

REGULAR MEETING OF THE CITY COMMISSION
April 28, 2014

The meeting of the Winter Park City Commission was called to order by Vice Mayor Steve Leary at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Minister John McDonald, Flowers Temple Church of God In Christ, followed by the Pledge of Allegiance.

Members present:

Vice Mayor Steven Leary
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

Members absent:

Mayor Kenneth Bradley

Approval of the agenda

Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Cooper and approved by acclamation with a 5-0 vote.

Mayor's Report

a. Briefing - Orange County Tax Collector Scott Randolph

Orange County Tax Collector, Scott Randolph spoke about the recent changes to the tax certificate sale process, non-ad valorem tax assessments, Department of Highway and Motor Vehicle Services now being handled through their office, and the two new locations to open in the future.

b. Presentation – Eagle Scout Project, John Michael Thomas

Eagle Scout John Michael Thomas presented a PowerPoint regarding his Eagle Scout Service project to raise \$50,000 for a peacock fountain to be installed in Central Park. He explained that he was inspired by his 13 year old classmate Elizabeth Buckley who passed away from an inoperable brain tumor on December 31, 2012.

c. Recognition of core value coin recipients (January-March 2014)

City Manager Randy Knight recognized the following employees who recently received a core value coin for their outstanding public service: Darrell Clayman, Daniel Maier, George Richardson, Lina Strube, David Lanphear, Cindy Bonham, Anthony Furbush, Mark Manu, Andrew Miller, Lena Petersen, Jim Routson, Theresa Broman, Luke Bryan, Barry Carson, Karen Cockerham, Kaitlin Gonzalez, Steve Mathes, Brian Smith, Kevin Tinch, Rod Blackstone, Mike Ruby and Gail Tinch.

d. Outstanding Class C Water Treatment Plant for the Magnolia Water Treatment Plant award

Chairman Jason Perillo, Florida Section American Water Works Association, presented the City with the Outstanding Class C Water Treatment Plant award for the Magnolia Water Treatment Facility.

City Manager's Report

City Manager Knight reminded the Commission about the meeting tomorrow at 5:00 pm regarding the Lee Road extension which will then come to the Commission at a work session on May 5.

City Manager Knight addressed the Winter Park's SunRail station being a "kiss and ride" station and Maitland being a full service park and ride station. He answered questions regarding the circulator bus.

City Manager Knight reported that the new parking lot next to the City Hall employee lot will have 88 new spaces available and hoped to be completed by the end of the week.

City Manager Knight addressed the ongoing negotiations regarding baseball.

City Manager Knight mentioned the possibility of extending the CRA and is intending on bringing the item forward to the Commission for discussion following the CRA meeting on May 12.

City Attorney's Report: No items.

Non-Action Item: No items.

Consent Agenda

- a. Approve the minutes of April 14, 2014.
- b. Approve the interlocal agreements with Valencia College and other local agencies for fire service training.

Motion made by Commissioner Sprinkel to approve the Consent Agenda; seconded by Commissioner McMacken. No public comments were made. The motion carried unanimously with a 4-0 vote.

Action Items Requiring Discussion: No items.

PUBLIC HEARINGS:

- a. Request of Benjamin Partners, LTD and the Sydgan Corporation representing Bubbalous, Inc. on the properties at 970/1000/1008 and 1306 Loren Avenue; 1141 Benjamin Avenue and 1313 Lewis Drive in conjunction with the Ravaudage Planned Development:

Attorney Brown read both ordinances by title. Planning Manager Jeff Briggs explained the request. Upon request, Attorney Brown answered questions regarding the legality.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATIONS OF COMMERCIAL AND LOW DENSITY RESIDENTIAL TO PLANNED DEVELOPMENT FUTURE LAND USE ON THE PROPERTIES AT 970/1000/1008 AND 1306 LOREN AVENUE; 1141 BENJAMIN AVENUE AND 1313 LEWIS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner McMacken. No public comments were made. **Upon a roll call vote, Vice Mayor Leary and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Mayor Bradley was absent.)**

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE COMMERCIAL (C-3) AND LOW DENSITY RESIDENTIAL (R-2) DISTRICT DESIGNATIONS TO PLANNED DEVELOPMENT (PD-2) DISTRICT ZONING ON THE PROPERTIES AT 970/1000/1008 AND 1306 LOREN AVENUE; 1141 BENJAMIN AVENUE AND 1313 LEWIS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner McMacken. No public comments were made. **Upon a roll call vote, Vice Mayor Leary and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Mayor Bradley was absent.)**

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING A PORTION OF LOREN AVENUE WITHIN THE RAVAUDAGE PLANNED DEVELOPMENT AND HOME ACRES SUBDIVISION AREA, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Brown read the ordinance by title. Public Works Director Troy Attaway explained the request in detail and displayed a visual map for ease of reference.

Mr. Attaway answered questions pertaining to the overall process for the road abandonment. Upon request, Attorney Brown provided legal counsel.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner McMacken.

Dr. Rob Hess, Winter Park Veterinary Hospital, 1601 Lee Road, shared concerns that he and his clients will not be able to access his veterinary office due to the proposed realignment of Bennett Avenue. Staff acknowledged the request to coordinate with Dr. Hess to ensure accessibility.

Sam Meiner, Bubbalous Winter Park, 1302 Orange Avenue, shared concerns with reducing the 50 foot turning radius to 40 foot as shown on the proposed plans. He said the large commercial delivery trucks need adequate access to deliver supplies for his business operations.

Applicant Dan Bellows (Benjamin Partners, LTD and Sydgan Corporation), 411 W. New England Avenue, explained the request in detail and addressed concerns pertaining to the turning radius for commercial trucks and local business access. Mr. Bellows clarified that nothing will be done to the existing road until both the City Attorney and staff approve the final engineering and easement documents.

Mr. Attaway advised that staff just received the revised road drawings and at this time do not agree with what is being proposed. He explained that staff will need at least two weeks to review the information to ensure that it meets the appropriate criteria and that revisions may need to be done to address the concerns raised by both Mr. Hess and Mr. Meiner.

Motion made by Commissioner Cooper to table until appropriate staff work has been completed. Motion failed for lack of a second.

Mr. Attaway reassured the Commission that staff intends to produce the easement and the final road layouts showing all turning movements by second reading.

The following spoke in opposition:

Jean Hess, Winter Park Veterinary Hospital, 401 Lee Road
Douglas Loft, 2633 Verona Trail
Lurlene Fletcher, 811 English Court
Sally Flynn, 1300 Highland Road

Upon a roll call vote, Vice Mayor Leary and Commissioners Sprinkel and Cooper voted no. Commissioner McMacken voted yes. The motion failed with a 3-1 vote. (Mayor Bradley was absent.)

Public Comment (5:00 p.m.)

No public comments were made.

c. Request of the City of Winter Park:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" BY AMENDING THE GOALS, OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE ELEMENT RELATED TO THE PLANNED DEVELOPMENT FUTURE LAND USE DESIGNATIONS; COMBINING THE PD-1 AND PD-2 FUTURE LAND USE DESIGNATIONS, DELETING THE MAPS INDICATING THE CANDIDATE AREAS FOR PLANNED DEVELOPMENT FUTURE LAND USE AND DELETING THE PARAMETERS FOR THE CREATION AND ESTABLISHMENT OF PLANNED DEVELOPMENT ZONING DISTRICTS AND OTHER POLICY TEXT RELATING TO PLANNED DEVELOPMENT FUTURE LAND USE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Dori Stone, Director of Planning and Community Development, explained that one of the recommendations of the WRT study of the Comprehensive Plan was to combine the two Planned Development land use designations and to remove the development standards and other limitations that restricted the use of Planned Development future land use within the City. The proposed ordinance reflected the following plan changes:

1. Combines the PD-1 and PD-2 future land use designations into one PD future land use category.
2. Eliminates the four PD candidate area maps but maintains the geographic restriction to locations adjacent to four lane roadways such as Lee Road, Fairbanks Avenue, Orange Avenue, Denning Drive and Aloma Avenue and maintains that PD future land use is not intended or permitted for use within the Central Business District or the downtown core bounded by Fairbanks, Interlachen, Webster and Pennsylvania Avenues.
3. Removes parking garage FAR from the FAR calculations.
4. Eliminates the development standards text such as minimum and maximum parcel size, the lot coverage, setbacks, green space minimums, etc.
5. Eliminates the direction as to the establishment of PD Zoning districts as these have already been adopted.

Upon request, Ms. Stone clarified that the building height restriction maps are not being changed or removed; they will remain in place as is.

Discussion included the pros and cons with possibly removing parking garages from the overall FAR (Floor Area Ratio) calculations and if a minimum parcel size

restriction should remain in the code for Planned Developments. Ms. Stone and Planning Manager Jeff Briggs answered questions.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Vice Mayor Leary.

The following spoke in opposition

Marketa Hollingsworth, 646 W. Comstock Avenue

Marty Sullivan, 901 Georgia Avenue

Maura Smith Sullivan, 901 Georgia Avenue

John Bolden, 541 N. Capen Avenue

Mary Daniels, 650 W. Canton Avenue

Mary Randall, 1000 S. Kentucky Avenue

Donna Colado, 327 Beloit Avenue

Sally Flynn, 1500 Highland Road

Lurlene Fletcher, 811 English Court

Linda Erikson, 535 N. Interlachen Avenue

Patrick Chapin, Winter Park Chamber of Commerce, offered to assist the City with holding community conversations in an effort to reach out to the community.

Pete Weldon, 700 Via Lombardy, explained the differences between the current comprehensive plan and the proposed changes in an effort to ease citizen concerns.

Motion amended by Commissioner Cooper to continue to include parking garages in the calculations of FAR in Planned Developments. Motion failed for lack of a second.

Motion amended by Commissioner Cooper to continue to limit PD residential development to 17 density units per acre. Motion failed for lack of a second.

Motion amended by Commissioner Cooper that the western border be changed to Denning Avenue. Motion failed for lack of a second.

Upon a roll call vote on the main motion, Vice Mayor Leary and Commissioners Cooper and McMacken voted no. Commissioner Sprinkel voted yes. The motion failed with a 3-1 vote. (Mayor Bradley was absent.)

A recess was taken from 6:00 p.m. to 6:17 p.m.

d. Request of the City of Winter Park:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA; ARTICLE I "COMPREHENSIVE PLAN" BY AMENDING THE GOALS, OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE ELEMENT RELATED TO THE MAXIMUM BUILDING HEIGHT WITHIN THE CENTRAL BUSINESS DISTRICT FUTURE LAND USE

DESIGNATION; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS;
PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Dori Stone, Director of Planning and Community Development, addressed the intent of the ordinance to resolve the conflict with the Land Development Code and the Comprehensive Plan. She explained that the Land Development Code allows a 35 foot tall, two story building or a 45 foot tall, three story building in the Commercial Business District, but the Comprehensive Plan prohibits it. The Comprehensive Plan establishes policy and the Land Development Code establishes the maximum height standards.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Vice Mayor Leary. No public comments were made. **Upon a roll call vote, Vice Mayor Leary and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Mayor Bradley was absent.)**

e. Request of the City of Winter Park:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA; ARTICLE I "COMPREHENSIVE PLAN" BY AMENDING THE GOALS, OBJECTIVES AND POLICIES TEXT WITHIN THE FUTURE LAND USE ELEMENT RELATED TO REPEALING THE REQUIREMENT FOR A SUPERMAJORITY VOTE OF THE CITY COMMISSION TO APPROVE CERTAIN CONDITIONAL USES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Dori Stone, Director of Planning and Community Development, explained the two types of Conditional Uses which require a supermajority vote for approval: construction within the stream floodways and floodplains of the City and construction of three story buildings within the Central Business District. The intent of the ordinance is to achieve consistency of majority rule by changing the policies of the Comprehensive Plan. Ms. Stone, Attorney Brown and Planning Manager Jeff Briggs answered questions.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner McMacken.

Mary Daniels, 650 W. Canton Avenue, asked for clarification regarding the supermajority language. Attorney Brown responded.

Upon a roll call vote, Vice Mayor Leary and Commissioners Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote. (Mayor Bradley was absent.)

- f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES; CREATING A DEFINITION OF "CENTER STREET CORRIDOR"; AMENDING THE DEFINITIONS OF "COMMERCIAL CONTAINER", "REFUSE CAN" AND "REFUSE CART"; AMENDING SECTION 82-2, SCHEDULE OF CIVIL PENALTIES; AMENDING SECTION 82-3 AND 82-6, REGARDING ENFORCEMENT OF VIOLATIONS; REPEALING SECTIONS 82-4 AND 82-5; AMENDING SECTION 82-32, PREPARATION OF REFUSE; AMENDING SECTION 82-33, DIRECTING PLACEMENT OF COMMERCIAL CONTAINERS; AMENDING SECTION 82-35, REFUSE CARTS; AMENDING SECTION 82-36, POINTS OF COLLECTION; AMENDING SECTION 82-37, FREQUENCY OF COLLECTION; AMENDING SECTION 82-40, PROVIDING A REMEDY FOR NONPAYMENT OF FEES; REPLACING "DIRECTOR OF PUBLIC WORKS" WITH "CITY MANAGER OR HIS DESIGNEE"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Assistant City Manager Michelle del Valle explained that the intent of the ordinance is to allow consolidation of garbage in the Center Street Business District by replacing the existing dumpsters with a new single front-load garbage compactor, one for each block. Depending on the volume of waste generated, the compactors will be serviced anywhere from three days to six days per week. Citywide information letters have been sent to all impacted businesses regarding the planned changes, the estimated monthly cost impact and the dates for the public hearings. Ms. del Valle answered questions.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner Cooper.

The following spoke in favor:

Lambrine Macejewski, 151 E. Welbourne Avenue.

David Odaowski, Edyth Bush Charitable Foundation, 199 E. Welbourne Avenue.

Upon a roll call vote, Vice Mayor Leary and Commissioners Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Mayor Bradley was absent.)

City Commission Reports:

- a. Commissioner Leary – No items.
- b. Commissioner Sprinkel

Commissioner Sprinkel requested that a summary sheet be posted for the public and emailed to the Commission listing all upcoming work sessions and meetings.

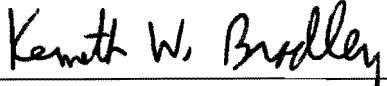
c. Commissioner Cooper – No items.

d. Commissioner McMacken

Commissioner McMacken reported he attended this year's Paint Out event which was truly inspirational.


e. Mayor Bradley – Absent.

The meeting adjourned at 6:45 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham, MMC