



City Commission Regular Meeting Minutes

January 16, 2020 at 11:00 a.m.

City Hall, Commission Chambers
401 S. Park Avenue | Winter Park, Florida

Present

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Todd Weaver

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

1. Meeting called to order

Mayor Leary called the meeting of the Winter Park City Commission to order at 11:05 p.m.

2. Public Hearings

a. Orange Avenue Overlay District (Continuation from January 13, 2020 meeting)

- Ordinance - Amending Chapter 58 "Land Development Code" Article I, "Comprehensive Plan" to adopt new goals, objectives and policies of the future land use element to establish the Orange Avenue Overlay District. (1)
- Ordinance - Amending Chapter 58 "Land Development Code" Article III, "Zoning" to adopt a new zoning district Section 58-83 Overlay Districts (OD). (1)

Mayor Leary stated this meeting is a continuation of the January 13 meeting and public hearing on the Orange Avenue Overlay. He opened the floor to public comments for those who did not speak at the January 13th meeting.

The following spoke in favor of these ordinances:

- Laura Turner, 1646 Berkshire Avenue
- Christian Swann, 281 Salvador Square
- Cynthia Hasenau, Executive Director, Mead Botanical Garden, 111 Longbranch Road
- James Johnston, 616 Langholm Drive
- John Harbuck, realtor, Fannie Hillman, 205 W. Fairbanks Avenue
- Lambrine Macejewski, 210 Dana Way
- Patrick Brazil, Equity Commercial Real Estate, 1560 N. Orange Avenue
- Sam Click, 508 Henkel Circle
- Tom Harper, 1200 S. Orlando Avenue
- Richard Haines, 1741 Via Genoa
- Heather Alexander Speight, Executive Director, Winter Park Playhouse, 711 N. Orange Avenue

- Leesa Bainbridge, Vice President of Communications, Chamber of Commerce, (read letter from Winter Park Chamber of Commerce Chairman Mike Carolan)

The following spoke in opposition to these ordinances.

- Peter Gottfried, 1841 Carollee Lane
- Meredith Murphy, 1770 Windsor Drive
- Michael Harrell, 475 Lakeview Avenue
- Marty Sullivan, 901 Georgia Avenue
- Cathy Richey, Outreach Director, Winter Park Land Trust, 1048 S. Kentucky Avenue
- Pat Estes, 1537 Hillcrest Avenue
- Jeanne Wall, 2110 Lake Drive
- Kathryn Grammer, 200 S. Interlachen Avenue
- Pat McDonald, 2348 Summerfield Road
- Randy Vance, 2111 Oakhurst Avenue
- Ruth Heine, 2358 Summerfield Road
- Mary Margaret Vasquez, 300 W. Reading Way
- Mary Black, 1334 Dallas Avenue
- Michael Galyean, 746 McIntyre Avenue
- Jill Bendick, 1211 Oxford Road
- Cindy Thomas, 1140 Keyes Avenue
- Bee Epley, 151 N. Orlando Avenue, #156
- Margie Bridges, 767 Antonette Avenue
- Charley Williams, 757 Antonette Avenue
- Brad Blum, 1169 Lakeview Drive
- Beth Rich, 1010 Bonita Drive
- Vicki Krueger, 200 Carolina Avenue, #201
- Barb Vitale, 700 Melrose Avenue
- Cherie Jeffries, 1935 Hammerlin Avenue
- Ellen Prague, 321 Beloit Avenue
- Pamela Peters, 467 Lakewood Drive

Mayor Leary called a recess at 12:35 and reconvened the meeting at 1:00 p.m.

In response to questions, Attorney Langley stated that the Comprehensive Plan ordinance must be reviewed by the state prior to a second public hearing on both ordinances. Substantial changes at second reading may require a second review by the state.

Commissioner Seidel asked if a requirement for a supermajority vote can be added to the document. He said he feels it would protect the rights of developers and the city. Attorney Langley said he would research in the context of the charter and pointed out that if a supermajority vote is added, only a majority vote is needed to remove the supermajority vote. He added it could create problems and result in changes on voting requirements on a case by

case basis. Commissioners Cooper and Weaver supported supermajority votes in certain cases, and in particular additional floor area ratio (FAR) above the base FAR.

Commissioner Sprinkel stated that nobody wants to harm the city, only improve. She feels this will create a cohesive future and improve pedestrian safety and should be looked at as a framework for the future as opposed to giving something away.

Commissioner Cooper expressed her concern that the magnitude of change in the FAR will alter the character of Winter Park. She said she feels the parking garage FAR needs to be included in the calculation of overall FAR. She commented on the concerns raised in public comments and agreed with comments that a 3-D model and traffic analysis is needed to see the impact of the maximum FAR.

Commissioner Weaver thanked staff for their work. He said that he likes Orange Avenue but it is lacking speed enforcement, pedestrian safety and crosswalks across Orange Avenue. He opposed reducing lane size or removing on-street parking. He feels that surface parking at Progress Point will meet area parking needs and opposed a parking garage on this property. He expressed his concerns about unresolved traffic issues, stormwater, entitlements, and building size.

Commissioner Cooper commented on infrastructure needs that may cost \$10 million and expressed her concern for trading increased size in exchange for funds to pay for infrastructure improvements.

Planning and Community Development Director Bronce Stephenson responded to public comments stating that the current entitlements would allow up to 1,100 residential units, and that the two existing crosswalks on Orange Avenue do not fully address safety. He stated that Kimley Horn's studies include strategies to improve pedestrian safety and to reduce congestion on Orange Avenue, which are currently in progress.

Mayor Leary commented on Subarea C, Progress Point property, and asked for the appraisal and value of the property whether it is divided, used as parkland, or a parking garage is constructed which may increase the city's liability. He asked that if any member of the Commission wishes to table or continue these ordinances to do so at this time in consideration of those present, although he would not support such motion.

Motion made by Commissioner Cooper to table these ordinances until receipt of an in-context model of the overlay district to include existing properties and maximum entitlements, an analysis and recommendations from Kimley Horn on traffic improvements based on maximum entitlements and cost of those improvements; seconded by Commissioner Weaver. Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary, Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Commissioner Seidel stated that a traffic study is in progress for the 17-92 corridor which includes 25 intersections. He feels that more will be known with the traffic modeling and will

help to heal the animosity in the community. He spoke in support of developers contributing to the cost of transportation improvement through transportation fees.

In response to questions by Commissioner Cooper regarding reversing decisions that allow an increase the FAR, Attorney Langley explained that property owners have rights to develop under current approved ordinances/codes. Every project must be looked at individually and based on the code in effect at the time of approval.

Attorney Langley readdressed supermajority voting and advised that the charter requires a majority vote; however, the commission could pass a motion to require supermajority vote on certain matters before the Commission.

Review of amendments made in January 13 meeting

Amendment #1: Motion made by Commissioner Cooper, seconded by Commissioner Seidel to amend the main motion to add a new section, 3.1.i.10, Architectural Review:

In addition to meeting the architectural standards as set forth in this section, for developments requiring a conditional use approval having a land area of more than 80,000 square feet, having more than 25 residential units, or having structures exceeding 35,000 gross square feet above grade, professionally prepared fully rendered 3-D digital architectural perspective images and elevations that show all sides of the proposed building(s), parking areas, parking structures and any other site improvement shall be submitted to and reviewed by and commented upon by a City retained professional architect or by a City established architectural review committee, consisting of two (2) Licensed Architects, a Licensed Landscape Architect and a Licensed Professional Engineer (only if the project involves a parking garage), to ensure high quality architecture consistent with the goals and objectives of the OAO. The comments and recommendations of such professional architect or architectural review committee shall be transmitted to the planning and zoning board and city commission for consideration in rendering a decision on the proposed conditional use sought for the proposed development.

Upon comments by Mayor Leary, Mr. Stephenson confirmed that the committee's review is not binding and that the professionals can be retained through the city's continuing services contracts. After discussion, consensus was to use the continuing services contracts or existing staff with proper certifications and rotate continuing services providers.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Amendment #2: Motion made by Commissioner Seidel, seconded by Commissioner Cooper to amend the main motion to remove Subarea E adjacent to 17-92 between Miller Avenue and Indiana Avenue and Subarea E south of Minnesota between 17-92 and Balch Avenue (the location of the former Orchard Supply and all parcels on the east side of Orlando Avenue). Upon a roll call vote Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

Amendment #3: Motion made by Commissioner Seidel, seconded by Commissioner Weaver to amend the main motion to require on city-owned property, Subarea C, a minimum of 1.5 acres of parkland, maximum of 20,000 square foot footprint at 2-story maximum, and parking.

Mayor Leary spoke in opposition to this amendment due to unknown cost implications and potential decrease in the value of the property.

Mr. Stephenson spoke on the need for a parking garage whether it is city-owned or a partnership with area businesses and advised that setting the maximum height at two levels prohibits a four-level garage which is needed to provide adequate parking in the area. He stated that the parking garage height must be established in the Comp Plan for the state's review.

Upon comments by Commissioner Seidel, Mr. Stephenson confirmed that a four-story parking garage has five parking levels with a maximum height of approximately 40 feet and the maximum height of a two-story building is 33 feet. Commissioner Seidel stated he supports a four-story parking garage as it will provide needed parking in this area.

Commissioner Cooper suggested modifying the language to add "(s)" after building to emphasize that the maximum square footage is for the entire site whether there is one or more than one building. Amendment accepted by Commissioner Seidel.

Commissioner Cooper stated she feels it should be clarified that the greenspace is contiguous and suggested modifying the language to add "primarily contiguous" which she feels would avoid the appearance of the greenspace looking like setbacks. Commissioner Seidel asked if staff has looked at an area that is a 150' deep park along Denning. Mr. Stephenson stated staff's recommendation is that the best location is along Denning Avenue but keeping area for rail trail. Amendment not accepted by Commissioner Seidel.

Commissioner Cooper suggested adding language to limit the frontage on any one building on Orange Avenue to 100 feet. Commissioner Seidel stated he would not want to overly constrict development proposals. Mr. Stephenson stated that language is included and would apply.

Commissioner Cooper stated that the State requires a maximum FAR and suggested modifying the motion to reduce the Maximum Achievable FAR from 125% to the current Base FAR 60%, which would provide the opportunity for the floorplate and a parking garage to support the development. Commissioner Weaver agreed.

Mayor Leary stated that with the 1.5 acres and the parking garage, he would support an increased FAR to allow the city/citizens to recoup some of the investment.

Commissioner Seidel asked if there was anything that states whether the garage is included in the FAR. Commissioner Cooper stated at this point parking garages are excluded from FAR calculation and the FAR would have to be increased to 80% to accommodate parking. Mr. Stephenson stated that 60% is the maximum achievable FAR based on the underlying zoning. Commissioner Seidel accepted the amendment to 60%.

Mayor Leary summarized Amendment #3 with additional modifications:

- Building limited to a 20,000 square foot building(s) floorplate at 2 stories, for a maximum of 40,000 square feet.
- Reduce Maximum Achievable FAR from 125% to the Base FAR of 60%.
- Keep maximum height at 4 stories to ensure parking structures could be built.
- Parking garage may be constructed to provide required parking for onsite uses and additional parking to be available for area businesses and general public. Will allow partnerships to build needed spaces.
- 1.5 acre park-space oriented towards Denning, keeping area for rail-trail.

Upon a roll call vote of Amendment #3 as modified, Commissioners Seidel, Cooper and Weaver voted yes and Mayor Leary and Commissioner Sprinkel voted no. Motion carried with a 3-2 vote.

Amendment #4: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change Section b.1 Purpose (21) from “Explore the implementation of a Transportation Impact Fee” to “Implement a Transportation Impact Fee.” Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weaver voted yes and Commissioner Sprinkel voted no. Motion carried with a 4-1 vote. (Nullified due to passing of Amendment #15)

Amendment #5: Motion made by Commissioner Seidel, seconded by Commissioner Sprinkel to amend the main motion to change road closure provisions from “right-of-way shall be encouraged” to “right-of-way may be considered.” Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Amendment #6: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion changing Section 3.1.g, Single Family Residential Uses to read as follows:

Residential Uses within the Overlay District. The OAO shall not apply to existing residential uses or structures developed prior to the effective date of this section. Protections of existing residential uses and structures shall be implemented. Properties currently used and developed as residential prior to the effective date of this section shall continue to be subject only to current Land Development Code standards and protections governing such properties’ underlying zoning designation and not those set forth in the OAO, unless and until such properties redevelop. Any change of use or redevelopment on the existing residentially developed properties shall require compliance with OAO standards. In order to protect existing structures that are used as a residence, new non-residential or mixed-use development within the OAO shall have its structures setback at least 35 feet from the property boundaries of parcels with existing residential structures used as a residence that are not intended to be part of the proposed development, unless a written consent can be obtained from owner(s) of the affected existing residential structure(s) consenting to the waiver of such minimum setback requirement of this subsection. Parking garages shall be setback at

least 100 feet from the property boundary of parcels used and developed as single-family or low-density residential.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Amendment #7: - Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion changing Section 3.1.k to read as follows:

Public Notice and Hearing Requirements.

(1) City-wide notice, as defined in Section 58-89, shall be required for any proposed development within the OAO that requires a conditional use approval having a land area of more than 80,000 square feet, a building of more than 35,000 square feet or having more than 25 residential units. Proposed development not hitting the thresholds set forth above and otherwise that meet the criteria for city-wide notice, as defined in Section 58-89, within the OAO, shall not be required to provide city-wide notice; however, in the alternative, such proposed development shall be required to send notice to all properties within the OAO and all properties within 1,000 feet of the boundary of the OAO. All Conditional Use requests within the OAO shall be required to send public notice to all properties within 1,000 feet of the subject property, post signage on the property and publish notice in a newspaper of local circulation.

(2) For any proposed development within the OAO that requires a conditional use approval having a land area of more than 80,000 square feet, a building of more than 35,000 square feet or having more than 25 residential units, there must be at least two public hearings before the city commission on the proposed conditional use conducted at least ten days apart prior to approval of such conditional use. If the city commission denies the required conditional use at the first public hearing such shall be the final decision of the city commission and a second public hearing is not required.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Mayor Leary called for a recess at 2:40 p.m. and reconvened the meeting at 2:50 p.m.

Amendment #8: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion related to transfer of residential density in Subareas D & J as follows:

Density Transfer. The owner of properties within Subarea (D or J) (as defined by the map below) shall be allowed to transfer the existing residential density entitlements, based on the maximum residential units per acre permitted under the underlying zoning designation existing just prior to the effective date of this section, from other properties within the OAO that are under common ownership on the date of the first reading of the ordinance adopting this section, though not the square footage. However, properties that have previously developed to the maximum entitled square

footage under their underlying zoning designation existing just prior to the adoption of this section do not qualify for and are not permitted to transfer residential density to receiving properties within the OAO. Properties that transfer residential density shall also receive a reduction of the maximum floor area ratio governing the development or redevelopment of such property under the OAO based on the number of residential units transferred times 450 square feet. Once the residential density entitlements are transferred from such other commonly-owned properties, no residential units can be constructed on the property from which the density transfer occurs and as referenced above the non-residential development maximum floor area ratio shall be reduced on the property from which the residential density transfer occurs. The documents to be recorded in the Orange County Public Records memorializing the aforesaid density and floor area ratio including associated deed restriction shall be reviewed and approved by the City and thereafter executed and recorded prior to any development occurring that relies on such density transfer. It is the intent of density transfers under this subsection to create nodes of intensity, allowing for residential uses, which are key to the successful creation of mixed-use districts and of development that can fund the needed parking and regional stormwater areas in the district. By clustering the intensity, there will be a reduction in overall massing throughout the OAO. Density Transfer shall only allow the transfer of currently entitled units at the underlying zoning into the defined Subarea (D or J). This language shall not allow transfer of units into other Subareas. The map below depicts the properties within this subarea that qualify for this density transfer. No properties other than those shown on the map below, owned by Demetree Global or subsidiaries (define), shall be eligible for density transfer within Subarea (D or J).

Commissioner Seidel suggested that trips generated go with the density transfer so that if the property is fully developed more trips cannot be generated. Discussion followed on the concept and application of trip limitations, impact of the FAR, transfer of residential density and eligibility for enhancements.

Commissioner Cooper suggested adding “and listed by parcel in an exhibit.” After “those shown on the map below.” Accepted by Commissioner Weaver

Upon a roll call vote on Amendment #8 as modified, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Amendment #9: - Motion made by Commissioner Sprinkel, seconded by Commissioner Seidel to amend the main motion to accept staff’s recommended language as follows:

“Properties transferring available residential units to either Subarea D or J are then not eligible for utilization of the development enhancement menu to earn additional FAR and are therefore capped at the base FAR for said subarea in which they lie”.

Mr. Stephenson stated this is staff’s alternative to Amendment #8 which would remove eligibility to use the enhancement menu to earn additional FAR.

Commissioner Seidel suggested modifying the motion to add the base FAR and trips. Discussion followed on the ability to change to a higher use with the transfer of trips. Modification not accepted by Commissioner Sprinkel.

Upon a roll call vote on Amendment #9 as presented, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Amendment #10: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to add the following whereas paragraph in the zoning code amendment:

“Whereas” Comprehensive Plan Policy 1-2.4.14, Mixed Use Designation directed, within one year from the adoption of this Comprehensive Plan, the City will create a mixed use overlay or district for commercially designated parcels that would be intended to facilitate design and use flexibility to achieve pedestrian scale, innovative transit connectivity and maximizing open space within a commercially viable and architecturally desirable design. Complementary uses may include, but are not limited to retail, entertainment, office, civic and residential uses. The City shall also prepare companion land development code regulations that implement the proposed mixed use overlay or district simultaneously with any policy amendments related to this overlay or district. All policies related to this overlay or district will be subject to a Comprehensive Plan amendment.

Upon a roll call vote, Commissioners Seidel, Cooper and Weaver voted yes and Mayor Leary and Commissioner Sprinkel voted no. Motion carried with a 3-2 vote.

Amendment #11: - Motion made by Commissioner Cooper and seconded by Commissioner Weaver to amend the main motion to add under Parking Requirements:

Medical: One parking space per 200 square feet of gross floor space.

Upon a roll call vote, Commissioners Seidel, Cooper and Weaver voted yes and Mayor Leary and Commissioner Sprinkel voted no. Motion carried with a 3-2 vote.

Amendment #12: - Motion made by Commissioner Cooper to amend the main motion to include parking garages in FAR; seconded by Commissioner Weaver. Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Amendment #13: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to add language stating that Subarea A properties shall be given priority for available parking garage spaces that are required to be available for lease.

Mayor Leary said he is in favor of the amendment but staff will need to draft language for implementation.

Upon a roll call vote, Mayor Leary and Commissioners Cooper and Weaver voted yes and Commissioners Seidel and Sprinkel voted no. Motion carried with a 3-2 vote.

Amendment #14: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to add in Section 3.i.j.7.F “liner buildings” as acceptable parking garage screening. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Amendment #15: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to add a new section after 3.1.o that reads:

Transportation infrastructure proportionate fair share. Development and redevelopment within the OAO requiring a conditional use approval shall pay a proportionate fair share of the estimated cost necessary to fund the design, engineering, permitting and construction of those transportation projects within or proximate to the OAO that are impacted by such development or redevelopment projects that utilize additional entitlements provided under the OAO. The owner and developer of a project shall enter into a proportionate fair share agreement with the city, with terms and conditions acceptable to the city, as part of conditional use approval. The city has initiated action to develop a traffic model, identify needed transportation improvements and establish a formula for calculating a proportionate fair share system.

Commissioner Cooper suggested that this language be included in the Comp Plan. Attorney Langley and that this does not preclude the city from exploring transportation impact fees or mobility fees, which could replace this concept.

Upon a roll call vote, Commissioners Seidel, Cooper and Weaver voted yes and Mayor Leary and Commissioner Sprinkel voted no. Motion carried with a 3-2 vote.

Amendment #16: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to add language to Section 3.1.p.1.a.1 to read: “Floor Area Ratio (to the extent existing structure already exceeds FAR.)” Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Amendment #17: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change Subarea B language, Section 3.1.p.2.a.5.c, to require a 30-foot rear setback. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Amendment #18: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change language in Section 3.1.p.3.d to read:

Road. Realignment of the Palmetto Avenue right-of-way may be considered, subject to City Commission approval, as the street bisects the property and creates limited development opportunities of the site but is necessary it be maintained as a parallel transportation facility to relieve congestion on Orange Avenue.

Commissioner Cooper clarified that this would apply globally in the land use code as she is not interested in vacating public streets and using private driveways. Commissioner Weaver agreed.

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Amendment #19: - Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change all of the Subarea Base FAR percentages to the existing underlying zoning district maximum achievable FAR in current Zoning Code.

Commissioner Seidel commented on the public parking enhancement (P1). Mr. Stephenson explained that a developer must provide parking spaces at least 10% above what is required by code and made available for lease to other properties. Discussion followed on the calculation of parking spaces and credits from the enhancement menu.

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Amendment #20: - Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to modify Subarea D to a Maximum Achievable FAR of 100%.

Commissioner Seidel asked whether the city would incur any liability if changes were made at second reading. Attorney Langley stated no, as there should be no reasonable reliance on an unadopted ordinance. Commissioner Seidel stated there is, then, the opportunity to reduce the FAR.

Commissioner Seidel suggested modifying the motion changing the Maximum Achievable FAR to 150% and allowing Maximum Achievable FAR of 200% by supermajority vote and to reduce the height from seven to six floors. Modifications were not accepted by Commissioner Cooper.

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Amendment #21: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to modify the maximum height to the average height (in feet) of Commerce National Bank and TD Bank, and to modify the Zoning Ordinance setbacks of Subarea D to the average setback of Commerce National Bank and TD Bank.

Mr. Stephenson clarified that Amendment #20 addresses Subarea D's Maximum Achievable FAR and building height and Amendment #21 addresses the setbacks and building height.

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Amendment #22: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to limit Subarea D and J to a maximum of 25 units per acre with density transfers. Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Amendment #23: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change Subarea J maximum FAR to Maximum Achievable FAR of 85% until the 3D illustration is provided and traffic impact and improvements are reviewed. Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Amendment #24: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change Subarea J to a maximum height of three stories fronting on Fairbanks Avenue, and to four stories when located 100 feet back from Fairbanks Avenue. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote

Amendment #25: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to limit Development Enhancement Menu Options to the following:

- AC3, Space for Non-Profit Arts and Cultural Organizations
- P1, Public Parking
- M2, Workforce Housing Provided
- OS1, Open Space Beyond Minimums
- OS2, Shade Tree Planting
- OS5, Donation of Land for Parks
- OS6, Martin Luther King, Jr. Park Expansion
- CT1, Rail-Trail Construction and Easement
- CT3, Denning Drive Mobility Extension
- CT7, Land Donation for Transportation Improvements.

Commissioner Weaver suggested modifying the motion to add OS.4, Mead Garden Improvements. Accepted by Commissioner Cooper.

Commissioner Seidel stated he believes some of the enhancements need to be refined and he intends to review further.

Upon a roll call vote on Amendment #25 as modified, Commissioner Cooper voted yes and Mayor Leary and Commissioners Seidel, Sprinkel and Weaver voted no. Motion failed with a 1-4 vote.

Amendment #26: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to exclude properties with underlying residential zoning.

Commissioner Weaver stated the intent of this amendment is to protect residential properties and would apply to the properties zoned R-1 and R-3 and those currently built out to that, but he would specifically like to remove properties currently occupied as residences.

Mr. Stephenson clarified that the properties do not have underlying residential zoning but have residential entitlements and feels the current language is appropriate.

Attorney Langley pointed out that an amendment was voted on concerning residential uses in the overlay and this overlay not applying to existing uses and structures. Mr. Stephenson stated that staff shares the concerns for protection of single-family uses and feels there is adequate protection in the language.

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Amendment #27: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to remove all references to the plural “districts” in the enacting language and use the word “district.” Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weaver voted yes and Commissioner Sprinkel voted no. Motion carried with a 4-1 vote.

Amendment #28: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to remove Subarea G (west of Denning and north of Fairbanks) from the Overlay District.

Commissioner Cooper spoke in opposition to this amendment as the 45% FAR offers some protection to the adjacent park.

Amendment #28 was withdrawn by Commissioner Weaver.

Amendment #29: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to change Section 3.1.c Permitted Uses (2) to require food sales in Bars, taverns, cocktail lounges by deleting “or without.”

Commissioner Seidel asked whether there is anything to prevent from somebody from seeking approval for a special type of bar, tavern or lounge. Mr. Stephenson stated there will be no variance on use so there is no ability to modify the allowed use.

Commissioner Cooper suggested modifying the permitted use list to allow bars, taverns, cocktail lounges (with food sales) and bars, taverns, cocktail lounges (without food sales) as a conditional use. Accepted by Commissioner Weaver.

Upon a roll call vote on Amendment #29 as modified, Mayor Leary and Commissioners Seidel, Cooper and Weaver voted yes and Commissioner Sprinkel voted no. Motion carried with a 4-1 vote.

Amendment #30: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to add in Section 2.1.c Permitted Uses (5) to require food sales in Breweries/distilleries) by adding “(with food sales).”

Commissioner Weaver modified his motion to apply the same language as in Amendment #30 to add Breweries/distilleries (without food sales) to the conditional use list.

Upon a roll call vote on Amendment #30 as modified, Mayor Leary and Commissioners Seidel, Cooper and Weaver voted yes and Commissioner Sprinkel voted no. Motion carried with a 4-1 vote.

Amendment #31: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to change Section 3.1.i.1, Architectural Standards, to refer to parking garages in terms of stories rather than levels as follows:

Building Height. To allow for flexibility in design, but preserving development standards that will reduce building massing. Buildings shall be measured in stories. Only floors visible on the exterior of the building shall be counted towards building height (ex. A 4-story building wraps around a 5-level interior parking garage, only the 4 stories would count as they are the only part visible)."

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Amendment #32: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to delete the words "recorded easement or" in Section 3.1.j.1 to read:

Parallel Orange Avenue Access. Where Palmetto Drive, Vivian Drive and Harmon Drive provide secondary and primary access to properties within the OAO area, portions of these roadways may be closed, vacated or re-aligned, so long as a through access road, as approved by the City Commission, is maintained to allow vehicular access between Orlando Avenue and Denning Drive. A road that allows public through-access in perpetuity via a dedicated public street shall be allowed in-lieu of vacated streets, if approved by the City Commission. Any road shall be constructed at a minimum street width of 20 feet unobstructed and shall have unobstructed vertical clearance per National Fire Protection Act (NFPA) codes."

Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Amendment #33: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to prohibit parking garages on the north side of Fairbanks changing the language to read "Parking structures on the north side of Fairbanks Avenue shall not be allowed." Upon a roll call vote, Mayor Leary and Commissioners Seidel, Cooper and Weaver voted yes and Commissioner Sprinkel voted no. Motion carried with a 4-1 vote.

Amendment #34: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to require in Section 3.1.l, Meaningful Open Space Requirements, "at least 80% of open-space areas provided shall be greenspace."

Mr. Stephenson stated staff's recommendation is to require 65% of open-space areas provided shall be greenspace and 80% of the open space shall be pervious or semi-pervious.

Commissioner Weaver modified his motion to reduce 80% to 65% and add that 80% of open space areas shall be pervious or semi-pervious. Accepted by Commissioner Cooper.

Upon a roll call vote on Amendment #34 as modified, Commissioners Seidel, Cooper and Weaver voted yes and Mayor Leary and Commissioner Sprinkel voted no. Motion carried with a 3-2 vote.

Amendment #35: Motion made by Commissioner Weaver, seconded by Commissioner Seidel to amend to change Section 3.1.q.1, OAO District Development Enhancements/ Bonuses, Table 6, Meaningful Open Space, OS.4, Mead Garden Improvements as follows:

“Donation to Mead Botanical Garden Improvements/Restoration/Enhancements shall Earn one square foot of additional building space per each \$10 donation, with the allowable square footage earned up to a 10% entitlement increase. The Funds Shall Only Be Used for Capital Improvements or Enhancements in Mead Botanical Garden.

Upon a roll call vote, Commissioners Seidel and Weaver voted yes and Mayor Leary and Commissioner Sprinkel and Cooper voted no. Motion failed with a 2-3 vote.

Amendment #36: Motion made by Commissioner Weaver, seconded by Commissioner Seidel to amend the main motion to change Section 3.1.q.1, OAO District Development Enhancements/ Bonuses, Table 6, Meaningful Open space, OS.6, Martin Luther King, Jr. Park as follows:

“Donation to the City of Winter Park, Park Acquisition Fund Shall Earn a one square foot of additional building space per each \$10 donation, with the allowable square footage earned up to a 10% entitlement increase. Funds shall only be used for the acquisition of additional park land. The funds shall only be used for the acquisition of the area identified as Subarea "G" herein, to expand Martin Luther King, Jr. Park.”

Upon a roll call vote, Commissioners Seidel and Weaver voted yes and Mayor Leary and Commissioner Sprinkel and Cooper voted no. Motion failed with a 2-3 vote.

Additional amendments:

Motion made by Commissioner Weaver to prohibit parking garages from fronting on Orange, Fairbanks, Denning and 17-2 and to require all access from side streets that would include Palmetto, Vivien, Harmon, Cypress Oak. After discussion, motion was withdrawn.

Amendment #37: Motion made by Commissioner Weaver to amend the main motion to change the right-of-way line in all figures to property line to clarify that setbacks are measured from property lines.

Discussion followed on measurement of setbacks from curbs, property lines and right-of-way lines. Mr. Stephenson stated that setbacks are measured from the property line.

Motion seconded by Commissioner Sprinkel.

Commissioner Cooper suggested including a list of parcel identification numbers as an exhibit to the ordinance with effective date of first reading in order to include it in the submission to the State. Mr. Stephenson stated it is part of the land use code and a required part of the submittal to the state. Senior Planner Allison McGillis advised that the ordinance specifies at the time of adoption of the OAO.

Amendment #38: Motion by Commissioner Cooper and seconded by Commissioner Weaver to include a list of parcel identification numbers available for density transfer.

Attorney Langley recommended identifying properties eligible for density transfers by parcel identification numbers.

Motion made by Commissioner Cooper that the list be effective as of the first reading of the ordinance. (Failed for lack of second)

Commissioner Seidel asked whether the city is put in any legal jeopardy if the date is set prior to adoption. Attorney Langley stated the city is not in any jeopardy and the city can establish the parcels in the ordinance now or at adoption.

Amendment #39: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to exclude subterranean, ground floor, and top level (open) parking from FAR calculation; seconded by Weaver.

Motion made by Commissioner Cooper, seconded by Commissioner Weaver to correct the language in the Comp Plan Ordinance, Policy 1.8.1.2 to read “Changes to the subarea map shall not be allowed...” Withdrawn and approved by consensus to correct the error.

Amendment #40: Motion made by Commissioner Cooper, seconded by Commissioner Weaver for the Commission to be presented with a contextual model of OAO, traffic impacts (trip counts with maximum intensity), mitigation and cost prior to second reading.

Discussion followed on infrastructure improvements, costs and cost-sharing.

Commissioner Seidel commented the maximum FAR in Subareas D and J and suggested a Maximum Achievable FAR of 150% using the menu and allowing for 200% FAR with a supermajority vote. He asked for the legal implications if a future Commission decreases the FAR.

Attorney Langley advised that any Commission can change the FAR as it relates to future development. The legal issue involves vested rights of a property owner to retain what is gained through vesting. He explained the supermajority concept and complications with requiring a supermajority vote on different requests.

Amendment #41: Motion made by Commissioner Seidel, seconded by Commissioner Sprinkel to amend the main motion to reduce the Maximum Achievable FAR in Subareas D and J from 200% to 150%.

Commissioner Weaver suggested modifying the amendment to set the maximum FAR in Subarea I at 125%. Not accepted by Commissioner Seidel.

Commissioner Seidel suggested that all trips be transferred with density unit transfers. After a brief discussion, Mayor Leary suggested that this be looked at further prior to second reading.

Amendment #42: Motion made by Commissioner Seidel, seconded by Commissioner Cooper to set the maximum stories in Subarea D to six stories.

Amendment #43: Motion made by Mayor Leary, seconded by Commissioner Sprinkel to amend the main motion to provide that parking garages that will be offering the 10% additional spaces for lease will also provide the opportunity for property owners to purchase the spaces with preference given to Subareas A and B.

Vote on additional amendments:

Amendment #37: Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Amendment #38: Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Amendment #39: Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Amendment #40: Upon a roll call vote, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Amendment #41: - Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Amendment #42: - Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Amendment #43: - Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Main Motion: - Upon a roll call vote on the main motion as amended, Mayor Leary and Commissioners Seidel and Sprinkel voted yes and Commissioners Cooper and Weaver voted no. Motion carried with a 3-2 vote.

The meeting adjourned at 5:00 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis, CMC