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# **CITY OF WINTER SPRINGS, FLORIDA**



## **CITY COMMISSION**

### **MINUTES**

#### **SPECIAL MEETING**

**MONDAY, FEBRUARY 18, 2019 – 6:30 P.M.**

**CITY HALL – COMMISSION CHAMBERS  
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA**

Mayor Charles Lacey  
Commissioner/Deputy Mayor Kevin Cannon - Seat Two  
Commissioner Jean Hovey - Seat One  
Commissioner Ted Johnson - Seat Three  
Commissioner TiAnna Hale - Seat Four  
Commissioner Geoff Kendrick - Seat Five

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## **CALL TO ORDER**

The Special Meeting of Monday, February 18, 2019 of the City Commission was called to Order by Mayor Charles Lacey at 7:18 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

A moment of silence was held, followed by the Pledge of Allegiance.

### **Roll Call:**

Mayor Charles Lacey, present  
Deputy Mayor Kevin Cannon, present  
Commissioner Jean Hovey, present  
Commissioner Ted Johnson, present  
Commissioner TiAnna Hale, present  
Commissioner Geoff Kendrick, present  
City Manager Kevin L. Smith, present  
City Attorney Anthony A. Garganese, present  
City Clerk Andrea Lorenzo-Luaces, present

Mayor Lacey asked, “May we adopt the Agenda without objection?” Deputy Mayor Kevin Cannon stated, “No objection.” With no objections voiced, Mayor Lacey noted, “The Agenda stands adopted.”

## **PUBLIC INPUT**

*Mayor Lacey opened “Public Input”.*

*Mr. Michael Radka, 423 Sandringham Court, Winter Springs, Florida:* addressed the City Commission and explained that he grew up in Winter Springs and then moved back here with his family, and speaking as a resident, Mr. Radka referenced what it took to run the City, hoped that future meetings would not be like this, and suggested that everyone had room for improvement.

*Ms. Melissa Haynie, 214 Heatherwood Court, Winter Springs, Florida:* spoke of her concern with safety and traffic along State Road 434, requested the City work with the State to have a traffic signal installed at the intersection of Tuscora Drive and State Road 434, and referenced some potential new multi-family units under review which could further burden roads, especially along State Road 434.

*Mr. Ryan Stahl, 630 South Maitland Avenue, Maitland, Florida:* offered his thanks to the Mayor and City Commission for their efforts, noted that his company developed only retail projects and they had property under contract at Tuskawilla Road. Mr. Stahl liked the concept of Workshops, and regarding possible retailers who may be under consideration, he said his company was willing to work with the City including residents.

*Mr. Tom Waters, 1033 Antelope Trail, Winter Springs, Florida:* as a long term resident and former Advisory Board Member, Mr. Waters spoke of recent involvement with property in Texas, referenced Facebook and suggested there be less name calling, noted that many residents are against more growth, and pointed out that the City cannot bring in specific restaurants as some residents may wish, as it was not the City's responsibility.

*Ms. Sheila Benton, 414 Cedarwood Court, Winter Springs, Florida:* spoke of Accessory Dwelling Units and referenced a document that she provided to the City related to *Florida Statutes* 163.31771, and said that the City would need to deal with Accessory Dwelling Units, therefore, the Comprehensive Plan should be updated.

*Mr. Paul Partyka, 404 Park Lake Drive, Winter Springs, Florida:* spoke of past developers, said that quality development should always be the goal, the City's Town Center, Workshops, criteria for quality projects should be determined by input from all, and everyone involved should work together to get projects completed.

*Mayor Lacey closed "Public Input".*

## **REGULAR AGENDA**

### **REGULAR**

#### **500. Office of the City Manager**

#### **REQUEST:**

**Office of the City Manager requests the City Commission conduct a Special Meeting regarding special zoning permits.**

#### **FISCAL IMPACT:**

**There is no direct fiscal impact related to conducting the workshop other than staff and attorney time to prepare for the Special Meeting and implement associated direction from the City Commission.**

#### **COMMUNICATION EFFORTS:**

**This Agenda Item has been electronically forwarded to the Mayor and City Commission, City Manager, City Attorney/Staff, and is available on the City's Website, LaserFiche, and the City's Server. Additionally, portions of this Agenda Item are typed verbatim on the respective Meeting Agenda which has also been electronically forwarded to the individuals noted above, and which is also available on the City's Website, LaserFiche, and the City's Server; has been sent to applicable City Staff, Media/Press Representatives who have requested Agendas/Agenda Item information, Homeowner's Associations/Representatives on file with the City, and all individuals who have requested such information. This information has also been posted outside City Hall, posted inside City Hall with additional copies available for the General Public, and posted at six (6) different locations around the City. Furthermore, this information is also available to any individual requestors. City Staff is always willing to discuss this Agenda Item or any Agenda Item with any interested individuals.**

**RECOMMENDATION:**

**Staff recommends the City Commission consider the information provided for this Special Meeting regarding special zoning permits and provide any direction deemed appropriate.**

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Mayor Lacey began the discussion on this Special Meeting and remarks followed on a possible Motion and related matters.

Deputy Mayor Cannon stated, “With regard to the Agenda, my understanding is the direction we gave to Staff and the Staff told us they were setting up with Workshops, first to revise the Comprehensive Land Use Plan and bring it up to date in accordance with *Florida Statutes*, and then also to look at other Land Development Regulations of the City.

This says Special Zoning Permits. Special Zoning Permits, Mayor, are Special Exceptions, Conditional Uses, and Waivers, I believe. Isn’t that right Anthony (Garganese)? That was what you told us. So, I think that there might be a misnomer here in the Agenda; but I was under the impression or at least what I had asked for and I thought was the will of the Commission, is we need a Workshop on updating the Comp[rehensive] Plan and then also updating provisions of our Land Development Regulations. Was I mistaken on that?”

Mayor Lacey said to Deputy Mayor Cannon, “As far as I am concerned, what you enunciated is what we are here to do.”

Discussion ensued on a possible Motion, the Comprehensive Plan, and compliance with State regulations.

City Attorney Anthony A. Garganese pointed out, “Special Zoning Permits are those Permits that require the City Commission to conduct a Quasi-Judicial Hearing, and they depend on evidence that’s presented at a Hearing, and then the Commission applies policy criteria that is set forth in the City Code, laws that the City Commission has set forth in the Code.

There are only several Special Zoning Permits in the City of Winter Springs. We have Conditional Uses, we have Special Exceptions in the Town Center, we have Waivers, and we have Variances, and those are the Special Permit Applications.”

Furthermore, Attorney Garganese said, “In my mind, you can break Special Zoning Permits into different categories that the City Commission needs to take into consideration from a legislative perspective of adopting laws. Those first and foremost, it’s the type and purpose of the Special Permit which I just stated – it’s those Conditional Uses, the Waivers, the Variances.

The next category is what administration and general procedures are in place that the City has adopted, that Applicants have to follow. The next category is the Application requirements - the information that Applicants are required to submit in advance of the City Commission conducting that Quasi-Judicial Hearing to make a determination on that Special Permit.”

Continuing, Attorney Garganese noted, “Next, is the review criteria which is extremely important because if the Commission as a legislative body, doesn’t adopt the necessary review criteria before they conduct a Quasi-Judicial Hearing, then you can’t rely on that, some criteria that you arbitrarily create. That criteria needs to be established in the Code Book in advance, so everybody knows the rules of the game when that Quasi-Judicial Hearing is conducted by the Commission.

And then the last category that I described in the Agenda Item is you need to identify where in the City Code, the Application of a Special Permit may apply. For example, in the Town Center, we have Special Permits for Special Exceptions; Special Exceptions only apply in the Town Center, and Special Exceptions have rules and criteria and application requirements that are in the Town Center District Code. So, the rules of the game are known in advance.

Conditional Uses on the other hand, which are similar to Special Exceptions, apply elsewhere in your Zoning Code. They are Uses that are subject to review by the Commission for approval or denial and not allowed as a matter of right. So, those are the general categories and as I set forth in the Agenda Item based on my reading of the Moratorium Ordinance, there was a threshold issue that is always in the back of my mind.

There seems to be some desire to streamline the Town Center District Code with the rest of the City Zoning Code. When the Town Center District Code was adopted in 2000 by the City Commission, it was, in essence, a new Zoning District. It had its own set of rules that were for the Town Center because the City Commission was embarking on the creation of something new, the new Town Center. So, those rules took precedent over the City’s general Zoning Rules that were in place at the time. And, over the last nineteen (19) years, almost twenty (20) years, there’s a question, and numerous staff members have brought it up, and there has been discussion – do we really need separate rules for the Town Center District Code relative to Special Exceptions and the Application requirements, or should we just streamline and have one (1) set of rules that apply not only for the Town Center but everywhere else? And there seems to be some desire to streamline and have the one (1) set of rules relative to Special Zoning Permits.

And so in my mind, that’s kind of the threshold issue because if the Commission wants to have that one (1) set of rules, we need to deconstruct various parts of the Town Center Code and make a lot of technical changes for Special Zoning Permits. Not to get bogged down in all those types of technical changes, but if that’s the direction of the Commission, Staff and myself, we need to go back and kind of deconstruct the Town Center Code and try to put it into just one (1) set of rules and procedures for Special Zoning Permits. And, once we get past that rule, then you get into that issue, then we can really focus in on what those rules should be – the one (1) set of Application requirements, the one (1) set of criteria for the different Special Zoning Permits, etc., etc. As the City Attorney, I’d like to know the answer to that threshold question, because there’s a certain amount of technical work that needs to be done.”

Deputy Mayor Cannon noted his preference was on streamlining the process.

Discussion followed on businesses, Permitted Uses, Conditional Uses, discarding Special Exceptions, how the Town Center District Code was first conceived, the reasoning behind zero setbacks; and, going forward, considering Variances, height requirements, density, the Town Center, setbacks, and to have the proposed Workshops.

Commissioner Ted Johnson added that his interest was also to streamline the process.

Further comments ensued on streamlining, the Town Center, the overall vision, and how to move forward.

Attorney Garganese pointed out, “If it’s the Commission’s desire to deconstruct the Town Center Special Zoning Permit process and envelop it into the normal process, there are a lot of technical changes that need to be done and I know the Commission, I think, is eager to talk about the higher up policy decisions you want to make from a land development standpoint. I could go back with Tim (McClendon), work with him because I have some thoughts about doing that and how it gets deconstructed. For example, we have far more detailed review criteria for Conditional Uses than we do for Special Exceptions in the Town Center.

And that’s very important and pivotal when you’re acting in a Quasi-Judicial capacity. It seems to me, that when we put the Town Center Special Exceptions and convert them into Conditional Uses, we’re going to bolster all that review criteria which I think is important for the Commission from a decision-making standpoint.

Ironically, the Application details in the Town Center are more detailed than the Application requirements in the regular Zoning Code. We would probably take the more detailed Application requirements in the Town Center Code and put them into the regular Code. I mean all that technical work can be done and we could provide you with a redlined copy of all the different changes and then you can wordsmith it to the extent that you want to wordsmith it; but, it might be easier for the Commission to kind of go through those details after we have an opportunity to draft an Ordinance for you to look at, than do it tonight at a meeting. And then you could get into any other issues that you may want to discuss or you want to give us direction on.

The only issue though, in Special Zoning Permits that you’re really going to probably have to take a close look at and the information is in the Agenda Item, is what’s the list of Conditional Uses in all of the different Zoning Districts – that’s a big policy call for you all to make. You might want to remove some of the Conditional Uses, you may want to take a Conditional Use, make them a Permitted Use, you may want to just eliminate it completely, or move it to another Zoning District.”

City Manager Kevin L. Smith pointed out, “It goes back to what you would like to see, what kind of development you would like to see, not just in the Town Center, but throughout the City. What’s permitted, what is not permitted, and what’s permitted via a Conditional Use. So we’ll provide that list as well Anthony (Garganese), along with a redlined copy to give us discussion for our next Workshop.”

Further remarks continued.

Attorney Garganese then said, “Now would be the time - if you don’t think a specific use should be allowed in a certain Zoning District, now is the time to let that be known so we can modify the Code. If you don’t like a Conditional Use in one (1) District, tell us and we’d have to amend the Code to take it out.”

Mayor Lacey noted, “To go through that deconstruction process that Anthony (Garganese) and you have described, I heard the Deputy Mayor speak positively towards that, I heard Commissioner Kendrick speak positively to that. I spoke positively about that.”

Continuing, Mayor Lacey remarked, “Before we actually give that instruction - is there any objection from the Commission that we follow that path as essentially the first step?”

Deputy Mayor Cannon said to Attorney Garganese, “As I understand it, we will have Special Exceptions rolled under Conditional Uses and then we will still have Waivers and Variances, so those will be the three (3) Special Zoning categories. Okay. And then, the review criteria, which you said is very important and I agree with you, that is critical for us when we are making decisions, as we have to know what the criteria are.” Manager Smith stated, “Absolutely.”

Furthermore, Deputy Mayor Cannon stated, “That would be like round two (2) but round one (1) would be at least looking at these three (3) categories of...” Attorney Garganese stated, “...The criteria would be the first round - I am going to take a first stab at combining the Application process, combining the criteria, changing the Town Center nomenclature to fit the regular Zoning Code - with Staff’s help of course, give you back work products, so then you can further refine it - give you a starting point.”

Mayor Lacey noted, “You’ve got instruction to do that for the Record - the Commission has approved that.” Attorney Garganese pointed out that this was significant direction. Mayor Lacey then inquired, “Can we do that and also simultaneously attack more of the high level vision questions or would you argue that we wait on that?”

Attorney Garganese commented, “It all depends on what the direction is. I mean we can handle more than that from Zoning Code changes. If there are some Zoning Code changes that the City Commission wants to see, lay them out there because we can include it in this whole process.”

Manager Smith added, “With that being said then I would say, yes, let’s please continue with that as we’re working through those Staff level items if you will. Let’s continue to the next phase of whatever type of issues that the Commission would like to discuss.”

Mayor Lacey inquired, “You would be ready to do that two (2) weeks from now?” Manager Smith remarked, “Yes.”

Further comments continued.

**“I MAKE A MOTION THAT WE SET SPECIAL MEETINGS OF THE COMMISSION IN WORKSHOP ON MARCH 4, MARCH 18, APRIL 1, APRIL 15 AND APRIL 29 FOR THE PURPOSE OF GOING THROUGH REVISIONS TO WORK THROUGH OUR LAND DEVELOPMENT REGULATIONS AND TO WHATEVER EXTENT - RELATED ELEMENTS OF THE COMP[REHENSIVE] PLAN OR AT LEAST IDENTIFYING THEM FOR THE COMP[REHENSIVE] PLAN REVISION THAT CORRESPOND WITH CHANGES THAT WE ARE MAKING.” MOTION BY DEPUTY MAYOR CANNON. SECONDED BY COMMISSIONER HALE. DISCUSSION.**

**MOTION CARRIED UNANIMOUSLY WITH NO OBJECTIONS.**

## **PUBLIC INPUT**

*Mayor Lacey opened "Public Input".*

*Mr. John Paccione, 1513 Hunters Mill Place, Oviedo, Florida:* commented on the importance of considering the marketplace and to include professionals involved in development and real estate in the process.

*Mr. Robert S. Miller, 679 Silvercreek Drive, Winter Springs, Florida:* spoke of the original vision for Town Center which was not to be like U.S. Highway 17/92 in Casselberry as it was years ago, to include pocket parks. However, with more vehicular traffic becoming more typical, Mr. Miller suggested the Town Center should become more viable.

*Mayor Lacey closed "Public Input".*

## **ADJOURNMENT**

Mayor Lacey adjourned the Special Meeting at 8:25 p.m.

*RESPECTFULLY SUBMITTED:*

  
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ANDREA LORENZO-LUACES, MMC  
CITY CLERK

*APPROVED:*

  
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MAYOR CHARLES LACEY

NOTE: These Minutes were approved at the March 11, 2019 City Commission Regular Meeting.