

REGULAR MEETING OF THE CITY COMMISSION
June 27, 2016

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Building Director George Wiggins, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Pete Weldon

Also present:

City Manager Randy Knight
City Attorney Kurt Ardaman
City Clerk Cynthia Bonham

Absent:

Commissioner Greg Seidel

Approval of the agenda

Motion made by Commissioner Cooper to approve the agenda; seconded by Commissioner Sprinkel and carried unanimously with a 4-0 vote.

Mayor's Report

a. Presentation – Representatives Miller and Cortes Legislative Update

State Representatives Mike Miller and Bob Cortes provided a Legislative update concerning the session highlights, a balanced budget and what was included in the budget, local funding projects (to include \$2,000,000 for the Howell Branch Preserve), tax cuts, local impact bills, unpassed local bills, and bills brought forward by Representative Miller.

b. Proclamation – Park and Recreation Month – July 2016

Mayor Leary presented Parks and Recreation Director John Holland with a proclamation proclaiming July 2016 as Park and Recreation Month. Mr. Holland addressed his staff and the great job they do with all the City events.

City Manager's Report

There was no report or questions by the Commission.

City Attorney's Report

City Attorney Ardaman addressed the drone issue, the newly passed FAA regulations, and that additional cities have weighed in. They will review all the information, bring back to the Commission and answered questions.

City Attorney Ardaman stated that the bond validation lawsuit should be filed in the next couple of days.

Commissioner Cooper inquired about NOD's and the authority they have as the Commission to work without a Notice of Disposal on property if it is not purchased by the CRA or by the City with the intention of redevelopment. Attorney Ardaman spoke about property that is not acquired with CRA funds and was acquired in advance of the creation of the CRA and not for CRA purposes can be disposed of in any fashion the Commission chooses.

Non-Action Item

No items.

Consent Agenda

- a. Approve the minutes of June 13, 2016.
- b. Approve the following contracts:
 1. Tyler Technologies, ITN-11-2015, Enterprise Resource Planning (ERP) System Selection and authorize the Mayor to execute contract.
 2. Kimley Horn, RFQ-11-2016, Traffic Consultant for City Comprehensive Plan and authorize the Mayor to execute contract.
- c. Approve the one (1) year contract renewal with the YMCA for the operation of the Cady Way swimming pool to expire April 12, 2017. **PULLED FROM THE CONSENT AGENDA FOR DISCUSSION. SEE BELOW.**

Motion made by Mayor Leary to approve Consent Agenda items 'a' and 'b'; seconded by Commissioner Cooper and carried unanimously with a 4-0 vote. No public comments were made.

Consent Agenda item 'c': Approve the one (1) year contract renewal with the YMCA for the operation of the Cady Way swimming pool to expire April 12, 2017.

Commissioner Sprinkel pulled this item and asked about the timing of the installation of the pool heater. City Manager Knight explained the YMCA is providing the funds they pledged and the City has their portion in the budget so the City will be moving forward to installing the heaters for this coming fall in time for the cold months. Commissioner Sprinkel spoke about the need to also update the locker rooms because of the cold water and asked that this be reviewed and to have a plan in place for improvements.

Motion made by Commissioner Sprinkel to approve Consent Agenda item 'c'; seconded by Commissioner Cooper and carried unanimously with a 4-0 vote. No public comments were made.

Action Items Requiring Discussion

- a. Options for Notice of Disposal for 301 Comstock Avenue (City's Blake Yard property)

Planning Manager Jeff Briggs spoke about the last CRA meeting where the intent was to move forward on selling this property. He stated it was not clear if the Commission wanted to sell all or part of the property and there is interest in purchasing a strip for parking from the purchasers of the David Weekly townhomes and an offer to buy the entire property. He stated they could advertise all or part of the property then potential buyers could be free to provide a proposal on all or part of it. He stated if the Commission is willing to entertain offers for pieces then the City could go the purchasing route of all or part of the property. He stated the Commission also needs to discuss whether the zoning should be addressed at the time the property is offered for purchase.

The Commission provided their preferences: Mayor Leary - sell the whole property and not subdivide it and asked about the status of the broker. Commissioner Sprinkel commented that they were supposed to hear back from the broker before taking action. Mr. Briggs stated he needs direction to provide to the broker.

Commissioner Weldon mentioned a potential buyer purchasing the entire property and agreed the property should be sold as a whole. He stated he was comfortable assigning the property an R-2 zoning classification but preferred to vote today to dispose of the entire property, subject to the zoning recommendation from the agent.

Motion made by Commissioner Weldon to dispose of the entire property, subject to a NOD, and subject to the zoning recommendation from the agent; seconded by Mayor Leary.

Commissioner Cooper spoke about the Progress Point NOD whereby the attorney sent a letter that advised them that they should decide on the zoning prior to advertising the property. She asked for a recommendation relative to whether we should or should not decide the zoning prior to releasing the NOD. Mayor Leary explained that was part of the motion.

To clarify the motion, Commissioner Weldon explained the motion: Approve the sale of the entire property under a NOD today, withholding the public distribution of that NOD, making it non-effective until the Commission accepts or rejects a zoning classification from the commercial agent that we have engaged. He clarified his intent also is to include an appraisal along with the zoning recommendation. Mayor Leary agreed as the seconder of the motion.

Commissioner Cooper expressed concerns that we have not considered the proposal for open space nor has the resident been given the opportunity to present the ideas

for utilizing the property. She addressed the map provided to them this evening from Mr. Michaels and the great deal of effort, study, illustration and money has been invested by some City residents that would like to see the City use this as greenspace and open space and a welcoming to our visitors who use SunRail. Mayor Leary stated that the City has already considered this and discussed it at numerous occasions. City Manager Knight stated everyone will have the opportunity to submit for the NOD and if this is the proposal the Commission chooses, they will be awarded the property.

Dan Bellows, representing the adjacent property owner at 216 West Lyman Avenue, stated he was glad to hear that a broker has been engaged. He showed a map explaining the location of the David Weekly townhomes and their current access. He addressed the easement in place and that the adjacent property owner has been trying to buy the Blake Yard property for many years and explained the offers they have made. He concluded that the adjacent property owner is willing to pay a premium for the property exceeding the appraised value.

Forest Michael, 358 W. Comstock, residing across from this property, stated the plan he is showing today is a response from some Commissioners at the last work session. He asked that they be able to come to a work session to allow their group to recap and present their financial plan, etc. Mr. Michael explained the plan that he submitted as a site option and showed a list consisting of 30 people that supported this. He explained the support he has received from various boards.

Upon a roll call vote, Mayor Leary and Commissioners Sprinkel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.

Public Hearings:

- a. ORDINANCE NO: 3041-16: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR VACATION AND ABANDONMENT OF THAT PORTION OF THE NON-VACATED VIA PALERMO ROAD LYING NORTH OF VIA LOMBARDY AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RESERVATION OF A UTILITY EASEMENT; AUTHORIZING EXECUTION OF EFFECTING DOCUMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Cooper to adopt the ordinance; seconded by Commissioner Sprinkel. No public comments were made. Upon a roll call vote, Mayor Leary and Commissioners Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

- b. ORDINANCE NO. 3042-16: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA GRANTING A RESIDENTIAL, COMMERCIAL AND CONSTRUCTION

SOLID WASTE COLLECTION FRANCHISE TO WASTE PRO OF FLORIDA, INC.; PROVIDING TERMS, CONDITIONS AND OTHER PROVISIONS; PROVIDING AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Cooper to adopt the ordinance; seconded by Commissioner Weldon. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.**

- c. Request of Morney Partnership Ltd. for the property at 226 Hannibal Square, East:

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 DESIGNATION OF MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO CENTRAL BUSINESS DISTRICT DESIGNATION ON THE PROPERTY AT 226 HANNIBAL SQUARE, EAST, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE PARKING LOT (PL) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 226 HANNIBAL SQUARE EAST, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Conditional use approval to redevelop the existing parking lot property with a single unit residential project of three stories in height.

Attorney Ardaman read the ordinances by title. Clarification was made regarding the ordinances in the packet that included an incorrect title. After a brief recess, Attorney Ardaman read the correct ordinances due to a scrivener's error on the title of one ordinance. It was clarified that the changes made are reflected in the zoning ordinance above.

Planning Manager Jeff Briggs explained the current site and the current zoning. He reviewed the applicants request to change the comprehensive plan designation from Multi-Family Residential to Central Business District, to change the zoning from PL to C-2, and to build a three story building that would be in the front of the property where you would drive under the building to the parking spaces in the rear. He addressed the conditional use approval request for a three story building holding one single residential unit and the variances for some setbacks.

Mr. Briggs spoke about the Planning and Zoning Board discussions concerning the appropriate zoning and compatibility regarding a three story building in that location. He explained their vote to approve the conditional use with the setback

variance required with a 4-2 vote; their denial of the comprehensive plan ordinance that keeps the future land use multi-family residential; and their recommendation to not change the zoning to C-2 because R-3 allows them to do what they have asked to do. Mr. Briggs answered questions of the Commission.

Commissioner Cooper spoke about a two story building being more compatible and would be supportive of P&Z's recommendation of R-3. She asked if the applicant would be agreeable with R-3 zoning.

Applicant Dan Bellows, 425 W. New England Avenue, representing Morney Partnership addressed the parking, the compatibility, the current zoning, his request for C-2 zoning, other three story buildings in the area, and the comprehensive plan changing in 2009 which does not allow him to build the same type of buildings because of density. He commented that he wants to develop this lot, is not offended by the R-3 zoning but would prefer C-2, and would like a three story building built back of the sidewalk the way they have designed it.

Upon questioning by Mayor Leary, Mr. Briggs explained C-2 versus R-3 zoning and why the Planning and Zoning Board preferred R-3 zoning.

The following opposed the request as the applicant presented it: Mary Daniels, 650 W. Canton Avenue; Lurline Fletcher, 811 English Court; Martha Bryant Hall, 331 West Lyman Avenue; John Bolden, 541 Capen Avenue; Maria Bryant, 450 S. Virginia Avenue; James Giuliani, 865 and 867 S. Pennsylvania Avenue; Forest Michael, 358 W. Comstock.

Motion made by Commissioner Cooper to deny the comprehensive plan change, seconded by Commissioner Weldon.

Motion made by Commissioner Cooper to approve the zoning change to R-3. It was clarified that the applicant needs to consent to the R-3 zoning. Mr. Bellows agreed to the R-3 zoning which was P&Z's recommendation. **The motion was seconded by Mayor Leary.**

Motion made by Commissioner Sprinkel to approve the conditional use request; seconded by Mayor Leary.

Motion amended by Commissioner Cooper that the conditional use development be built to R-3 standards (which means the height allowed by R-3 zoning for a single family home on 5,000 square foot lot). Motion failed for lack of a second.

It was clarified that the variances requested is part of the conditional use approval.

Upon a roll call vote to deny the comprehensive plan change, Mayor Leary and Commissioners Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

Upon a roll call vote to approve the zoning change to R-3, Mayor Leary and Commissioners Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

Upon a roll call vote to approve the conditional use request to include all the variances, Mayor Leary and Commissioners Sprinkel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 3-1 vote.

Public comments (items not on the agenda)

Karen Giuliani, 865 and 867 S. Pennsylvania Avenue, spoke about the work being done to widen their sidewalk that they were unaware of and asked that the sidewalks remain the same width.

James Giuliani, 865 and 867 S. Pennsylvania Avenue, spoke about their sidewalks and asked that it be put back the way it was. He showed a map pointing out the bike lane because of concerns with bicyclists racing down the sidewalk at his property.

Mary Daniels, 650 Canton Avenue, spoke about the two story house facing Pennsylvania Avenue where her aunt was born in 1910 that is historical. She asked that the Westside homes be preserved and if development is going to take place to hold the developers to the zoning that it is and not be able to change it.

Recess

A recess was taken from 5:48 – 6:05 p.m.

d. Request of the City of Winter Park:

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADD AND AMEND POLICIES IN THE TEXT OF THE FUTURE LAND USE ELEMENT AND ALSO WITHIN THE WEST FAIRBANKS CORRIDOR STUDY AREA "L" SO AS TO REVISE AND ADOPT NEW POLICIES CONCERNING BUSINESS TYPES TO BE PROHIBITED WITHIN SPECIFIED GATEWAY CORRIDOR ENTRANCES INTO THE CITY OF WINTER PARK IN ORDER TO ENHANCE THEIR AESTHETIC APPEAL AND IMPROVE PROPERTY VALUES ALONG SUCH GATEWAY CORRIDORS. First Reading

Attorney Ardaman read the ordinance by title.

Planning Manager Jeff Briggs explained the history of the West Fairbanks Corridor up to I-4 being predominately in incorporated Orange County 15-17 years ago that the City annexed. He addressed the redevelopment in that area by the City. He spoke about the policy for West Fairbanks from 2009 about certain types of business uses the City did not want to be along that gateway corridor. He stated that fast food businesses was also a part of this policy and now the City realizes there are certain types of fast food or fast casual that may be appropriate on the corridor. He explained that this is the only place in the City where we have this rule; fast food is a conditional use judged on a case by case basis everywhere else in the City and that

they want to change the rules for West Fairbanks to mirror the rules for the rest of the City.

He concluded that this is brought to the Commission as a comprehensive plan amendment and that it has to go to Tallahassee if approved on first reading and adoption. He added that they are trying to protect the gateway corridor entrances that help define the City and trying to level the playing field by treating fast food on Fairbanks the same way as elsewhere in the City. Mr. Briggs responded to questions of the Commissioners.

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

- e. Request of Ladybird Academy: Conditional use approval to develop and operate a day care and pre-school within a new one story 13,000 square foot building to be constructed on the properties at 1424-1428 Gay Road and 1419-1421 Trovillion Avenue on properties zoned O-2 and R-3.

Planning Manager Jeff Briggs explained the request, the current zoning, and that a daycare is a conditional use. He summarized the surrounding area consisting of commercial and office, the Chateaux Du Lac condominiums, homes, Killarney Bay condominiums, and the former K-Mart shopping plaza. He spoke about the site plan for the layout of the building, the parking and circulation, landscape buffering that is provided around the property and that generally these provisions meet the code. The applicant is asking for one variance relating to the playground in the rear or southern part of the building because of the need for security so they need a 6' wall/fence combo along Trovillion Avenue which is higher than the code.

Mr. Briggs commented that the conditional use looks primarily at compatibility. He explained what took place at the P&Z Board meeting and concerns about the traffic generation and commentary by neighbors concerned with the playground activity creating noise. This resulted in a 5-1 vote to deny the request primarily citing the negative impacts of the increase in traffic generation as well as the playground noise. He spoke about the standards for consideration of conditional use requests and that the proposed use not create these kinds of degradation to the peaceful use of property, etc. In respect to those two criteria, P&Z felt it did not meet the standards for granting of a conditional use.

Attorney Chris Cathcart, Ossinsky & Cathcart, P.A., 2699 Lee Road, Winter Park, and representing the applicant, introduced the members of the team that provided an overview of the proposed daycare and traffic study concerns. The following spoke: Maron Boulton (along with Ben and Carter their son), 1500 Palmer Avenue, Winter Park (addressed the need for more daycare in the City); Annaliza Sakala, owners of other Ladybird Academy in Debary (the need for more daycare and what they offer); Solange Dao, Dao Consultants, Inc. (civil engineer) (addressed the site plan and design features); Patricia Tice, Crews LLC, 606 Courtlea Cove Avenue,

Winter Garden (addressed traffic concerns and the traffic study); Derek Sakala owner of Ladybird Academy who performed his own analysis of the traffic comparing other Ladybird sites; Mark Carpenter, Pinel & Carpenter, Inc. (real estate appraiser) (addressed property values and said there will be no decrease in value because of the type of proposed use).

Attorney Cathcart displayed photos of the surrounding area from the property. In summary, he stated that the property for a pre-K/daycare is not adverse to the comprehensive plan, the daycare is permitted as a conditional use in R-3 and O-2, City staff approved this project, and it meets the minimum requirements. He stated they have addressed all the concerns of the surrounding property owners concerning traffic and any impacts on the roads, noise with the children, property values, and compatibility with the area.

City Attorney Ardaman read the 12 separate criteria that govern the Commission's and the Planning and Zoning Board actions from City code that are standards for consideration of conditional use requests.

The following spoke in opposition to the request due to concerns with traffic and noise with the playground: Stephanie Barnes, 620 Killarney Bay Court; Terry Duke, 650 Killarney Bay Court; Jackie Moore, 1500 Gay Road; David Gabbai, 401 Country Club Drive; Pamela Dressell, 1500 Gay Road, #17A; Janice Erikson, 1500 Gay Road, #17D; Betti Gorenflo, 571 Lake Front Boulevard; Jill Taylor, 740 Killarney Bay Court; Gladys Rengifo-Ellis, 760 Killarney Court; Chris Laidley, 120 Killarney Bay Court; Anne Burns, 560 Killarney Bay Court; Rosalie McMasters, 710 Killarney Bay Court; Nancy Strickler, 1500 Gay Road, #21-A; David Dotherow, 1500 Gay Road, #3A; David Robold, 612 Country Club Drive; and Dominick Serago, Jr., 610 Killarney Bay Court.

Mayor Leary stated the Commission is very familiar with that area and thanked the residents for their time and patience.

Attorney Cathcart was given the opportunity to address concerns of the neighbors after public comments closed. Ms. Tice addressed three points brought forward by the residents concerning traffic. Attorney Cathcart spoke about other businesses/offices that can be built there that will eventually happen.

Commissioner Sprinkel commented there are many daycare facilities in the City without waiting lists and did not see a huge need. She spoke about the noise that will come from these facilities and did not believe this to be the right place to build because of the large impact to that community.

Motion made by Commissioner Sprinkel to deny the request because of compatibility issues; seconded by Commissioner Cooper.

Commissioner Cooper stated this is not consistent with the compatibility of the neighborhood; it is a quiet residential multi-family senior neighborhood for the most

part. She commented it is also an issue of traffic because there is no way to take the traffic off and flow it into other areas and believed it would be creating a situation where the traffic is not good for the community.

Commissioner Weldon recognized the applicant for running a very professional and successful business that would be a great asset to the City. He spoke about the passion and thoroughness of our residents in terms of how they address challenges that face them. He stated this comes down to the legalistic aspects of whether or not it meets the requirements for a conditional use approval and that he judged that it does not. He supported the P&Z rulings with regard to increased traffic, the noise and other aspects of the commentary that is in the minutes from P&Z. He encouraged the applicant to find another location in the City for their facility.

Mayor Leary echoed Commissioner Weldon's comments, thanked the applicant, this is a nice facility but has challenges with the compatibility of it in this neighborhood.

Upon a roll call vote on the motion to deny, Mayor Leary and Commissioners Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 4-0 vote.

City Commission Reports:

a. Commissioner Seidel – Absent.

b. Commissioner Sprinkel – Spoke about the need to celebrate our heritage not only with historical buildings but also people for their contributions made to the City. She asked that the City do something to recognize these people. Mayor Leary mentioned the new library and if there could be an area designated for this purpose. Commissioner Cooper mentioned the Chamber of Commerce building that could also be utilized. There was consensus to have staff look into this.

Commissioner Sprinkel spoke about her Coffee Talk and apologized for missing the CRA Agency meeting.

c. Commissioner Cooper – Announced that Midge Ruff turned 105 years old at the Mayflower and thanked City staff for attending her celebration.

Commissioner Cooper asked about receiving petitions and if they should be part of the minutes. It was clarified that these were provided in the packet.

Commissioner Cooper brought up the issue of R-2 zoning codes and asked that staff review them. There was a consensus for staff to look at this.

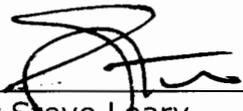
d. Commissioner Weldon

Commissioner Weldon stated he wanted to encourage support to work together on trying to prioritize how they will spend the money on bigger ideas that encompass

the scope of the dollars that may be available to the city over the next several years and to work with staff on prioritizing those ideas. He stated maybe it is part of the CIP discussion. He stated he wasn't sure at the work session if there was a consensus to do an appraisal of the City Hall property; not because he wants to sell it but that we need to know the value and understand the full picture. It was determined that these type issues will be discussed during strategic planning and budget time. Mayor Leary supported that and added that they also need to come to those meetings with not only what to spend but ways to also save.

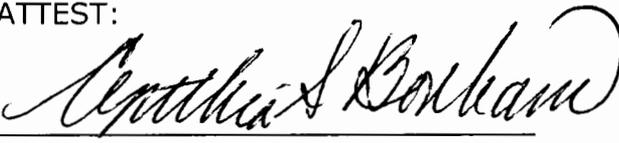
e. Mayor Leary – No report.

The meeting adjourned at 8:40 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC