

REGULAR MEETING OF THE CITY COMMISSION
January 23, 2017

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 Rev. Dr. Harold Custer, St. Andrews United Methodist Church, followed by the Pledge of Allegiance.

Members present:

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

Also present:

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

Approval of the agenda

Motion made by Commissioner Cooper to approve the agenda with the removal of public hearing 'd' (postponed); seconded by Commissioner Seidel and carried with a 4-0 vote with Commissioner Weldon voting no. Commissioner Weldon asked about the Age Friendly Winter Park Advisory Board item that will be discussed under the Mayor's Report.

Mayor's Report

a. Business Recognition Award Recipient 4th Quarter 2016 – Izea, Inc.

CRA Manager Kyle Dudgeon introduced Ted Murphy, CEO and Founder of Izea, Inc. with the Business Recognition Award, 4th Quarter. Mr. Murphy explained their business that is headquartered in Winter Park and that they are happy to be in Winter Park.

b. Board appointment – CRA Advisory Board

Mayor Leary nominated Teri Gagliano for the CRA Advisory Board (alternate position); seconded by Commissioner Weldon and carried unanimously with a 5-0 vote.

c. Golf Course Task Force (Advisory Board)

Mayor Leary explained the function of the five member advisory board. After discussion, the ordinance will be amended to add this board and names of potential members will be nominated at the time the ordinance is brought forth. **Motion made by Mayor Leary to bring forth an ordinance; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

d. Appointments to the Age Friendly Winter Park Advisory Board (Commission and citizen representative)

Commissioner Weldon commented that programs such as this should emanate from Winter Park citizens directly and be supported by the Commission as a larger scale issue if they all agree. Mayor Leary addressed his challenge with creating this board with a Commission member and City staff that is run by an outside organization. City Manager Knight stated the board can move forward without the City's participation. Upon further discussion, no action was taken on this item.

City Manager's Report

City Manager Knight reported that the Cady Way swimming pool will be on the next agenda.

Commissioner Cooper asked about receiving links to the City's design standards. City Manager will make sure that happens.

Commissioner Seidel asked if the connectivity between adjacent properties is promoted in the comprehensive plan (cross access agreements). Planning Director Dori Stone stated it would have to be put into our Land Development Code. She will bring back examples of cross access agreements/easements from other jurisdictions.

Commissioner Cooper asked about vertical zoning and the need for further discussion with the properties within the CBD and Hannibal Square along our commercial roads. This will be further discussed as an agenda item.

City Attorney's Report

Attorney Ardaman had no report.

Consent Agenda

- a. Approve the minutes of January 9, 2017.
- b. Approve PR 161226 to Musco Lighting, Inc. for Ward Park Field 8 light pole replacement.
- c. Approve the agreement between the Winter Park Garden Club and Mead Botanical Gardens and agree to amend the existing land lease pending City Attorney approval of the wording. **PULLED FOR DISCUSSION. SEE BELOW.**
- d. Approve a six month extension of pay differential for an employee currently deployed on active military duty.

Motion made by Commissioner Weldon to approve Consent Agenda items a, b and d; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote. No public comments were made.

Consent Agenda item 'c'

Attorney Ardaman explained the agreement in the packet that the Commission does not need to approve but that the City is a party to two agreements with Mead Botanical Garden, Inc. and the Winter Park Garden Club. He asked for feedback regarding the existing agreement with Mead Botanical/Garden Club which requires payment from the City of \$70,000 if the City does not renew the lease. The other issue is with respect to ownership of the Garden Club building and if the City expects and intends to own the building, regardless of whether Mead Botanical Garden, Inc. takes over the lease or it is assigned.

Bill Weir, Mead Botanical Garden, Inc. addressed their intent for the Garden Club to use the facility wherever it is at no charge as long as they have a relationship with the City. He suggested cancelling the lease with the Garden Club and to remove the restriction in their lease that says the property where the building is built is exempted from their lease.

Mayor Leary commented that it is in the City's best interest to own the property and building and to have this all under one lease. Mr. Weir stated they agree with moving forward approving the assignment of the lease knowing the City is going to rewrite the lease for the entire facility.

Motion made by Commissioner Weldon to approve an assignment with Mead Gardens to own the structure, no reimbursement by the City as provided currently under the Garden Club lease, and Mead Gardens to provide insurance and authorize the City Manager to execute that document to effect that on or before the 31st to accommodate the closing of the Garden Club building purchase; and to renegotiate the lease in combination with Mead Gardens; seconded by Commissioner Sprinkel. No public comments were made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Action Items Requiring Discussion

No action items.

Public Hearings:

- a. ORDINANCE NO. 3061-17: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE APPROVAL OF THE PROJECT WELLNESS FINAL PLAT AND ACCEPTANCE OF THE DEDICATIONS THEREIN, INCLUDING THE RECONFIGURED PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE VACATION AND ABANDONMENT OF CERTAIN PORTIONS OF MIZELL AVENUE, SOUTH EDINBURGH DRIVE AND NORTH PERTH LANE AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE VACATION AND ABANDONMENT OF CERTAIN DISTRIBUTION AND UTILITY EASEMENTS; PROVIDING FOR THE RENAMING OF CERTAIN

PUBLIC RIGHTS-OF-WAY; PROVIDING FOR CONFLICTS, SEVERABILITY,
AN EFFECTIVE DATE AND RECORDING Second Reading

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 Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

b. Request of TGG Ltd.

ORDINANCE NO. 3062-17: 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 COMMERCIAL TO CENTRAL BUSINESS DISTRICT ON THE PROPERTY AT 309 WEST NEW ENGLAND AVENUE (LOT 16, BLOCK 40), MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

ORDINANCE NO. 3063-17: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (R-3), DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 309 WEST NEW ENGLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Attorney Ardaman read the ordinances by title.

Motion made by Commissioner Weldon to adopt the comprehensive plan ordinance; seconded by Commissioner Sprinkel. Lurline Fletcher, 811 English Court opposed both ordinances because of rezoning the property on the Westside. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

Motion made by Commissioner Weldon to adopt the zoning ordinance; seconded by Commissioner Sprinkel. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

Commissioner Cooper asked if this property can be subject to the vertical zoning standards. Planning Manager Briggs stated once the comprehensive plan is adopted it will be subject to this.

c. Request of St. John Evangelical Lutheran Church: Conditional use approval to use their vacant properties at 1010 Garden Drive and 1021 Camelia Avenue zoned Single Family Residential (R-1A), as unpaved grass parking lots for the church, church school and community events

Planning Manager Jeff Briggs explained the request and that it will be a temporary use.

Motion made by Commissioner Cooper to approve the conditional use request (only for a temporary use) as approved by P&Z; seconded by Commissioner Weldon. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

d. Request of Rollins College: Postponed until February 27, 2017.

e. Request of Winter Park Real Estate Advisors, Inc.:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM SINGLE FAMILY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON THE ELEVEN FEET TO THE EAST OF 326 HANNIBAL SQUARE, EAST AND TO CHANGE FROM CENTRAL BUSINESS DISTRICT TO MEDIUM-DENSITY RESIDENTIAL ON THE PROPERTY AT 354 HANNIBAL SQUARE, EAST AND FROM SINGLE FAMILY RESIDENTIAL TO LOW DENSITY RESIDENTIAL ON THE PROPERTIES AT 463 AND 455 WEST LYMAN AVENUE, 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 TO CHANGE FROM SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE ELEVEN FEET OF PROPERTY TO THE EAST OF 326 HANNIBAL SQUARE, EAST AND TO CHANGE FROM COMMERCIAL (C-2) DISTRICT ZONING TO MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING ON THE PROPERTY AT 354 HANNIBAL SQUARE, EAST AND FROM SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING TO LOW DENSITY RESIDENTIAL (R-2) DISTRICT ZONING ON THE PROPERTIES AT 463 AND 455 WEST LYMAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Conditional use approval to redevelop the properties at 326 and 354 Hannibal Square, East and at 465, 463 and 455 West Lyman Avenue with a nine unit, two and three story residential project, prospectively zoned R-3 and R-2; providing for certain exceptions and for a development agreement, if required.

Attorney Ardaman read both ordinances by title. Planning Manager Jeff Briggs explained the zoning of the properties, the surrounding area zoning, and the conditional use request. Mr. Briggs spoke about the 463 and 455 West Lyman Avenue parcels (eastern 2/3 of the property) currently zoned single family that they want to change to R-2. He addressed the revised site plan that flips the single family unit to the eastern end because it abuts single family and makes it

compatible. He stated they are not asking for any exceptions for the R-2 properties and the only issue is the land use change as to whether to permit the two additional units or maintain the single family land use. Mr. Briggs addressed staff's positive recommendation for that change because of the general context of the site that is next door to the parking garage, it backs up to commercial development to the north, and that staff has included policy direction in the comprehensive plan that outlines how redevelopment should be treated that is clearly coming along the north side of Lyman Avenue.

Commissioner Seidel disclosed conversations with the client's attorney, Ms. Mary Daniels, and the architects. Commissioner Cooper stated she spoke with many residents. Commissioner Weldon spoke with the applicant. Commissioner Sprinkel received an email from the applicant. Mayor Leary stated he read emails but have not spoken to anyone.

Attorney Rebecca Wilson, representing the applicant, provided a PowerPoint presentation outlining the zoning of the property and surrounding properties, the parking garage, the alleyway, the vacant property currently there, and the home on the far east portion of the property. She summarized the lots the applicant owns that they want to build on and the changes made to the updated site plan they provided. She asked for approval of their zoning request and approval of the conditional use permit. She explained there will be a development agreement brought back at second reading that deals with access to the alleyway, neighbors to the north and anything else that comes up this evening that needs to be included.

Architect Randall Slocum explained the lot coverage. Commissioner Seidel agreed with the request but expressed his preference to make the townhouses look unique and to have a smooth transition into the current houses there.

Motion made by Commissioner Sprinkel to accept the comprehensive plan ordinance on first reading; seconded by Commissioner Weldon.

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

Motion made by Commissioner Sprinkel to approve the conditional use with the condition that the development agreement comes back at the second reading to address any issues and that the conditional use not be effective unless and until the comprehensive plan and zoning are effective; seconded by Commissioner Weldon.

Commissioner Weldon agreed with the design and the consistency of the design. He spoke about the Commission agreeing to change the comprehensive plan from the north side of Lyman Avenue to limit future development to R-2 to avoid a proposal for larger development. He stated this project creates the transition correctly at the right density and intensity for the properties involved and expects the south side to remain R-1.

The following spoke in support of the request:

Attorney Alexandre Mestdagh, Mestdagh & Wall P.A. representing ORC Hannibal Square LLC and ORC Hannibal Square II, LLC, 541 S. Orlando Avenue, Maitland (owners of the mixed use project north of the applicant's property)
Pamela Peters, 467 Lakewood Drive
Javier Omana, 426 West Lyman Avenue

The following spoke in opposition to the request:

Martha Bryant Hall, 331 West Lyman Avenue
Glenn Franklin, 445 West Lyman Avenue
Maria Bryant, 450 S. Virginia Avenue
Sally Flynn, 1400 Highland Road
Pat McDonald, 2348 Summerfield Road
Lurline Fletcher, 811 English Court
James Giuliani, 867 South Pennsylvania Avenue

Commissioner Cooper spoke expressed the difficulty with her decision because of her respect for the architect involved. She spoke about the codes and the entitlements to develop this property where a very large house could be built there as R-1A that would not be the same scale of what exists there now. She expressed her preference to build single family homes on the Lyman property and would not support the zoning change of R-1 to R-2. She wanted to support the other change (Hannibal property) but cannot because the way this was presented in a bundle.

Discussion ensued regarding the design to make each townhome unique. Mr. Slocum addressed Mayor Leary's and Commissioner Seidel's concern concerning uniqueness of the buildings. Commissioner Seidel addressed concerns with the house on the end and hoped something could be done to not encroach on the neighbor or take away her privacy. Mr. Slocum spoke about their different style windows where they can look at minimizing the size and number of the windows to provide privacy to the property to the east, especially on the second story.

Commissioner Weldon commented that he would love to accommodate every emotional concern of every citizen but that realty is not available to him and has to look at this from a planning context point of view. He believed this project to be the appropriate density and transition to single family that will be preserved on the south side of Lyman Avenue. He spoke where the comprehensive plan allows for transition of the north side of Lyman between New York Avenue and Hannibal Square to R-2 over time should property owners elect to pursue that.

Commissioner Seidel spoke about the need to respect the privacy of the adjacent property on the east side and that the windows on the eastern most property be designed respect the privacy of the property to the east. It was clarified that he can work with the architect before the second reading to remedy this.

Upon a roll call vote on the comprehensive plan ordinance, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the zoning ordinance, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the conditional use request including development agreement approval with provisions as discussed regarding parking and access as well as Attorney Wilson's issues and that the conditional use not be effective unless and until the comprehensive plan and zoning ordinances are effective, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Public Comments (items not on the agenda)

Karen Giuliani, 865 and 867 South Pennsylvania Avenue, spoke in opposition to the Rollins College public hearing that was pulled this evening from the agenda.

Pamela Peters, 467 Lakewood Drive, expressed concerns with pedestrian safety with vehicles not stopping to allow pedestrians to cross the road, especially on Park Avenue. She asked that something be done to help with this.

James Giuliani, 867 South Pennsylvania Avenue, spoke in opposition to the Rollins College public hearing that was pulled this evening from the agenda.

Linda Eriksson, 535 North Interlachen, asked that parking spaces on Park Avenue be marked to delineate parking spaces to help with the parking situation.

Stephen Coutant, 905 Lakeview Drive, spoke in opposition to the Rollins College public hearing that was pulled this evening to be on the February 27 agenda.

City Commission Reports:

a. Commissioner Seidel - Reported that he attended the Bach Festival and that he is hosting the second meeting with the neighbors regarding Champion Circle.

b. Commissioner Sprinkel - Asked to look at the curbs that are breaking throughout the City with heavy trucks and buses running over them. She addressed the safety with the Cady Way bike paths with bikers not stopping at the intersection (consensus for staff to review). She asked that the Mayor's upcoming State of the City address be streamed and videoed. She asked to fix the dip in the road at the Lee Road extension. Spoke about signs appearing on stop signs throughout the City and asked that staff review that. Staff will look at signs that are posted and determine how to manage them and to screen new signs getting sent out.

c. Commissioner Cooper – Spoke about the problems with curbs breaking she believed to be a right-of-way issue with vehicles not making the turning radiuses on major streets. She asked for a copy of the Rollins College master plan from 2010. She addressed a letter of thanks for Bruce Kern and Steve Mathes and their co-workers and that she appreciates staff respecting and supporting the residents. Lastly, she asked if more benches can be placed at bus stops (mentioned New York Avenue and Webster Avenue) so people do not have to sit on the ground.

d. Commissioner Weldon – Spoke about a letter received from Cain Cervenka regarding bike crossing where he will provide his response to him that he copied to the City Manager and the Chair of Transportation Advisory Board. He expressed his appreciation for the Bach Festival event at Casa Feliz where the Bach Festival Chairman asked him to tell City staff and the Commission how much their organization appreciates the support they have received over the years and that they are happy to be able to continue to expand their programming.

e. Mayor Leary – Thanked Vice Mayor Sprinkel for filling in for him at the Unity Festival. He thanked the Commission for their service that is sometimes a thankless job and addressed the receipt of bombastic and untrue comments being made about pushing people out and having closed door meetings. He asked if something can be done to stop miscellaneous papers being left in the driveways (Attorney Ardaman addressed Winter Gardens ordinance that he will provide as to how they address that). Fire Chief White spoke about receiving other complaints and that they have used their solicitation ordinance and sent out letters that they have seen it slow down after sent.

Mayor Leary also asked about vehicles making U-turns in the middle of Park Avenue and other streets holding up traffic and causing pedestrian issues. He asked if there is support from the Commission to look at a No U-Turn policy on Park Avenue. Police Chief Deal comments about the need for signs to be able to enforce it. This will be reviewed.

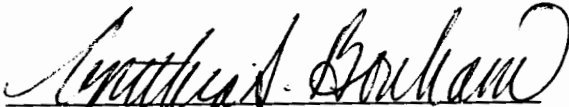
Mayor Leary addressed crosswalks and asked that the stanchions continue to be rotated throughout the City because they seem to help the situation.

The meeting adjourned at 6:47 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC