, and she supported 3 story heights from Denning to 17/92 and 30 ft heights on Park Ave. She spoke in favor of adopting the P&Z recommendations. She addressed a petition containing 200 signatures supporting this which was not she would provided to the City Clerk after copies were made. The petitions were received on Nov 6, 2006.

Jeff Cooper, 1047 McKean Circle, continued reading Ms. Cooper's comments after her allotted time ran out.

Ned Cooper, 1047 McKean Circle, spoke in favor of the transmittal. He asked that the Commission approve the plan that the P&Z has recommended for adoption. He requested the Commission comply with the intent of State Statute 163.3174 and require the consultant to work with the Planning and Zoning Commission.

Jan Nichols, 1505 Bonnie Burn Circle, spoke in favor of adopting the P&Z recommendations and not those of Canin, a paid consultant.

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Joe Terranova, 700 Melrose Avenue, spoke about the importance of retaining the character of the City and to transmit the plan this evening. He listed the issues he believed should be changed within Mr. Canin's report.

A recess was taken from 6:45 – 7:00 p.m.

Leslie O'Shaughnessy, 255 Osceola Court, addressed her preference of adopting the sunset provision as suggested by Mr. Canin to allow more complete City-wide visioning.

Cathy Karunaratne, Karunaratne 750 Green Oaks Court, spoke in favor of adopting the P&Z recommendations and against the large buildings on Park Avenue and New York Avenue.

Mark Squires, 7630 Broken Arrow Trail, spoke about the large citizen input received on projects that did not happen in the past, and that the Commission needs to keep the comprehensive plan livable, breathable and to review this plan in the next 3-5 years.

Michael Dick, 823 Granville Drive, spoke in support of the P&Z recommendation. He

spoke ~~about~~ in support of P&Z recommendation on including non public parking garages in FAR and not allowing R-4 development of C-3 zoning.

Marc Hagle, 1220 Park Avenue N., addressed the need for a vision for the City, development pressure on the City, the need for balance in the plan regarding growth, and the need to encourage investors and ensure that they know the rules.

Eric Rosoff, 503 N. Interlachen Avenue, spoke in favor of submitting the plan and for most of Mr. Canin's recommendations. He spoke against the issue of a super majority being in the plan but was in favor of taking out the FAR and putting it into the correct place. He was in favor of mixed use. He stated the plan needs further modifications but to transmit it to the State.

Patty Heidrich, 1112 Schultz Avenue, spoke in favor of transmitting the comprehensive plan and for the P&Z recommendations. She stated she did not support the Chamber position.

Will Graves, 3048D George Mason Avenue, spoke against larger buildings within the City and the need to no longer construct them.

Vicki Krueger, 200 Carolina Avenue #201, spoke in favor of transmitting the plan, the need for open space and trees and to support the P&Z recommendations.

Susan Gabel, 1539 Golfside Drive, spoke in favor of the P&Z recommendations, ~~and the need for a definition in the plan of workforce housing, and the deletion of workforce housing from FL H-3.~~ She feels its inclusion will cause existing affordable housing to be torn down and middle management housing (workforce) to be built in its place. She also supported 30 ft height limits on development next to single family and low density housing.

Lurline Fletcher, 790 Lyman Avenue, spoke in favor of the P&Z recommendations and ~~areas she believed should be lower heights—~~ supported P&Z position of three story heights from Denning to 17/92 and 30 ft height limits adjacent to single family and low density housing.

Martha McHenry, 530 Claredon Avenue, spoke in support of transmitting the plan but had concerns with the ~~watered down verbiage concerning concurrency, the lower levels of service and the lack of Transportation concurrency requirements.~~ She also expressed concern about the use of Commercial property for High Density Residential Development.

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Michele Rodriguez, 1667 N. Park Avenue, spoke against eliminating the parks ~~Level of Service standard and explained that in the 2 years she was a Comprehensive Plan Task Force Member the idea of deleting the Parks LOS for annexations was never discussed.~~ She supported the P&Z recommendations and transmittal of the plan. She spoke about the workforce housing definition not being in the plan.

Sandy Womble, 940 Old England Avenue, spoke in support of P&Z recommendations

and transmittal of the plan. She stated they believe in urban infill but that there needs to be rules and regulations in place. She also stated that continued allowance of R4 development of Commercial property would ultimately impact our guaranteed Levels of Service.

Attorney Tom Cloud, Gray Robinson law firm and representing Juliet Holler, encouraged the transmittal of the plan but with the modifications suggested by Mr. Canin. He commented that the Commission should not give up their ability to control local land use decisions by loading the plan with inflexible design standards that belong in the Land Development Code.

Margie Wagner, 4094 Oak Street, Orlando, endorsed the P&Z recommendations and spoke about new urbanism and referenced articles challenging Charles Bohl's ideas.

Patricia Greenstein, 2348 Summerfield Road, urged the support of the P&Z recommendations. She asked that mixed use not be approved authorized in the Comp Plan without regulations being written and adopted. She feels the current Comprehensive Plan circumvents the requirement for implementing regulations by allowing residential use "in all or part" in the descriptions of the Commercial and Office Land Uses.

Roger Holler, III, P.O. Box 2549, addressed concerns with the many details in the plan restricting the flexibility of the Commission. He asked that the plan be transmitted with the changes suggested by Mr. Canin to provide flexibility.

Janet Atkins, 1060 McKean Circle, supported transmittal with the P&Z recommendations. As a member of the Parks Board, she said the Board had voted unanimously to maintain the Parks LOS and requested FL 10.3 be revised to remove the exception to the Park Level of Service for annexations.

Bee Epley, 151 N. Orlando Avenue, asked that a visual map of the scaled buildings and density impact on certain areas be provided in the future. She asked to remove the allowance of R4 development of Commercial property and to support the P&Z recommendations.

Beth Dillaha, 1801 Forrest Road, spoke in favor of transmitting with the P&Z recommendations and to abide by the comprehensive plan. As a member of the Parks Board, she asked that the Parks Level of Service be protected.

Ann Saurman, 1041 Osceola Avenue, asked for support of the transmittal and P&Z recommendations, specifically the 30ft height limit on Park Ave and the deletion of the Planned Development Overlay authorization. She also read a letter from Mimi Dickinson supporting the P&Z recommendations.

Joan Cason, 1915 Woodcrest Drive, displayed the impact of one (1) acre of R-4 development and asked to maintain the current levels of service and not to allow for R4 development of Commercial property..

Barry Greenstein, 2348 Summerfield Road, supported the P&Z recommendations and opposed the PD Overlay ordinance as written.

Mark Van Valkenburg, 319 Raintree Court, spoke about the need for buildings with lower heights and for stricter regulations that are followed.

Danny Williams, 637 Blairshire Circle, supported transmittal but with modifications.

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Donna Colado, 327 Beloit Avenue, spoke in favor of transmitting with the P&Z recommendations. She ~~addressed concerns with approving~~ requested removal of mixed use from Comp Plan until we have ~~without having~~ regulations in place.

Chris Heidrich, 922 N. Pennsylvania Avenue, commented about the letter from Mr. Bohl from Coral Gables and his statement concerning the need for flexibility in the plan, and that decisions should be made on a parcel by parcel basis with certain generic design standards to follow. He asked that Winter Park remain the village they welcome and to follow the advice of the urban planners who advised the City.

Shay Silver, 735 Pansy Avenue, spoke in favor of transmitting the plan and on the need to maintain green space, lower heights around Central Park and the Parks Level of Service.

Attorney Richard Trismen, 1551 Laurel Road, spoke against a private/public partnership in the building of a new City Hall. He spoke about the importance of transmitting the plan and the need to follow the P&Z recommendations.

Dan Bellows, 533 New England Avenue, representing W.F.G., Ltd; Garmet, Ltd., St. Michael, Ltd.; WPRA. Ltd.; Denning Partners, Ltd.; Winter Park Redevelopment Management, Corp.; New England Avenue Development Company, Hannibal Square, Ltd; Daniel B. Bellows, Trustee and Daniel B. Bellows, spoke about the mixed use projects in the City (including ones he built) and that he was not sure everyone understood the definition of mixed use. He spoke about him following the CRA guidelines provided to him and that the projects on the Westside indicate responsible development and growth, providing affordable housing. He asked the Commission to vote to transmit the comprehensive plan, but to amend the map to extend the CBD area. Specifically, he requested the Commission to change the Land Use Designation on his properties from Commercial to CBD.

Mary Rumberger, 1234 Palmer Avenue, thanked the Commission and staff for their work. She supported transmittal with the inclusion of the Canin Associates findings. She addressed Mr. Bohl's letter regarding the P&Z recommendations and running the risk of imposing a blight preservation ordinance that will inhibit and halt the redevelopment of some of the most unattractive properties in the City.

Steven Sheldon, representing the Winter Park Property and Consumer Rights Coalition (property owners at 118 E. Fairbanks; 140, 1230 and 1234 W. Fairbanks; 600, 663 and 700 Harold; and 663 Jackson Street), stated they wanted to see the language submitted by Sydgan, Corporation put into the plan because of the removal of the mixed use designation. He spoke against changing the designation of CBD to Commerce of property along the Fairbanks commercial corridor.

Kathy Kelly, Kiely, 1800 Oneco Avenue, addressed the need to transmit the plan with the recommendations by P&Z. She believes the Comp Plan needs more specificity.

Kim Allen, 271 Virginia Drive, supported transmittal with P&Z recommendations.

Pam Peters, 467 Lakewood Drive, supported the P&Z modifications and recommendations and to transmit the plan. She summarized the areas she opposed and favored and addressed the need to preserve community, the community's residential character, village scale downtown business district and quality of life. She asked which portions of the plan are open for consideration after they come back from the P&Z. Attorney Cheek explained the process. Ms. Peters asked Mr. Cheek to clarify a point of procedure. Specifically, she asked if the entire draft Winter Park Comprehensive Plan will be open for citizen input and amendment after the document is returned to the City of Winter Park with comments from the Department of Community Affairs. Mr. Cheek responded that the entire plan will be open for public comment and city commission revision."

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Bernard Essex, 269 E. Canton Avenue, spoke in favor of transmitting the plan and encouraged the Commission to consider all public comments before the plan is submitted.

Thaddeus Seymour, 1804 Summerfield Road, supported transmittal with the inclusion of the P&Z recommendations.

Carolyn,

In terms of the minutes:

Suggest that it be amended to read:

"...preserve the community's residential character, village scale downtown business district and quality of life.

Ms. Peters asked Mr.. Cheek to clarify a point of procedure. Specifically, she asked if the entire draft Winter Park Comprehensive Plan will be open for citizen input and amendment after the document is returned to the City of Winter Park with comments from the Department of Community Affairs. Mr.. Cheek responded that the entire plan will be open for public comment and city commission revision."

Thanks, friend, for the bagels, coffee and the opportunity to discuss the plan, etc.

Pam

Pamela A. Peters
President
Florida Philanthropic Network
199 East Welbourne Avenue
Winter Park, FL 32789