

**CITY OF WINTER PARK
SPECIAL MEETING OF THE CITY COMMISSION
October 27, 2005**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth "Kip" Marchman at 2:00 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The regular meeting of October 24, 2005, was cancelled due to the hurricane.

The invocation was offered by President James R. Pratt, The Church of Jesus Christ of Latterday-Saints followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Marchman
Commissioner John Eckbert
(arrived at 2:05 p.m. departed at 4:10 p.m.)
Commissioner Barbara DeVane
Commissioner Douglas Storer

Also present:

City Attorney Trippe Cheek
City Manager James Williams
Deputy City Clerk Tania Haas

Members absent:

Commissioner Douglas Metcalf

MAYOR'S REPORT:

- a) 'Proclamation of the Family'.

Mayor Marchman presented James R. Pratt and Twila Williams with the Proclamation of the Family that proclaimed the week of October 29 – November 6, 2005 as National Family Week.

- b) Board appointments-Committee to oversee the process of studying redevelopment opportunities for the Holler and Progress Energy properties.

Mayor Marchman nominated David Strong. Commissioner DeVane nominated Ann Higbie. Commissioner Eckbert sought clarification on a procedural matter and whether a representative serving on a Commission would fulfill their opportunity to appoint an additional member. Commissioner DeVane stated that all the meetings scheduled by this board would be public meetings. Mayor Marchman was amenable to Commissioner DeVane serving or attending meetings for this board and nominating members to it. He stated his understanding that all Commissioners will nominate members for this board. Mayor Marchman stated the importance of obtaining as much citizen input as possible. He agreed with Commissioner DeVane that Ms. Higbie would be a logical addition to the board. Commissioner Eckbert stated he has not made an appointment yet. Mayor Marchman asked if Commissioner Eckbert would be prepared to appoint a member for this board by the next Commission meeting. Commissioner Eckbert stated he should be able to make his appointment by the next meeting.

Mayor Marchman asked for a list of names that have been appointed to this board and the number of available vacancies. Commissioner Storer expressed his preference of obtaining a balanced group of professionals in the industry and residents from the City. Mayor Marchman asked that the list of pending appointments and vacancies be circulated for review.

Motion by Mayor Marchman to appointment David Strong and Ann Higbie to the committee to oversee the process of studying redevelopment opportunities for the Holler and Progress Energy properties, seconded by Commissioner Storer. The motion carried unanimously.

- c) Board appointment-Kenneth Goodwin to the Housing Authority Board.

Mayor Marchman nominated Kenneth Goodwin to the Housing Authority Board, seconded by Commissioner DeVane. The motion carried unanimously.

- d) Review of the public notice for the November 30, 2005, Town Meeting.

Items "d" and "e" were discussed simultaneously. Mayor Marchman asked for the public notice for the Town Meeting to be reviewed for an early November mail distribution. Planner Briggs reported that staff preferred to include content in the notice that referred to the two previously held Town Meetings and the future development plans for the City. He elaborated on the idea of the expanded public notice for different thresholds and sizes of developments. He also spoke of notifying residents of the study that staff is undertaking that uses the Holler and Progress Energy properties as case studies that may lead to changes in the City's code with respect to future development.

Mr. Briggs explained that the notice under consideration includes information on establishing a short hiatus of approvals for rezonings or planned development variances within the Central Business District for the months that the study is underway. He continued that the reality is that requests will be received, but they will not involve the Central Business District. He suggested that the Commission come to a consensus on what should be done during the time period that the study is underway. He suggested dealing with requests that are received on a case by case basis until a final decision is made.

Mayor Marchman commented that the Commission envisions the November 30 meeting as one that informs residents of the current Land Development Code and to provide an opportunity for questions. Mayor Marchman reported that he will facilitate the meeting. He said it is important to inform residents of the current land development code, comprehensive plan, and ordinances. He commented on the number of concerns that were expressed at the town meetings; specifically ones that dealt with requests to code changes that are already in place.

- e) Discussion of methods to deal with rezoning and zoning requests while the existing City codes are being reviewed.

Commissioner DeVane presented and suggested enacting a proposed ordinance that prohibits rezonings or planned development approvals with an effective date of when it is adopted and expires May 1, 2006 or earlier. She elaborated the need to examine alternatives of density and intensity for future major commercial and multi-family residential developments.

Commissioner Eckbert asked whether the proposed ordinance was noticed for this meeting. Planner Briggs responded that the Commission needs to decide on whether to advertise the proposed ordinance or not. Commissioner Eckbert sought clarification that any action taken at this meeting would not adopt an ordinance. Commissioner Storer expressed his concern on whether sufficient notice has been provided to residents.

Discussion ensued regarding the purpose of combining both issues because of the connection with each other. Commissioner Storer expressed his concern with adopting an ordinance prior to the November 30th meeting and reacting prematurely without obtaining as much public input as possible.

Mayor Marchman asked for public comments for items “d” and “e”.

Joe Terranova, 700 Melrose Avenue, opposed to imposing any type of moratorium, expressed that he believed the City has adequate codes and procedures for dealing with construction in Winter Park. He commented on the processes that can be improved while City business continues under current codes. He cautioned the Commission on the effectiveness of a committee that will recommend decisions to deal with private property development rights.

Sandy Womble, 940 Old England Avenue, supportive of a moratorium, suggested that the planned development overlay be revised to correspond more with the Comprehensive Plan.

David Strong, 300 Virginia Drive, supportive of a moratorium, elaborated that the overwhelming sentiment expressed at the Town Meetings was to take a step back and review the procedures that deal with the Central Business District.

Bill Rosenfelt, 1400 New York Avenue, supportive of a moratorium, expressed his concern with the decisions that have been made and the development that is occurring in the Central Business District. He questioned whether the Landmark project was presented as being larger than the proposed lot selected and if a portion of the street was offered for purchase. He elaborated on the properties that he owns within the Central Business District and the suggestions from the City to sell.

Beth Dillaha, 1801 Forrest Road, spoke in support of a temporary moratorium on all zoning changes, variances, and the planned development overlay in the Central Business District until May or until a strategy or plan that deals with development is created.

Joan Faulkner, 1711 Legion Drive, supportive of a moratorium, expressed her concern with over development in Winter Park.

Carolyn Cooper, 1047 McKeen Circle, spoke in support of a moratorium on all zoning changes and variances within the area from Interlachen and Denning Avenue. She suggested engaging in dialogue between residents and City officials on the vision for Winter Park to identify, modify or repeal current ordinances that are not Comprehensive Plan compliant; to establish firm policies that will serve as a framework during the Comprehensive Plan update process; and to review all policies on Charrette recommendations.

Thaddeus Seymour, 1804 Summerfield Road, urged the Commission to slow down development in the City.

Dan Bellows, 533 West New England Avenue, opposed to a moratorium, spoke in support of the development process that currently exists in the City.

Ann Higbie, 190 Ward Drive, spoke in support of a moratorium.

Commissioner DeVane explained the purpose of appointing a group to study the Holler and Progress Energy properties. She said the attempt is to review and explore if anything can be done differently than what is currently allowed. Commissioner DeVane commented that the ordinance is a way to express to the community that the City is taking a hiatus on granting variances and rezonings, but that if a request meets the code and the comprehensive plan, it can be built. She said this is in response to comments received from residents about the development occurring in the City. She elaborated on the importance of deciding specifically where greenspace should be incorporated in the Comprehensive Plan. She said she is not suggesting stopping development entirely, but that any development that requires changes to the code will have to wait until dialogue is held on what is acceptable.

Commissioner Storer expressed his concern with comments made that this Commission has not listened to the concerns from residents. He said if a moratorium is an appropriate manner in which to ascertain that the processes correspond with the wishes of the residents, he would support a moratorium. He spoke of the misperception that development could be ceased all together. He elaborated on the projects that already had received zoning approval and were far along in the process that residents expressed their concerns over. He commented if a moratorium is in place, it would not prohibit a project that has all its rights and entitlements in place for development. Commissioner Storer agreed that the process needs to be more inclusive and can always be improved.

Commissioner Eckbert inquired whether staff was prepared to recommend a solution for resolving this issue. City Manager Williams responded that the decision on whether to pass an ordinance is one that the Commission needed to determine. He said it is clear to staff that there is interest to slow down the development process of which staff is supportive of. Commissioner Eckbert inquired whether staff was supportive of a moratorium. Mayor Marchman clarified that he believed staff's position was that they are supportive of slowing down the process. Mayor Marchman commented that a decision on how to slow the process down was one the Commission needed to make. Mayor Marchman asked that Commissioner Eckbert express his preference regarding this issue. Commissioner Eckbert clarified that he preferred obtaining a recommendation from staff because it would be based upon a professional staff that is hired because of their expertise in City planning. He said he was interested in understanding their recommendation because of the crisis that currently exists.

Commissioner Storer asked who drafted the proposed ordinance. Commissioner DeVane stated she requested that the ordinance be drafted. She expressed her opposition of sending out a notice to the community at this time. She said the notice contains everything that is in the ordinance. She expressed that she believed the community may be more amenable if it were in the form of an ordinance because it clarifies what decision has been made. She recommended enacting the ordinance under consideration.

Commissioner Eckbert expressed that he would never oppose an ordinance proposed by a fellow Commissioner and that he was in favor of providing notice of the proposed ordinance, but that he wanted clarification on staff's perspective on how to fix the problem. Mayor Marchman interjected that this was a discussion that he requested to determine what can be done. He said a process was started which is currently underway that began with the two town meetings where Commissioners listened extensively to the comments provided from the public. He commented that this issue is not at the point to receive a recommendation from staff. He

elaborated on the number of tasks that can result from this exercise that staff will be asked to accomplish and to provide recommendations on.

Commissioner Eckbert expressed his concern of providing his input because of his lack of expertise in City planning. He commented that he did not believe it was inappropriate to ask for the direction, recommendation, and perspective of the City's professional staff on this issue. City Manager Williams responded that staff is supportive of slowing down the process and if the Commission's decision is to establish a moratorium, staff will support one. Understanding of Mr. Williams' response, Commissioner Eckbert inquired into the alternatives for slowing the process down and whether the moratorium was a recommended tool to slow the process down. City Manager Williams responded that a moratorium and enacting an ordinance are options that would result in slowing down the process.

Commissioner Storer said he did not totally agree with the entire content of the draft ordinance, but that he looked forward to reviewing a final version that includes staff input. He said he also wanted to review how other communities are dealing with this issue. He elaborated on the importance of research and staff input which is what he believed the next two hearings will provide. Mayor Marchman stated that a decision at this meeting will only determine whether to move forward and to advertise the ordinance. He suggested the use of a resolution to advise the Planning and Zoning Commission, potential developers, and the Commission that rezonings, planned development overlays, and variances will not be approved while the process is underway. He said staff needs direction on where to go from here whether it is by ordinance or resolution.

Commissioner DeVane inquired into the strength of a resolution versus an ordinance. City Attorney Cheek responded regarding the differences. He said if the matter involves property development rights, an ordinance is more appropriate. He said although the public could be informed via a resolution that due to current conditions it is anticipated that variance requests will be disfavored, it may not be a binding ruling for any requests that may be submitted. Mayor Marchman explained that real property rights cannot be denied to a developer without risks. Commissioner DeVane read a portion of the notice included in the ordinance. She said the proposed ordinance would not cease all development requests but only prohibit variances and rezonings until there is the opportunity to review what decisions need to be made on height, setbacks, and lot coverage. She said the proposed ordinance does not deny development rights, it restricts building beyond what is currently allowed until the review period is completed which would be late May or sooner. She suggested to move forward and to advertise the ordinance for the next meeting.

Commissioner Eckbert commented on the concerns raised by residents at the Town Meetings. He expressed his concern with the process that would achieve a resolution for this matter. He said he was supportive of a hiatus for granting variances for large projects, but noted his concern in the process used. He expressed his concern of resolving this issue without appealing to higher authorities of planning. He spoke of the importance of creating a process that can lead us from the division that is occurring within the community.

Mayor Marchman expressed his support for the language within the notice. Commissioner Eckbert suggested the use of an authority on planning to assist with achieving an understanding of what appropriate development is. Mayor Marchman commented that he was amenable to bringing in professionals if necessary to assist with this process, but that the next step should

be to encourage an exchange of information with residents and everyone involved. He noted that any Commissioner can propose an ordinance and that in this case Commissioner DeVane has expressed her indication that she is proposing it for consideration. Mayor Marchman asked that staff and the City Attorney review the ordinance for any possible legal ramifications that may be involved in a moratorium.

Commissioner DeVane reiterated that the intent of the proposed ordinance is not to stop redevelopment. She provided a brief explanation of vested rights and how they pertain to this issue. Amenable to a point with Commissioner Eckbert's comments about possibly seeking expertise, Commissioner DeVane elaborated on how residents know and can appreciate the importance of protecting Winter Park. She continued that redevelopment is going to occur and that we need to decide where we want it to occur and what it should look like. She said there is a committee and professional in place that is reviewing the Comprehensive Plan and that we need to move forward. She encouraged soliciting interested parties to assist in this effort because it should be a public process.

Commissioner Storer agreeable with Commissioner DeVane, stated that he wanted to make sure that it is communicated to the public what the mechanisms will and will not do and what the outcomes will be. He provided a brief history on the development process for the Windsong Development. He spoke of the possibility of vested entitlements on existing properties. Commissioner DeVane expressed her preference of doing something more than what is listed on a mailer that indicates what the policy will be.

Motion by Commissioner Eckbert to advertise the ordinance for the next Commission meeting and that Commissioner DeVane be responsible for editing whatever language needs to be edited between now and its public notice, seconded by Commissioner DeVane. The motion carried unanimously.

Mayor Marchman inquired whether a consensus was obtained on the context of the mailer. Commissioner DeVane stated that the decision needs to be made on whether to delay or postpone decisions related to rezonings and variances. Commissioner DeVane reread the section of the mailer pertaining to this matter. Deliberations ensued regarding the context of the mailer. Commissioner DeVane commented on the need to distribute something that is very specific that gets the message out loud and clear to residents.

Commissioner Eckbert inquired from City Attorney Cheek on how the Commission would impose a moratorium. Attorney Cheek explained the difference between the types of action set forth by resolutions versus ordinances. He continued that a moratorium would have to be imposed by an ordinance because it affects property development rights. Attorney Cheek explained the gray area that exists because of the intent that is expressed without ruling conclusively on a specific request. Commissioner Eckbert commented on the language in the mailer that states that a moratorium is currently in existence. Planner Briggs explained the justification for the language used in the mailer.

Debate continued in the language used in the mailer. Attorney Cheek explained the definition of a moratorium per an inquiry by Commissioner Storer. Commissioner Storer asked that staff provide examples around the state of other communities having similar issues. He asked for information on how a moratorium could affect current projects in the queue for development. Mayor Marchman expressed his support for the language used in the mailer. Commissioner

DeVane expressed her preference of expanding the Central Business and CRA districts until the review is completed. She asked if everyone was amenable to reviewing an ordinance at the second meeting in November, prior to the Town Meeting, and formally adopting it at the December meeting. Commissioner Eckbert sought clarification whether variances will be approved until November 30. Planner Briggs stated that the proposed schedule for adoption is workable because it corresponds with the language included in the mailer.

Commissioner Eckbert expressed his support of ceasing variance approvals until the Town Meeting of November 30. He said he is supportive of providing notice of an ordinance and discussing the issue of a moratorium. He expressed his concern with the language used in the mailer that indicates that a decision has been made to impose a moratorium. Mayor Marchman expressed his support of moving forward with the notice because of the need to distribute it into the community.

Following additional deliberations, the consensus decision was for the mailer to read as follows:

The City Commission is considering an ordinance that will delay or postpone decisions on rezonings or variances for major multi-family, commercial, office, and mixed-use development projects within the Central Business and CRA districts until the review is completed.

A short hiatus will allow the City Commission, its appointed boards, and the citizenry the time to participate in the review process and will provide the opportunity for additional communications from the City Commission to our citizens on these issues of critical importance to the future of the City of Winter Park.

- f) Discuss the appointment of additional Comprehensive Plan Task Force members.

Planner Briggs noted the concern from residents that the committee may be too heavily weighted in terms of developer participation. He explained the discussion that was held to broaden the group. Commissioner Eckbert asked that Planner Briggs provide a status report of the task force. Planner Briggs provided a brief report. He stated that approximately 95% of plan is completed and that the last 5% requires the toughest decisions. Commissioner Eckbert inquired into the expertise of the consultant selected to assist the City with this process. Planner Briggs responded by noting the firm's credentials, but expressed that the consultant is waiting for the City to provide them their vision for Winter Park.

Mayor Marchman asked that each Commissioner nominate additional names for this committee by the next Commission meeting. Commissioner DeVane commented on the consultant that was selected to assist the City with incorporating greenspace into the Comprehensive Plan Task Force.

NEW BUSINESS – CITIZENS COMMENTS:

Carolyn Cooper, 1047 McKeen Circle, expressed her concern with the planned development overlay and how it is applied to the City.

Rick Frazee, 1921 Englewood Road, commented that he believed the Commission had become disconnected with their constituency, but thanked them for their recent change in opinion.

CITY ATTORNEY'S REPORT:

- a) RESOLUTION NO. 1929-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 567 OSCEOLA AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert, Storer and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

- b) RESOLUTION NO. 1930-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1532 BERKSHIRE AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

Motion made by Commissioner Storer to adopt the resolution, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert, Storer and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

- c) RESOLUTION NO. 1931-05: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPORTING THE USE OF RED LIGHT CAMERAS.

Attorney Cheek read the resolution by title.

Joe Terranova, 700 Melrose Avenue, spoke in support of the proposed resolution and enforcing the use of red light cameras at intersections.

Commissioner DeVane inquired into how many cameras will be used, their cost, and if the City can add a surcharge on tickets for the purchase of additional cameras.

Police Captain Brett Railey elaborated on the costs for the proposed program and the problems that exist with enforcing such citations. City Manager Williams explained the problems with court costs versus the fine collected ratio.

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert, Storer and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

CONSENT AGENDA:

- a) Approve the following purchase orders, bids, etc.:
- 1) PR 121386 to Vermeer Southeast Sales, Inc. for a used, demo, directional drill at the discounted price of \$74,500.00 (Budget: Vehicle Replacement Fund).

- 2) After-the-fact purchase to Vermeer Southeast Sales and Service, Inc. for a used, demo, directional boring machine; \$155,725.00 (after discounts) (Budget: Utilities)
 - 3) Extension of Bid WP-5-2004, for Auxiliary Generator Service with CJ's Sales and Service, Inc. with all original pricing and terms and conditions (Budget: Utilities)
 - 4) Approve the change to the Purchasing Policy and Procedure Manual pertaining to the Design/Build section only. Copy is attached.
- b) Approve the updated Memorandum of Understanding Agreement with the City of Orlando Fire Department regarding joint responses, areas of coverage and available resources.
 - c) Approve the Vendor Payment Agreement with the Senior Resource Alliance for the Emergency Home Energy Assistance Program for the Elderly (EHEAP).
 - d) Approve the Vendor Payment Agreement between Orange County and the City of Winter Park for the Low Income Home Energy Assistance Program (LIHEAP).
 - e) Receive the update regarding the Regent Condominiums and Hotel.
 - f) Approve the initial development of an RFP process for the Winter Park City-wide, Digital City Program.

Rosemary Gillet, 106 South Interlachen Avenue, spoke about the effort of her group to move forward with the Winter Park Christmas lighting project. Mayor Marchman asked that she provide her comments after the completion of the Consent Agenda.

Joe Terranova, 700 Melrose Avenue, regarding item '4(e)', commented that it will be useful that the citizens be provided the information regarding the project because of the comments that have been expressed regarding development.

Building Official George Wiggins provided an update on the Regent Condominiums and Hotel.

Commissioner DeVane requested additional discussion on item 'e'. She expressed her dissatisfaction with what is occurring with the Regent project and wanted to review what recourse the City may have. Consensus was to place this item on the next Commission agenda for additional discussion.

Motion made by Commissioner Eckbert to approve the Consent Agenda with the exception of item 'e', seconded by Commissioner Storer. The motion carried unanimously with a 4-0 vote.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2653-05: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO INCORPORATE THE FLORIDA BUILDING CODE AND CERTAIN ADMINISTRATIVE AND TECHNICAL AMENDMENTS ADOPTING FIRE SPRINKER REQUIREMENTS AS THE WINTER PARK BUILDING CODE; CONSOLIDATING THE CONSTRUCTION TRADES BOARDS INTO ONE CONSTRUCTION BOARD, AND UPDATING THE PROPERTY AND BUILDING MAINTENANCE CODE; PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Cheek read the resolution by title.

Building Official George Wiggins read the following statement into the record that is required for legal purposes for the adoption of administrative and technical amendments to the building code: "A determination has been made by the City Fire Department and Building Divisions that due to the proximity of buildings in the urban areas of the City, stricter fire sprinkler provisions are required than are provided in the Florida Building Code for the purpose of public safety and fire protection in the City of Winter Park. And the fiscal impact will be less than approximately one percent of the cost of the building project".

Mayor Marchman asked for public comments. No comments were provided.

Motion made by Commissioner Storer to adopt the ordinance, seconded by Commissioner Eckbert. Upon a roll call vote, Mayor Marchman and Commissioners Eckbert, Storer and DeVane voted yes. The motion carried unanimously with a 4-0 vote.

The following item although not listed on the agenda was considered for discussion.

Rosemary Gillett, 106 South Interlachen Avenue, spoke of the effort of her group to move forward with the Winter Park Christmas lighting project. Additionally, Ms. Gillett provided a powerpoint presentation on the recommendations from the group and asked the Commission to allow the group to continue with the plan to decorate Central Park in conjunction with Park Avenue.

Mayor Marchman expressed his preference to obtain a recommendation from the Parks and Recreation Commission. Commissioner DeVane inquired into specifically what had been denied by the Parks and Recreation Commission.

Parks and Recreation Director John Holland stated that the Parks and Recreation Commission denied the use of the banners in the park because it required the installation of additional posts in the park because the light standards do not include banner poles. He said although the plan has been revised, the Parks and Recreation Commission continued to object to the use of the banners in the park on the light poles. He said the recent directive received from the Parks and Recreation Commission was that they want to continue with the traditional groups that decorate the park that applies only to Central Park and not to Park Avenue itself.

Mayor Marchman suggested that the request for the poles in the park return to the Parks and Recreation Commission for consideration. Mr. Holland stated staff will attempt to schedule a special meeting with the Parks and Recreation Commission to consider this request.

Commissioner Eckbert departing from the meeting at 4:10 p.m. was not present for the remaining items discussed.

CITY MANAGER'S REPORT:

- a) Fairbanks Avenue corridor Zoning In Progress (ZIP) update.

Planning Director Don Martin presented this item. He said this presentation is a result of staff's extensive study on the Fairbanks Avenue corridor.

Assistant Economic and Cultural Development Director Dan Schuck, provided a powerpoint presentation on the concept of Zoning In Progress (ZIP) that helps cities under the pressure of development to adequately plan and implement measures to keep their cities consistent with their community's vision. He said this tool facilitates the redevelopment of certain areas within the City to achieve the desired level of development and aesthetics while providing that applicants can continue on the review process. He explained that during the time the amendments to the regulations are being reviewed and adopted by the City, the applicant can be required to comply with the new regulations. He said there are four areas that need to be considered as we move forward with this corridor and identified them as existing uses and future desirable uses, zoning issues – setbacks, size, density, and intensity, grand streetscape plan, and the provision of sewer. He elaborated further on how this program can be applied and inquired whether this is something that staff should pursue.

Mr. Schuck stated he is seeking direction whether to continue with the current timeline and implementation schedule for the sewer, whether to use a phased approach for the medians, and whether to wait for the grand streetscape plan. He stated staff recommended to move forward with the phased approach and to continue with the sewer installation as it listed on the current schedule and to take the steps to implement the landscape medians.

In regards to the ZIP program, he inquired whether staff should draft language and take the necessary steps to present it to the Planning and Zoning Commission to have it incorporated in the Land Development Code. Mr. Schuck also sought direction on whether to move forward with the uses that were presented for Fairbanks Avenue and to prohibit the uses by drafting a resolution to enact the Zoning In Progress to prohibit the uses from going in now while the ZIP ordinance is under consideration for inclusion in the Land Development Code. He said staff recommends incorporating the ZIP into the Land Development Code and to create the resolution for its formation.

Commissioner DeVane inquired whether a list can be included with allowable uses rather than one that lists prohibited uses. Discussion ensued on whether areas and overlay areas can be identified. Commissioner DeVane expressed her preference of moving forward with a phased integrated approach with the sewer and median. Additionally, she expressed that staff revisit the creation of the CRA along the entire corridor and along Orange Avenue in order to participate in discussions with Orange County about funds that can be dedicated to solve transportation issues.

Commissioner Storer expressed his support and commented on the need to provide as much information as possible to property owners and the development community as to what should or should not happen.

Joe Terranova, 700 Melrose Avenue, commented on the discussions that are ongoing with Orange County that involve this issue. He said we need to be clear on where the setbacks should be on Fairbanks Avenue to avoid development that abuts the existing sidewalk.

Discussion ensued that the ZIP will address setback issues. Planner Briggs reported on the request for an occupational license for a new/used car dealer on Fairbanks Avenue. He said staff will work with the applicant, but noted that many of the property owners on Fairbanks Avenue do not share the City's vision of the corridor. He said it will be helpful for the Commission to remain steadfast on whatever decision is made.

Motion made by Commissioner Storer to approve staff's recommendation, seconded by Commissioner DeVane. The motion carried unanimously with a 3-0 vote. (Commissioner Eckbert departed the meeting early and Commissioner Metcalf was not present).

b) Process for the State office building property.

City Manager Williams said staff was asked at the last meeting to provide a process to determine what should be proposed for the site.

Planning Director Martin provided a brief history of the site and the process the City has undergone with the bureaucracies involved with securing the return of the building to the City of Winter Park. He explained the commitment that was made between the City, the Winter Park Library, and Valencia Community College that involved this site recently. He stated that an agreement was not obtained with the parties involved and is not able to move forward. He said it was time to pursue a delivery process to determine what the best use for the property should be. Mr. Martin stated the best way to do this is to establish another committee to examine all potential alternatives for the property and to make the most judicial decision on its long term future and best use. He recommended approval of the process for evaluating the state office building property. Mayor Marchman elaborated on possibly re-approaching Valencia Community College with the idea that City remain as the owner of the property.

Commissioner Storer spoke on possibly requesting proposals from education entities if that is the decision that is recommended from the committee for the property's best use. He expressed his preference that the site remains as public use and that it is enhanced and leveraged to have another community resource.

Bill Rosenfelt, 1400 New York Avenue, spoke in support of maintaining the site as City property.

Commissioner DeVane elaborated on the possible opportunities with the site.

Motion by Commissioner DeVane to approve staff's recommendation, seconded by Commissioner Storer. The motion carried unanimously 3-0 (Commissioner Eckbert departed the meeting early and Commissioner Metcalf was not present).

b) Update on the City of Winter Park lakes water quality.

Public Works Director Troy Attaway provided a powerpoint presentation on this issue. Mayor Marchman reported he has received positive comments from residences regarding improvements to the City's lakes.

Beth Dillaha, 1801 Forrest Road, inquired about a grant the City received to help improve the lakes. Mr. Attaway responded on the number of grants the City has received and how the funds may be utilized. Ms. Dillaha inquired about fertilizers and pesticides that are used around lakes and whether anything can be done about the use of such products near lakes. Mr. Attaway responded on how the Lakes and Waterways Board is being proactive about distributing information into the community about this issue.

City Manager Williams elaborated on other methods that staff is enforcing to protect the City's lakes. Mayor Marchman suggested exploring ordinances that involve environmentally friendly products around the City's lakes. Commissioner DeVane asked that this issue be addressed by the Lakes and Waterways Board.

Lakes Division Chief Tim Egan reported that the Lakes and Waterways Board has addressed this issue several times and are considering a recommendation on a phosphorus ban. He elaborated that many of the commercial companies already use non-phosphorus products and that primarily it's the homeowners who do not.

Bill Rosenfelt, 1400 New York Avenue, commended staff for their efforts with the improvements to the lake system in the City.

Bea Epley, 151 North Orlando Avenue, reported on refuge that FDOT left along the curb adjacent to the Priceless Cleaners.

Commissioner DeVane commended the efforts of the Public Works Department and for the grants that they have been awarded.

NEW BUSINESS (CITY COMMISSION):

Commissioner Storer reported on a wall that is being erected on either side of Stonehurst. He asked if staff could inspect the site and determine whether a gated community is permitted even though the area lies within the jurisdiction of Orange County.

Mayor Marchman adjourned the meeting at 5:14 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham