



City Commission Regular Meeting Minutes

January 27, 2021, Year at 3:30 p.m.

Winter Park Community Center
751 W. New England Avenue | Winter Park, Florida

Present

Mayor Steven Leary
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Carolyn Cooper
Commissioner Todd Weaver

City Manager Randy Knight
City Attorney Kurt Ardaman
City Attorney Dan Langley
City Clerk Rene Cranis
Deputy City Clerk Kim Breland

1) Meeting Called to Order

2) Invocation

Amina Hassan and Maariya Shamsi, Young Muslim Sisters of Central Florida, provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

Mayor Leary advised that Public Hearing Item 11c has been postponed at the request of the applicant.

Motion made by Commissioner DeCiccio to approve the Agenda; seconded by Commissioner Sullivan. Motion carried unanimously with a 5 - 0 vote.

4) Mayor's Report

5) City Manager's Report

6) City Attorney's Report

7) Non-Action Items

8) Citizen Comments - 5 p.m. or soon thereafter

9) Consent Agenda

- a. Approve the minutes of the regular meeting, January 13, 2021
- b. Approve the minutes of the work session, January 14, 2021

- c. Approve Memorandum of Understanding (MOU) between City of Winter Park Fire Department and City of Orlando Fire Department.
- d. Approve the following Piggyback contract:
 - 1. Core & Main, LP - Pinellas County ITB#156-0035-B -Water & Sewer Materials; additional \$750,000 for term.
- e. Approve the following contracts:
 - 1. Windstream Services, LLC - Managed Security Services for City Firewalls; \$35,499.96 for 36-month term.

Motion made by Commissioner DeCiccio to approve the Consent Agenda; seconded by Commissioner Sullivan. There were no public comments. Motion carried with a 4 - 1 vote. Mayor Leary voted no.

10) Action Items Requiring Discussion

- a. March 9, 2021 Election

City Clerk Rene Cranis stated approval is needed on three items relating to the election and a separate action to appoint members of the Canvassing Board.

After discussion on commission availability to sit on the Canvassing Board, this item was re-addressed after Public Hearing Item 11c to allow the City Attorney to review charter requirements for board members.

Motion made by Commissioner Cooper to approve the polling places, authorize the use of the canvassing criteria used by Orange County, and authorize the Supervisor of Elections to open and run all Vote by Mail ballots through the tabulator on March 9 after 9:00 a.m. that are not questionable without obtaining the results until 7:00 p.m.; seconded by Mayor Leary. There were no public comments. Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, and Cooper voted yes. Motion carried with a 4 - 0 vote. Commissioner Weaver was offline at time of vote.

- b. Approval of 2021 State Legislative Priorities

Mr. Knight reviewed the process for review and approval of legislative priorities and next steps.

By consensus the following items were added to the list: internet, tax fairness (protecting small businesses), Sadowski funds be used only for affordable housing programs and state funding for municipal cyber security.

11) Public Hearings

- a. Request of Goodlives, LLC for:

- ORDINANCE 3197-21 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE ELEMENT MAXIMUM HEIGHT MAP (FLUM-1-03) TO ENABLE A THREE-STORY HEIGHT MAXIMUM ON THE PROPERTY AT 301 N NEW YORK AVENUE AND TO AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM A COMMERCIAL FUTURE LAND USE DESIGNATION TO A CENTRAL BUSINESS DISTRICT FUTURE LAND USE DESIGNATION ON THE PROPERTY AT 301 N NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. (2nd Reading)
- ORDINANCE 3198-21 - AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE COMMERCIAL (C-3) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY LOCATED AT 301 N NEW YORK AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (2nd Reading)
- Conditional Use approval to construct a 11, 245 square-foot (14,069 gross square feet including covered parking/front porch/balcony), three-story building at 301 N. New York Avenue with 22 surface parking spaces and four new public parking spaces on New York Avenue. (Approved at 1st reading)

A simultaneous public hearing was held on these requests. The conditional use request was approved at first reading. Attorney Ardaman read the ordinances by title only.

Responding to comments by Commissioner Cooper, Planner Allison McGillis confirmed that the applicant has agreed to provide a six-foot sidewalk along New York and that it will be added as a condition of approval.

Motion made by Commissioner Cooper to adopt the ordinance amending the comprehensive plan; seconded by Commissioner DeCiccio.

Motion made by Commissioner Cooper to adopt the ordinance amending the zoning; seconded by Commissioner DeCiccio.

There were no public comments.

Upon a roll call vote on the ordinance amending the zoning, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the ordinance amending the comprehensive plan, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

- b. Request of Lazarus Development Group, LLC for:
Site plan approval, pursuant to the Commission condition tied to the Lake Killarney Shores replat to construct a new, two-story 4,204 square foot, single-family home located at 520 Country Club Drive on Lake Killarney, zoned R-2.

Mrs. McGillis reviewed this request which is required due a condition of the Lake Killarney shores replat approval. She explained that following Planning and Zoning Board denial of this request in November; however, the applicant met with the adjacent neighbor and submitted new plans. The revised plans were approved by the Planning and Zoning Board in January with two conditions:

1. The applicant will limit the height of the fence between the 85' setback and the lakefront to 4 feet on the south side of their lot,
2. The applicant will install roof drains and underground pipes to convey stormwater down to the swale at the lakefront.

Mrs. McGillis advised that since the Planning and Zoning Board's approval, the applicant and adjacent property owner, David Robold, have reached additional agreements that the applicant will be presenting.

Mr. McGregor Love, attorney representing the applicant, reported on discussions with Mr. Robold and that they have reached additional terms of agreement with Mr. Robold to address his concerns.

Upon questioning by Mayor Leary, Mrs. McGillis advised that staff has not received the additional terms. Mayor Leary expressed his concern moving this forward since staff has not reviewed these terms.

Mr. Love requested approval of the site plan with the following conditions by Planning and Zoning and those verbally agreed to by Mr. Robold:

1. Pool deck will be lowered by approximately 11 inches
2. Underground piping will be installed on the property to ensure that water on the roof of the home goes through gutters and downspouts and travel to the underground piping which will carry the water to the retention area in the back of the property.
3. Fencing adjacent to Mr. Robold's property will not exceed four feet in height above the height of the retaining wall which shall be constructed of concrete block.
4. House has been moved forward five feet per the variance request.

5. Bottom portion of the retention area at rear of the property adjacent to the shores of Lake Killarney will be designed at a height of approximately 84.5 feet, or two feet above the seasonal high-water table of Lake Killarney. The top portion of the retention area will be designed at a height of approximately six inches above the bottom of the retention area. Such design shall be pending review and approval by the City of Winter Park and applicable water management district. In the event that either governing agency denies approval of the same, we will work in good faith toward a mutually agreeable solution with regards to the maximum height of the retention area.
6. Prior to completion of the home, the builder will deliver a maximum of 10 truckloads of fill dirt totaling 100 cubic yards of fill dirt for Mr. Robald to use to increase the grade of his property.
7. The builder will pay for the labor to of installing the fill dirt on Mr. Robold's property.

David Robald, 518 Country Club Drive, stated that he is agreement with Conditions 1, 2, 4. For Condition 3, he requested a height of five feet and for 6 and 7, the agreement was that the builder would be pay for the dirt and sod and labor to install to bring the level his back yard effectively up to the level of this property.

Motion made by Mayor Leary to table this request to February 10, 2021 to allow for staff review; seconded by Commissioner Sullivan. Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio and Cooper voted yes. Motion carried with a 4 - 0 vote. Commissioner Weaver was off-line.

- c. Request of the Magruder Eye Institute:

To annex the properties at 279/283 Orange Terrace Drive; 450/460/470 Cambridge Blvd. and 2310 Devon Court and establish Parking Lot (PL) Future Land Sue and Zoning and for Conditional Use approval to build a two-story, 32,000 sq. ft. medical office building on the combined properties including 2245 W. Fairbanks Avenue (1st reading). **Postponed to February 10, 2021 at applicant's request.**

10) Action Items Requiring Discussion (continued)

- b. March 9, 2021 Election

Attorney Ardaman stated the Charter requires appointment of three members of the Commission to the Canvassing Board, allowing the City Clerk to serve as an alternate.

Consensus was to appoint Commissioners Sullivan and Weaver and the City Clerk to the Canvassing Board.

- d. Request of Winter Park Historic Hotels Group for:

- Ordinance to vacate portions of Killarney Drive and Fairview Avenue, and in return, creating open space/park areas. (1st Reading)
- Ordinances amending the Comprehensive Plan Future Land Use policy text to add a new policy for the combine site (Policy 1-J-15), to amend the Zoning Code Commercial (C-3) and Open Space Recreational (PR) text to provide for the allowances above for only this specific property, and to amend the Future Land Use/Zoning Map from Single Family (R-1 A) and Office on 2.09 acres of this site to Commercial (C-3) and 0.88 acres to Open Space Recreational (PR). (1st Reading)
- Approval of a Conditional Use for the specific hotel project of a 5-story, 132-room hotel with associated restaurant, ballroom/meeting space, and 235-space parking garage with one floor of underground parking.

A simultaneous public hearing was held on these requests.

Commissioner Cooper asked that the conditional use request be addressed at second reading. Approved by consensus.

Mayor Leary reviewed procedures for public comment stating time will be extended if needed and after discussion, consensus was to allow city residents, or their representatives, to be heard first.

Attorney Ardaman read the ordinances by title.

Director of Planning and Transportation Bronce Stephenson reviewed the requests relating to the development of the Henderson Hotel including location, layout, building, park area, greenspace, and underground parking. He showed the portion of Killarney Drive proposed to be vacated. He reviewed the Comprehensive Plan policy regarding neighborhood protection and the request to create new policies that would allow this project. The Planning and Zoning Board recommended approval with conditions which will be included in a development agreement.

Responding to questions, Attorney Ardaman and Attorney Dan Langley explained the consequences if the terms of the development agreement are not met and discussion followed on the terms of the agreement.

Rebecca Wilson, attorney representing the applicant, stated that the zoning cannot automatically revert to current zoning due to state requirements that require two readings of ordinances for rezoning property. Additional discussion ensued on the terms of the agreement.

Adam Wonus, representing the applicant, began the applicant's presentation showing the site location, surrounding property/uses and current stormwater conditions. He reviewed the stormwater plans to reduce the impact on the lake and environmental

aspects (LEED certification, EV parking). He commented on a traffic study which concluded that the project will have minimal impact on the area transportation network. He stated there will be no commercial traffic into Killarney neighborhood.

Tim Baker, Baker Barrios Architects, showed a video of renderings of the proposed hotel and provided architectural history of hotels in Winter Park. He summarized the details on the hotel, rooms, ballroom, restaurant and bar, underground parking, FAR, building height, stepbacks, open space and park.

Mark Israel, Universal Engineering Sciences, geotechnical engineer for the project, provided details on key points of their report: temporary dewatering subject to mandated permitting, groundwater filtration on site before being released and no increased risk of subsidence or sinkhole development. He reviewed the construction process for the underground parking garage and stormwater improvements with installation of a baffle box and exfiltration system for the hotel property.

Mrs. Wilson reviewed current and requested comp plan and zoning. She stated that this project will create open space to lake that will permanently end the encroachment into the area. The applicant is requesting comp plan policy amendments for specific properties within the project relating to open space, maximum ISR, FAR and building height, setbacks and dedication of a public park. She reviewed the terms of developer's agreement. She presented slides showing the bollards preventing cut-through traffic and that the hotel site is excluded from the neighborhood. She feels this project is furthering the policy to protect the Killarney neighborhood by giving the neighborhood a park. She cited policy outlining criteria for managing encroachment into established residential neighborhoods, which she feels the applicant has met. She commented on community outreach efforts and letters of support. She closed by citing the benefits to the community and Killarney neighborhood and responded to questions.

Representatives of the applicant responded to questions regarding the function of the baffle box, water holding and pumping, noise from mechanical equipment, underground parking design and construction.

Mayor Leary declared a recess at 5:55 and reconvened the meeting at 6:15 p.m.

8) Citizen Comments - 5 p.m. or soon thereafter

There were no citizen comments.

Continuation of Public Hearing Item d, Request of Winter Park Historic Hotels Group

Motion made by Mayor Leary to approve the right-of-way vacation, comp plan amendments and rezoning as presented. Motion failed for lack of second.

Motion made by Commissioner Weaver to deny all requested approvals in connection with the Henderson Hotel project including the ordinance to vacate, ordinance amending the comprehensive plan, ordinance amending zoning code for a five-story 132-room hotel with associated restaurant, ballroom, meeting space and 235-space parking garage with one floor of underground parking based on the following:

Applicant has failed to meet their burden to show that the requested approvals comply with the City's comprehensive plan including future land use map 1-21 which includes the site which is the location of the requested approvals within planning area J and corresponding future land use policy 1.J.9 mandating that the city preserve and protect single-family land use within the Killarney neighborhood from commercial and office encroachment along with future land use policy 1-5.1.4 which mandates that the city restrict lakefront development to the lowest density residential land uses with corresponding lot coverage and impervious coverage. In addition, the testimony and evidence at the hearing including land use report provided by planning expert, John Smoger, a traffic engineering report provided by traffic engineer Patricia Tice, established that the applicant does not meet the requirements contained in Section 58-86 of the code relating to comprehensive plan amendments and Section 58-89 relating to rezoning including the requirements of consistency with the comprehensive plan and the requirement that only a bonafide owner of the property can apply for rezoning and comprehensive policy plan amendments. The testimony and evidence presented at the hearing further establish that the proposed project does not meet the criteria for rezoning contained in Section 58-89 (5) of the city code including the requirement that the proposed project be compatible with the character of the surrounding area, that the building size, floor area ratio, height mass be compatible and consistent with the scale and character of the immediate neighborhood, that the traffic generated does not degrade the level of service on adjacent roads or intersections or raise traffic hazard and that the peaceful use of adjacent properties, the economy of adjacent business, and the character of the surrounding area not be degraded by the proposed rezoning

Motion seconded by Commissioner Sullivan.

Mrs. Wilson stated this motion is not applicable at this point in this hearing since no evidence has been submitted.

Commissioner Weaver withdrew his motion, accepted by Commissioner Sullivan.

Commissioner Weaver stated that he gave Mr. Smoger's report to the City Clerk.

Mrs. Wilson stated Commissioner Weaver is entering evidence in this hearing, not sitting as a quasi-judicial member taking the evidence and as a result, Commissioner Weaver should not, per law, vote on this matter.

Commissioner Cooper suggested taking a short break to allow Commissioner Weaver to speak with counsel to help him frame his motion.

Attorney Ardaman said that under the assumption that the document submitted by Commissioner Weaver was received by him prior to this hearing, he should disclose ex parte communications prior to the vote, as will each member of the Commission. However, in order to preserve proper forum, he suggested that the commission allow the public to speak and submit evidence and then make a motion(s).

Commissioner Weaver disclosed that the document he submitted was sent to the Mayor and Commissioners and directors. Attorney Ardaman recommended that members disclose receipt of that document as well.

Mayor Leary disclosed that he has had communication with the applicant and their attorney early on and city staff.

Commissioner DeCiccio said she has had communication with almost everyone in the room numerous times including staff.

Commissioner Sullivan said he met with Mr. Wonus and residents, received a written packet from attorney Allison Yurko, and has spoken with applicant representatives, staff and residents by phone, and audited the Planning and Zoning hearing.

Commissioner Cooper said she has communicated with the applicant, staff, residents, and other agencies and professionals.

Commissioner Weaver disclosed he has had communication with the applicant, adjacent property owners and business, professionals, residents and their counsel, city staff and Mr. Ardaman.

Mayor Leary opened the hearing for public comment.

Tom Callan, attorney representing the Dickerson family, 1330 Fairview Avenue, said they have met with the applicant many times and have been able to reach agreement on their concerns and outlined the terms of agreement regarding the mass and intensity of the hotel, underground parking, through traffic, and the park on the east side of the Dickerson's property.

Alison Yurko, attorney representing the Cunningham family, submitted into the record a copy of her presentation, reports from Patricia Tice and John Smoger, the application, Wellness Center sub policy area, and prior correspondence to the Planning and Zoning

Board. She reviewed the reasons for opposition to this request citing inconsistencies with the Comprehensive Plan and conflicts with existing codes and stated the developer cannot show that the zoning and land use meet criteria for approval.

John Smoger, Smoger Consulting Services, was available to answer questions.

Patricia Tice, 606 Courtlea Cove Avenue, Winter Garden, principal of Crews, LLC, commented on Kimley Horn's traffic study and the increased traffic due to the restaurant capacity and number of rooms and events.

The following spoke in favor of this request:

- David McDaniel, 770 Dommerich Drive, Maitland (former owner, 250 Killarney Dr.)
- Brittany Pilcher, 969 Bungalow Avenue
- Matt Certo, 1649 Magnolia Avenue
- Tim Dwyer, 315 E. New England Avenue
- Barry and Donna Bender, 2630 Via Tuscany
- Douglas Marks, 1500 Lake Knowles Circle
- Peter Shipp, 2048 Albert Lee Parkway
- Theresa Smith-Levin, 2529 Modac Trail
- Jim Ford, 1310 Aloma Avenue
- Amy McKenna, 1643 Elizabeths Walk
- Christopher Wideman, 1551 Harris Circle
- Danny Williams, 233 W. Park Avenue
- Ryan Paul, 1279 Michigan Avenue
- Sydney Rossman-Reich, 1279 Michigan Avenue, (involved in Henderson Hotel)
- Angie Strasberg, 2146 Lake Drive
- Joseph Linartas, 1310 Fairview Avenue
- Paul Bryan, 544 N. Knowles Avenue
- Kenneth Polsinelli, 1701 Spruce Avenue
- Chris Hurn, 622 Country Club Drive
- Kimberly Woodham 1321 Fairview Avenue
- Jessica Reuss, 476 Sylvan Drive
- Scott Bunkers, 227 S. Orlando Avenue
- Stephanie Hill, 324 N. Interlachen Avenue
- Michael Carolan, 2312 Randall
- Bobby Palton, 1917 Hammerlin Avenue
- Carl Creasman, 2013 Kimbrace Place
- Julie Von Weller, Williams Drive
- Walter Benenati, 1857 Harland Park Drive
- Howard Tooley, 1317 Dallas Avenue
- David Sutphin, 350 Killarney Drive

- Ryan Rhyce, 440 Shoreview Avenue
- Brian Grandstaff, 921 Osceola Avenue
- Joe Dear, 309 Salvador Square
- Joe Shuemann, 1150 S. Orlando Avenue
- Damien Madsen, 350 Kings Way
- Matthew Cavanaugh, 1000 Holt Avenue
- Paul Twyford, Winter Park Distillery Co., 1288 Orange Avenue
- Kristy Walson, 1023 Golfview Street, Orlando
- David Brenner, 1834 Killarney Drive
- Nicole Dupre, 101 Lake Avenue, Orlando
- James Grynevich, 1011 Delridge Avenue, Orlando
- Israel Erazo, 3664 N. Goldenrod Road
- Jeff Singletary, 119 Raymond Oaks Court, Altamonte Springs
- Calvin Hare, 2072 Lake Drive
- Jessica Foster, 3624 N. Goldenrod Road
- Chris Evans, 637 W. King Street, Orlando
- Betsy Eckbert, President and CEO, Winter Park Chamber of Commerce

The following spoke in opposition to this request:

- James Cunningham, 251 Rippling Lane
- Mary Black, 1334 Dallas Avenue
- Glenn Viers, attorney representing Hillstone Restaurant
- Connie Brashear, Pillar Engineering Services, engineer for Hillstone Restaurant
- Nort Northam, 120 Broadview Avenue
- Jeanne Wall, 2110 Lake Drive (submitted binder of letters in opposition)
- Lisa Waddington, 411 Kilshore Lane
- Bill Voecks, 2096 Lake Drive
- Carolyn Minear, 430 Killarney Drive
- Bart Johnson, 1214 Turner Road
- Beth Hall, 516 Sylvan Drive (submitted Affidavit on defects of public notice)
- Leon Huffman, 350 Ololu Drive
- Roger Wall, 2110 Lake Drive
- Conrad Necrason, 2130 Lake Drive
- John Mitchell, 145 Killarney Drive

Mrs. Wilson commented on the support presented in this meeting which speaks to the desire to find a way to move forward to protect and improve this neighborhood and provide an opportunity for an appropriately scaled hotel. She requested first reading on

the ordinances and bring back the conditional use permit and developer's agreement with the following changes:

- Eliminate fifth floor of hotel building so it is now four stories. (45 feet plus the parapet with architectural embellishments.
- Rooftop pool would remain.
- Eliminate the ballroom and limit that area to two stories with hotel rooms and no more than 3,000 square feet of meeting space.
- Reduce overall number of hotel rooms from 132 rooms to no more than 120 rooms
- Eliminate underground parking under the park parcel
- Eliminate surface parking on the park parcel.
- Provide an easement to be Dickersons (1300 Fairview Avenue) and McDaniel (300 Killarney Drive) over the portion of Fairview Avenue that is vacated for a private driveway which will have grass pavers (at hotel owner's expense)
- Continuation of wall that is being constructed on the Palm Hill development along the shared boundary of the park parcel and the adjoining residential property to terminate 10 feet from the street per request by neighbor.

Mayor Leary thanked the applicant and his team for their efforts and work with the neighbors during this process.

Mrs. Wilson responded to questions by Commissioner Cooper relating to the zoning ordinance and the rezoning of Fairview Avenue (requested to be vacated). She said she is not prepared to agree to language in the developer's agreement but expressed a willingness to work with staff on language where the right-of-way would revert to the city if the hotel use ends.

Commissioner Cooper said she believes that it is not necessary to vacate Fairview Avenue if the community does not want the park which she feels is an extension of the hotel, not for the benefit of the community. Mrs. Wilson said the applicant is willing to work with the city and the neighborhood to make it a community park.

Commissioner Cooper commended Mr. Wonus and his team on his cooperation through this process and said she feels it would be beneficial to have hotel in the city but at a proper scale and location. She spoke on the need for compatibility with the surrounding area and the need for a smooth and orderly transition to residential uses.

Commissioner Weaver thanked Mr. Wonus and his team for their work. He gave a presentation on Comprehensive Plan policies that protect residential neighborhoods from office/commercial encroachment and zoning code requirements for C-3 zoning. He reviewed the health of Lake Killarney, impact of the underground parking garage and existing conditions of area properties including the properties owned by the applicant.

Commissioner DeCiccio commented on the improvements needed in the area. She said she would love to see a hotel on this site but not large scale with a ballroom and 225-seat restaurant which will create a traffic nightmare. She feels the compromise proposal is a step in the right direction but she cannot vote until she sees the plans and suggested tabling this for two weeks.

Mayor Leary said he feels tabling only prolongs this process and would prefer moving forward with revised plans for consideration at second reading.

Mrs. Wilson stated that if this is tabled, the project would not move forward. She said she would like the support of the commission for first reading before investing additional funds on revising a plan.

Commissioner Cooper commented on the need to revise the ordinances and said the commission should vote on ordinances that reflect what is being voted on. Attorney Ardaman explained the process for approving ordinances conditioned upon revisions.

Commissioner Weaver said he cannot support or tabling or moving forward.

Commissioner Sullivan said he feels the hotel is grand and complimentary to Alford Inn but is not in right location. He stated that the Comp Plan changes required for this project are contrary to the intent of the Comp Plan and the extensive conditional use conditions negates other Comp Plan policies. He spoke on the e-mails received regarding the need to clean up the area and said that if this project does not move forward, he will advocate for the City to address and improve existing conditions. He said the revised plans do not afford residential protection of the Comp Plan. He presented a neighborhood map showing support and opposition to the hotel and those neither in support or opposition.

Mayor Leary noted Mrs. Wilson's objection to the map due to inaccuracies.

Commissioner Sullivan stated the map indicates the neighborhood's position that the hotel is not in their best interest. He closed by stating that this hotel, even with the revisions, is not suitable in this location adjacent to a residential area.

Motion made by Mayor Leary to approve the request for right-of-way vacation, Comprehensive Plan amendments and rezoning as presented with modifications presented by the applicant:

- **Eliminate fifth floor of hotel building so it is now four stories.**
- **Rooftop pool would remain.**
- **Eliminate ballroom and limit that area to two stories with hotel rooms and no more than 3,000 square feet of meeting space.**
- **Overall number of hotel rooms will be reduced from 132 rooms to no more than 120 rooms.**

- **Eliminate underground parking under the park parcel**
- **Eliminate surface parking on the park parcel.**
- **Provide an easement to the Dickersons (1300 Fairview Avenue) and Matt McDaniel (300 Killarney Drive) over the portion of Fairview Avenue that is vacated for a private driveway which will have grass pavers (at hotel owner's expense)**
- **Continuation of wall that is being constructed on the Palm Hill development along the shared boundary of the park parcel and the adjoining residential property to terminate 10 feet from the street per request by neighbor.**

Motion failed for lack of second.

Motion made by Commissioner Sullivan to deny the request to vacate the property; seconded by Commissioner Weaver.

Motion made by Commissioner Sullivan to deny the request for Comprehensive Plan amendments, seconded by Commissioner Weaver.

Attorney Ardaman pointed out that if the motions to deny pass, there is no need to vote on the request for rezoning and conditional use.

Mrs. Wilson withdrew all applications.

- e. Ordinance - Vacating utility easement to establish additional Palm Cemetery spaces - Tantum Avenue (First Reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Cooper to approve the ordinance on first reading; seconded by Commissioner Weaver. There were no public comments. **Upon a roll call vote Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5 – 0 vote.**

12) City Commission Reports

Commissioner Sullivan

Stated this is his last in-person meeting until the pandemic passes.

Commissioner Cooper

Said she received numerous requests from businesses to stop closing Park Avenue and suggested that the city stop closing Park Avenue. Mayor Leary suggested that it could be closed in the evening, but not during the day.

Assistant City Manager Michelle Neuner stated this will be discussed in the Economic Development Task Force meeting on February 2. Consensus was to authorize the City

Manager to discuss with members of the Commission and make the decision on cancelling the events associated with closure of Park Avenue.

13) Summary of Meeting Actions

No summary.

Mayor Leary adjourned the meeting at 11:46 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis