

**REGULAR MEETING OF THE CITY COMMISSION
MAY 14, 2018**

Mayor Steve Leary called the meeting of the Winter Park City Commission to order at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Pastor Phil Young, Aloma Baptist Church, followed by the Pledge of Allegiance.

Members present:

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

Also Present:

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

Approval of agenda

Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Weldon and carried unanimously with a 5-0 vote.

Mayor's Report

a. 2018 Board appointments

Mayor Leary nominated the following board members. **Motion made by Mayor Leary to approve the list as follows; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.** Commissioner Seidel asked if the process could be done differently where the entire Commission discusses potential appointments beforehand. Mayor Leary stated he has encouraged Commissioners to have potential members submit applications and he is happy to receive and consider them. Commissioner Cooper agreed that having discussions beforehand regarding potential applicants would be beneficial before the Mayor makes the actual appointments.

Board of Adjustments: Michael Clary moved from alternate to replace Lucy Morse (2017-2020 1st partial term); Aimee Hitchner was reappointed (2018-2021); and Charles Steinberg was appointed as alternate.

Code Compliance Board: Todd Boyer was reappointed (2018-2021); Daniel McIntosh was reappointed (2018-2021); Kyle Sanders was reappointed (2018-2021); and John Terwilliger was appointed as alternate.

CRA Advisory Board: Lambrine Macjewski was reappointed (2018-2021); Jeffrey Stephens was reappointed (2018-2021); Mike Emerson was appointed (2016-2019 1st partial term to replace Tom Hiles). The alternate position remained open.

Construction Board of Adjustment and Appeals Board: Tony Apfelbeck was appointed to fill the vacant fire professional position (2018-2021).

Economic Development Advisory Board: Betsy Eckbert (Chamber of Commerce President was reappointed 2018-2021); Bill Segal replaced Stephen Flanagan (2018-2021); Russell T. Bruguere was appointed to replace Kelly Olinger (2018-2021); and Peter Muller resigned leaving the alternate position vacant.

Golf Course Advisory Board: The board should consist of 5 members (not 7) and an alternate. Marc Reicher was reappointed (2018-2021); Jeff Shafer and Dave Cocchiarella came off the board; Hannah Wickham replaced Aaron Bearden as alternate.

Historic Preservation Board: Jason Taft moved from alternate to replace Bill Segal (2018-2021); Laura Armstrong was reappointed (2018-2021); Randall Slocum was appointed as alternate.

Housing Authority: Dorothy Felton, Kenneth Goodwin and Judith Kovisars were reappointed (2018-2021); Karen Jacobs was appointed to replace Mike Haye who resigned (2018-2021).

Keep Winter Park Beautiful and Sustainable Board: Nora Miller moved from alternate to replace Natalie Hellman (2018-2021); Ben Ellis was reappointed and put in Sally Miller position (2018-2021); Ellen Wolfson was reappointed (2018-2021); David Daly was appointed (2016-2019 1st partial); and the alternate position remained vacant.

Lakes and Waterways Board: Amy Byrd was reappointed (2018-2021); David Moorhead was appointed as alternate.

Parks and Recreation Advisory Board: Brian Furey replaced Addison Lanpher (2018-2021); Chris Morrison was appointed as alternate.

Public Arts Advisory Board: Lauren Branzei was reappointed (2018-2021); Catherine Knudsen moved from alternate and replaced Susan Battaglia (2017-2020 1st partial term); Linda Metcalf replaced Sarah Davey (2018-2021); Jessica DeArcos was reappointed (2018-2021); Caryn Israel was reappointed (2018-2020); Austin Reeves was appointed as alternate.

Transportation Advisory Board: Duane Skage was reappointed (2018-2021); Steve Boyd replaced Jim McFarland (2018-2021); Tonya Mellen was reappointed (2018-2021); Jonathan Thigpen was appointed to replace Harry Barley (2016-2019 1st partial); the alternate position (Tom McMacken resigned) was not filled.

Utilities Advisory Board: Rick Baldocchi and Lawrie Platt Hall were reappointed (2018-2021).

Fire Pension Board: Tony Gray was reappointed (2018-2020).

Police Pension Board: Mike Broshcart resigned; the position was not filled.

City Manager's Report

City Manager Knight reminded the Commission about the board appreciation event on May 23 at 5:30 and the cancellation of the May 28 meeting because of the Memorial Day holiday. City Manager Knight announced that tonight is Fire Chief Jim White's last Commission meeting before retirement and commented about his appreciation for his leadership and professionalism for many years. The entire Commission provided comments about the excellent job he has provided over the years for his department and the state. Fire Chief White thanked the Commission for the support they have always provided.

Commissioner Seidel asked about the status of the Orange Avenue report on traffic crashes. City Manager Knight stated they received a report from the State who recommended a limiting left hand turn off Westchester both east and westbound on certain times of the day. He stated they are reviewing signage as an option to see if that will be enough to help the issue. Discussion ensued regarding potential increases in traffic through neighborhoods and that the Commission wants to see staff's solution prior to implementation in case they are contacted by the public.

Commissioner Cooper spoke about the Orange County Planning and Zoning Board rejecting the RaceTrac on Semoran Boulevard and asked what happens next and if it goes to their Commission. Planning Manager Jeff Briggs stated it is going to their County Commission sometime in June. She also spoke about the flooding on 17-92 and who is correcting the problem. City Manager Knight commented it is Maitland's responsibility because of their development project in connection with the DOT and they are working on a solution.

The regular Commission meeting adjourned at this time (3:54) to approve the CRA minutes. The CRA Agency convened at this time.

City Attorney's Report

- a. CRA Agency approval of minutes

Motion made by Commissioner Weldon to approve the April 23, 2018 CRA Agency minutes; seconded by Commissioner Sprinkel and carried unanimously with a 6-0 vote. There were no public comments.

After approval, the regular Commission meeting reconvened (3:56). City Manager Knight stated the next time they will meet 5 minutes earlier before the regular Commission meeting so they do not have to affect the Commission meeting.

Continuation of City Attorney report

Attorney Ardaman brought forward the contract with the City and Verax, the buyer of the 1111 Fairbanks Avenue property. He stated the Commission approved the contract that has a contingency for an agreed shared parking use agreement. He stated the buyer has requested they close early on May 25 so he is bringing the agreement to the Commission this evening for approval. He commented about previously providing this to the Commission for review and over the weekend made other changes to the agreement that is acceptable to the applicant. He spoke about the business that wants to lease the entire building and property to and the original hours of operation (Monday-Friday from 5:00-10:00 pm and on Saturday and Sunday from 8:00 am-11:00 pm) shared parking for at least the 25 spaces on the north side of property abutting Comstock Avenue).

He stated the doctor's group that wants the property has hours of operation Monday-Saturday from 7:00 am-7:00 pm so the tenant needs all the parking but are still willing to agree to the 25 spaces. He addressed the adjustment of hours: Monday-Saturday from 6:00 pm until 11:00 pm; Saturday from 12:00 noon to 11:00 pm; and on Sunday from 8:00 am to 11:00 pm.

Ann Long, Dean Mead law firm, 420 S. Orange Avenue, Orlando, stated they have also agreed the City would have use of those spaces on national holidays as well.

Motion made by Commissioner Sprinkel to approve the agreement as presented; seconded by Commissioner Weldon.

Commissioner Cooper wanted to hear from staff as to their needs for parking. City Manager Knight stated staff is pleased to be able to obtain this much parking and will continue to work with them once they are in place to see if additional parking can be worked out. Assistant Parks Director Jason Seeley spoke about the hours they need for activities.

There were no public comments made.

Commissioner Seidel spoke about adding more vehicle trips to the Fairbanks Avenue intersection between 5:00-7:00 and had previously asked about looking at different ways to add parking on the street. He stated he would rather gain 25 of the City's own spaces and work a deal where the business can have all their own spaces. He commented about feeling rushed with approving this agreement.

Motion made by Commissioner Seidel to table this item until they have a chance to fully review this; seconded by Commissioner Cooper. The motion failed with a 3-2 vote with Mayor Leary and Commissioner Sprinkel and Weldon voting no.

Motion amended by Commissioner Seidel that we have parking from the original hours of 5:00-10:00 pm and on Saturdays and Sundays (original hours). Mayor Leary stated he understands what Commissioner Seidel is concerned with but that he wants staff to review Comstock to see if there can be more on-street parking. **The amendment failed with a 3-2 vote with Mayor Leary and Commissioners Sprinkel and Weldon voting no.**

Motion amended by Commissioner Cooper that staff pursue with the buyer a reservation for a future consideration of a shared parking facility on your parking area. Amended failed for lack of a second. Attorney Ardaman commented it would cause issues because it is not part of the contract.

Motion amended by Commissioner Seidel that they pay 100% of the maintenance cost for the parking lot since we are using lesser hours; seconded by Commissioner Cooper. The amendment failed with a 3-2 vote with Mayor Leary and Commissioners Sprinkel and Weldon voting no.

Upon a roll call vote on the main motion to approve as presented, Mayor Leary and Commissioners Sprinkel and Weldon voted yes. Commissioners Seidel and Cooper voted no. The motion carried with a 3-2 vote.

Non-Action Items

- a. Financial report - March 31, 2018

Finance Director Wes Hamil provided a presentation on the first six months of the fiscal year for permit and plan review revenues, the first five months of the half cent sales tax revenue, golf course operations (first six months of fiscal year), CRA tax increment revenue, water and sewer figures, and electric figures. Mr. Hamil answered questions.

Consent Agenda

- a. Approve the minutes of April 23, 2018.
- b. Approve the following solicitation awards and authorize the Mayor to execute:
 1. Ceres Environmental Services, Inc. – RFP-5-2018 – Emergency Debris Management Services; as needed basis.
 2. Brance Diversified, Inc. (Primary) and Waterfront Property Services, LLC DbA Gator Dredging (Secondary) – IFB-7-2018- Dredging Services; \$250,000.
- c. Approve the following purchase and authorize the execution of a purchase Order:
 1. Thompson Pump & Manufacturing Co., Inc. – PR18001514 for well point and bypass pumps for the Water/Wastewater utility; \$175,794.

- d. Approve the following contract amendments and authorize the Mayor to execute: **PULLED BY COMMISSIONER COOPER FOR DISCUSSION. SEE BELOW.**
 - 1. HDD of Florida, LLC – Amendment 3 to IFB-8-2014 – Underground Utility Services – to extend the contract for an additional term and increase all Unit pricing by 4%; \$1,500,000.
 - 2. Heart Utilities of Jacksonville, Inc. – amendment 3 to IFB-8-2014 – Underground Utility Services to extend the contract for an additional term and increase all time and equipment rates by 4%; \$1,800,000.
- e. Approve the following piggyback agreements and authorize the Mayor to execute:
 - 1. Musco Sports Lighting, LLC – Renewal of existing piggyback of Clay County contract #13/14-8 – Various Equipment and Amenities for Parks and Playgrounds; \$200,000.
 - 2. Pure Air Control Services – Piggyback Cooperative Contract PAEC #18-05-HVAC Services; \$130,000.

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

Consent Agenda item 'd'

Commissioner Cooper asked about the 4% increase in the unit pricing and if this is a negotiated amount over a number of years or an annual increase. Electric Director Dan D'Alessandro explained they have not asked for any increases since they have been with the City.

Motion made by Commissioner Cooper to approve Consent Agenda item 'd'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote. No public comments were made.

Action Items Requiring Discussion

- a. Events Center Rooftop Add/Alternate

City Manager Knight explained the conversations of the Commission and the need to get through some decision points related to the add/alternates and whether the Commission wants to continue to move forward with them in the design, move forward saying they are going to do them, or pull them out of design entirely.

Jim Russell, Pizzuti, spoke about the need for more discussion on the rooftop venue and to provide clarification on the add/alternates and the cost for moving those forward. He commented that an outline of the costs have been provided and summarized the costs for design.

Mayor Leary asked if the library is committed to raising additional money above the \$2.5 million for the raked auditorium. Library Director Shawn Shaffer commented that the library is committed to make up the difference on the raked auditorium of \$471,000.

Mayor Leary addressed a commitment from a City family to fund the amphitheater. He also spoke about the rooftop venue that everyone says the City needs to make this building unique and special. He believed that \$4 million is attainable for the additional costs.

Motion made by Commissioner Sprinkel to move forward with the planning of the add/alternates (amphitheater, raked auditorium, and the rooftop venue) (the porte cochere was already previously approved) with the costs and to find the additional funds to be determined later where they will come from); seconded by Mayor Leary.

Further discussion ensued regarding the add/alternates and the cost for each. Commissioner Weldon was not in favor of the rooftop venue unless it is fully paid for by a third party.

Commissioner Cooper expressed her concerns with the lack of parking with adding the rooftop venue that she believed would be a great asset but does not need to be done now. She was comfortable spending the cost to get the infrastructure in place for the rooftop and waiting until later to complete. She addressed the need to understand where the additional funds are coming from before deciding how to spend those funds. She summarized where additional funds could come from and where she did not want to see funds taken from.

Motion amended by Commissioner Weldon to move forward with the other three add/alternates but to limit the amount of funding (\$382,000) for the rooftop venue for the design, development and physical infrastructure necessary to build the rooftop structure later to decide later how to pay for that; seconded by Commissioner Sprinkel. City Manager Knight clarified if this goes forward and we find someone between now and the time this is bid out to fund it we can move forward with the entire venue.

Trish Gallagher, 881 Via Lugano and President of the Library Board, commented that they have already raised \$1.2 million and that they want to continue the design of the raked auditorium to allow them the opportunity to fundraise for that. She stated the Library Board has not voted on that yet to increase their obligation to the City from \$2.5 million to \$2.9 million. She stated if they can continue the design to a particular date where they can commit to making that addition to their budget they would be happy to do that.

The following spoke:

Nancy Shutts, 2010 Brandywine Drive, addressed parking concerns and hoped that they will continue to raise funds.

Pat McDonald, 2348 Summerfield Drive, expressed parking concerns and spoke about the fundraising by the library and concerns with other fundraising opportunities being sought by others that may hurt the library's efforts.

Michael Perelman, 1010 Greentree Drive, opposed to making decisions to build something when it is unknown where the funds are coming from. He also addressed the need for sufficient handicap parking.

Commissioner Cooper reiterated her waiting to see the numbers for all the add/alternates beforehand but is not opposed to them. Commissioner Weldon stated he wants to see any fundraising for a rooftop venue be limited to commercial and public sources.

Upon a roll call vote on the amendment, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the main motion, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Public comments (items not on the agenda):

Library Director Shawn Shaffer explained the summer reading program and provided brochures.

Mary Daniels, 650 Canton Avenue, expressed concerns with the four way stop signs at the intersection of Lyman Avenue and New York Avenue that is a safety hazard with people not understanding four way stop signs.

Brandon Suggs, 1575 Orange Avenue, expressed concerns with the safety on Orange Avenue due to the speeders and traffic.

Bill Swartz, 2020 Taylor Avenue, spoke about this past year's Santa Claus, Irma fence debris still at a residence, voice mail at City Hall, and that the City should advertise to the citizens what they want to see at our parks and recreation.

Recess

A recess was taken from 5:49-6:07 p.m.

b. Naming of Library and Events Center

City Manager Knight addressed the issue before the Commission of either naming the entire campus or a portion of it.

Tom McMacken, Library Task Force and Library Board of Directors, spoke about their meetings held and coming up with the branding of 'The Canopy'. Mayor Leary addressed the importance to have a branding.

Motion made by Commissioner Sprinkel to name only the library and events center buildings, not the MLK Park; seconded by Commissioner Cooper.

Motion amended by Commissioner Cooper that the board do a little more work on considering the name and definitely delete the two sentences in the center of the description or get a lot more input on those words because that is not Winter Park to her. Motion failed for a lack of a second.

Commissioner Weldon did not support renaming anything.

The following spoke against the branding name 'The Canopy' (to include MLK Jr. Park):

Michael Perelman, 1010 Greentree Drive
Mary Daniels, 650 Canton Avenue
Nancy Shutts, 2010 Brandywine Drive
LaWanda Thompson, 664 W. Lyman Avenue
Sally Flynn, 1400 Highland Road
Martha B. Hall, 331 W. Lyman Avenue
Camille Reynolds, 2265 Lee Road
Barbara Chandler, 730 Minnesota Avenue
Fairolyn Livingston, 5500 Ansley Way

Commissioner Sprinkel clarified that they are not changing anything about the name of Martin Luther King, Jr. Park; only affecting the name of the Library and Events Center (only the Sr. Adjaye buildings presented).

After further comments, **Commissioner Cooper withdrew her second (because she believed that Winter Park is the best brand they could have). Mayor Leary seconded the motion made by Commissioner Sprinkel. Upon a roll call vote, Mayor Leary and Commissioners Seidel and Sprinkel voted yes. Commissioners Cooper and Weldon voted no. The motion carried with a 3-2 vote.**

Public Hearings:

- a. ORDINANCE NO. 3109-18: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CERTAIN PROVISIONS OF ARTICLE IV, SIGN REGULATIONS OF THE CITY OF WINTER PARK LAND DEVELOPMENT CODE TO REVISE THE REGULATIONS FOR TEMPORARY AND PROHIBITED SIGNS, REVISING THE DEFINITIONS FOR SIGNS, PROVIDE MORE SPECIFICITY AND CLARITY TO EXISTING SIGN REGULATIONS; AND AMENDING SECTION 1-24, SCHEDULE OF VIOLATIONS AND PENALTIES, RELATING TO SNIPE SIGNS; AND PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title. Planning Manager Jeff Briggs addressed the discussion at the last meeting regarding murals and the proposed code limiting the area to half of the wall size and that an amendment is necessary that the code does not allow commercial messages.

Motion made by Commissioner Seidel to adopt the ordinance as presented; seconded by Mayor Leary.

Motion amended by Commissioner Weldon that Section 58-130 (e) Mural signs read: "Murals painted on walls shall bear no advertising matter. Murals painted or affixed to building walls, facades or other exterior surfaces shall be limited to one single façade only on the first floor on each side directly facing the street and shall not cover more than 60% of the first floor of that wall or signable area (and delete the last sentence in the existing ordinance); seconded by Commissioner Seidel for discussion.

Motion amended by Commissioner Cooper that on Section 58-130 (e) Mural signs to add the following statement: "Murals are limited to office/commercial buildings outside of Planning Area G (the downtown) and Planning Area H (Hannibal Square neighborhood)." Motion failed for lack of a second.

Wade Miller, 1520 Glencoe Road, spoke in favor of murals as an expression of art.

Betsy Eckbert, President and CEO, Winter Park Chamber of Commerce, spoke in favor of adopting the ordinance that many had worked hard to bring forward.

Upon a roll call vote on the amendment made by Commissioner Weldon, Commissioners Seidel, Sprinkel and Cooper voted no. Mayor Leary and Commissioner Weldon voted yes. The amendment failed with a 3-2 vote.

Upon a roll call vote on the main motion to approve as presented (with no amendments), Commissioner Weldon, Commissioners Seidel, Sprinkel and Mayor Leary voted yes. Commissioners Cooper and Weldon voted no. The motion carried with a 3-2 vote.

- b. Request of the First Church of Christ Scientist for conditional use approval to build a replacement church at 650 North New York Avenue

Planning Manager Jeff Briggs explained the request to rebuild their church. He stated they are meeting all the codes, will be getting a new sidewalk on the south side of the church, the best trees are being saved, and addressed two small variances regarding landscaping to the north and east.

Motion made by Commissioner Sprinkel to approve the request, seconded by Commissioner Weldon. 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.

- c. Request of Charles and Shirley Smallwood for subdivision or lot split approval to divide the property at 2410 Winter Park Road

Planning Manager Jeff Briggs explained the location of the property and the variance request for an extra 10' in the corner lot. He stated what they are asking for matches the neighborhood. There were no objections made.

Motion made by Commissioner Sprinkel to approve the request, seconded by Commissioner Cooper. There were no public comments. 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. Appeal of HPB decision of COR 18-001

Since this is a quasi-judicial matter, the Commission announced their discussions with the applicant and board members. Planning Director Dori Stone announced this is an appeal to a Historic Preservation Board decision regarding a garage Mr. John Skolfield wants to put on his property located at 358 Vitoria Avenue that is located within the College Quarter Historic District, and subject to the College Quarter design guidelines and rules. She stated Mr. Skolfield came before the HPB on March 14 for a 5' setback request, a variance that was denied by the HPB. He then came before the HPB on April 11 asking for a garage that met City code requirements as an accessory use allowed in the R-1AA zoning category. At that time, he requested a variance to the front doors of the garage to make it slightly taller than the 10' required under code so he revised his design to take that out. She stated his setbacks are in line with the requirements of the code and meets the requirements of all the design guidelines within College Quarter. She reported about staff's position when they approached the HPB that they had the authority to approve the design and not to approve or disapprove a garage.

Mr. Skolfield came before the HPB to take down a shed and build a new garage as his second accessory use that is allowed in the College Quarter design guidelines. His design met the design guidelines look and feel and is a non-contributing

structure in his back yard but was denied at the HPB by a 3-2 vote. She stated staff was unclear at that meeting as to rationale to the decision to deny not just his request for the design but the garage overall. She stated that staff's recommendation is for approval of the garage, which is allowed based on City code, and that he is not asking for variances or exemptions to the code. She pointed out what is allowed in the R-1AA and R-1A code and that Mr. Skolfield is wanting the garage to be used as a garage. She also addressed the design guidelines which allows any property owner to have two accessory structures and that they must be similar style and color which he has assured it would be and will not exceed the height of the building. She displayed the placement of the garage. Ms. Stone replied to Commission questions.

Mr. Skolfield, appealing the HPB decision, apologized that this came before the Commission because it should have been resolved at the HPB level. He summarized his requests before the HPB. He displayed a map of the College Quarter showing his home, the neighbors who have approved his request, and the lots having garages or carports. He explained what he wants to build a garage that fits in with the architectural design and showed the garage door he wants to simulate, and the view from the adjacent neighbor's property in the diagram.

Motion made by Commissioner Sprinkel that we overrule the HPB decision and approve the request; seconded by Commissioner Weldon.

Attorney Allison Yurko, representing Ms. Salvatori (the neighbor), addressed the HPB review of the proposal and Ms. Salvatori's objection to the proposed garage because of the proximity to her property and believed a variance is required. She spoke how she will be negatively impacted because of having to view the back and side of the RV port and objected to where Mr. Skolfield has been parking his RV on his property. She spoke about what they believed to be negative impacts to the surrounding area. She provided documents to the Commission.

The following spoke in opposition to the request:

Larry Zirbel, 1035 Lakeview Drive
Wendy Brandon, 318 Vitoria Avenue

After public comments, Mr. Skolfield commented that Building Director Wiggins has determined that no variances are needed for the garage (in conflict to what was explained by Ms. Yurko) and clarified other comments he believed were inaccurate. Upon questioning, Ms. Stone clarified that he cannot convert the structure into another house/rental without being a code compliance issue.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion to approve carried unanimously with a 5-0 vote.

- e. Request of Sydgan Corp. for conditional use approval under the cluster housing provisions of the R-2 zoning to construct a two-story, four-unit residential project of 10,556 square feet on the property at 301 West Comstock Avenue, zoned R-2.

Planning Manager Jeff Briggs summarized the zoning, the request for four units, the parking spaces, garages, and the architectural style to replicate the Old World Mediterranean of the Barbour Apartments designed by Gamble Rogers. In order for that to happen, he explained the two variances needed: You need to be 10' away from the railroad tracks and they are asking 7 ½'; and the other variance regarding the height of the wall arch off Comstock. He addressed the positive P&Z Board recommendation and clarified questions of the Commission regarding setbacks.

Attorney Jeanne Reynaud, representing the applicant, agreed with staff's comments and spoke about the setbacks. She mentioned staff's recommendation for approval and the unanimous P&Z Board approval.

Motion made by Commissioner Sprinkel to approve the conditional use request (as presented); seconded by Commissioner Weldon.

Commissioners asked for clarification of various issues regarding landscaping, buffers and parking spaces. Commissioner Cooper voiced appreciation for the nice project but wished it was in a different location.

The following spoke in opposition because of traffic, parking, noise, setbacks and the scale and mass of neighborhood:

Attorney Scott Rost, representing Lyman Avenue Villas 1 HOA, Inc.
Tom Wilkerson and Lee Ann Inman, 327 W. Comstock Avenue
Jennifer Anderson, 1621 Roundelay Lane

Martha Bryant Hall, 331 W. Lyman Avenue (said she doesn't object to this project but had concerns with traffic, parking and noise).

The following spoke in favor of the project:
John Skolfield, 358 Vitoria Avenue

Commissioner Cooper stated this is difficult for her because of her love for the Barbour House but did not believe this project is compatible with the character of the surrounding area because of type and size of the building. She addressed cluster housing in R-2 zoning and encroachments by commercial property.

Motion amended by Commissioner Cooper (to improve compatibility) that we reduce the allowable FAR from 55% to 45% as required by code for R-2 developments across the street for the single family homes. Motion failed for lack of a second.

Motion amended by Commissioner Cooper that we require the project to comply with the setbacks facing the rail right-of-way as required by code (move building back 2 1/2' from the rail). Motion failed for lack of a second.

Motion amended by Commissioner Cooper to promote compatibility would be to limit the garage heights to the heights of the garages at the property to the north (match the heights of the David Weekly homes). Motion failed for lack of a second.

Motion amended by Commissioner Cooper to deny the project. Motion failed for lack of a second.

Commissioner Weldon disputed the compatibility issue after reviewing the conditional use requirements with regard to compatibility and reached the opposite conclusion. He stated this project is not more dense than the surrounding projects.

Upon a roll call vote to approve the request as presented, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

- f. RESOLUTION NO. 2206-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, INITIATING THE NEGOTIATION PROCESS PURSUANT TO SECTION 171.203, FLORIDA STATUTES WITH THE CITY OF MAITLAND AND ORANGE COUNTY FOR AN INTERLOCAL SERVICE BOUNDARY AGREEMENT FOR THE CONTRACTION AND ANNEXATION OF CERTAIN LAND OWNED BY THE CITY OF WINTER PARK THAT IS CURRENTLY LOCATED WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF MAITLAND; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Ardaman read the resolution by title. City Manager Knight explained the properties acquired by the City on Howell Branch contained two properties in the City of Maitland and this process begins our request to negotiate with them to de-annex the one property that is just on the other side of the Maitland/Winter Park line and is adjacent to the Howell Branch Preserve Park. He addressed the other property that we acquired as part of that is over into the other side of another Maitland property and are proposing as part of the negotiation that we give them that property in exchange for the annexation/de-annexation agreement.

Motion made by Commissioner Cooper to adopt the resolution (begin negotiation process); seconded by Commissioner Weldon. There were no public comments 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.

- g. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT NEW ZONING REGULATIONS CHANGING THE PERMITTED, CONDITIONAL PROHIBITED USES AND DEVELOPMENT STANDARDS WITHIN THE OF THE CITY BY ADOPTING A NEW MEDICAL ARTS ZONING DISTRICT AND AMENDING THE MULTI-FAMILY (R-3) DISTRICT AND PARKING LOT (PL) DISTRICT AS NECESSARY TO IMPLEMENT THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, GOALS, OBJECTIVES AND POLICIES DOCUMENT, DATED APRIL 24, 2017; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title. Planning Manager Jeff Briggs explained that the ordinance completes the implementation of the Zoning Code changes necessary for the Comprehensive Plan adopted in April 2017. Most of the necessary changes were made in November 2017 but these three items were tabled for revisions and future implementation. Mr. Briggs explained that staff has removed the items the Commission had issues with in the Medical Arts district and in the R-3 rules for properties that are less than 15,000 square feet. He also indicated that this implements the ability to require cross access easements anytime they are rezoning properties PL. He further summarized changes made to the ordinance. Mr. Briggs and Planning Director Dori Stone clarified questions and comments of the Commissioners. Ms. Stone spoke about the Medical Arts District and the safeguards that staff has taken in the code to prevent other uses of the medical arts district.

Motion made by Commissioner Weldon to accept the ordinance on first reading as presented; seconded by Mayor Leary.

Commissioner Cooper indicated that she had several amendments to offer.

Commissioner Cooper stated that the size of homes relative to the lot size and loss of tree canopy was a concern of many residents and that the City should not allow more lot coverage. While first floor bedrooms are a preference of older residents, market demands would cause that to happen without us allowing more lot coverage.

Motion amended by Commissioner Cooper to Section 58-68 R-3 District, page 231 of agenda packet, regarding the lot coverage of homes, to delete the note that offers a 3% increase in lot coverage for homes with first floor bedroom space. Motion failed for lack of a second.

Commissioner Cooper recommended that the City expand this proposed right to require cross access easements on commercial/office properties along major corridors, when a request for up-zoning of property comes before the Commission. There was a consensus by the entire Commission for staff to review this and bring back something.

Amendment #1: Motion amended by Commissioner Cooper under Section 58-82, Medical Arts District that the verbiage be consistent with Policy 1-2.4.12 in the comprehensive plan and the Medical Arts District be limited to the Winter Park Hospital and the adjacent vicinity as depicted on the Future Land Use Map; seconded by Commissioner Sprinkel.

Motion made by Commissioner Weldon to table this item; seconded by Commissioner Cooper. Motion failed with a 4-1 vote with Commissioner Weldon voting yes.

Commissioner Cooper asked that before the second reading of this ordinance, that staff clarify what they mean by "specific provisions" in the following statement (b) (1) Application: "The adoption of Medical Arts (MD) zoning shall only occur in locations where specific provisions are to be applied on a case by case basis to ensure the compatibility..."

Motion amended by Commissioner Cooper under the same paragraph (b)(1), that 80% of the floor space within "the building" be changed to 80% of the floor space "within each building". Motion failed for lack of a second.

Motion amended by Commissioner Cooper that (b)(2) Application be deleted in its entirety, which would result in MA applications being governed by our existing codes or say that these zoning changes and conditional uses will be processed according to our existing process. Motion failed for lack of a second.

Amendment #2: Motion amended by Commissioner Cooper under (b) (1) Application: To add: 'to be common ownership'; seconded by Commissioner Sprinkel. Commissioner Cooper advised that common ownership is required by Comprehensive Plan Policy 1-2.4.12.

Amendment #3: Motion amended by Commissioner Cooper under (c) Permitted uses: (1) Hospitals – To add 'and adjacent' and to indent and renumber all other permitted uses to show they must be associated with a hospital. Seconded by Commissioner Sprinkel.

Motion amended by Commissioner Cooper under (c) Minimum building site, to change the minimum building site for a hospital Medical Arts District from two (2) to five (5) acres. Motion failed for lack of a second.

Commissioner Cooper explained that the City should obtain a "public benefit" for the increase from 45% floor area ratio to the 100% floor area ratio allowed in this zoning district. She believed additional pervious coverage (open space) should be that "pubic benefit."

Amendment #4: Motion amended by Commissioner Cooper under (7) Development Standards, it read "Development shall not exceed 75% impervious coverage in this district"; seconded by Commissioner Seidel.

The following spoke:

Donna Colado, 327 Beloit Avenue, stated the Medical Arts District needs to remain where it is and do not allow anywhere else in the City.

Pat McDonald, 2348 Summerfield Road, agreed with all the amendments and other issues that did not receive a second.

Upon a roll call vote on Amendment #1, Commissioners Seidel, Sprinkel and Cooper voted yes. Mayor Leary and Commissioner Weldon voted no. The motion carried with a 3-2 vote.

Upon a roll call vote on Amendment #2, Commissioners Seidel, Sprinkel and Cooper voted yes. Mayor Leary and Commissioner Weldon voted no. The motion carried with a 3-2 vote.

Upon a roll call vote on Amendment #3, Commissioners Seidel, Sprinkel, Cooper and Mayor Leary voted yes. Commissioner Weldon voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on Amendment #4, Commissioners Seidel and Cooper voted yes. Commissioners Sprinkel, Weldon and Mayor Leary voted no. The motion failed with a 3-2 vote.

Upon a roll call vote on the main motion with the three amendments, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

City Commission Reports:

Commissioner Seidel – No report.

Commissioner Sprinkel – No report.

Commissioner Cooper – No report.

Commissioner Weldon – Commented on the Medical Arts District and our comprehensive plan.

Motion made by Commissioner Weldon to move forward with opening up the City Attorney's contract to review and get bids. Motion failed for lack of a second. Commissioner Weldon will meet with the City Attorney along with the City Manager.

Mayor Leary – No report.

The meeting adjourned at 9:22 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Cynthia S. Bonham, MMC