



City Commission Regular Meeting

Agenda

November 8, 2023 @ 3:30 PM

City Hall Commission Chambers
401 S. Park Avenue

welcome

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assistance & appeals

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"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

please note

Times are projected and subject to change.

- 1. Meeting Called to Order**
- 2. Invocation - Peter Moore, Director of Strategic Programs and Budget**
- 3. Pledge of Allegiance**
- 4. Approval of Agenda**
- 5. Mayor's Report**
 - a. Week of the Family Video and Proclamation 5 minutes
- 6. City Manager's Report**
 - a. CIP Report 5 minutes
- 7. City Attorney's Report**
- 8. Non-Action Items**
- 9. Public Comments | 5 p.m. or soon thereafter**

(If the meeting ends earlier than 5 p.m., public comments will be at the end of the meeting. Three minutes are allowed for each speaker.)
- 10. Consent Agenda**
 - a. Approve the minutes of the regular meeting, October 25, 2023. 1 minute
 - b. Approve the minutes of the work session, October 26, 2023 1 minute
 - c. Approve the following piggyback contracts: 1 minute
 1. Gresco Supply, Inc. - Osceola County Contract #ELE/190961 - Transformer Supply and Delivery Services; For goods and services on an as-needed basis during the term of the Agreement through March 2, 2024; Amount: \$1,500,000
 2. WeeDoo Greenboats, Inc. - GSA Contract #47QMCA20D0042; For goods on an as-needed basis during the term of the Agreement through July 16, 2025; Amount: \$80,000
 - d. Approve the following contracts: 1 minute
 1. Delsia Margraf - FY20-25 - Utility Billing Consulting - Amendment 4; For services on an as-needed basis during the term of the Agreement through November 13, 2024; Amount: \$125,000

2. HDD of Florida - RFP15-19 - Underground Conduit/Pipe Installation Services - Amendment 7; For services on an as-needed basis during the term of the Agreement through September 30, 2024; Amount: \$3,000,000
3. Heart Utilities of Jacksonville - RFP10-19 - Electric Utility Installation & Maintenance - Amendment 5; For services on an as-needed basis during the term of the Agreement through September 30, 2024; Amount: \$2,000,000

e. Approve the following purchase:

1. Dobbs Equipment, LLC - John Deere 524L Wheel Loader Tractor purchase; Amount: \$226,241.20

11. Action Items Requiring Discussion

- | | |
|--|------------|
| a. Ravaudage Agreement Amendment for Road Improvements and Partial Reimbursement | 30 minutes |
|--|------------|

12. Public Hearings: Quasi-Judicial Matters

(Public participation and comment on these matters must be in-person.)

- | | |
|--|------------|
| a. Request of Metro Winter Park LLC to: | 60 minutes |
| <ol style="list-style-type: none"> 1. Ordinance 3287-23 - Amending the Comprehensive Plan Future Land Use designation from Institutional to Medium Density Residential to be consistent with the R-3 zoning of the properties (2nd reading) 2. Conditional Use approval for a two-story, 53-unit multi-family project on the properties at 821 & 831 W. Swoope Ave. and 800, 810 & 830 W. Webster Ave. | |

13. Public Hearings: Non Quasi-Judicial Matters

(Public participation and comment on these matters may be virtual or in-person.)

- | | |
|---|------------|
| a. Resolution 2280-23 - Request of Paul Merrell to designate the property at 1390 Indiana Avenue to the Register of Historic Places | 5 minutes |
| b. Ordinance prohibiting smoking and vaping in city parks and recreational facilities (1st reading) | 30 minutes |

14. City Commission Reports

15. Summary of Meeting Actions

16. Adjournment



City Commission

agenda item

item type

Mayor's Report

meeting date

November 8, 2023

prepared by

Craig O'Neil, Assistant Director of Communications

approved by

Randy Knight, City Manager

subject

Week of the Family Video and Proclamation

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

None



City Commission

agenda item

item type

City Manager's Report

prepared by**meeting date**

November 8, 2023

approved by

Randy Knight, City Manager

subject

CIP Report

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

1. CIP Report -November 1



Active Projects

Project	Project Update	Strategic Objective	Division
7 Oaks Park	Contract has been executed with Collage in the process of completing a maximum GMP for approval by City. Construction site plan has been submitted and reviewed by staff. Collage will be providing City with a start date for site work to begin late November. Collage will be working with Communications to make local residents and businesses aware of potential impacts to parking, vehicular and pedestrian circulation during project construction by early December.	Investment in Public Assets & Infrastructure	Parks
Cemetery Improvements	Columbarium structures, hardscape, and landscape are installed. Project is completed with exception of a small section of vinyl fencing awaiting delivery.	Investment in Public Assets & Infrastructure	Parks
Electric Undergrounding Project	Miles of Undergrounding performed Project J: 2.72 miles 45% complete Project L: 9.57 miles 86.7% complete Project R: 4.31 miles 37.8% complete Commission approved advancement Residential Service Conversions (RSC) Fiscal YTD: 28 TOTAL so far for FY 2024: 0.41 miles	Investment in Public Assets & Infrastructure	Electric
Fire Safety Equipment	The alerting system installation is underway with an anticipated completion date of Jan1,2024. Station 61 upgrades are being designed.	Public Health & Safety	Fire
Improve Mead Garden	Work has begun on internal pathway for Mead gardens; footbridge and clearance of scrub trees in pathway has been completed. Grading of NW section near Community Garden that will be sidewalk rather than aggregate material due to site conditions is graded with sidewalk install expected in late November. Demo of old pavilion and site work in preparation for new pavilion is completed. Public Works completed survey layout for the new pathway and pavilion. Facilities and Parks team has coordinated with electric	Exceptional Quality of Life	Parks

Project	Project Update	Strategic Objective	Division
	and concrete vendors in preparation of install in mid- November.		
Neighborhood Traffic Calming	City staff will be installing traffic calming devices at the following locations because the speeds collected along these sections of road were determined to be excessive and creates an unsafe environment for vulnerable users. New York Avenue between Park Ave and Webster Ave and Palmer Ave between Phelps Ave to Lakemont Ave are currently on the project list. Via Tuscany, Seminole Dr, and Maryland Ave are currently being studied and reviewed if any traffic calming devices are required, and this should be completed by the end of the month.	Investment in Public Assets & Infrastructure	Transportation
New York Streetscape	Phase I construction complete. Coordination on Phase II (New York Avenue to Morse Blvd intersections) streetscape and ADA enhancements underway. New York and Comstock intersection complete. Morse and New England intersections 50% complete Welbourne Ave is expected to begin this fall. The concrete pole at New York and Morse is scheduled to be removed by the end of the month.	Intelligent Growth & Development	CRA
Signalization Upgrade	City staff is currently working with FDOT to evaluate traffic signal timings along the state roads to see if the timings can be optimized. Metroplan Orlando will be retiming the signals along 17-92 within the city limits and SR426 from I-4 to SR436 in FY24. Also, City staff is working on optimizing signal timings on the Denning Drive and Glenridge Way corridors. The consultant has provided proposed signal timings, and staff is in the process of converting the signal controllers to have multiple day timings. The Phase 1 preemption installation has been completed and Phase 2 is being planned and will be completed by mid-2025. In addition, City staff is looking into adding a pedestrian countdown signal modification on Park Ave & Lyman Ave.	Investment in Public Assets & Infrastructure	Transportation
Tennis Center Upgrades	Pickleball net has been installed on practice court. Well installation is on hold due to drilling company delay, but	Investment in Public Assets	Parks

Project	Project Update	Strategic Objective	Division
	expecting work to be completed on both Mead and Tennis Center before 1/1/24.	& Infrastructure	
Upgrade Water Mains	Upgrading AC water mains in Kingwood subdivision in Orange County.	Investment in Public Assets & Infrastructure	Water & Sewer
Ward Park Improvements	Concession stand renovation is under way. Construction being monitored by Facilities. Sidewalk, hardscape, pavilion, and shade sail installation improvements will be scheduled for fall/winter or spring/summer as staff balances projects against WP Babe Ruth program that is on site with heavy use 40+ weeks per year.	Exceptional Quality of Life	Parks
Ward park pond	Ward Park ponds construction is complete. Estimated completion of the necessary piping is March 2024.	Investment in Public Assets & Infrastructure	Stormwater
WP Pines Golf Course	Canopy replacement and upgrade completed. Bridge repairs and replacement complete, dredging project complete, outdoor patio/beer garden complete. ADA restroom work will take place in spring 2024 to avoid service disruption in peak golf season.	Investment in Public Assets & Infrastructure	Parks
Swoope Maintenance Facility BLD	Final design is being completed and it is anticipated this project will go to bid in January 2024.		Parks
Building Department Building Renovation	Design in complete and project is out to bid. Bids to be received in November.	Investment in Public Assets & Infrastructure	Building Department
MLK Improvements	<u>MLK Unity Corner and Shady Park Art</u> Dix Hite working with staff and task force to finalize site design; Dr. King statue design has been approved by task force as well as the entity representing the Dr. King family. Final construction documents and ground-breaking date dependent on task force approval of site design, but still tracking for a January ground breaking. <u>MLK Playground</u> City and Dix Hite developing RFP and qualifications for playground construction with expectation that it will be reviewed by PRAB at January meeting and out for response by February 1 st .		
Denning Drive Intersection	FDOT Permit has been approved. Construction bid has been awarded	Investment in Public Assets	CRA

Project	Project Update	Strategic Objective	Division
	anticipated construction to begin in December.	& Infrastructure	
Ravadauge lift station	Design is at 90%. Expect to bid the project in January, 2024.	Investment in Public Assets & Infrastructure	W & WW
Cady Way Pool Improvements	Pool Filter replacement is on hold due delay in necessary parts. Staff expects update from contractor by end of November.	Investment in Public Assets & Infrastructure	Parks & Rec.
Shady Park Improvements	CRA and Parks and Recreation staff have been working closely with Hannibal Task through monthly meetings on both shady and MLK projects. Shady Park sculptures are expected to be ready for installation by March 1 and City will be completing site work in preparation of install. Staff is currently working to set schedule for work and will occur in either December or after January Unity Festival dependent on contractor time tables for start and work. Set date is expected by late November. Upgrades to park that include landscape and site amenities will take place once install of art is complete.	Investment in Public Assets & Infrastructure	CRA & Parks and Rec

Projects in Planning Phase

- Downtown bollards
- Kennedy Road force mains
- Showalter field lighting West Comstock Parking
- Nicolet stormwater replacement WW plant improvements
- Lake Bell weir improvements

Long Term Project Monitoring

- St Andrews Trail 17-92
- Temple Drive stormwater improvements
- Utility lines at 434 (est 2026)

Recently Completed Projects

Parks Department

The Parks and Recreation Department has completed the Winter Park Sports Complex upgrades as part of Investment in Public Assets & Infrastructure strategic objective.



Parks Department

The Parks and Recreation Department has completed the Pinewood Columbarium addition as a part of Investment in Public Assets & Infrastructure strategic objective.



Parks and Recreation Department

The Parks and Recreation Department completed the conversion of Cady Way Field 10 softball field to a multipurpose field. By converting the field, we add an additional 800 hours of available field time that will mostly benefit youth organizations that primarily serve of our residents.



Parks and Recreation Department

The Parks and Recreation Department completed several projects at Winter Park Pines Golf Course. Projects recently completed are bridge renovations, update to club house interior, and completion of outdoor awning space and patio/beer garden.





City Commission

agenda item

item type

Consent Agenda

meeting date

November 8, 2023

prepared by**approved by**

Kim Breland, Deputy City Clerk

subject

Approve the minutes of the regular meeting, October 25, 2023.

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

1. Minutes - October 25, 2023



City Commission Regular Meeting Minutes

October 25, 2023 at 3:30 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Mayor Phil Anderson, Commissioners Marty Sullivan, Sheila DeCiccio, Kris Cruzada and Todd Weaver; Assistant City Manager Michelle del Valle; City Attorney Kurt Ardaman and City Clerk Rene Cranis.

1. Meeting Called to Order

Mayor Anderson called the meeting to order at 3:30 p.m.

2. Invocation - Pastor Mark Tutschulte, Action Church

3. Pledge of Allegiance

4. Approval of Agenda

5. Mayor's Report

Mayor Anderson announced the city's Veterans Day Celebration is Friday, November 10th and spoke about the freedoms as citizens and service to the community.

6. City Manager's Report

Ms. del Valle reviewed the changes to the upcoming work session schedule. The topic for November 9th will be parking and the December 14th topic will be the IRP. The EDAB retail strategies report will be placed on an upcoming regular commission agenda.

Commissioner Weaver asked that Agenda Item 12 be moved after Item 13. Agreed to by consensus.

7. City Attorney's Report

Attorney Ardaman reported that the OAO litigation resulted in judgments in favor of the city. final summary judgement in the OAO litigation in favor of the city.

8. Non-Action Items

9. Public Comments (heard before Commission reports)

10. Consent Agenda

- a. Approve the minutes of the regular meeting, October 11, 2023
- b. Approve the minutes of the work session, October 12, 2023
- c. Approve the following piggyback contracts:
 1. Fausnight Stripe & Line, Inc. - Seminole County #IFB-604562-23LNF - Roadway Markings, Striping, and Brick Texture Surfacing; For services on an as-needed basis during the term of the Agreement through August 28, 2026; Amount: \$150,000
 2. Hill Manufacturing Company, Inc. - Kentucky Educational Development Corporation (KEDC) #10100169-CLS2022.002 - Custodial Equipment, Supplies, and Services; For goods and services on an as-needed basis during the term of the Agreement through December 31, 2023; Amount: \$125,000
 3. Fisher Scientific Company LLC - University of California/OMNIA Partners #2021002889 - General Lab Supplies; For goods on an as-needed basis during the term of the Agreement through June 30, 2025; Amount: \$110,000
 4. Odyssey Manufacturing Company - Bay County #20-55 - Sodium Hypochlorite; For goods on an as-needed basis during the term of the Agreement through September 30, 2024; Amount: \$375,000
 5. Tesla, Inc. - GSA #4800.21 OGP - Vehicle Purchasing; For vehicle purchases during the term of the Agreement through November 14, 2023; Amount: \$220,000
- d. Approve the following contracts:
 1. Seminole County Sheriff's Office - Criminal Justice Software; Term of the Agreement is through September 30, 2024; Amount: \$87,106.22

Motion made by Commissioner Sullivan to approve the Consent Agenda; seconded by Commissioner Cruzada. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

11. Action Items Requiring Discussion

- a. Move to a 4-Day Work Week (Open 5 days)

Mayor Anderson views this as a flex time policy. He has requested staff to clarify the hours and work schedules to provide essential customer service operations Monday through Friday.

Motion made by Mayor Anderson to table; seconded by Commissioner DeCiccio. Motion carried unanimously with a 5-0 vote.

b. Adaptive Flood Management Guide – Interim Plan

Director of Public Works and Sustainability Gloria Eby provided the background of revisions to the flood management guide leading to this final plan.

Motion made by Commissioner DeCiccio to approve the Adaptive Flood Management Guide; seconded by Commissioner Sullivan.

Bud Crossman, 625 S. Phelps Avenue, asked for the schedule for cleaning out the inverts and outlets to the lakes. Director of Public Works and Transportation Charles Ramdatt reported on projects and increased inspections, in particular the improvements on Douglas Avenue. He said residents can report issues on the city's website "At Your Request," phone or e-mail.

Motion carried unanimously with a 5-0 vote.

13. Public Hearings: Non Quasi-Judicial Matters

- a. ORDINANCE 3286-23 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2022 – 2023 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. (2nd reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Sullivan to adopt the ordinance; seconded by Commissioner Cruzada. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

- b. Ordinance - Repealing and substituting Article II, Chapter 22, of the City Code to incorporate the Florida Building Code. (1st reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Weaver to approve the ordinance on first reading; seconded by Commissioner Cruzada.

Director of Building and Permitting Gary Hiatt advised updates are mandated every three years and that the Construction Board of Adjustments and Appeals unanimously recommended approval.

There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

- c. Request of the City of Winter Park for: An Ordinance to adopt a new revised Comprehensive Plan. (1st reading)

Attorney Ardaman read the ordinance by title.

Motion made by Mayor Anderson to approve the ordinance on first reading; seconded by Commissioner Cruzada.

Director of Planning and Zoning Jeff Briggs noted this is first reading of the ordinance with second reading targeted for December 14th after the required review and report by the State. He noted the attendance of several residents of the Lake Bell area who are concerned about the redevelopment of the city tree farm and advised that the policy that would have allowed the redevelopment of the tree farm has been removed from the recommended changes.

Mr. Briggs reviewed the changes resulting from commission discussion: renaming park land as green space and more precisely defining what is counted toward the level of service calculation, deleting "low density" from the goal to maintain the city's character. adding a policy to promote, assist and encourage economic growth and longevity of local businesses, extending Aloma Avenue gateway to Balfour Drive, establishing a maximum of 60% FAR on Rollins College to provide on-campus parking structures which provides more flexibility for Rollins as they determine and plan for future need. providing for variances to allow lot splits of lakefront properties when obtaining historic designation of structures, adding policies for the area south of Fairbanks Avenue (SOFA) District to guide redevelopment. The revisions also incorporate charter changes approved by the voters in 2020 and the recently passed Live Local Act and commitment to look at accessory dwelling units. He responded to questions regarding Rollins College 60% FAR for parking garages and discussion followed. Mr. Briggs will revise the language to clarify that the FAR applies to the campus, not just parking garages.

Mayor Anderson amended the motion to state that Policy 1-k-2 relating to the tree farm reverts to the existing language. Accepted by Commissioner Cruzada.

J. Marie Bailey, 949 Turner Road, and Anthony Chase, 926 Colfax Avenue, acknowledged the decision to remove the policy relating to the tree farm.

Craig Kotlinek, 2000 Galen Avenue, spoke about the Lake Bell neighborhood and asked the commission to help preserve community values and commit not to change or sell the tree farm.

Amy Tatum, 1010 Turner Road, thanked the commission for considering the residents' concerns and suggested community meetings be held on any plans for the tree farm.

David Johnston, Chair of the Board of Trustees for United Methodist Church, expressed his concern about the R-4 zoning and reduction of FAR under the revised Comp Plan which reduces the property value and is a taking of the property value without just compensation. He questioned the legality of such action and if action is taken, they may have to take legal action in order to maintain the property value and asked to retain R-4 zoning.

Mr. Briggs responded to Mr. Johnston's comments explaining a prior commission repealed R-4 zoning from the code and this revised comp plan reflects that change; however, staff will talk to the city attorney to consider language for second reading to protect existing R-4 zoned properties.

Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

A recess was held from 4:30 to 4:39 p.m.

12. Public Hearings: Quasi-Judicial Matters

a. Request of Metro Winter Park LLC to:

1. Amend the Comprehensive Plan Future Land Use designation from Institutional to Medium Density Residential to be consistent with the R-3 zoning of the properties, and for
2. Conditional Use approval for a two-story, 53-unit multi-family project on the properties at 821 & 831 W. Swoope Ave. and 800, 810 & 830 W. Webster Ave.

Attorney Ardaman read the ordinance by title. Mr. Briggs explained this ordinance establishes the future land use to match the underlying R-3 zoning established when Patmos Chapel ceased operating. This request encompasses five parcels in the area of Webster, Swoope and Capen Avenues. He showed site plans for a rental community with seven individual houses along Capen and townhouses on the interior of the property. He reviewed conditional use standards of approval regarding compatibility of building size and character with the surrounding area and tree preservation. To address the concerns of Planning and Zoning Board, the developer has agreed to almost double the stormwater capacity to almost 4 inches, which should hold a significant amount of water on-site before it is connected off-site. There was also discussion regarding the ingress/egress to Webster due to traffic and safety concerns.

The Planning and Zoning Board recommended approval with six conditions: the five parcels must be combined into one replat; the seven single-family units lots on Capen must be platted individually, no physical improvements are permitted within the 20-foot radius of three existing live-oak trees, use of at least four of the architectural styles provided, landscape plans for the two surface retention areas must include new cypress trees and perimeter landscaping, a 6-foot vinyl fence is required to screen the dumpster and vehicle headlights from the adjacent houses; and the design engineer must provide as-built inspections of the retention systems.

In response to questions regarding stormwater capacity and run off, Director of Public Works and Transportation Charles Ramdatt explained the water flow and said post-development conditions cannot exceed the impact of pre-development conditions. The code requires 2" of water to be retained onsite and this plan provides 3.9" inches. He spoke about the basin studies underway in this area and potential outcomes. Discussion followed on the studies and issues exposed by Hurricane Ian and the storm following and the city's efforts to address known issues and plan for moving forward based on the results of the studies.

Becky Wilson, attorney representing the property owner, stated the townhouses are not fee simple lots, with the intent for those to be rental units, although that could be

changed. She reviewed the current conditions on the property and surrounding areas and said the plan was developed for the overall site to be compatible with the varied surrounding uses/zoning. The plan shows the effort to save existing tree canopy and exceed retention requirements. She noted that the developer is not asking for any waivers of code and reviewed code requirements as compared to the proposed project. She requested approval and agreed to conditions outlined by staff.

Bill Cole, representing Swoope Avenue Homeowners Association, 794, W. Swoope Avenue, spoke in opposition. The 3-story units along Swoope (Building 8) should be converted to single family houses to be compatible with houses across Swoope. The condition and width of Capen and Swoope is narrow for on-street parking and is also the location of a school bus stop. Ingress/egress on Webster is a safety hazard due to the high volume of traffic and the right-only exit forces traffic to Swoope which is more narrow and may limit emergency vehicle access in the area. On-street parking is limited and he feels new residents, who won't use their garage for parking, will use the on-street parking which will reduce the spaces available to current residents. He asked that the developer be required to provide additional parking.

The following spoke in opposition due to reasons cited by Mr. Cole:

- Sheila Reid, 780 Carver Street
- Linda Faye Washington, 321 N. Capen
- Barbara Chandler, 937 S. Pennsylvania
- Endell Williams 176 Oak Grove Road

The following agreed with Mr. Cole and provided additional comments:

- Willie Clark, Jr., on behalf of his father, Willie Clark, Sr., 820 Webster Avenue (suggested traffic study of Webster)
- Dr. Brenda Martin Smith, 831 W. Webster (would prefer single-family homes with ownership, not transient housing).
- Martha Bryant Hall, 331 W Lyman Avenue, (concern about flooding that increases with new construction. Infrastructure is not ready for this development).
- Mary Daniels, 650 Canton Avenue, (stormwater retention, basin study needs to be completed)
- Anjali Vaya, 521 N. Capen Avenue (does not retain city character and will change the future of the area; stormwater study should be completed first.)
- Roda Carter, 840 W. Canton (Fix existing infrastructure before moving forward)
- Linda Walker, 794 Comstock Avenue (mold inspection and remediation of the existing chapel must be done before building is demolished; properties along Capen should be rezoned R-1 since they are single-family)

Mrs. Wilson pointed out that these properties are zoned R-3 and as such is not a change from single-family zoning or removal of single-family homes. Part of the conditional use request is to create four single-family lots so they can be sold. She responded to questions stating the intent of owner to use it as a rental project although the project is designed so the owner can sell lots in the future.

Mr. Briggs pointed out that the city cannot control the type of ownership, but can control the use; however, the applicant may, at a later date, convert the rental units to condos under separate ownership.

Commissioner Weaver said the ordinance makes the future land use consistent with the existing R-3 zoning. He spoke about the site plan configuration, with the tallest building being adjacent to the existing apartment building; however, he believes Building 9 is not compatible due to its proximity to a single-family home next door. He feels the 21-foot right-of-way of Swoope will be a problem for large vehicles and on-street parking and suggested a condition to widen the road to the standard 24 feet. He expressed concern about mold and asbestos impact and removal.

Mayor Anderson recapped items for discussion: Webster traffic and access, Swoope Avenue width, rental versus ownership, number of rental units, stormwater retention, and hazardous materials remediation. Discussion was held on the width of and options to widen Swoope Avenue along the property line with on-street parking on one or both sides of Swoope and options for improving the safety of the Webster access.

Mayor Anderson addressed stormwater retention and concerns that development of this parcel will exacerbate a flood situation. He suggested obtaining pre and post development data for stormwater to determine how the system will respond to 2-4" rainstorms. He asked about the number of units and building height. Mr. Briggs provided code requirements for building height and stories. Regarding dwelling size, Mr. Briggs said square footage of the units will lend itself to future sale as a condo.

Commissioner Cruzada said while R-3 zoning comes with certain rights, he understands residents' concern about the proximity to existing single-family homes, and suggested changing the house on the edge of the site to single-family units to be more compatible outside the development.

Mayor Anderson said he believes changing the number of units is a desire but should not have a bearing on how this application is processed and feels this should move forward with this number of units with additional information on current and future function of the stormwater system. He feels the proposed retention will perform better in the future than it does today.

Commissioner DeCiccio stated the city needs to work in conjunction with the developer to make infrastructure improvements, to improve traffic/access, and change location of single-family units. Mrs. Wilson agreed to work with the city to widen Swoope between Capen and Denning (in front of this property).

Commissioner Weaver explained stormwater run-off and flooding from Hurricane Ian and based on his research, the proposed system for this project will be significantly better than the existing system. Discussion followed on the studies and the city's commitment to making improvements.

Mayor Anderson asked the applicant comment on stormwater now on the property, widening of Swoope, and changing to single-family units in other areas of the project. Mrs. Wilson said their engineer can comment on stormwater and Swoope, but they are unwilling to change those units as it will resulting loss of units.

A recess was held from 7:12 - 7:26 pm.

Jeff Swisher, Kimley Horn, project design engineer, explained the process for researching and analyzing the stormwater storage and run-off under the current and proposed conditions and reported on the anticipated decrease in run-off due to underground vaults. Discussion followed on the calculations and capacity. Mayor Anderson said while this will not fix the city-wide problem, it contributes less to the problem of stormwater retention.

Discussion returned to the location and proximity of the single-family lots and changing to single-family homes in the areas adjacent to current single-family homes. (Buildings 8, 9 and 15). Mayor Anderson suggested passing comp plan amendment on first reading and then looking at options for the site plan and approving the comp plan amendment on November 8th.

Mrs. Wilson agreed to widening of Swoope Avenue and options for the Webster Avenue entrance. She displayed an area zoning map, noting that some neighboring properties are zoned R-3 which would allow multi-family units if the property owner chose. She spoke about the adverse impact of reducing density on this project.

Commissioner DeCiccio suggested looking at on-street parking to provide more spaces. Mayor Anderson reviewed code requirements and Mrs. Wilson said they would look at additional on-street parking and clarified that there are 135 parking spaces including 29 guest parking spaces.

Motion made by Mayor Anderson to approve the Ordinance amending the comp plan and to continue the conditional use request and discussion of the site plan to November 8th; seconded by Commissioner Sullivan. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

9. Public Comments | 5 p.m. or soon thereafter

Gigi Papa, 1440 Hibiscus Avenue spoke about the city's previous allowance of Winter Park Pride banners and about the City of Orlando's Come out with Pride Festival this past Saturday. She understood it was to be a political event in preparation of next year's elections and urged the city to not endorse it. She reported that October 28th is First Responders Day.

Lawanda Thompson, 664 W. Lyman, expressed concern about ADA and the city's requirement that comments on quasi-judicial matters be made in person. She expressed her disappointment about the decision on the project on the former Patmos Chapel site and continued disregard for the west side community. She asked the city to consider a policy to require community meetings and notification of certain projects.

14. City Commission Reports

Commissioner Sullivan –

- Asked staff to determine what projects should require community meetings, how broad notification should be, and how it should be done. Mr. Briggs Mr. Briggs said

staff would prepare a policy and bring before the Planning and Zoning Board and then to the Commission in December.

Commissioner Weaver –

- Expressed the commission's empathy on the impact of Hurricane Ian in his neighborhood where properties are on septic tanks and stopped working for a week after the storm.

15. Summary of Meeting Actions

- Noted Veterans Day Event is Friday, November 10th.
- Revised the Work Session meeting schedule.
- Received report from the city attorney on OAO litigation.
- Approved the Consent Agenda.
- Tabled flex work schedule.
- Approved the Adaptive Flood Management Guide.
- Approved first reading of the Comp Plan amendment for Metro Winter Park LLC and continued the conditional use.
- Adopted ordinance amending the FY 23 budget.
- Approved ordinance on the Florida Building Code.
- Approved ordinance amending compressive plan.
- Staff to look at community presentations for projects and bring back in December.

16. Adjournment

The meeting adjourned at 7:58 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis



City Commission

agenda item

item type

Consent Agenda

meeting date

November 8, 2023

prepared by**approved by**

Kim Breland, Deputy City Clerk

subject

Approve the minutes of the work session, October 26, 2023

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

1. CCmin20231026 ws Smart City



City Commission Work Session Minutes

October 26, 2023 at 1:00 p.m.

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

Present

Mayor Phil Anderson, Commissioners Marty Sullivan, Sheila DeCiccio, Kris Cruzada, and Todd Weaver; Assistant City Manager Michelle del Valle and City Clerk Rene Cranis.

Also Present

Broadband/Smart City Ad-hoc Committee members: Michael Poole, Janelle Ward, James Everett, Susie Grace, and Chris Johnson and Director of Information Technology Parsram Rajaram

1) Call to Order

Mayor Anderson called the meeting to order at 1:00 p.m.

2) Discussion Item(s)

a. Presentation by Magellan Advisors on broadband and smart city initiatives

Mr. Violette reminded the commission that Magellan was contracted in November of 2022 to support the Broadband/Smart City Ad-hoc committee and develop a market analysis, connectivity master plan, and smart city strategic plan for the city. All deliverables for those efforts have been finalized and delivered to staff and the committee.

Mr. Violette revisited the key findings, project recommendations, use cases and initiatives, and funding/costs for the three areas of the connectivity plan project: (1) Backbone Extension (2) Wireless Connectivity, and (3) Fiber to Premise. In addition, Mr. Violette addressed key questions directed to staff and Magellan from the August 24th work session:

- **Can additional capacity be purchased from Frog?** Mr. Violette responded yes and Mr. Rajaram said he spoke with the owner of Frog Michael Vol who has assured the city has the opportunity to purchase extra fiber if needed. Mayor Anderson explained the reason for the inquiry was to ensure the purchase of additional strands if the city moved forward with some of the expansion projects such as traffic cabinets.

Mr. Rajaram noted that he and Director of Public Works Charles Ramdatt had recently been in discussions with FDOT regarding adding the traffic signals on Fairbanks to the city's network in an effort to have visibility when the traffic center is set up. Discussion

followed on the recommended approach to determine what expansions to consider, backbone extension design process, whether there is a need to purchase additional capacity. Additional discussion was held on traffic signal capacity and costs/options for remote monitoring of lift station/sewer and water facilities such as wireless/Citizens Broadband Radio Service (CBRS).

- **Should the electric undergrounding be suspended and if so, when?** Mr. Violette responded staff is reviewing this topic.
- **Are there any areas of overlap between the proposed Expanded Fiber Backbone as compared with the electric undergrounding effort?** Mr. Violette reviewed a map showing the status of the city's underground project area: existing, active and planned over the proposed expanded fiber backbone and lateral routes. He explained that the lack of data has made it difficult to assess whether conduit was added to support communications with every primary electric line that was undergrounded. He indicated there are very few areas of overlap in the project and recommended pausing the undergrounding project for a few months as discussed at the last work session. He suggested having a backbone design created with current data if the commission decides to move forward with an expanded backbone project. In-depth discussion followed on the procedures for electric and fiber undergrounding, backbone design process, data collection, and costs.
- **Move forward with assessing the existing backbone?** Mr. Violette said the city needs the backbone assessment and digitization of data before moving forward with any expansion projects. He noted projects the city is conducting with Frog and suggested discussing with Frog what As-Builts and other documentation will be provided upon project completion. He emphasized the importance of having the data prior to any backbone extension being built.

Mr. Poole noted that ownership of interconnects in the Frog contract is not defined.

Mr. Rajaram said that Frog will deliver all As-Builts related to the facilities connection project once it is completed on November 30th. He said the documentation will identify what strands belong to each party, depth of the vault, service loop, etc. Mr. Rajaram added the city owns the infrastructure, gets to use 48 strands, with the remainder being used by Frog and all maintenance is managed by Frog for a small additional cost.

Commissioner DeCiccio expressed the importance of having the contract language reviewed by the city attorney to identify and clarify ownership for both parties.

Commissioner Sullivan revisited the topic of undergrounding and emphasized the importance of communication between IT and Electric Utility to resume the

undergrounding project as soon as possible. Mr. Rajaram added that since the August work session, staff reviewed the overlay of the expanded backbone with Zone L and based on finding no overlap, determined the project should be paused for further assessment. He said staff has made good progress with assessing the backbone.

Assistant City Manager Michelle del Valle clarified that the city is not modifying the electric undergrounding schedule, but only making modifications to corresponding conduit that was being put in for potential fiber. The electric undergrounding project is moving forward as quickly as possible as materials become available.

- **Move forward with the backbone design?** Mr. Violette responded consensus by the commission was to move forward with the backbone design.

Mr. Poole feels the design is the highest priority and where initial funding should be spent. Mayor Anderson added that the design would affect the majority of expansion projects and discussion followed on assets used by Magellan as the foundation for creating the expanded backbone, project funding, and costs.

- **Next Steps on Wireless**

Mr. Rajaram spoke about the timeline to design and build fiber connectivity versus wireless connectivity. He said staff and Magellan are recommending a CRBS or wireless network. He spoke about FDOT's approach to run fiber to signals along Fairbanks and said the ultimate connectivity of the city will require both wired and wireless connections to be effective.

Mr. Johnson suggested adding wireless to enable some use cases earlier while the city waits for the fiber network to be built.

Mayor Anderson summarized there is consensus is to (1) Pause the undergrounding effort and (2) Begin design development (staff and the commission will need to determine which budget the \$200,000 will be allocated from).

Discussion followed on the Recommended Use Cases Prioritization List (Key Item #7 slide).

Mr. Poole said the recommendations are just ideas and feels staff and the commission will need to review and prioritize the list. Mrs. Ward noted that the use cases listed identify cost, but no benefit that shows what projects might supersede others. Mr. Violette added the list contains ideas and initiatives the city can focus efforts on. Discussion followed identifying and ranking the use cases.

Commissioner Sullivan said there are multiple parameters for a number of items on the list (safety, cost savings, convenience, etc.) He suggested the development of a matrix that could be used to weigh all of the parameters and benefits for the 10-use cases.

Mayor Anderson agreed and feels a column for time sensitivity and alternatives should be added to the matrix. Committee members suggested adding columns for funding and current department plans to the matrix.

Mr. Violette said a city project matrix was created as part of the documents for this project that identifies attributes (timeline, importance to city departments, etc.) and will be provided for review.

Discussion was held on EV charging station monitoring, internal charging stations, and costs. Mr. Poole noted staff will be bringing an item to the Utility Advisory Board (UAB) related to charging customers for charging station use in the near future. He said while the topic is number ten on the use cases prioritization list, it is at the top of the list for the board.

Commissioner Sullivan suggested staff develop a draft of the matrix provided by Magellan prior to commission review. Ms. del Valle agreed and noted many of the projects overlap with existing CIP projects that are already in place. Mr. Rajaram added that a number of items on the use case list have been in production or already implemented such as smart first responder vehicles, smart city poles, and lake monitoring. Other projects are being prioritized by funding, timeline, and staff availability.

In-dept discussion followed on funding and prioritization of projects. Commissioner Sullivan suggested adding another column to the matrix for "current status of projects".

Mayor Anderson summarized there is consensus that the commission would like to use the matrix form for the smart city use cases and staff will come up with pertinent categories. He asked the ad-hoc committee to identify projects from the use case list they felt would strongly impact residents. The committee members cited infrastructure design and traffic initiatives as being the most important. Mr. Poole expressed the importance of the committee's recommendation to have a staff person designated to manage the backbone design and management of projects.

Discussion followed on the need to have dedicated staff and funding for the position. Mr. Poole noted that \$500,000 has been set aside in capital spending for fiber conduit and pausing the undergrounding would make those funds available for a dedicated staff person. Commissioner DeCiccio added that the \$500,000 could be used for the \$315,000 wireless overlay and \$200,000 backbone design. Discussion continued on staffing for this position and other recommended positions already existing in the budget.

Mayor Anderson said there is consensus to use the \$315,000 for the wireless overlay project. He suggested reaching out to vendors that are pulling cable with and offer to purchase the city's excess conduit once the city's backbone has been assessed. The commission agreed by consensus and discussion followed.

Lastly, the commission and Mr. Rajaram thanked the Broadband/Smart City Ad-hoc Committee members for their hard work and service.

3) Adjournment

The meeting adjourned at 2:23 p.m.

Respectfully,

Kim Breland

Recording Secretary



City Commission

agenda item

item type

Consent Agenda

meeting date

November 8, 2023

prepared by**approved by****subject**

Approve the following piggyback contracts:

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

None



City Commission

agenda item

item type

Consent Agenda

meeting date

November 8, 2023

prepared by

Rebecca Watt, Procurement Agent

approved by

Randy Knight, City Manager

subject

1. Gresco Supply, Inc. - Osceola County Contract #ELE/190961 - Transformer Supply and Delivery Services; For goods and services on an as-needed basis during the term of the Agreement through March 2, 2024; Amount: \$1,500,000
2. WeeDoo Greenboats, Inc. - GSA Contract #47QMCA20D0042; For goods on an as-needed basis during the term of the Agreement through July 16, 2025; Amount: \$80,000

motion | recommendation

Commission approve items as presented and authorize Mayor to execute.

background

1. The Originating Agency (Osceola County) issued a formal solicitation to award this contract in FY20.
2. The Cooperative Purchasing Program (GSA) issued a formal solicitation to award this contract in FY23.

strategic objectives

Fiscal Stewardship.

alternatives | other considerations

N/A

fiscal impact

Total expenditures included in approved budgets.

attachments

None



City Commission

agenda item

item type

Consent Agenda

meeting date

November 8, 2023

prepared by**approved by****subject**

Approve the following contracts:

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

None

**item type**

Consent Agenda

meeting date

November 8, 2023

prepared by

Rebecca Watt, Procurement Agent

approved by

Randy Knight, City Manager

subject

1. Delsia Margraf - FY20-25 - Utility Billing Consulting - Amendment 4; For services on an as-needed basis during the term of the Agreement through November 13, 2024; Amount: \$125,000
2. HDD of Florida - RFP15-19 - Underground Conduit/Pipe Installation Services - Amendment 7; For services on an as-needed basis during the term of the Agreement through September 30, 2024; Amount: \$3,000,000
3. Heart Utilities of Jacksonville - RFP10-19 - Electric Utility Installation & Maintenance - Amendment 5; For services on an as-needed basis during the term of the Agreement through September 30, 2024; Amount: \$2,000,000

motion | recommendation

Commission to approve items as presented and authorize Mayor to execute.

background

1. A formal agreement was executed on December 6, 2019, and has been renewed in accordance with the original Agreement.
- 2-3. A formal solicitation was issued in FY19 and has been renewed in accordance with the original, executed Agreement

strategic objectives

Fiscal Stewardship.

alternatives | other considerations

N/A

fiscal impact

Total expenditures included in approved budgets.

attachments

None



City Commission

agenda item

item type

Consent Agenda

meeting date

November 8, 2023

prepared by**approved by****subject**

Approve the following purchase:

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

None



City Commission

agenda item

item type

Consent Agenda

meeting date

November 8, 2023

prepared by

Rebecca Watt, Procurement Agent

approved by

Randy Knight, City Manager

subject

1. Dobbs Equipment, LLC - John Deere 524L Wheel Loader Tractor purchase; Amount: \$226,241.20

motion | recommendation

Commission approve item as presented and authorize Mayor to execute.

background

1. Staff requests approval to waive the Procurement process and approve purchase of the John Deere 524L Wheel Loader Tractor. The vendor will honor the previous year's pricing. Staff deems this to be the most advantageous for the City.

strategic objectives

Fiscal Stewardship.

alternatives | other considerations

N/A

fiscal impact

Total expenditures included in approved budgets.

attachments

None



City Commission

agenda item

item type

Action Items Requiring Discussion

meeting date

November 8, 2023

prepared by

Hongmyung Lim, Engineer II

approved by

Randy Knight, City Manager

subject

Ravaudage Agreement Amendment for Road Improvements and Partial Reimbursement

motion | recommendation

Approval with Multimodal Transportation Impact Fees paid by development in Ravaudage to be used to fulfill this payment/reimbursement.

background

The original Ravaudage Agreement for Road Improvements and Partial Reimbursement was approved on November 13, 2017, where the developer proposed to redevelop the area into commercial/office/multifamily residential land uses with wide sidewalks, drainage inlets, curbing, and on-street parking. From the original agreement, the reimbursement paid, or to be paid, by the City to Developer was not to exceed a total of \$1.2 million over ten years. The original agreement included the following sections of roadway:

- Lewis Drive: Glendon Parkway to City Limits
- Glendon Parkway: Orlando Avenue to Bennett Avenue
- Bennett Avenue: Lee Road to City Limits
- Benjamin Avenue: Kindel Avenue to City Limits
- Kindel Avenue: Orlando Avenue to Benjamin Avenue

On February 24, 2020, the Winter Park City Commission adopted Ordinance 3165-20 to annex certain portions of areas in Ravaudage, including sections of Lewis Drive and Bennett Avenue shown in Exhibit A of the agreement amendment. The Lewis Drive and Bennett Avenue sections that were annexed through this ordinance were not included in the original partial reimbursement agreement for roadway improvements. With this agreement amendment, the developer is requesting to include Lewis Drive, from Elvin to City Limits, and Bennett Avenue from City limits to 115 feet south of the road.

These sections were not included in the original agreement for partial reimbursement. Under this agreement, the developer is requesting to include 451 feet of Lewis Drive from Elvin Avenue to the City limits and Bennett Avenue from the City limits to 115 feet south of the City limits for 50% partial reimbursement for the improvements. The total construction cost is

estimated to be \$602,655.45 based on Florida Department of Transportation construction average cost reports/estimates, and the 50% partial reimbursement that the developer is requesting from the City is for a maximum of \$301,327.72 for the new sections of Lewis Avenue and Bennett Avenue. This amendment would represent the final change to any kind of city contribution towards road improvements in Ravaudage and does not affect the original agreement's terms relating to the roads covered under that contract.

strategic objectives

alternatives | other considerations

Decline the agreement

fiscal impact

This agreement amendment would provide up to \$301,327.72 construction contribution from the City of Winter Park towards the expanded road improvements at Ravaudage. Multimodal Transportation Impact Fees paid by development in Ravaudage will be used to fulfill this payment up to the maximum construction contribution. It is anticipated that the planned fitness facility is likely to generate impact fees in excess of this amount. Payments would only be made upon receipt of the impact fees for projects occurring in Ravaudage.

attachments

1. Ravaudage Agreement Amendment for Road Improvements and Partial Reimbursement
2. Revised costs 08.21.2023 roadway centerline

Prepared by and Return to:
City of Winter Park
c/o City Clerk
401 Park Avenue South
Winter Park, FL 32789

**AMENDMENT TO AGREEMENT FOR
ROADWAY IMPROVEMENTS AND PARTIAL REIMBURSEMENT IN RAVAUDAGE**

This Amendment to Agreement for Roadway Improvements and Partial Reimbursement in Ravaudage dated November , 2023 (hereinafter the “Agreement”) is entered into by the **CITY OF WINTER PARK**, a Florida municipal corporation whose principle address is 401 S. Park Avenue, Winter Park, Florida 32789 (hereinafter the “City”), **BENJAMIN PARTNERS, LTD.**, a Florida limited partnership whose principle address is 425 W. New England Avenue, Suite 200, Winter Park, Florida 32789 (hereinafter the “Developer”).

RECITALS:

A. On November 20, 2017 City and Developer entered into an Agreement for Roadway Improvements and Partial Reimbursement in Ravaudage providing for reimbursement of the Developer by City for Eligible Reimbursement Amounts for construction costs for certain public Roadway Improvements as described therein;

B. On February 24, 2020, the City adopted Ordinance No.3165-20 annexing additional real property into the City of Winter Park as described in the attached Exhibit “A” (hereinafter the “Additional Annexed Property”); and

C. Certain public roads contained within City rights-of-way (hereinafter referred to as “Annexed Roads”) that are located within the Additional Annexed Property and require certain minimum improvements, drainage requirements, sidewalks and improved pavement to bring the improvements up from sub-standard conditions; and

D. In light of the recent annexation of the Additional Annexed Property, and the need to bring the Annexed Roads to a condition meeting minimum City standards, and the unique circumstance and opportunity to improve and enhance the public infrastructure in this part of the City, the City finds that it is in the interests of the residents and businesses of Winter Park that the City increase the linear street foot for Annexed Roads; and

E. The improvements to the Annexed Roads within the Additional Annexed Property benefit all of the surrounding and adjacent properties, businesses, citizens and those throughout the City and serve a public purpose.

F. The additional Annexed Roads contained on Exhibit B (“Additional Roadway”) hereof shall be incorporated into the Agreement, as amended herein, and such reimbursement costs shall be paid by the City to the Developer as set forth herein for the Additional Roadway;

NOW, THEREFORE, in consideration of the mutual promises herein contained, the above recitals, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer agree as follows:

1. **RECITALS.** The foregoing recitals are true and correct, are incorporated herein by this reference, and form a material part of this Agreement.

2. **Additional Road Improvements.** Paragraph 2 of the Agreement shall be modified to add a new subsection (d) to read as follows:

(d) **Additional Road Improvements.** The Developer shall cause the design, permitting, and construction of the Additional Road Improvements described on the attached Exhibit C within the Additional Roadway as described on the attached Exhibit B depicting a hatched diagram of portions of Lewis Drive and Bennett Avenue (hereinafter referred to as the “Additional Road Improvements”) pursuant to the terms of the Agreement, unless specifically modified by this Amendment.

3. **Eligible Reimbursement.** Paragraph 3 of the Agreement shall be modified to include an additional reimbursement calculation by the City for the Additional Road Improvements, as provided herein. The reimbursement to be paid to Developer under this Amendment as to the Additional Road Improvements shall be fifty percent (50%) of the costs per centerline foot as shown on Exhibit C, incorporated herein, for the Additional Road Improvements. The reimbursement to be paid to the Developer for the Additional Road Improvements shall not exceed \$480.40 per centerline foot for Bennett Avenue and \$547.32 per centerline foot for Lewis Drive for a total not to exceed amount of **\$301,327.72** (hereinafter referred to as “Additional Eligible Reimbursement Amount”). This Amendment does not modify the maximum \$1,200,000 reimbursement amount pertaining to the Road Improvements described in Paragraph 2(a) of the Agreement, which the Parties agree has been reached and no further reimbursements to the Developer are due or owing by the City concerning such Road Improvements.

4. **Payment Calculation & Due Date.** Paragraph 3(c)(iii) is hereby modified to include the following new sentence without deleting the current sentence pertaining to the Eligible Reimbursement Amount for the Road Improvements:

“All reimbursements and payments by the City pertaining to the Additional Road Improvements shall cease and no reimbursement or other payments shall be required to be paid after the City has paid all of the Additional Eligible Reimbursement Amount, or on September 30, 2030, whichever occurs earlier.”

5. **Execution & Effective Date.** This Amendment to the Agreement may be executed separately by the parties or as part of a single document. Any facsimile or electronic copy of this Agreement, and all signatures thereon, shall be considered for all purposes as an original. This Amendment to the Agreement shall be effective as of the date that it is last executed by the parties and after its approval by the City Commission of the City of Winter Park (the “Effective Date”). The undersigned individual executing this Amendment to the Agreement for the Developer, and the Developer, each represent and

warrant that all actions needed to bind the Developer to this Agreement have occurred and they have the authority to execute this Agreement.

6. **All other terms and provisions.** Unless expressly modified herein, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

AGREED AND EXECUTED by the authorized representatives of the parties on the dates set forth below.

Witnesses

BENJAMIN PARTNERS, LTD.

Name: _____

Name: _____

Signature

Print Name

Title/Position

Date

STATE OF FLORIDA)

COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ____ physical presence or ____ online notarization, on this ____ day of _____, 2023, by _____, as _____ of **BENJAMIN PARTNERS, LTD**, a Florida limited liability company, on behalf of the company. He [is personally known to me] [has produced _____ as identification].

[NOTARY SEAL]

Notary Public Signature

ATTEST:

**CITY COMMISSION,
CITY OF WINTER PARK**

By: _____
City Clerk

Phil Anderson, Mayor/Commissioner

Date

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ____ physical presence or ____ online notarization, on this ____ day of _____, 2023, by _____, as _____ of **CITY OF WINTER PARK**, a Florida limited liability company, on behalf of the company. He [is personally known to me] [has produced _____ as identification].

[NOTARY SEAL]

Notary Public Signature

EXHIBIT “A”

ORDINANCE 3165-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 2.06 +/- ACRES OF REAL PROPERTY GENERALLY LOCATED SOUTH OF MONROE AVENUE, NORTH OF ELVIN AVENUE, EAST OF BENNETT AVENUE AND WEST OF ORLANDO AVENUE, AND HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBERS 01-22-29-3712-15- 010, 01-22-29-3712-16-072, 01-22-29-3712-16-070, 01-22-29-3712-16-092 AND 01-22-29-3712-16-091 AND CERTAIN PORTIONS OF THE LEWIS DRIVE AND BENNETT AVENUE PUBLIC RIGHTS-OF-WAY AS MORE SPECIFICALLY DESCRIBED HEREIN INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Benjamin Partners, Ltd., Greenhouse Partnership, Ltd., and Winter Park Redevelopment Agency Ltd. (hereinafter collectively the "Owners") own five (5) parcels identified by Orange County Tax Parcel ID Numbers: 01-22-29-3712-15-010, 01-22-29-3712-16-072, 01-22-29-3712-16-092, 01-22-29-3712-16-091, and 01-22-29-3712-16-070 (approximately 1.22 acres), such properties being legally described in **Exhibit A**, attached hereto and incorporated herein by this reference ("Subject Property"); and

WHEREAS, the Owners are petitioning the City of Winter Park for the voluntary annexation of the Subject Property as well as certain portions (approximately .84 acres) of the Lewis Drive and Bennett Avenue public rights-of-way ("Rights-of-Way") adjacent to the Subject Properties, such Rights-of-Way also being described in **Exhibit A** attached hereto and incorporated herein by this reference; and

WHEREAS, the Subject Property and Rights-of-Way are being contracted (or de-annexed) from the city limits of the City of Maitland and the effective date of this annexation Ordinance will be after the effective date of the City of Maitland's contraction of the Subject Property and Rights-of-Way; and

WHEREAS, the City of Winter Park has determined that the Subject Property and Rights-of-Way is reasonably compact and contiguous to the municipal limits of the City of Winter Park, that annexation of the Subject Property and Rights-of-Way will not result in the creation of an enclave and that the Subject Property's and Rights-of-Way's annexation meets the prerequisites and standards set forth in Section 171.044, Fla. Stat., for voluntary annexation into the City of Winter Park; and

WHEREAS, the City of Winter Park has provided adequate notice required by general law for the annexation of the Subject Property and Rights-of-Way and has conducted the required public hearing prior to the adoption of this Ordinance.

ORDINANCE 3165-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 2.06 +/- ACRES OF REAL PROPERTY GENERALLY LOCATED SOUTH OF MONROE AVENUE, NORTH OF ELVIN AVENUE, EAST OF BENNETT AVENUE AND WEST OF ORLANDO AVENUE, AND HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBERS 01-22-29-3712-15- 010, 01-22-29-3712-16-072, 01-22-29-3712-16-070, 01-22-29-3712-16-092 AND 01-22-29-3712-16-091 AND CERTAIN PORTIONS OF THE LEWIS DRIVE AND BENNETT AVENUE PUBLIC RIGHTS-OF-WAY AS MORE SPECIFICALLY DESCRIBED HEREIN INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Benjamin Partners, Ltd., Greenhouse Partnership, Ltd., and Winter Park Redevelopment Agency Ltd. (hereinafter collectively the "Owners") own five (5) parcels identified by Orange County Tax Parcel ID Numbers: 01-22-29-3712-15-010, 01-22-29-3712-16-072, 01-22-29-3712-16-092, 01-22-29-3712-16-091, and 01-22-29-3712-16-070 (approximately 1.22 acres), such properties being legally described in **Exhibit A**, attached hereto and incorporated herein by this reference ("Subject Property"); and

WHEREAS, the Owners are petitioning the City of Winter Park for the voluntary annexation of the Subject Property as well as certain portions (approximately .84 acres) of the Lewis Drive and Bennett Avenue public rights-of-way ("Rights-of-Way") adjacent to the Subject Properties, such Rights-of-Way also being described in **Exhibit A** attached hereto and incorporated herein by this reference; and

WHEREAS, the Subject Property and Rights-of-Way are being contracted (or de-annexed) from the city limits of the City of Maitland and the effective date of this annexation Ordinance will be after the effective date of the City of Maitland's contraction of the Subject Property and Rights-of-Way; and

WHEREAS, the City of Winter Park has determined that the Subject Property and Rights-of-Way is reasonably compact and contiguous to the municipal limits of the City of Winter Park, that annexation of the Subject Property and Rights-of-Way will not result in the creation of an enclave and that the Subject Property's and Rights-of-Way's annexation meets the prerequisites and standards set forth in Section 171.044, Fla. Stat., for voluntary annexation into the City of Winter Park; and

WHEREAS, the City of Winter Park has provided adequate notice required by general law for the annexation of the Subject Property and Rights-of-Way and has conducted the required public hearing prior to the adoption of this Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK, FLORIDA:

SECTION 1: *Recitals.* The above "Whereas" clauses are true and correct and constitute legislative findings of the City of Winter Park City Commission and are incorporated herein by this reference.

SECTION 2: *Property Annexed.* That, after conducting a public hearing and having found that the Owners' petition for voluntary annexation of the Subject Property and Rights-of-Way meets the prerequisites and standards for annexation under general law, the Subject Property and Rights-of-Way legally defined in Exhibit "A" and graphically shown on the map attached hereto as Exhibit "B" are hereby annexed into the municipal boundaries of the City of Winter Park.

SECTION 3: *Effect of Annexation.* That the City of Winter Park, shall have all of the power, authority, and jurisdiction over and within the Subject Property and Rights-of-Way as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or her designee is directed to file a copy of this Ordinance with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective after its adoption upon the later of: (i) the date this Ordinance is adopted at its second reading, and (ii) the effective date of the contraction of the Subject Property and Rights-of-Way from the City of Maitland city limits.

FIRST READING AND PUBLIC HEARING: February 10, 2020.

SECOND READING AND PUBLIC HEARING: February 24, 2020.

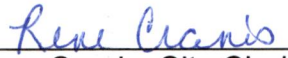
ADOPTED this 24th day of February, 2020, by the City Commission of the City of Winter Park, Florida.

APPROVED:



Steve Leary, Mayor

ATTEST:



Rene Cranis, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

SUBJECT PROPERTY

LOTS 1, 2, 15 & 16, BLOCK O AND LOTS 7, 8, 9 & 10, BLOCK P AND A PORTION OF VACATED LOREN AVENUE, HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Having Orange County Tax Parcel Identification numbers:

Address	Parcel ID	Size
1315 Loren Ave	01-22-29-3712-15-010	.57 acre
322 Monroe Ave	01-22-29-3712-16-072	.20 acre
312 Monroe Ave	01-22-29-3712-16-070	.15 acre
308 Monroe Ave	01-22-29-3712-16-092	.15 acre
304 Monroe Ave	01-22-29-3712-16-091	.15 acre

RIGHTS-OF-WAY

Bennett Avenue

A PORTION OF BENNETT AVENUE, AS LOCATED IN THE NORTHWEST 1/ 4 OF THE NORTHEAST 1/ 4 OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA.

Lewis Drive

A PORTION OF LEWIS DRIVE, HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Those portions of Bennett Drive and Lewis Drive being annexed are further described herein

SKETCH OF DESCRIPTION (THIS IS NOT A SURVEY)

DESCRIPTION:

A PORTION OF LEWIS DRIVE, HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH $00^{\circ}59'56''$ WEST, ALONG THE EAST LINE OF SAID NORTHWEST $\frac{1}{4}$, FOR A DISTANCE OF 30.02 FEET; THENCE DEPARTING SAID EAST LINE, NORTH $89^{\circ}59'35''$ EAST, A DISTANCE OF 571.72 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF MONROE AVENUE AND THE WEST RIGHT-OF-WAY LINE OF LEWIS DRIVE AND THE POINT OF BEGINNING; THENCE NORTH $88^{\circ}59'35''$ EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF MONROE AVENUE, FOR A DISTANCE OF 70.01 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF LEWIS DRIVE; THENCE, SOUTH $00^{\circ}05'33''$ WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 451.45 FEET; THENCE NORTH $89^{\circ}54'39''$ WEST FOR A DISTANCE OF 70.00 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY OF LEWIS DRIVE; THENCE NORTH $00^{\circ}05'33''$ EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 450.11 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN SECTION 01, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, CONTAINING 0.72 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. The lands as shown hereon lie within Section 01, Township 22 S., Range 29 E., Orange County, Florida.
2. This is not a survey.
3. Bearings shown hereon are assumed relative to the South right-of-way line of Monroe Avenue, said bearing being $N89^{\circ}59'35''E$ per plat.

SHEET 1 OF 2

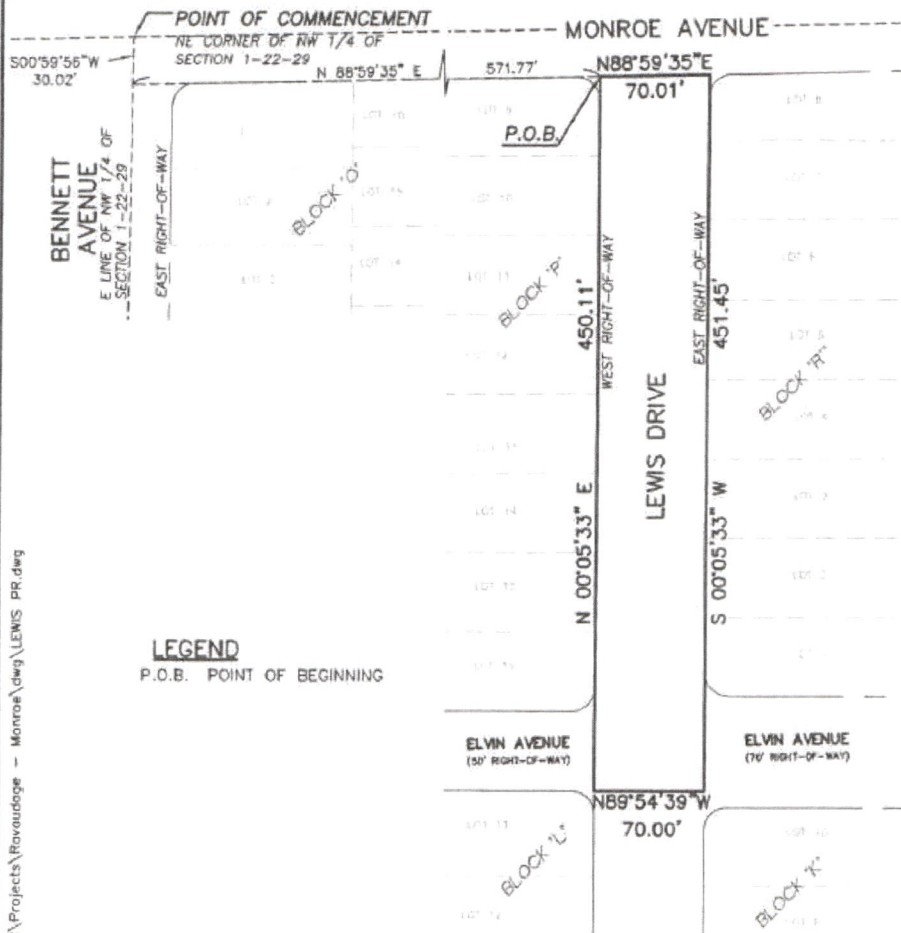
HLSM, LLC
Henrich-Luke-Swaggerty-Menard
Professional Surveyors & Mappers
Licensed Business No. 7276
302 Live Oaks Boulevard
Casselberry, Florida 32707
P. (407) 647-7346
Survey@HLSM.US F. (407) 982-7166

Job No: J-222
Date: 04/25/19
Drawn By: WFM
Scale: 1"=100

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.


William F. Menard
Professional Surveyor & Mapper
Florida Registration #5625

SKETCH OF DESCRIPTION
(THIS IS NOT A SURVEY)



SHEET 2 OF 2

HLSM, LLC
Henrich-Luke-Swaggerty-Menard
Professional Surveyors & Mappers
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Scale: 1"=100'

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SURVEYOR AND MAPPER.

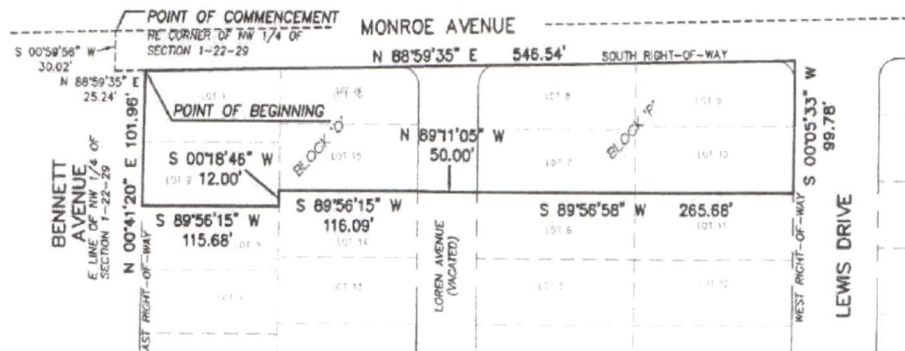
SEE SHEET 1 OF 2
FOR SIGNATURE & SEAL

DESCRIPTION

LOTS 1, 2, 15 & 16, BLOCK O AND LOTS 7, 8, 9 & 10, BLOCK P AND A PORTION OF VACATED LOREN AVENUE, HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 00°59'56" WEST, ALONG THE EAST LINE OF SAID NORTHWEST 1/4, FOR A DISTANCE OF 30.02 FEET; THENCE DEPARTING SAID EAST LINE, NORTH 89°59'35" EAST, A DISTANCE OF 25.24 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF MONROE AVENUE AND THE EAST RIGHT-OF-WAY LINE OF BENNETT AVENUE AND THE POINT OF BEGINNING; THENCE NORTH 88°59'35" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF MONROE AVENUE, FOR A DISTANCE OF 546.54 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF LEWIS DRIVE; THENCE, SOUTH 00°05'33" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 99.78 FEET TO THE SOUTHWEST CORNER OF LOT 10, BLOCK P; THENCE SOUTH 89°56'58" WEST ALONG THE SOUTH LINE LOT 10 & LOT 7, BLOCK P, FOR A DISTANCE OF 265.68 FEET TO THE SOUTHWEST CORNER OF LOT 7, BLOCK P; THENCE NORTH 89°11'05" WEST, FOR A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15, BLOCK O; THENCE SOUTH 89°56'15" WEST ALONG THE SOUTH LINE OF SAID LOT 15, FOR A DISTANCE OF 116.09 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE SOUTH 00°18'46" WEST ALONG THE EAST LINE OF LOT 2 BLOCK O, FOR A DISTANCE OF 12.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 89°56'15" WEST ALONG THE SOUTH LINE OF SAID LOT 2, FOR A DISTANCE OF 115.68 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, SAID POINT ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF BENNETT AVENUE; THENCE NORTH 00°41'20" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 101.96 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN SECTION 01, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, CONTAINING 1.22 ACRES, MORE OR LESS.



SKETCH OF DESCRIPTION
(THIS IS NOT A SURVEY)

SURVEYOR'S NOTES:

1. The lands as shown hereon lie within Section 01, Township 22 S., Range 29 E., Orange County, Florida.
2. This is not a survey.
3. Bearings shown hereon are assumed relative to the South right-of-way line of Monroe Avenue, said bearing being N89°59'35"E per plat.

Job No: J-222
Date: 04/25/19
Drawn By: WFM
Scale: 1"=100'

HLSM, LLC
Henrich-Luke-Swaggerty-Menard
Professional Surveyors & Mappers
Licensed Business No. 7276
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F. (407) 982-7186
Survey@HLSM.US

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
William F. Menard
William F. Menard
Professional Surveyor & Mapper
Florida Registration #5625

SKETCH OF DESCRIPTION (THIS IS NOT A SURVEY)

DESCRIPTION:

A PORTION OF BENNET AVENUE, AS LOCATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST; THENCE S00°59'56"W ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 1, A DISTANCE OF 21.81 FEET TO THE POINT OF BEGINNING; THENCE S72°43'23"E, A DISTANCE OF 26.28 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF BENNETT AVENUE; THENCE S00°41'20"W, ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 101.62 FEET; THENCE, DEPARTING SAID EAST RIGHT OF WAY, N89°54'39"W, A DISTANCE OF 46.29 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BENNETT AVENUE; THENCE N00°47'09"E, A DISTANCE OF 115.83 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE S72°43'23"E, A DISTANCE OF 21.82 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING APPROXIMATELY 0.12 ACRES (5,023 SQUARE FEET) MORE OR LESS.

SURVEYOR'S NOTES:

1. THE LANDS AS SHOWN HEREON LIE WITHIN SECTION 01, TOWNSHIP 22 S., RANGE 29 E., ORANGE COUNTY, FLORIDA.
2. THIS IS NOT A SURVEY.
3. BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE WEST LINE OF THE NW 1/4 OF THE NE 1/4 OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST; SAID BEARING BEING S00°59'56"W (ASSUMED).

SHEET 1 OF 2

HLSM, LLC

Henrich-Luke-Swaggerty-Menard
Professional Surveyors & Mappers

Licensed Business No. 7276
794 Big Tree Drive, Suite 108
Longwood, Florida 32750
P. (407) 647-7346
F. (407) 982-7166

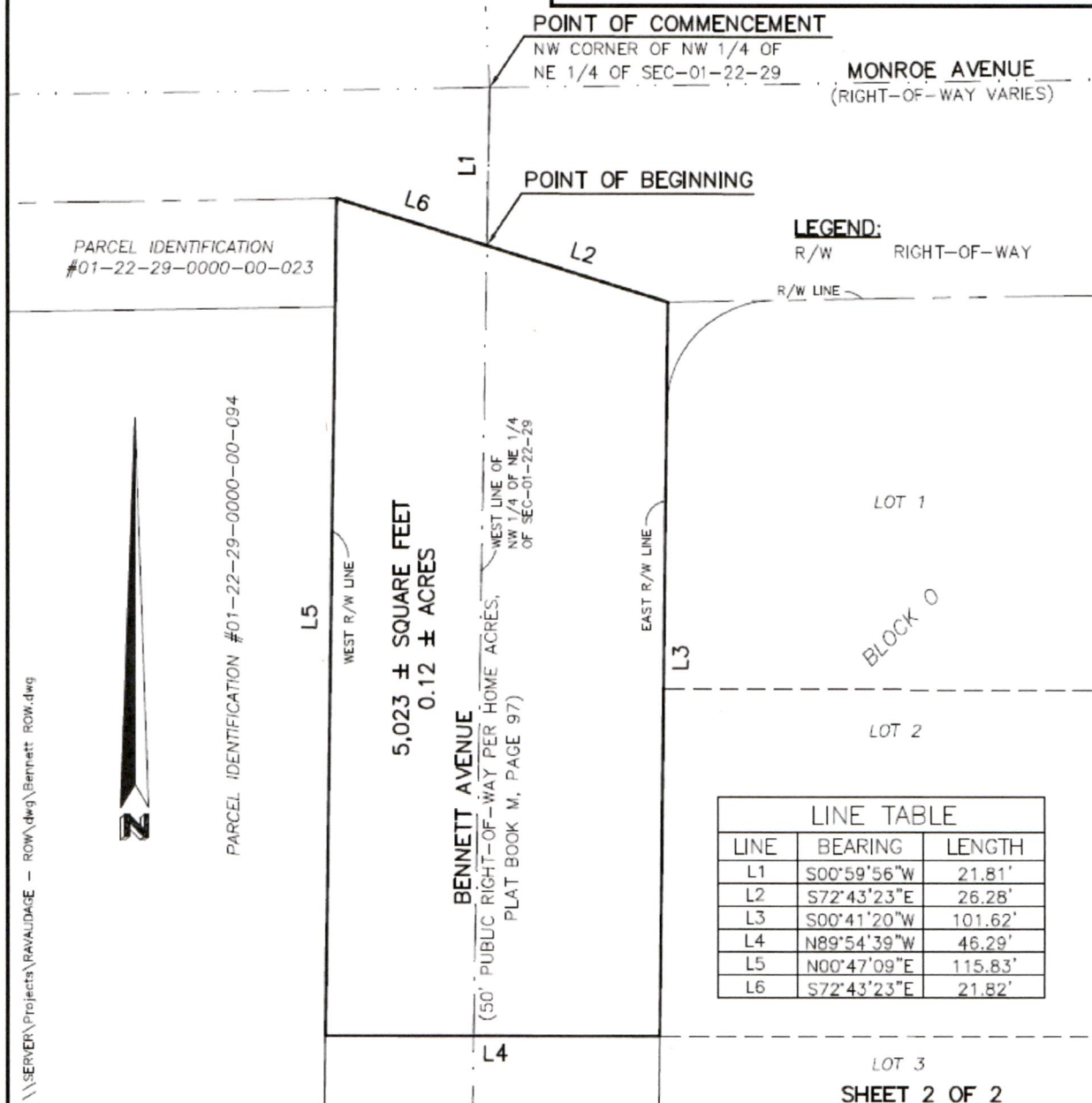
Survey@HLSM.US

Job No: I-263
Date: 5/21/18
Drawn By: JJR

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

William F. Menard
Professional Surveyor & Mapper
Florida Registration #5625

SKETCH OF DESCRIPTION (THIS IS NOT A SURVEY)



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 F. (407) 982-7166
 Survey@HLSM.US

Job No: I-263
 Date: 5/21/18
 Drawn By: JJR
 Scale: 1"=20'

NOT VALID WITHOUT THE SIGNATURE AND THE
 ORIGINAL RAISED SEAL OF A FLORIDA LICENSED
 SURVEYOR AND MAPPER.

SEE SHEET 1 OF 2
 FOR SIGNATURE & SEAL

EXHIBIT "B"

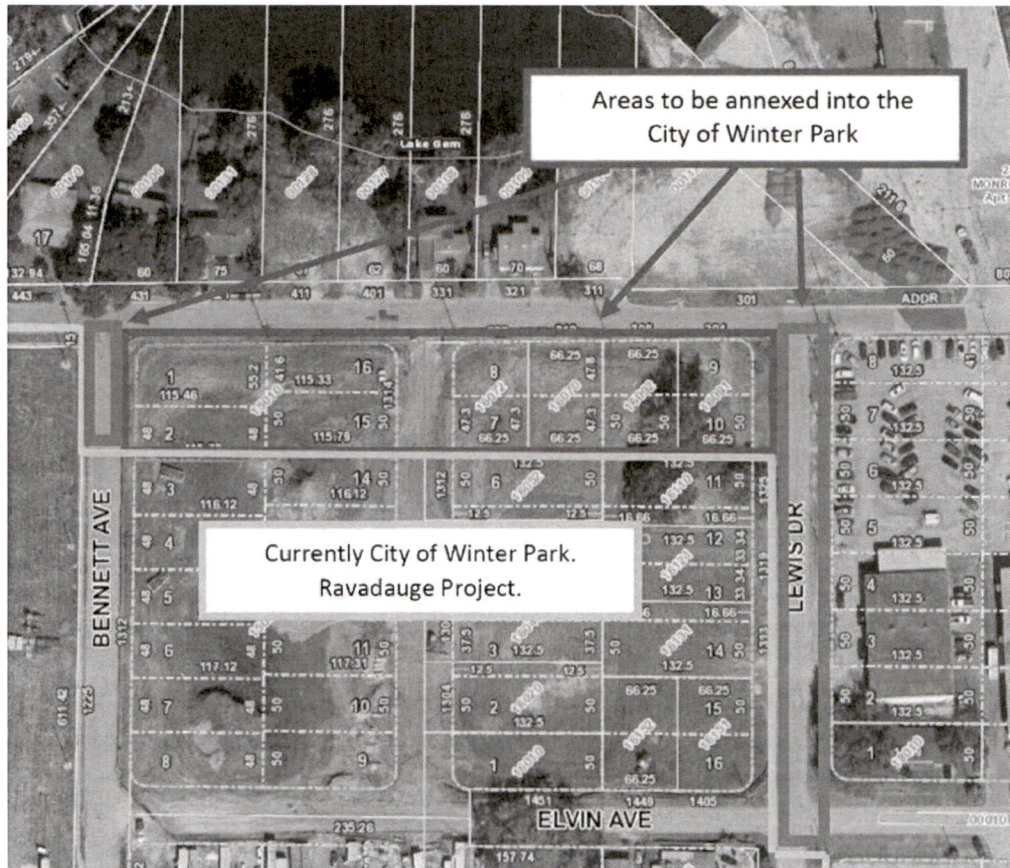


EXHIBIT “C”
ADDITIONAL ROAD IMPROVEMENTS

1. Lewis Drive: Elvin North to City limits (451')
2. Bennet Avenue: From City limits south (115')

Bennet Road construction costs (46' ROW)

item	quantity	unit	unit price	total
demo/subgrade	483	syd	\$ 20.00	\$ 9,660.00
asphalt-road	32.78	tons	\$ 147.26	\$ 4,827.18
asphalt-onstreet parkii	12.62	tons	\$ 147.26	\$ 1,858.42
road base	483	syd	\$ 39.76	\$ 19,204.08
curb	459	lf	\$ 40.00	\$ 18,360.00
storm inlet	2	ea	\$ 7,730.80	\$ 15,461.60
storm pipe	114	lf	\$ 157.99	\$ 18,010.86
sidewalk	10	syd	\$ 69.24	\$ 692.40
MOT	10%	ls	\$ 8,807.45	\$ 8,807.45
Mob/Demob/gen conc	10%	ls	\$ 8,807.45	\$ 8,807.45
total	110 lf length			\$ 105,689.45
cost per centerline foot is			\$ 960.81	

Lewis Drive construction costs (70' ROW)

item	quantity	unit	unit price	total
demo/subgrade	2137	syd	\$ 20.00	\$ 42,740.00
asphalt-road	150.04	tons	\$ 147.26	\$ 22,094.89
asphalt-onstreet parkii	44.88	tons	\$ 147.26	\$ 6,609.03
road base	2137	syd	\$ 39.76	\$ 84,967.12
curb	1850	lf	\$ 40.00	\$ 74,000.00

storm inlet	5	ea	\$ 7,730.80	\$ 38,654.00
storm pipe	487	lf	\$ 157.99	\$ 76,941.13
sidewalk	984	syd	\$ 69.24	\$ 68,132.16
MOT	10%	ls	\$ 41,413.83	\$ 41,413.83
Mob/Demob/gen conc	10%	ls	\$ 41,413.83	\$ 41,413.83
total	454 lf length			\$ 496,966.00
cost per centerline foot is			\$ 1,094.64	

Notes

Includes demolition and stabilization

Based on Current FDOT statewide rolling average for Superpave Asphalt, TL-C, is \$147.26/ton.

Based on Current FDOT statewide rolling average for Superpave Asphalt, TL-C, is \$147.26/ton.

Based on Current FDOT statewide rolling average for OBG 6 (8" base) is \$39.76/sy

Based on the one line item for both curbs used and the FDOT's current rolling average for Type D curb (

Based on Current FDOT statewide rolling average for Type V inlets, less than 10' deep is \$7,730.80

Based on Current FDOT statewide rolling average for 24" culvert, optional material is \$157.99/LF

Based on Current FDOT statewide rolling average for 4" Concrete sidewalk is \$69.24/SY

based on Current FDOT statewide rolling average for MOT is \$1,043.63/day. Use 10% of work

Based on 4 trips in , 4 trips out @ \$750 ea plus site toilet and erosion and site control through job

Notes

Includes demolition and stabilization

Based on Current FDOT statewide rolling average for Superpave Asphalt, TL-C, is \$147.26/ton.

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Based on 4 trips in , 4 trips out @ \$750 ea plus site toilet and erosion and site control through job

\$40.16)

\$40.16)

**item type**

Public Hearings: Quasi-Judicial Matters

meeting date

November 8, 2023

prepared by

Jeffrey Briggs, Director of Planning and Zoning

approved by

Kim Breland, Deputy City Clerk

subject

1. Ordinance 3287-23 - Amending the Comprehensive Plan Future Land Use designation from Institutional to Medium Density Residential to be consistent with the R-3 zoning of the properties (2nd reading)
2. Conditional Use approval for a two-story, 53-unit multi-family project on the properties at 821 & 831 W. Swoope Ave. and 800, 810 & 830 W. Webster Ave.

motion | recommendation

The Planning and Zoning Board recommended unanimously to approve the Ordinance to change the future land use designation from Institutional to Medium Density Residential. The Planning and Zoning Board recommended approval by a 3-2 vote for the Conditional Use for a 53 unit multi-family development subject to the following conditions:

1. That the five parcels be combined into one replat inclusive of utility easements necessary and that the single-family units be shown as individual lots, so that if there is a desire by current or future owners to sell those individually, it is platted for such.
2. That there be no physical improvements within a 20-foot radius of the three existing live oak trees in the interior of the project. Initial pruning/limb removals shall be done under the supervision of the City's forestry staff.
3. That the project shall use at least 4 architectural styles from the attached "Style Inspiration" front elevations on the 7 single unit buildings along the Capen Avenue frontage, repeating a style no more than twice. In the event that a style is repeated, it shall include a differentiating color pallet.
4. That the landscape plans for the two new surface retention areas include new cypress trees and perimeter fakahatchee or muhly grass/hedging on the sides with vehicular frontage.

background

These requests were heard by the Planning and Zoning Board at an August 1, 2023 public hearing after the city-wide notice. The change to the Comprehensive Plan future land use map

from Institutional to Medium Density Residential to match the existing R-3 zoning was approved at that August 1st meeting but the Conditional Use portion of the request was tabled at the request of the applicant in order to respond to the concerns voiced at the meeting. Those issues were adequate separation for preservation of live oaks, compatibility with the adjacent single-family neighborhood via single-unit buildings along Capen Avenue with architectural diversity and sufficiency of storm water retention given the special flood hazard location of the project.

The Conditional Use request was reheard by the Planning and Zoning Board On October 3, 2023 at a public hearing after mailed notices were sent to all property owners within 1.500 feet. The applicant has responded to the previous topics of concern in the following ways:

1. The site plan has been modified to provide a 20-foot setback separation, as requested, for all project construction in order to provide adequate separation in order to preserve the three major interior live oak trees.
2. There have been modifications to the storm water retention plans to create two new surface swale retention areas in order to achieve 3 inches of storm water retention versus the code requirement for 2 inches in recognition of the special flood hazard area that this project will contribute to.
3. There also have been changes to address the single-family orientation of the project along Capen Avenue, including architectural diversity.

Background Details:

The Patmos Chapel Seventh Day Adventist Church occupied the 4.51 acres of the subject property from 1978 until July 2019, when it was sold to Metro Winter Park LLC. The site has been zoned R-3 since 1971 but has an Institutional future land use designation based upon the previous church sanctuary use. The property owner is requesting a change to future land use designation to match the existing R-3 zoning and conditional use approval for a 53 unit rental community.

Project Details:

The plans submitted detail the demolition of the existing church sanctuary building and the proposed redevelopment of the unified 4.5-acre property via the site plan layout, parking and circulation, stormwater, landscaping and architectural details provided in their application for the proposed 53-unit townhome complex. Generally, the project conforms to the land development code requirements for this R-3 zoned property.

Given that this is a large 4.5-acre site, the development statistics are significant in size and scale. The 53 townhouses are all mostly 3-bedroom units of 2,219 sq. ft. per unit, inclusive of two-car garages for each unit. The three-story building units are 2,333 sq. ft. each. The single-family units along Capen Avenue would average 3,039 sq. ft. Cumulatively, this is a project of 124,000 square feet of building floor space. The impervious coverage will be 135,247 sq. ft. or 3.1 acres of buildings, drives, parking, etc. Parking is within two-car garages for each unit and exterior guest parking spaces, which meets the 2 1/2 spaces per unit requirement

Conditional Use Approval:

The City Code requires that for projects over 10,000 sq. ft., a property owner cannot rely just upon meeting the code as the sole determinant of the ability to proceed. Instead, these projects require an additional Conditional Use approval to be granted that assesses the context and appropriateness of the project, the project impacts, and the compatibility of the project. In order for there to be equitable treatment of all conditional use requests, there are standards for approval of conditional uses that are outlined in Section 58-090 (j). Generally, the project now meets the 12 standards outlined in that section, subject to conformance to staff's conditions of approval.

Conditional Use Standards Discussed at the August 1st Meeting Compatibility:

Conditional Use standard #5 states "that the building size, floor area ratio, height and mass are compatible with the zoning code requirements and "consistent with the scale and character of the immediate neighborhood" This proposed site plan and building configuration is not "consistent with the scale and character of the immediate neighborhood". To the west of this site, there are two single family homes and also three significant multifamily apartment projects, including the 24 units of 'The Oaks' operated by the Center for Independent Living, the 52 units of Tranquil Terrace operated by the Winter Park Housing Authority and the 180 units of the Village Park senior housing. Based on that orientation, these 58-units would be compatible. However, to the north, east, or south of the proposed project, the scale and character of that immediate neighborhood is exclusively one-story single-family homes. Webster Avenue is entirely single-family residential. Capen Avenue is entirely singlefamily residential. From a statistical analysis, the "immediate neighborhood", as a 500-foot radius (the same as is done for zoning notices), reveals that 84% of the properties in that immediate neighborhood are single-family residential. Looking not just at parcel numbers but at the percentage of land use (because apartments cover more land), the statistical analysis reveals that 61% of the immediate neighborhood is single family residential.

When this project was first submitted to P&Z, it had six duplex townhouse buildings along the Capen Avenue frontage. The project now has seven individual single-family buildings on approximately 44-foot wide 'lots'. There is a new storm water retention area on the corner occupying 65 feet of the frontage. These seven single family units will mimic a single-family orientation with architectural diversity, as is typical of the city's single-family neighborhoods. All seven houses are two-stories, with the same building width and footage. That makes architectural diversity even more important and thus the condition of approval recommended to insure such diversity. The standards for conditional use approval to achieve compatibility require single family diversity on this 18% of the project site, as staff's condition of approval will require. Storm Water Retention: Conditional Use standard #12 states that "the proposed use does not create through....stormwater runoff, any conditions that....negatively impact ...the surrounding neighborhood". In order to maximize the density yield for this project, most of the 3.1 acres of impervious surfaces are proposed to be accommodated for stormwater retention via an underground storm water exfiltration system, but the project now has two newly added surface swale areas. Those combined retention systems will now hold 3.0 inches of rainfall versus the minimum code requirement for 2 inches.. This will help limit the overflow downstream that flows to an area of special flood hazard.

Parking and Traffic Safety:.

At the August P&Z meeting, concerns were raised about the adequacy of on-site parking and the impact of the design upon off-site on-street parking. Parking is provided for each unit with a two-car garage and there is also visitor parking provided in order to meet the 2 1/2 spaces per Code. Parking on-site in multi-family projects is especially challenging because there is no way to force owners/renters to park in their two-car garages, instead of filling the garage partly or entirely with 'stuff'. As a result, the residents park outside in the visitor spaces or on the adjacent streets. You can't force residents to park in the garage unless there is absolutely no other alternative. As a result, where permitted, the City can expect to see many of these resident cars parked on Capen, Swoope and Callahan Avenues.

strategic objectives

alternatives | other considerations

fiscal impact

attachments

1. Ordinance 3287-23
2. Zoomed Out Aerial
3. Map and Aerial
4. Winter Park Commons Patmos Chapel Site Plan October
5. Architectural Inspiration for Single Family Homes
6. Winter Park Commons Development Plans October

ORDINANCE 3287-23

AN ORDINANCE OF THE CITY OF WINTER PARK AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION FROM AN INSTITUTIONAL FUTURE LAND USE DESIGNATION TO A MEDIUM DENSITY RESIDENTIAL DESIGNATION ON THE FORMER PATMOS CHAPEL PROPERTIES AT 821 & 831 W. SWOOPE AVENUE AND 800, 810 & 830 W. WEBSTER AVENUE IN ORDER TO MATCH THE EXISTING R-3 ZONING.

WHEREAS, the amendment of the Comprehensive Plan maps and the establishment of a future land use designation meets the criteria established by Chapter 163, Florida Statutes and pursuant to and in compliance with law.

NOW THEREFORE BE IT ENACTED, AS FOLLOWS:

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use designation from Institutional to Medium Density Residential on the properties outlined below:

821 W. Swoope Avenue	06-22-30-1168-02-110
831 W. Swoope Avenue	06-22-30-1168-02-101
800 W. Webster Avenue	06-22-30-1168-02-020
810 W. Webster Avenue	06-22-30-1168-02-031
830 W. Webster Avenue	06-22-30-1168-02-040

All as recorded in Capens Addition to Winter Park as recorded in Plat Book "A", Page 95 of the Public Records of Orange County, Florida.

SECTION 2. This Ordinance shall become effective 31 days after its adoption unless timely challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. If timely challenged, this Ordinance will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance pursuant to Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 8th day of November, 2023.

Mayor Phillip M. Anderson

Attest:

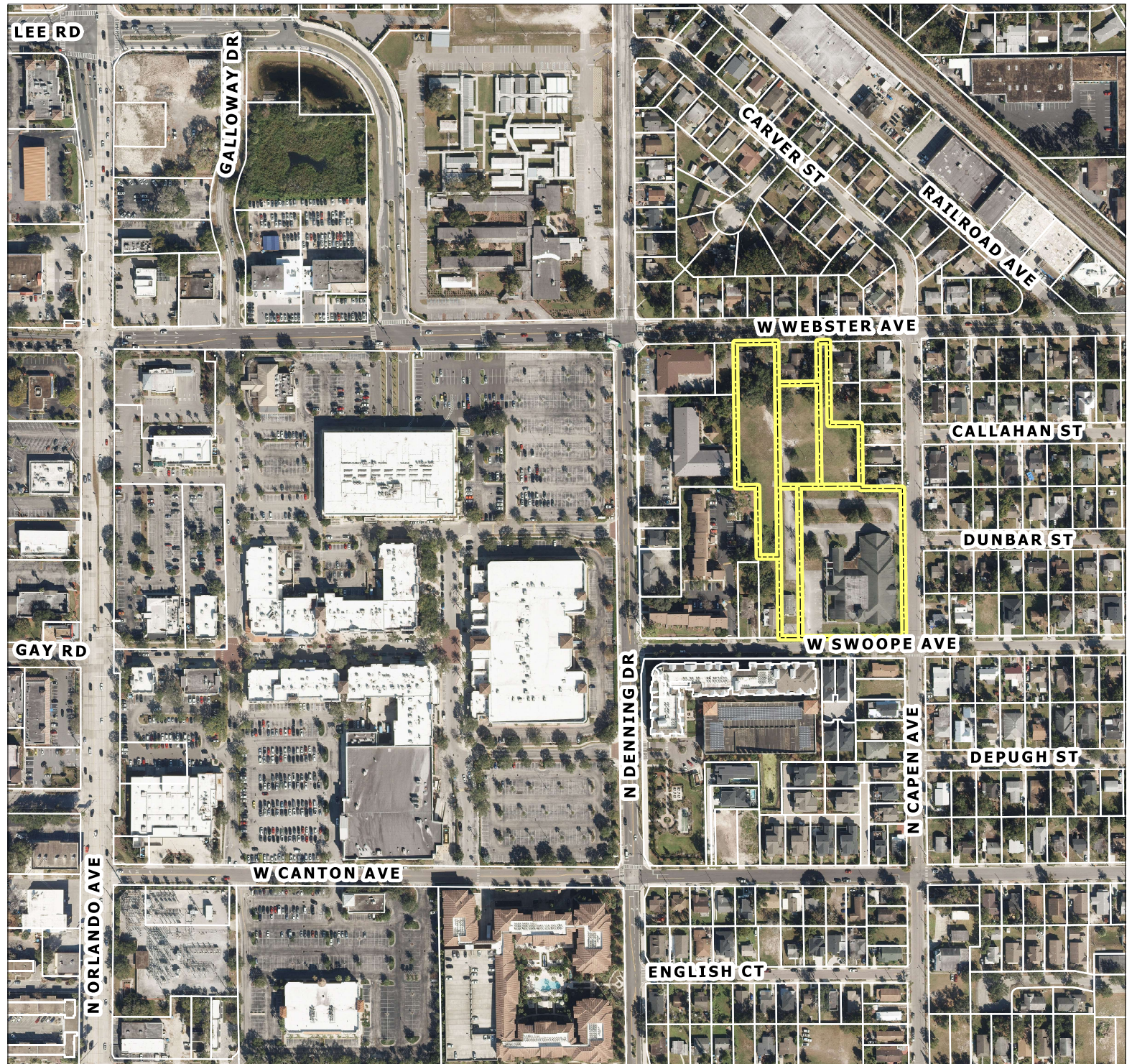
City Clerk Rene Cranis



CONDITIONAL USE REQUEST

Winter Park Commons Swoope & Webster

City of Winter Park
Florida





CONDITIONAL USE REQUEST

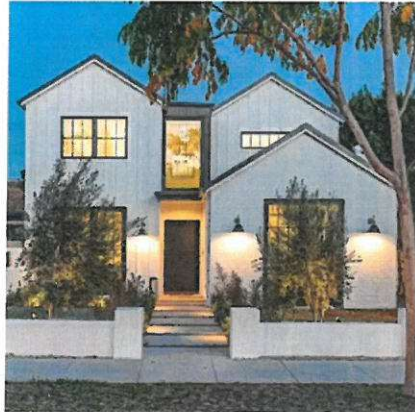
Winter Park Commons Swoope & Webster

City of Winter Park
Florida

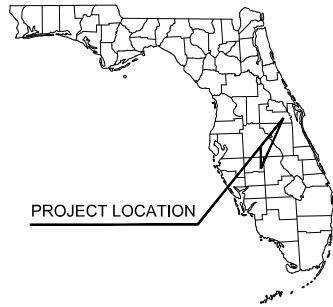




REVISIONS <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>																						SLOCUM PLATTS ARCHITECTS, P.A. RANDALL J. SLOCUM AS 13266 WILLIAM P. PLATTS AS 12642 475 NORTH GILKINSON AVENUE, SUITE 1000 WINTER PARK, FL 32789 TEL: 407.875.1234 FAX: 407.875.1235 WWW.SLOCUMPLATTS.COM
SITE PLAN WINTER PARK COMMONS FLORIDA																						
DRAWN CAD CHECKED WPP DATE 09-21-23 SCALE AS NOTED JOB NO. 20-021 SHEET A1.1	THE INFORMATION CONTAINED HEREIN IS FOR GENERAL INFORMATION ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT OR SERVICE. IT IS NOT INTENDED TO BE USED IN ANY MANNER THAT WOULD BE UNLAWFUL OR IN VIOLATION OF ANY APPLICABLE LAW. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED IN ANY MANNER THAT WOULD BE UNLAWFUL OR IN VIOLATION OF ANY APPLICABLE LAW.																					



**BUILDINGS 1-7, N CAPEN SINGLE FAMILY UNITS
ACHITECTURE INSPIRATION**

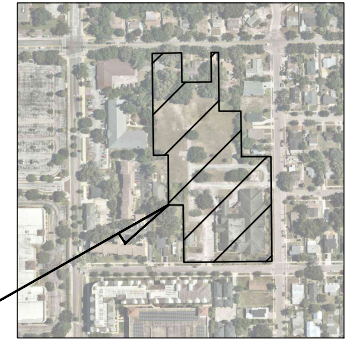


PROJECT LOCATION

DEVELOPMENT PLANS FOR WINTER PARK COMMONS

821 & 831 W SWOOPE AVE; 800, 810 & 830 W WEBSTER AVE
WINTER PARK, FLORIDA 32789
ORANGE COUNTY, FLORIDA

PARCEL #: 06-22-30-1168-02-110, 06-22-30-1168-02-101,
06-22-30-1168-02-020, 06-22-30-1168-02-031,
06-22-30-1168-02-040
SEPTEMBER 19, 2023



AERIAL PHOTOGRAPH
SCALE: 1" = 200'

LEGAL DESCRIPTION

(PER TITLE COMMITMENT # 2037-4339277)

PARCEL ONE:
LOT 2, BLOCK B, CAPEN'S ADDITION TO WINTER PARK (LESS THE EAST 75 FEET OF THE NORTH 100 FEET OF THE SAID LOT 2), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "A", PAGE 95 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS THE NORTH 5 FEET THEREOF, AND ALSO LESS THE SOUTH 100 FEET OF THE NORTH 200 FEET OF THE EAST 75 FEET OF LOT 2, BLOCK B, CAPEN'S ADDITION TO WINTER PARK ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "A", PAGE 95 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL TWO:
LOT 3, BLOCK B, CAPEN'S ADDITION TO WINTER PARK (LESS THE NORTH 105 FEET OF LOT 3) ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "A", PAGE 95 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, TOGETHER WITH EASEMENT AS GRANTED IN EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 2999, PAGE 856 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL THREE:
LOT 4, LESS THE NORTH 5 FEET OF SAID LOT 4, LOTS 10 AND 11, AND 12, LESS THE NORTH 5 FEET OF SAID LOT 12, AND THE NORTH 170 FEET OF THE EAST 1/2 OF LOT 9, ALL IN BLOCK B, CAPEN'S ADDITION TO WINTER PARK, AS RECORDED IN PLAT BOOK "A", PAGE 95, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL FOUR:
THE NORTH 50 FEET OF THE SOUTH 200 FEET OF LOT 1, BLOCK B, CAPEN'S ADDITION TO WINTER PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "A", PAGES 95, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CONTAINING 4.51 ACRES OF LAND, MORE OR LESS.

PROJECT TEAM

OWNER

METRO WINTER PARK, LLC
2730 SW 3RD AVE, SUITE 601
MIAMI, FL 33129
CONTACT: CARLOS ORTIZ
PHONE: (786) 554-8953
EMAIL: cortiz@metrofla.com

CIVIL ENGINEER

KIMLEY HORN AND ASSOCIATES
189 S. ORANGE, SUITE 1000
ORLANDO, FL 32801
CONTACT: JEFFREY R. SWISHER, P.E.
PHONE: (407) 886-1511
EMAIL: jhs@kimley-horn.com

SURVEYORS

LEADING EDGE LAND SERVICES
8802 EXCHANGE DRIVE
ORLANDO, FL 32809
CONTACT: MICHAEL A. BAERHOLD
PHONE: (407) 331-6730
EMAIL: jhs@leadingedgefla.com

ARCHITECT

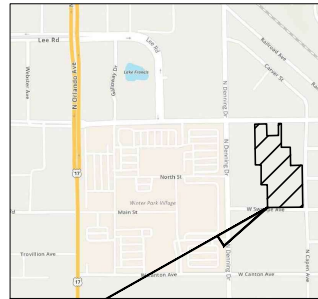
SLOCUM PLATT ARCHITECTS, P.A.
670 NORTH ORLANDO AVENUE
SUITE 1001
MARTLAND, FL 32751
CONTACT: RANDALL SLOCUM
PHONE: 407-645-3019
EMAIL: rsl@slplatts.com

GEOTECHNICAL

NATIVE GEOSCIENCE, INC.
2014 EDGEWATER DRIVE, SUITE 248
ORLANDO, FL 32804
CONTACT: BRIAN W. JORY, P.E.
PHONE: 407-942-1443

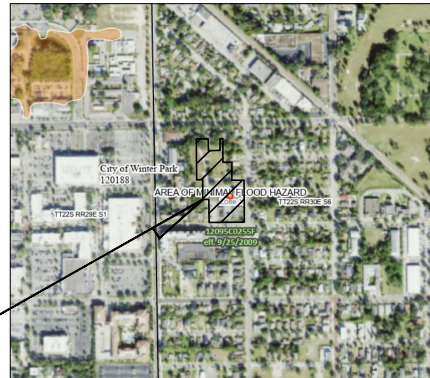
LANDSCAPE ARCHITECT

KIMLEY HORN AND ASSOCIATES
189 S. ORANGE, SUITE 1000
ORLANDO, FL 32801
CONTACT: JIM ZHENG
PHONE: 407-965-0780
EMAIL: jim.zheng@kimley-horn.com

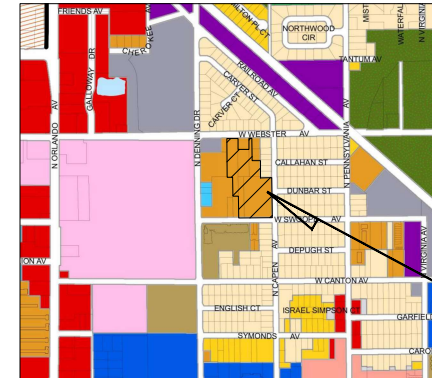


SITE

SECTION 6, TOWNSHIP 22S, RANGE 30E
LOCATION MAP
SCALE: 1" = 500'



FEMA MAP
SCALE: 1" = 500'



ZONE R3
ZONING MAP
SCALE: 1" = 2,000'

SHEET INDEX

C0.0	COVER
----	BOUNDARY SURVEY
----	TOPOGRAPHIC & TREE SURVEY
A1.1	COLORIED SITE PLAN
C4.0	SITE PLAN
----	GREEN PARK PERIMETER CHECK
C5.0	OVERALL GRADING PLAN
C6.0	OVERALL DRAINAGE PLAN
C6.1-C6.2	CONTROL STRUCTURE DETAILS
C7.1-C7.2	FIRE PROTECTION PLAN
C8.1-C8.2	STORM TRAP DETAILS
L0.50	TREE MITIGATION PLAN
L0.51	TREE MITIGATION SPECIFICATIONS
L1.00	LANDSCAPE PLAN
A6.2	EXTERIOR ELEVATIONS - TRIPLEX
A6.4	EXTERIOR ELEVATIONS - SIXPLEX
A6.5	EXTERIOR ELEVATIONS - CABANA
----	3-STORY TOWNHOME ELEVATION (BUILDING 14)
----	BUILDINGS 1-7, N CAPEN SINGLE FAMILY UNITS ARCHITECTURE INSPIRATION

PREPARED BY
Kimley»Horn

© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
189 S. Orange Avenue, Suite 1000, Orlando, FL 32801
Phone: (407) 886-1511
WWW.KIMLEY-HORN.COM CA 00000696

JEFFREY R. SWISHER, P.E.
FL P.E. NO. 60276

WINTER PARK COMMONS
AUGUST 22, 2023
ENGINEER'S PROJECT No. 249301000
SHEET NO. 1 OF 1

ALTA/NSPS LAND TITLE SURVEY OF LANDS OF SOUTHEASTERN CONFERENCE ASSOCIATION OF THE SEVENTH-DAY ADVENTISTS, INC.

LOCATED IN SECTION 6, TOWNSHIP 22 SOUTH, RANGE 30 EAST
CITY OF WINTER PARK, ORANGE COUNTY, FLORIDA

LEGAL DESCRIPTION (PER TITLE COMMITMENT # 2037-4339277)

PARCEL ONE:

LOT 2, BLOCK B, CAPEX'S ADDITION TO WINTER PARK (LESS THE EAST 75 FEET OF THE NORTH 100 FEET OF THE SAID LOT 2), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE 95 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS THE NORTH 5 FEET THEREOF, AND ALSO LESS THE SOUTH 100 FEET OF THE NORTH 205 FEET OF THE EAST 75 FEET OF LOT 2, BLOCK B, CAPEX'S ADDITION TO WINTER PARK ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE 95 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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LOT 4, LESS THE NORTH 5 FEET OF SAID LOT 4, LOTS 10 AND 11, AND 12, LESS THE NORTH 5 FEET OF SAID LOT 12, AND THE NORTH 170 FEET OF THE EAST 1/2 OF LOT 9, ALL IN BLOCK B, CAPEX'S ADDITION TO WINTER PARK, AS RECORDED IN PLAT BOOK A, PAGE 95, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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VICINITY MAP
NO SCALE

SURVEYOR'S NOTES

1. THIS ALTA/NSPS LAND TITLE SURVEY WAS PREPARED FOR PROCEA, ADDITIONS OR DELETIONS BY ANYONE OTHER THAN THE SIGNING PARTY ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF LEADING EDGE LAND SERVICES, INC.
2. THE BASIS OF BEARINGS FOR THIS SURVEY IS GRID NORTH, STATE PLANE COORDINATE SYSTEM, FLORIDA EAST, NAD 83, ADJUSTMENT OF 2011. THE NORTH RIGHT-OF-WAY LINE OF W. WEBSTER AVENUE BEARS S89°33'00\"/>

LEGEND

- FOUND IRON ROD & CAP
- FOUND IRON PIPE
- SET 5/8\"/>

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP OR PLAT WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA. I HAVE MADE THE NECESSARY MEASUREMENTS AND CALCULATIONS AND HAVE BEEN DULY SWORN TO THE TRUTH AND ACCURACY OF THE SAME. I HAVE ALSO BEEN DULY SWORN TO THE TRUTH AND ACCURACY OF THE SAME. I HAVE ALSO BEEN DULY SWORN TO THE TRUTH AND ACCURACY OF THE SAME.

ALTA/NSPS LAND TITLE SURVEY

OF
SOUTHEASTERN CONFERENCE ASSOCIATION OF
THE SEVENTH-DAY ADVENTISTS, INC.
SECTION 6, TOWNSHIP 22 SOUTH, RANGE 30 EAST
CITY OF WINTER PARK, ORANGE COUNTY, FLORIDA

LEADING EDGE LAND SERVICES INCORPORATED

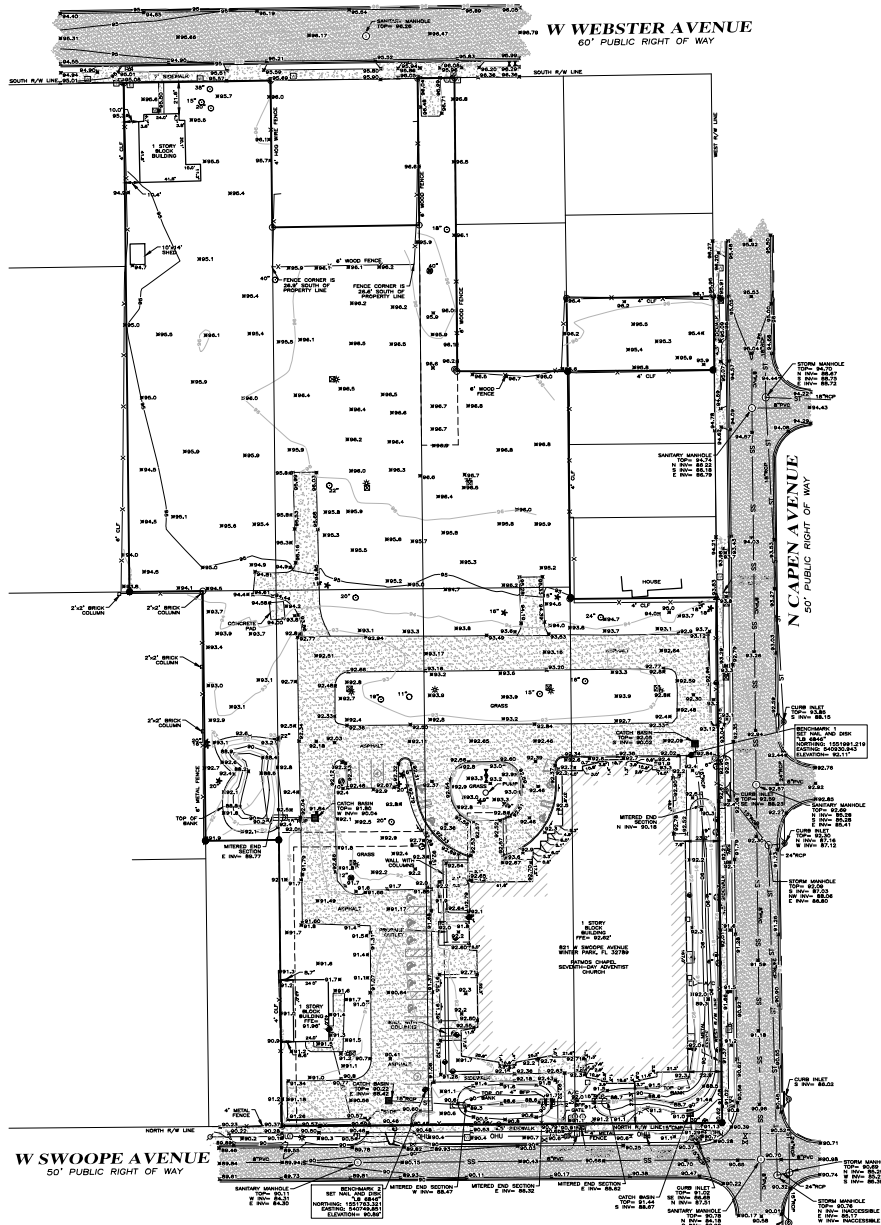
8802 EXCHANGE DRIVE
WINTER PARK, FLORIDA 32789
PHONE (407) 351-9370
FAX (407) 351-9801
WWW.LEADINGEDGEFLA.COM
FLORIDA LICENSED BUSINESS NUMBER LB 0846

ALTA/NSPS LAND TITLE SURVEY OF LANDS OF SOUTHEASTERN CONFERENCE ASSOCIATION OF THE SEVENTH-DAY ADVENTISTS, INC.

LOCATED IN SECTION 6, TOWNSHIP 22 SOUTH, RANGE 30 EAST
CITY OF WINTER PARK, ORANGE COUNTY, FLORIDA



0 40 80 120
GRAPHIC SCALE 1"=40'



LEGEND

- | | | | | | |
|---|---------------------------|------|-----------------------------------|-------|--------------------------------|
| ● | FOUND IRON ROD & CAP | ST | WOOD POWER POLE | —X— | FENCE LINE |
| ⊙ | FOUND IRON PIPE | * | LIGHT POLE | —OH— | OVERHEAD UTILITY LINE |
| ○ | SET 5/8" IRON ROD & CAP | □ | ELECTRIC TRANSFORMER | O.R. | OFFICIAL RECORDS BOOK |
| △ | SET NAIL & DISK "LS 6846" | □ | ELECTRIC BOX | P.B. | PLAT BOOK |
| ■ | CATCH BASIN | □ | TELEPHONE PEDESTAL | P.G. | PAGE |
| ▤ | MITERED END SECTION | □ | CABLE TELEVISION RISER | DOC# | DOCUMENT NUMBER |
| ⊕ | CURB INLET | □ | WIRE PULL BOX | R/W | RIGHT OF WAY |
| ● | CLEANOUT | □ | UTILITY MARKER | PSM | PROFESSIONAL SURVEYOR & MAPPER |
| ⊕ | WATER METER | — | VAULT | LB | LICENSED BUSINESS |
| ⊕ | WATER VALVE | — | SIGN | A/C | AIR CONDITIONING |
| ⊕ | BACKFLOW PREVENTER | ⊕ | MAILBOX | BFP | BACKFLOW PREVENTER |
| ⊕ | IRRIGATION CONTROL VALVE | ⊕ | TITLE COMMITMENT EXCEPTION NUMBER | CLF | CHAIN LINK FENCE |
| ⊕ | FIRE HYDRANT | ⊕ | HANDICAPPED PARKING SPACE | CMP | CORRUGATED METAL PIPE |
| ⊕ | STORM MANHOLE | ⊕ | BENCH-MARK/FINISHED FLOOR | INVT | INVERT |
| ⊕ | SANITARY MANHOLE | ⊕ | SPOT ELEVATION - GROUND SHOT | #97.0 | SPOT ELEVATION - HARD SURFACE |
| ⊕ | CAMPBORN TREE | —SS— | SANITARY SEWER PIPE | RCP | REINFORCED CONCRETE PIPE |
| ⊕ | PALM TREE | ○ | OAK TREE | PVC | POLYVINYL CHLORIDE PIPE |
| ⊕ | UNKNOWN TREE | ⊕ | MAGNOLIA TREE | | |

ALTA/NSPS LAND TITLE SURVEY

OF
SOUTHEASTERN CONFERENCE ASSOCIATION OF
THE SEVENTH-DAY ADVENTISTS, INC.
SECTION 6, TOWNSHIP 22 SOUTH, RANGE 30 EAST
CITY OF WINTER PARK, ORANGE COUNTY, FLORIDA

KYR
PRODESA

LEADING EDGE LAND SERVICES INCORPORATED

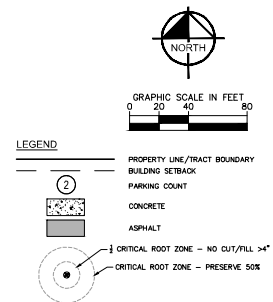
8802 EXCHANGE DRIVE
WINTER PARK, FLORIDA 32789
PHONE (407) 351-4330
FAX (407) 351-4901
WWW.LEADINGEDGEFLA.COM
FLORIDA LICENSED BUSINESS NUMBER LB 6846

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (SEE SHEET 1 OF 2).

REVISIONS:	
29 JUL 2019: REVISED CERTIFICATION	
15 DEC 2022: ADDED TOPOGRAPHY	
DATE OF DRAWING: 15 JUL 2019	DATE OF REVISION: 2 DEC 2022
DRAWN BY: KYR	DRAWN BY: KYR
CHECKED BY: KYR	CHECKED BY: KYR
PROJECT NUMBER: 1002-1001	COMPUTER FILE: 100202ALTA.DWG
FIELD BOOK NUMBER: LF 1326 1975	SCALE: 1" = 40' SHEET 2 OF 2

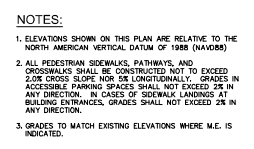


SITE PLAN WINTER PARK COMMONS		FLORIDA																				
SLOCUM PLATTS ARCHITECTS, P.A. RANDALL A. SLOCUM AS 13185 WILLIAM P. PLATTS AS 13243 679 NORTH ORLANDO AVENUE, SUITE 1001 MAITLAND, FL 32751 TEL: (407) 448-2819 FAX: (407) 448-2771 WWW.SLOCUM-PLATTS.COM																						
DRAWN CAD CHECKED WFP DATE 09-21-23	SCALE AS NOTED JOB NO. 20-031 SHEET A1.1	REVISIONS <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>																				



Always call 811 two full business days before you dig to have underground utilities located and marked.

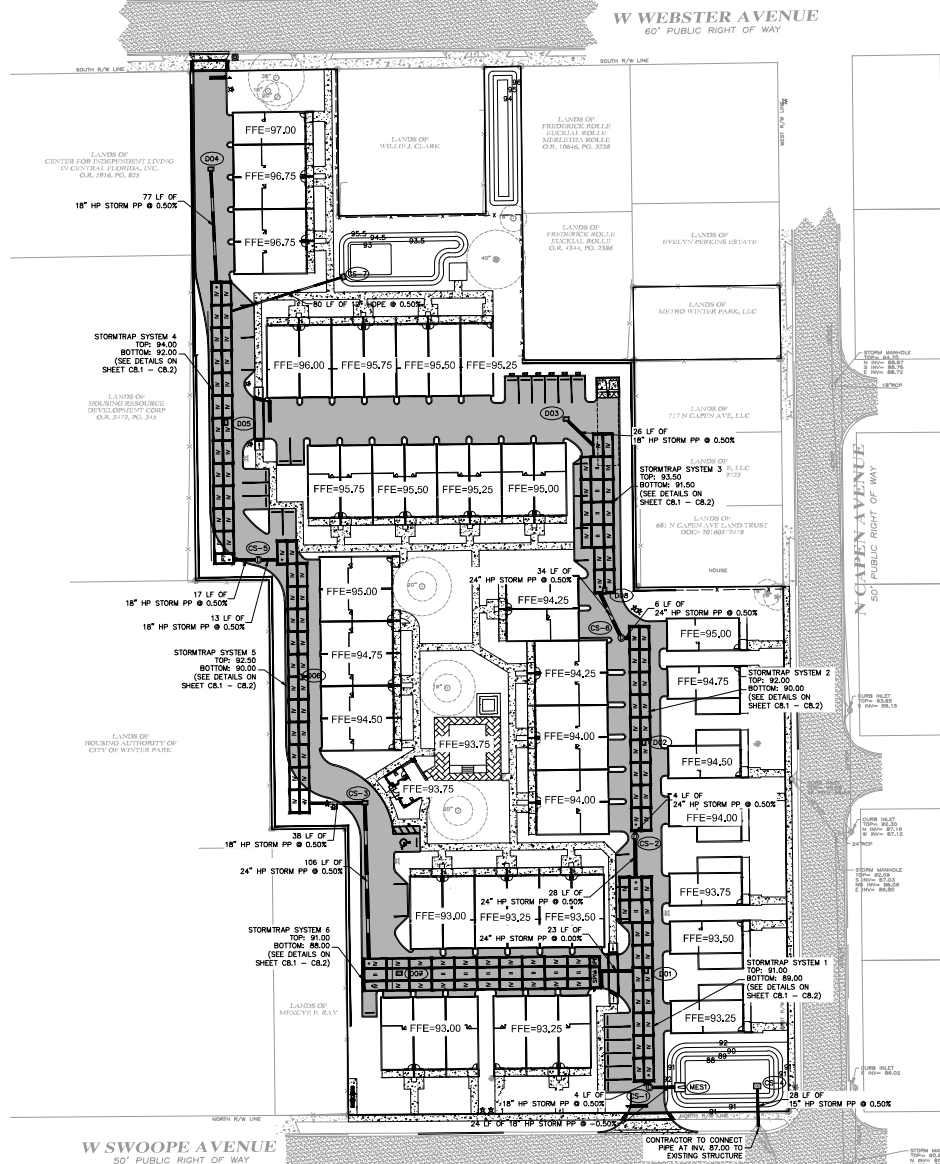
Sunshine811.com



Always call 811 two full business days before you dig to have underground utilities located and marked.

Sunshine811.com

This document, together with the concepts and designs presented herein, is an instrument of service, to be used only for the specific purpose and client for which it was prepared. Release of and acceptance of this document without alteration and signature by the engineer and association, Inc. shall be without liability to the engineer and association, Inc.



LEGEND

- PROPOSED STORM PIPE
- PROPOSED STORM INLET
- PROPOSED STORM MANHOLE

NOTES:

- CONTROL STRUCTURE DETAILS ARE LOCATED ON SHEETS C6.1-C6.2.
- STORM GRATES TO BE USED FOR YARD DRAINS LOCATED WITHIN MATCH. SEE LANDSCAPE PLANS FOR FURTHER DETAILS.
- ANY SHORING TIEBACKS FOR VAULT AND PIPE INSTALLATION WILL NOT BE ALLOWED TO CROSS THE PROPERTY LINE INTO NEIGHBORING PARCELS WITHOUT WRITTEN CONSENT OF THE ADJACENT PROPERTY OWNER.

STORM STRUCTURE TABLE	
STRUCTURE NAME	DETAILS
CS-1	TYPE "1" MANHOLE PER FOOT INDEX #428-010, 022 TOP: 95.11 N. INV IN: 88.12 E. INV IN: 88.12
CS-2	TYPE "1" MANHOLE PER FOOT INDEX #428-010, 022 SEE SHEET C6.1 FOR DETAILS TOP: 95.04 N. INV IN: 88.08 S. INV OUT: 88.14
CS-3	TYPE "1" INLET PER FOOT INDEX #428-052 SEE SHEET C6.1 FOR DETAILS TOP: 93.01 N. INV IN: 88.81 S. INV OUT: 88.53
CS-4	TYPE "1" INLET PER FOOT INDEX #428-052 TOP: 91.25 N. INV IN: 87.14
CS-5	TYPE "1" MANHOLE PER FOOT INDEX #428-010, 022 TOP: 94.24 N. INV IN: 81.81 E. INV OUT: 80.06
CS-6	TYPE "1" MANHOLE PER FOOT INDEX #428-010, 022 TOP: 94.23 N. INV IN: 81.33 E. INV OUT: 90.03
CS-7	TYPE "1" INLET PER FOOT INDEX #428-052 TOP: 94.75 N. INV IN: 92.40
D01	TYPE "1" INLET PER FOOT INDEX #428-052 TOP: 93.48
D02	TYPE "1" INLET PER FOOT INDEX #428-052 TOP: 93.48
D03	TYPE "1" INLET PER FOOT INDEX #428-052 TOP: 94.76 SE. INV OUT: 91.63
D04	TYPE "1" INLET PER FOOT INDEX #428-052 TOP: 95.40 S. INV OUT: 92.36
D05	TYPE "1" INLET PER FOOT INDEX #428-052 TOP: 95.30
D06	TYPE "1" INLET PER FOOT INDEX #428-052 TOP: 93.82
D07	TYPE "1" INLET PER FOOT INDEX #428-052 TOP: 92.07
D08	TYPE "1" INLET PER FOOT INDEX #428-052 TOP: 94.51
MES1	MINOR END SECTION PER FOOT INDEX #430-021 N. INV OUT: 88.00

Always call 811 two full business days before you dig to have underground utilities located and marked.

Sunshine811.com

Kimley-Horn
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189 S. ORANGE AVENUE, SUITE 1000, ORLANDO, FL 32801
PHONE: 407-888-1911
WWW.KIMLEY-HORN.COM
REGISTRY NO. 33708

LICENSED PROFESSIONAL
JEFFREY R. JACOB, P.E.
FLORIDA LICENSE NUMBER
60275
DATE: 09/19/2023

KHA PROJECT
245311.000
09/19/2023
SCALE: AS SHOWN
DESIGNED BY: VNT
DRAWN BY: VNT
CHECKED BY: JRS

OVERALL DRAINAGE
PLAN

WINTER PARK COMMONS

FLORIDA

CITY OF WINTER PARK

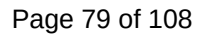
REVISIONS

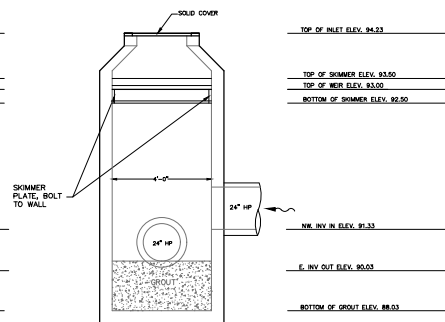
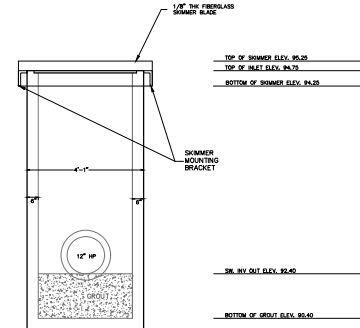
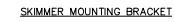
DATE

BY

SHEET NUMBER
C6.0

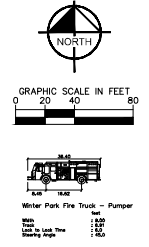
Page 78 of 108





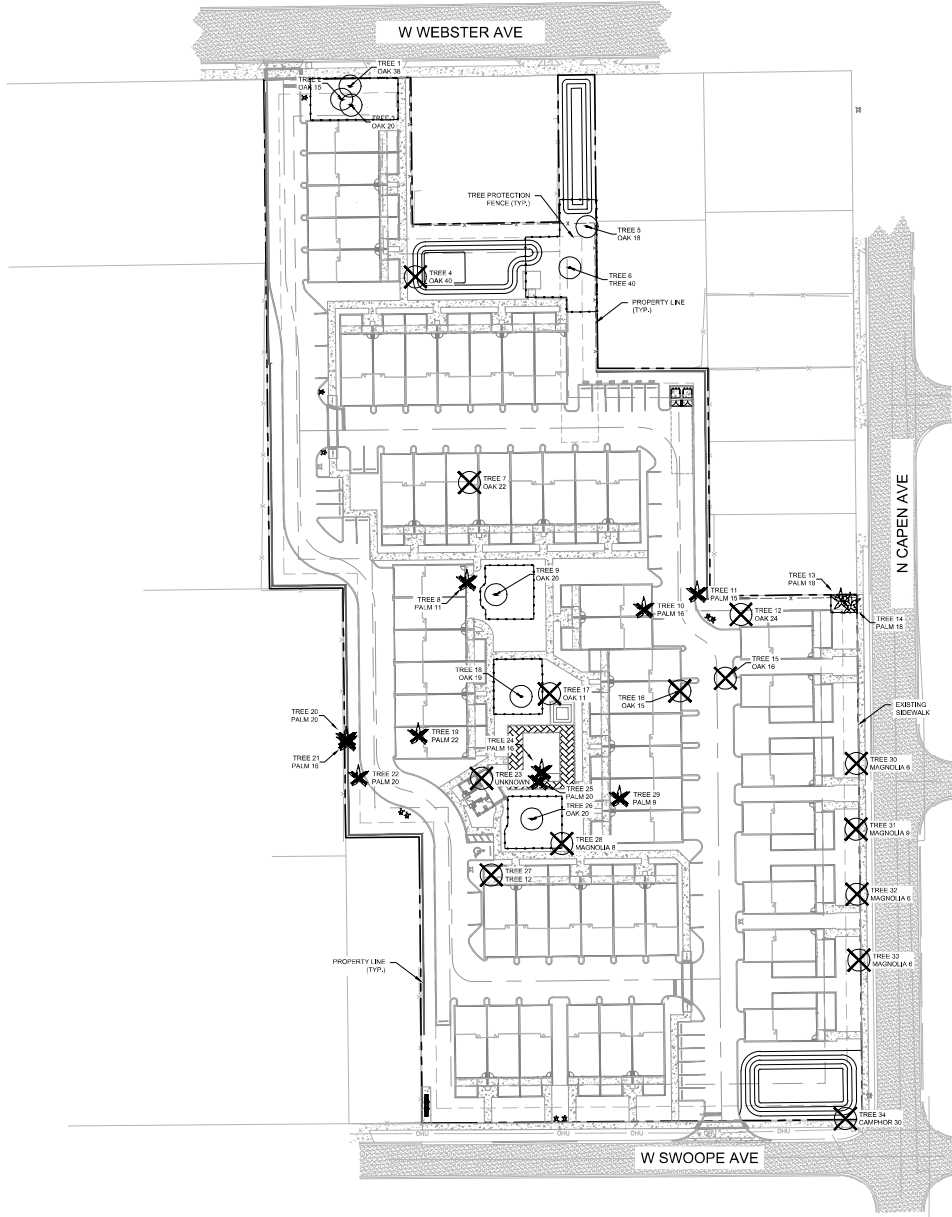
Page 80 of 108



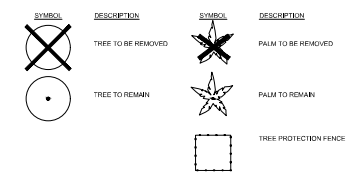


SHEET NUMBER C7.2		WINTER PARK COMMONS		FIRE TRUCK TURN RADII		KIVA PROJECT 249301000		 Kimley»Horn © 2023 KIMLEY-HORN AND ASSOCIATES, INC. 189 S. ORANGE AVENUE, SUITE 200, FL 32601 PHONE: 407-888-1511 WWW.KIMLEY-HORN.COM REGISTRY NO. 35186		No. REVISIONS DATE BY	
CITY OF WINTER PARK		FLORIDA		DATE 09/19/2023 SCALE AS SHOWN DESIGNED BY WNT DRAWN BY WNT CHECKED BY JRS		LICENSED PROFESSIONAL JEFFREY R. SMISER, P.E. FLORIDA LICENSE NUMBER 60275					

Project: Winter Park Commons, Sheet: WINTER PARK COMMONS Layout: L0.00 - September 22, 2023, 09:30:00 AM. K:\Projects\24830000-Winter Park Commons\CD\CONSTR\PlanSheet\L0.00 TREE MITIGATION PLAN.dwg
This document, together with the contracts and drawings presented hereto, is an instrument of service, is intended only for the specific purpose and client for which it was prepared. None of said drawings, reports or other documents shall be relied upon without the written authorization and signature of the engineer or architect. No part of this document shall be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage or retrieval system, without the prior written permission of the engineer or architect.



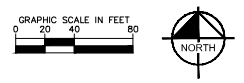
TREE MITIGATION GRAPHIC LEGEND



TREE MITIGATION

TREE NO.	SPECIES	SIZE (DBH)	STATUS	MIT. REQ.
1	OAK	38	REMAIN	
2	OAK	15	REMAIN	
3	OAK	20	REMAIN	
4	OAK	40	REMOVE	2
5	OAK	18	REMAIN	
6	UNKNOWN	40	REMAIN	
7	OAK	22	REMOVE	2
8	PALM	11	REMOVE	EXCLUDE
9	OAK	20	REMAIN	
10	PALM	16	REMOVE	EXCLUDE
11	PALM	15	REMOVE	EXCLUDE
12	OAK	24	REMOVE	2
13	PALM	18	REMAIN	
14	PALM	18	REMAIN	
15	OAK	16	REMOVE	1
16	OAK	15	REMOVE	1
17	OAK	11	REMOVE	1
18	OAK	18	REMAIN	
19	PALM	22	REMOVE	EXCLUDE
20	PALM	20	REMOVE	EXCLUDE
21	PALM	19	REMOVE	EXCLUDE
22	PALM	20	REMOVE	EXCLUDE
23	UNKNOWN	10	REMOVE	1
24	PALM	16	REMOVE	EXCLUDE
25	PALM	20	REMOVE	EXCLUDE
26	OAK	20	REMAIN	
27	UNKNOWN	12	REMOVE	1
28	MAGNOLIA	8	REMOVE	EXCLUDE
29	PALM	9	REMOVE	EXCLUDE
30	MAGNOLIA	6	REMOVE	EXCLUDE
31	MAGNOLIA	9	REMOVE	1
32	MAGNOLIA	6	REMOVE	EXCLUDE
33	MAGNOLIA	8	REMOVE	EXCLUDE
34	CAMPBELL	30	REMOVE	EXCLUDE

TOTAL TREES REMOVED (EXCLUDES UNDER 8" DBH PALMS AND INHIBITORS)	9
REMOVED TREES UNDER 18" DBH (1:1 REPLACEMENT TREES)	3
REMOVED TREES 18" AND OVER (2:1 REPLACEMENT TREES)	6
TOTAL REPLACEMENT TREES REQUIRED	12



WINTER PARK COMMONS

CITY OF WINTER PARK

SHEET NUMBER L0.00

FLORIDA

DATE 09/19/2023

SCALE

DESIGNED BY

DRAWN BY

CHECKED BY

MT

TREE MITIGATION PLAN

24830000

09/19/2023

MATTHEW T. FRANK, P.L.A.

FLORIDA LICENSE NUMBER

9/22/2023

Kimley»Horn

© 2023 KIMLEY-HORN AND ASSOCIATES, INC.

189 S. ORANGE AVENUE, SUITE 1000, ORLANDO, FL 32801

PHONE: 407-885-1911

WWW.KIMLEY-HORN.COM

REGISTRY NO. 35706

REVISIONS

NO.

DATE

BY

TREE MITIGATION SPECIFICATIONS

A. GENERAL

1. CONTRACTOR SHALL ADVISE AHS OF ALL TREE PROTECTION REQUIREMENTS LISTED IN THESE SPECIFICATIONS AND/OR THOSE LISTED IN THE CITY OF COUNTY ORDINANCES. TREE PROTECTION LAWFUL, HOWEVER, IS MORE STRINGENT SHALL APPLY.
2. CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION PROCEDURES WITH THE PROJECT ARBORIST PRIOR TO BEGINNING WORK, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND/OR UTILITIES. AHS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND/OR UTILITIES.
3. ANY AREAS SUBJECT TO EROSION MUST BE ADEQUATELY STABILIZED WITH VEGETATION MATERIAL THAT WILL WITHSTAND EROSION AND BE SUITABLE FOR SOIL SUBSTITUTION.
4. NO SIGNS, BULKING PILES, WREDS OR OTHER ATTACHMENTS OF ANY KIND SHALL BE ATTACHED TO ANY TREE OR PALM. GUY WIRES DESIGNED TO PROTECT TREES ARE EXCLUDED FROM THIS PROHIBITION.
5. EXISTING TREE LOCATIONS AND SIZES ARE ESTIMATES AND BASED ON A SURVEY PROVIDED BY THE OWNER. SELECTED SURVEY DATA SHALL BE USED TO DETERMINE THE LOCATION AND SIZE OF EACH TREE TO BE PROTECTED.
6. CONTRACTOR SHALL COORDINATE TREE REMOVAL WITH PERMITTING AGENCY AND PROJECT ARBORIST PRIOR TO CONSTRUCTION. NO PERSON MAY REMOVE OR CAUSE TO BE REMOVED ANY PROTECTED TREE OR PALM OR MATURE FIRST GROWING PROVIDED A PERMIT AS PRECISE BY THE APPLICABLE PERMITTING AGENCY.
7. FOR PROTECTED TREES ON PALMS BEING REMOVED, THE CONTRACTOR MUST GUY THE PERMITTING AGENCY REASONABLE RISK OF DAMAGE TO RELOCATE TREES DESTROYED FOR REMOVAL TO ANOTHER SITE AT THE PERMITTING AGENCY'S EXPENSE.
8. CONTRACTOR IS RESPONSIBLE FOR POSSESSING ALL REQUIRED APPLICATION FOR LICENSES, BUSINESS REGISTRATIONS AND INSURANCE LABELS AND MATERIAL DATA SAFETY SHEETS. THE CONTRACTOR IS ALSO RESPONSIBLE FOR HAVING ALL SOIL CONTAMINATION MATERIALS AND REQUIRED PERSONAL PROTECTIVE EQUIPMENT FOR PESTICIDE APPLICATIONS AND FOR PROTECTING ALL TREES ON SITE AT ALL TIMES. THE OWNER RESERVES THE RIGHT TO INSPECT EACH APPLICATION AND HAVE THESE MATERIALS PRESENTED BEFORE AND DURING ANY PESTICIDE TREATMENT.
9. WHERE THERE ARE AREAS ARE PROTECTED WITH THE USE OF PROTECTED TREES AND LESS THAN FOUR (4) BUSHES OF GRADE OR GREATER, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A PERMIT TO REMOVE THE BUSHES AND HAVE THEM REMOVED BY ANOTHER OF THEIR SUBCONTRACTOR'S SUPPLIES.
10. THE TREES WELLS OF AN APPROVED DESIGN SHALL BE CONSTRUCTED AROUND ALL TREES TO BE PRESERVED WHENMORE THAN FOUR (4) BUSHES ARE REMOVED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A PERMIT TO REMOVE THE BUSHES AND HAVE THEM REMOVED BY ANOTHER OF THEIR SUBCONTRACTOR'S SUPPLIES.
11. THE SEQUENCE OF TREE REMOVAL AND PRESERVATION MEASURES IS IMPERATIVE TO THE HEALTH AND SURVIVABILITY OF THE SUBJECT TREES. THE CONTRACTOR SHALL BE COORDINATED WITH THE OWNER SELECTED PROJECT ARBORIST. THE DESIRED SEQUENCE IS OUTLINED BELOW:
 - a. TREE PROTECTION FENCINGS,
 - b. ROOT PRUNING AND ROOT BARRIERS,
 - c. CLEARING,
 - d. ERECTION,
 - e. TREE CANOPY THINNING,
 - f. FERTILIZATION,
 - g. INSECTICIDE,
 - h. IRRIGATION.

9. TREE PROTECTION FENCING

- [illegible]

4. A TWO (2) INCH LAY

- SITE CLEARING PHASE**
- 2. TREE CANOPY PRUNING**
1. TREE PRUNING SPECIFICATIONS SHALL BE DEFINED BASED ON SPECIFIC RECOMMENDATIONS OF THE PROJECT ARCHITECT. INFORMATION PRESENTED BELOW SHOULD BE USED AS A GUIDELINE.
 2. CONTRACTOR SHALL VISIT THE SITE WITH THE PROJECT ARCHITECT TO VERIFY THE EXTENT OF REQUIRED PRUNING.
 3. ALL PRUNING SHALL BE PERFORMED IN ACCORDANCE WITH THE RECOMMENDATIONS OF A QUALIFIED INTERNATIONAL SOCIETY OF ARBORICULTURE (ISA) CERTIFIED ARBORIST OR AN AMERICAN SOCIETY OF CONSULTING ARBORISTS (ASCA) REGISTERED CONSULTING ARBORIST (RCA).
 4. AT LEAST ONE MEMBER OF THE PRUNING CREW SHALL BE AN ISA OR ASCA CERTIFIED ARBORIST.
 5. WHILE IN THE TREE, THE ARBORIST SHALL PERFORM A VISUAL INSPECTION TO IDENTIFY DEFECTS THAT REQUIRE TREATMENT. ANY ADDITIONAL WORK NEEDED SHALL BE REPORTED TO THE OWNER.
 6. PRUNING CUTS SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE AMERICAN PRUNING STANDARD (AMERICAN NATIONAL STANDARD FOR TREE CARE OPERATIONS) AND SHALL BE FOLLOWED IN ACCORDANCE WITH THE LATEST EDITION OF AN INTERNATIONAL SAFETY STANDARD. PRUNING SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF BEST PRACTICES MANAGEMENT PRACTICES: TREE PRUNING.
 7. WHERE TEMPORARY CLEARANCE IS NEEDED FOR ACCESS, BRANCHES SHALL BE TIED BACK TO HOLD THEM OUT OF THE CLEARANCE ZONE.
 8. NO MORE THAN 25 PERCENT OF LIVE POLAR SHALL BE REMOVED WITH ANY TREE.
 9. ALL TREES WITHIN THE PROJECT AREA SHALL BE PRUNED AS FOLLOWS:
 - a. LIVE BRANCH PRUNING SHOULD BE PERFORMED ONLY WHEN THE DANGER OF INSECT OR DISEASE INFESTATION IS NOT PRESENT.
 - b. REMOVE STUBS, CUTTING ABOVE THE WOUND WOOD TISSUE THAT HAS FORMED AROUND THE BRANCH.
 - c. CLEANING, FOR THE SELECTIVE REMOVAL OF DEAD, DISEASED, BROKEN, OR CROSSING BRANCHES DOWN TO ONE INCH IN DIAMETER OR AS DIRECTED BY THE PROJECT ARCHITECT.
 - d. PRUNING CUTS LARGER THAN 4 INCHES IN DIAMETER, EXCEPT FOR DEAD WOOD, SHALL BE AVOIDED.
 - e. PRUNING CUTS THAT EXPOSE HEARTWOOD SHALL BE AVOIDED WHENEVER POSSIBLE.
 - f. ALL TREES WITH CROWNS THAT PROJECT INTO PARKING LOT/ROADWAY AREAS SHALL BE PRUNED TO 14 FEET ABOVE FINISHED GRADE.
 - g. ALL TREES WITH CROWNS THAT PROJECT TO SIDEWALK AREAS SHALL BE PRUNED TO A HEIGHT OF 8 FEET ABOVE FINISHED GRADE.
 10. TREES WHO'S ROOT SYSTEMS WILL BE IMPACTED SHALL RECEIVE THE FOLLOWING PRUNING TO COMPENSATE FOR ROOT LOSS:
 - a. THE LOCATION AND SIZE OF BRANCHES FOR REDUCTION SHALL BE DETERMINED BY THE PROJECT ARCHITECT.
 - b. REDUCTION, OR THE SELECTIVE PRUNING TO REDUCE TREE HEIGHT OR SPREAD.
 - c. REDUCE END HEIGHT ON HEAVY, HORIZONTAL BRANCHES BY SELECTIVELY REMOVING SMALL DIAMETER BRANCHES, NO GREATER THAN 2 TO 3 INCHES, NEAR THE ENDS OF SCAFFOLD BRANCHES.
 - d. RATHER THAN CONTOUR OF SELECTIVE PRUNING TO PROVIDE VERTICAL CLEARANCE.
- 11. PROPOSED REPLACEMENT TREES**
- a. PRUNING SHALL BE LIMITED TO CLEARING,
 - b. BURIAL SHALL BE CHARGED AND SPREAD ONLY WHEN DISEASE OR ROOT INFESTATION IS NOT PRESENT UNDERSTAND TREES IN THE TREE PROTECTION ZONE TO A MINIMUM GIRTH OF THREE INCHES, LEAVING THE TRUNK CLEAR OF MULCH.
 - c. CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL EXCESS DEBRIS ON OWNERS' DAYS.

F. FERTILIZATION

1. CONTRACTOR SHALL COORDINATE FERTILIZATION PLAN, FOLLOWING BEST MANAGEMENT PRACTICES WITH THE PROJECT ABSTRACT PRIOR TO COMMENCEMENT OF WORK.
2. EVERY EFFORT SHALL BE MADE TO UTILIZE CHANGES OF AN ORGANIC OR BIODEGRADABLE NUTRIENT IN ORDER TO OFFER THE BEST ALTERNATIVE TO THE PROJECT ABSTRACT. CONTRACTOR IS RESPONSIBLE FOR MONITORING AND DISPOSAL OF ALL CHANGES IN ACCORDANCE WITH STATE AGENCIES TO MANUFACTURER'S SPECIFICATIONS, COORDINATE WITH PROJECT ABSTRACT FOR FERTILIZER CONCENTRATIONS.
3. ONLY TREES AFFECTED BY CONSTRUCTION OR AS SHOWN ON THE TREE MITIGATION PLAN AND TREE INVENTORY SCHEDULE SHALL BE TREATED.
4. TREES SPECIFIC TO RECEIVE FERTILIZER SHALL BE TREATED AS FOLLOWS.
 - a. MIX FERTILIZER ACCORDING TO MANUFACTURER'S SPECIFICATIONS INTO A TANK WITH AGITATION CAPABILITY.
 - b. MIX WETTING AGENT ACCORDING TO MANUFACTURER'S SPECIFICATIONS INTO SAME TANK WITH FERTILIZER, AGITATE MIX.
 - c. INJECT THE MIXTURE WITH A HYDRAULIC PUMPING SYSTEM INTO THE UPPER 6-12 INCHES OF SOIL WITH A SOIL PROBE. INJECT AT THE RATE OF ONE THIRD (1/3) GAL/AC AT EACH TREATMENT SITE.
 - d. THE CRITICAL ROOT ZONE AREA 1/2" OR GREYER ON THE CRITICAL ROOT ZONE SHALL BE INJECTED, BUT NOT BEYOND ROOT FRINGE LOCATIONS.
5. FERTILIZER SHALL BE INSTALLED PRIOR TO THE INSTALLATION OF ANY ANERATION SYSTEMS.
6. EMPTY PRODUCT CONTAINERS SHALL BE STOCKPOOLED FOR INSPECTION BY THE PROJECT ABSTRACT PRIOR TO DISPOSAL.

G. INSECTIONS

7. NOTIFY PROJECT ARBORIST IF ANY INFESTATIONS NOTICED.
8. FOLLOW PROJECT ARBORIST'S RECOMMENDED PROCEDURES.
9. FOLLOW ALL ARBORIST'S RECOMMENDATIONS CONCERNING APPLICATION. READ ALL WARNING LABELS.
10. ANY PETS, AS WELL AS THE PETS FOOD AND WATER BOWLS SHOULD BE REMOVED FROM THE AREA AND ANY SWIMMING POOLS SHOULD BE COVERED. COORDINATE WITH PROJECT ARBORIST FOR FURTHER INSTRUCTION.
11. ENSURE COMPLETE COVERAGE AND REAPPLY 2-3 MONTHS AFTER INITIAL APPLICATION UTILIZING SAME PROCEDURE.

H. IRRIGATION

1. EVERY EFFORT SHALL BE MADE TO WATER THE PRESERVED TREES AND TRANSPLANTS, CONTRACTOR SHALL IRRIGATE BY HAND OR BY TEMPORARY IRRIGATION.
2. IRRIGATE AS REQUIRED BY PROJECT ARBORIST UNTIL PERMANENT IRRIGATION IS INSTALLED AND OPERATING.
3. UNDERGROUND IRRIGATION SHALL NOT BE INSTALLED WITHIN THE DRIP LINES OF EXISTING TREES UNLESS ROOT PROTECTION MEASURES ARE PROVIDED AND APPROVED BY PROJECT ARBORIST.

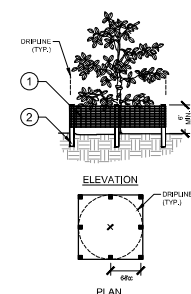
1. TREE REMOVALS

1. PRIOR TO AND DURING LANDS CLEARING, INCLUDING GRUBBING, ALL TREES TO BE REMOVED SHALL BE CLEARLY MARKED BY PROJECT PERSONNEL WITH RED SPRAY MARKING AT THE BASE OF THE TREE ABOVE GROUND.
2. CONTRACTOR SHALL REMOVE ALL TREES AS SHOWN ON THE TREE MITIGATION PLANS AFTER THE TREE PROTECTION FENCING IS INSTALLED.
3. ALL TREES SHOWN TO BE REMOVED SHALL BE FILLED WITH A CHAIN SAW AND STUMP GROUND IF BELOW SURFACE. ANY TREE SHOWN TO BE REMOVED THAT IS IN AN AREA WHERE COMPACTION IS CRITICAL SHALL BE FILLED WITH A CHAIN SAW AND STUMP GROUND BY CONTRACTOR.
4. ALL WOOD AND STUMPS FROM REMOVALS SHALL BE HAULED FROM THE SITE THE SAME DAY. EXCEPT FOR THOSE, ALL TOPS ARE TO BE MULCHED AND STOCKPILED OR HAULED DIRECTLY TO MULCHED AREAS FOR RELOCATED TREES IF SCHEDULING PERMITS. TOP

5. TREES BE CHIPPED AND PLACED IN THE TREE PROTECTION ZONE TO A DEPTH OF THREE (3) INCHES. ALL EXCESS WOOD CHIPS SHOULD BE HAULED OFF SITE AFTER THE OPERATIONS ARE COMPLETE.
 6. ALL BURN RITS IF APPLICABLE MUST BE APPROVED BY THE PROJECT ARCHITECT AND OWNER.
 7. TREES TO BE REMOVED: THAT HAVE BRANDED BY EXTENSION INTO THE CANOPY OF TREES TO REMAIN MUST BE REMOVED BY A TREES TO BE REMOVED ARE NOT BY TRIMMING OR DIRECTIONAL CUTTING. CONTRACTORS, THE QUALIFIED ARBORIST SHALL BE RESPONSIBLE FOR THE IDENTIFICATION OF TREES TO BE REMOVED AND THE HISTORY REQUIRED TO RE-INSTALL.
 8. TREES TO BE REMOVED LOCATED WITHIN THE TREE PROTECTION ZONE SHALL BE REMOVED BY A QUALIFIED BA CERTIFIED ARBORIST. THE TREES SHALL BE CUT NEAR GROUND LEVEL AND THE STUMP GROUND.
- TOPIC: _____
9. CONTRACTOR SHALL COORDINATE ALL EARTHWORK OPERATIONS WITHIN TREE PROTECTION AREAS WITH THE PROJECT ARCHITECT PRIOR TO BEGINNING WORK.
 10. ALL TOPSOIL SHALL BE NATURAL, FERTILE, FIRM, LOAMY SOIL, POSSESSING CHARACTERISTICS OF REPRESENTATIVE TOPSOIL IN THE VICINITY THAT PRODUCES HEAVY GROWTH.
 11. TOPSOIL DEPTH OF 2 TO 3 INCHES SHALL BE MAINTAINED. EXCESS TOPSOIL, EXCESS FERTILIZER FROM BUREAU, OBJECTIVE: FERTILIZER, TOPSOIL, STUMP, SHALL BE LARGER THAN ONE (1) INCH IN DIAMETER, STUMPS, ROOTS, TRUNK, TOWNS, SUBSTANCES OF ANY OTHER MATERIAL WHICH MAY BE HARMFUL TO PLANT GROWTH.
 12. EXCESS TOPSOIL SHALL BE MAINTAINED. EXCESS TOPSOIL, EXCESS FERTILIZER FROM BUREAU, OBJECTIVE: FERTILIZER, TOPSOIL, STUMP, SHALL BE LARGER THAN ONE (1) INCH IN DIAMETER, STUMPS, ROOTS, TRUNK, TOWNS, SUBSTANCES OF ANY OTHER MATERIAL WHICH MAY BE HARMFUL TO PLANT GROWTH.
 13. EXCESS TOPSOIL SHALL BE MAINTAINED. EXCESS TOPSOIL, EXCESS FERTILIZER FROM BUREAU, OBJECTIVE: FERTILIZER, TOPSOIL, STUMP, SHALL BE LARGER THAN ONE (1) INCH IN DIAMETER, STUMPS, ROOTS, TRUNK, TOWNS, SUBSTANCES OF ANY OTHER MATERIAL WHICH MAY BE HARMFUL TO PLANT GROWTH.
 14. PROJECT ARCHITECT SHALL APPROVE ALL TOPSOIL PRIOR TO PLACEMENT.

M. REPAIR OF DAMAGED TREES

1. IF DAMAGE TO ANY TREE SHOULD OCCUR BY ACCIDENT OR NEGLIGENCE DURING THE CONSTRUCTION PERIOD, THE PROJECT ARBORIST SHALL APPRAISE THE DAMAGE AND MAKE RECOMMENDATIONS TO THE OWNER FOR REPAIR BY THE CONTRACTOR.
2. IF ANY TREE DESIGNATED TO BE SAVED IS REMOVED FROM THE SITE WITHOUT PERMISSION OF THE OWNER'S REPRESENTATIVE, THE PROJECT ARBORIST SHALL APPRAISE THE TREE AND MAKE RECOMMENDATIONS TO THE OWNER FOR REPLACEMENT BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENT OF THE TREE AND ANY FEES THAT MAY BE ASSESSED TO THE OWNER BY THE GOVERNING AGENCY.



- ① 6" PERIMETER PLUS® CONSTRUCTION FENCE BY CONVEX PLASTICS OR OWNER'S REPRESENTATIVE APPROVED EQUAL. SUBMIT PRODUCT INFORMATION FOR APPROVAL PRIOR TO INSTALLATION.
- ② 8" TALL METAL "T" POSTS OR 2" x 2" x 8' PRESSURE TREATED WOOD POSTS WITH 24" BURIAL BELOW GRADE.

INSTALLATION NOTES:

- A. POST SELECTION SHOULD BE BASED ON EXPECTED STRENGTH NEEDS AND THE LENGTH OF TIME FENCE WILL BE IN PLACE. FLEXIBLE HIGH-RIGID ROD POSTS ARE RECOMMENDED FOR ALL TYPES OF CLIMATE EVENTS AND GROUND CONDITIONS. INSTALLATIONS. METAL POSTS OR TREATED WOOD POSTS ARE TYPICALLY USED FOR CONSTRUCTION AND OTHER APPLICATIONS.
- B. POSTS SHOULD BE DRIVEN INTO THE GROUND TO A DEPTH OF 1/3 OF THE HEIGHT OF THE POST. FOR EXAMPLE, A 6' POST SHOULD BE SET AT LEAST 2' INTO THE GROUND.
- C. SPACE POSTS EVERY 6' (MIN.) TO 8' (MAX.).
- D. AVAILABLE FENCING TO POST WITH NYLON CABLE TIES (AVAILABLE FROM CONVED PLASTICS). WOOD STRIPS MAY ALSO BE USED TO PROVIDE ADDITIONAL SUPPORT AND PROTECTION BETWEEN TIES AND POSTS.

NOTE: IF WIRE TIES ARE USED, AVOID DIRECT CONTACT WITH FENCE. WIRE MAY DAMAGE FENCE OVER TIME.

2 TREE PROTECTION FENCING

10.33 ELEVATION / PLAN NT

TREE MITIGATION SPECIFICATIONS

WINTER PARK
COMMONS

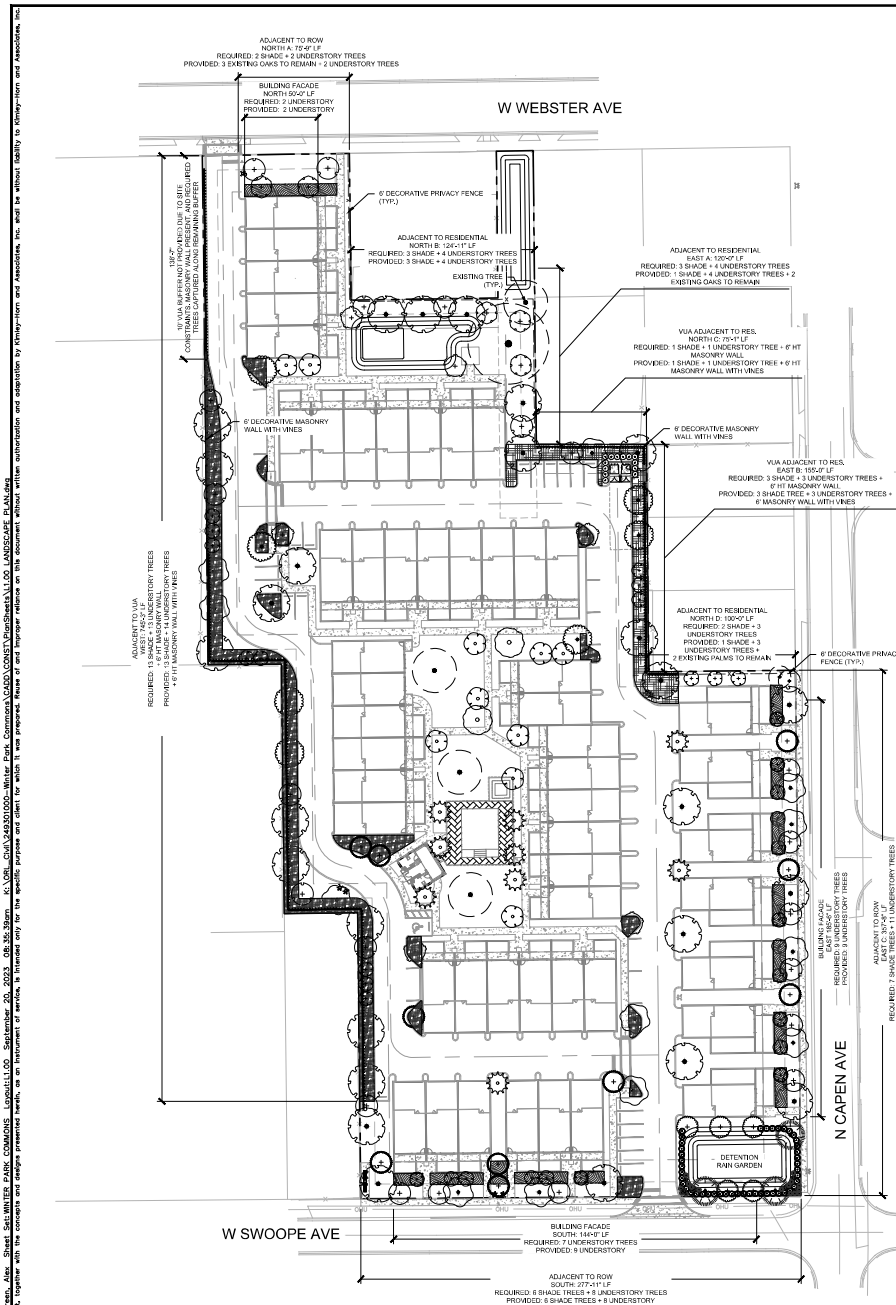
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Kimley»»Horn
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189 S. ORANGE AVENUE, SUITE 1000, ORLANDO, FL 32801
PHONE: 407-898-1511

DATE ##/##/##	SIGNED BY	AUG	AUG
SALE			

FLORIDA



PLANT SCHEDULE

CODE	SHADE	THRES	CODE	QTY	BOTANICAL NAME	COMMON NAME	QOUNT	CAL	SIZE
A ¹	12		ACER RUBRUM 'FLORIDA FLAME'		FLORIDA FLAME RED MAPLE	FG	3" CAL MIN	12' HT MIN	
QV	23		QUERCUS VIRGINIANA SINGL LEADER, STRAIGHT, FL #1		SOUTHERN LIVE OAK	FG	3" CAL MIN	12' HT MIN	
TD	3		TAXODIUM DISTICHUM STRAIGHT, SINGL LEADER, FL #1		BALD CYPRESS	FG	3" CAL MIN	12' HT MIN	
UA	7		UNUS ALATA SINGL LEADER, STRAIGHT, FL #1		VANEGED ELM	FG	3" CAL MIN	12' HT MIN	
CODE	UNDERSTORY	THRES	CODE	QTY	BOTANICAL NAME	COMMON NAME	QOUNT	CAL	SIZE
OC	18		CERES CAVENDISHA SINGL LEADER, STRAIGHT, FL #1		EASTERN REDBUD	FG	2.0" CAL MIN	10 - 12' HT MIN	
CF	5		CORNUS FLORIDA SINGL LEADER, STRAIGHT, FL #1		FLOWERING DOGWOOD	FG	2.0" CAL MIN	8 - 10' HT MIN	
ED	13		ELAEAGARUS DECIPRENS STRAIGHT, STRAIGHT, FL #1		JAPANESE BLUEBERRY TREE	FG	2.0" CAL MIN	10 - 12' HT MIN	
LI	6		LAGASTROPHORA INDECA SINGL LEADER, STRAIGHT, FL #1		ORANGE MYRTLE	FG	2.0" CAL MIN	8 - 10' HT MIN	
MF	5		MYRTICANIS FRAGRANS STRAIGHT, SINGL LEADER, FL #1, 4' CT MIN		MURBONS STOMPER	FG	2.0" CAL MIN	8 - 10' HT MIN	
NL	23		MAGNOLIA GRANDIFLORA LITTLE GEM SINGL LEADER, STRAIGHT, FL #1, FULL TO BASE		LITTLE GEM DWARF SOUTHERN MAGNOLIA	FG	1" CAL MIN	6' HT MIN	
VS	6		VITEX AGNUS-CASTUS 'SHOAL CREEK' FL #1		SHOAL CREEK CHASTE TREE	FG	1" CAL MIN	6' HT MIN	
CODE	THRES	THRES	CODE	QTY	BOTANICAL NAME	COMMON NAME	QOUNT	CAL	SIZE
EP	14		PALM			FG	-	12' CT MIN	
LS	2		SHADE			FG	3" CAL MIN	12' HT MIN	
EU	10		UNDERSTORY TREE			FG	1" CAL MIN	6' HT MIN	
CODE	THRES	THRES	CODE	QTY	BOTANICAL NAME	COMMON NAME	QOUNT	SPACING	SIZE
CQ	6		CINNAM AUGUSTUM QUEEN EMMA FULL, COMPACT, HEAVY FL #1		QUEEN EMMA CINNAM LILY	7 GAL	SEE PLAN	48" HT MIN	
LC	489		L. OMBROSA SEMIPARVENS FULL		TRUMPET L'OMBELOUSE	6" POT	24" OC	24" SPACING MIN.	
MC	16		MELALEUCA CAPILLARS FULL, FL #1		PINK MUHLY GRASS	3 GAL	36" OC	36" FULL	
TF	37		TEPHROSIA DACTYLOIDES FULL, FL #1		FAKAWATCHOE GRASS	3 GAL	48" OC	36" FULL	
CODE	THRES	THRES	CODE	QTY	BOTANICAL NAME	COMMON NAME	QOUNT	SPACING	SIZE
PM	13		PODOCARPUS MACROPHYLLUS FULL		YEW PODOCARPUS	7 GAL	48" OC	72" HT MIN	
CODE	THRES	THRES	CODE	QTY	BOTANICAL NAME	COMMON NAME	QOUNT	SIZE	SPACING
BF	3,077 SF		BUILDING FACADE LANDSCAPE 50% OF PLANTS TO BE INSTALLED AT 12' HT MIN AND REACH 24' HT MIN			-	12' HT MIN		
VJA	11,316 SF		VJA LANDSCAPE			-			

CONCEPT PLANT LIST

SHADE TREES
LIVE OAK
RED MAPLE
WINGED HOLM

UNDERSTORY TREES
CHASTE TREE
CRABE MYRTLE
EASTERN REDBUD
FLOWERING DOGWOOD
JAPANESE BLUEBERRY
LITTLE OLM MAGNOLIA

PALMS
SACRED PALM
CHINESE FAN PALM
DIOKONE

SHRUBS
AZALEA
BOXWOOD
FIREBUSH
INDIAN Hawthorn
KORRA
LOROPETALUM
MAGNOLIA
SCOFFLERIA
SELODUM
SWEET GUMMURUM
WALTERS VIBURNUM
YELLOW ANISE

GROUNDCOVERS
AFRICAN VIOLET
AGAPANTHUS
ASIATIC JASMINE
BURNING
COONITE
DWARF MORNING GLORY
FOX GLOVE
LIRIOPE
MUNDO GRASS
MULLE GRASS
SPICE JUNKBER
SOCIETY SHALICE
SUNSHINE MIMOSA
SWORD FERN
WAXY FERN
XANADU PHILLODENDRON

LANDSCAPE CODE CALCULATIONS

SEC 58-386.C - A BUFFER OF SHADE AND UNDERSTORY TREES SHALL BE ONE- AND TWO-FAMILY DWELLINGS AND PUBLIC RIGHTS-OF-WAY. TWO' REQUIRED FOR EACH 100 LINEAR FEET OF LANDSCAPE AREA.

NORTH L 78 L	REQUIRED 2 SHADE TREES 2 UNIDENTIFIED TREES	PROPOSED 3 SEEDING OAS TO REMAIN 2 UNIDENTIFIED TREES
NORTH H 125 L	REQUIRED 3 SHADE TREES 4 UNIDENTIFIED TREES	PROPOSED 3 SHADE TREES 4 UNIDENTIFIED TREES
NORTH D 100 L	REQUIRED 2 SHADE TREES 3 UNIDENTIFIED TREES	PROPOSED 1 SHADE TREES 3 UNIDENTIFIED TREES + 2 EXISTING PALMS TO REMAIN
EAST L 125 L	REQUIRED 3 SHADE TREES 4 UNIDENTIFIED TREES	PROPOSED 1 SHADE TREE + 2 EXISTING OAS TO REMAIN 4 UNIDENTIFIED TREES
EAST C 589 L	REQUIRED 7 SHADE TREES 11 UNIDENTIFIED TREES	PROPOSED 8 SHADE TREES 11 UNIDENTIFIED TREES
SOUTH 216 L	REQUIRED 8 SHrub TREES 8 UNIDENTIFIED TREES	PROPOSED 8 SHrub TREES 8 UNIDENTIFIED TREES
<u>VERBIL BUILDING CAUSAL</u>		
RELOC. MCM-10, THE TOTAL LENGTH OF VERBIL FACIALS, EXCLUSIVE OF BUILDING ENTRANCES, FROM THE ROW, SHALL BE NOT LESS THAN A SIX FOOT LANDSCAPE AREA AND TWO UNIDENTIFIED TREES PER 100 LF.		
NORTH FACIAL 50 L X 6 = 300 SF	REQUIRED 300 SF 2 UNIDENTIFIED TREES	PROPOSED 504 SF 2 UNIDENTIFIED TREES
EAST FACIAL 106 L X 6 = 636 SF	REQUIRED 554 SF 8 UNIDENTIFIED TREES	PROPOSED 1,024 SF 8 UNIDENTIFIED TREES
SOUTH FACIAL 141 L X 6 = 846 SF	REQUIRED 1,172 SF 7 UNIDENTIFIED TREES	PROPOSED 2,337 SF 9 UNIDENTIFIED TREES

VUA ADJACENT TO RESIDENTIAL

SEC 58-336 E.2 - ALL VEHICULAR USE AREAS ADJOINING RESIDENTIAL PROPERTIES SHALL HAVE A 10' WIDE LANDSCAPE BUFFER CONTAINING 1 SHADE TREE AND 1 UNDERSTORY TREE FOR EVERY 60' AND SHALL CONTAIN A 6" HIGH MASONRY WALL.

NORTH C 75 LF	REQUIRED 1 SHADE TREES 1 UNDERSTORY TREES 6' HIGH MASONRY WALL	PROVIDED 1 SHADE TREE 1 UNDERSTORY TREES 6' HIGH MASONRY WALL WITH VINES
EAST B 85 LF	REQUIRED 3 SHADE TREES 3 UNDERSTORY TREES 6' HIGH MASONRY WALL	PROVIDED 3 SHADE TREES 3 UNDERSTORY TREES 6' HIGH MASONRY WALL WITH VINES
WEST 745 LF	REQUIRED 13 SHADE TREES 13 UNDERSTORY TREES 6' HIGH MASONRY WALL	PROVIDED 13 SHADE TREE 14 UNDERSTORY TREES 6' HIGH MASONRY WALL WITH VINES

VIA INTERIOR LANDSCAPING

SEC 58-336.8.3- THE VEHICULAR USE AREA SHALL CONTAIN INTERIOR LANDSCAPE AREAS EQUAL TO 7.5% OF THE TOTAL VEHICULAR USE AREA. EACH INTERIOR LANDSCAPED ISLAND SHALL CONTAIN ONE SHADE TREE. AT THE END OF EACH PARKING ROW ONE SHADE TREE SHALL BE PROVIDED

	<u>REQUIRED</u>	<u>PROVIDED</u>
V.U.A.		
V.U.A. = 44,162 SF		
44,162 SF X .075= 3,312 SF	3,312 SF	10,997 SF
12 PARKING ENDS/ISLANDS	12 SHADE TREES	10 SHADE TREES + 7 UNDERSTORY TREES**

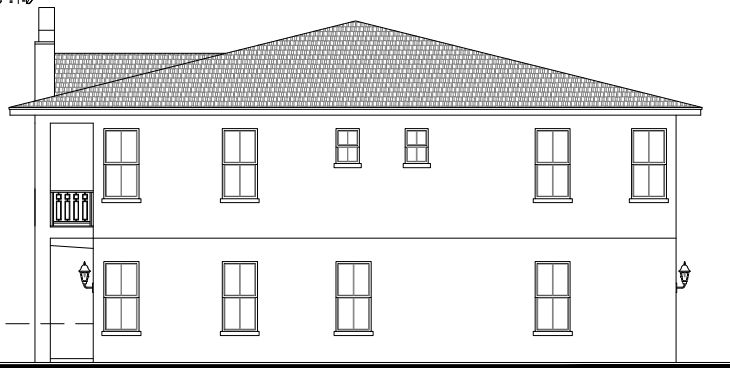
*NOTE: EXISTING PALMS TO BE PRESERVED AS UNDERSTORY AND APPLIED 2:1 AS A SHADE TREE

NOTE: 1 SHADE TREE REPLACED WITH 1 UNDERSTORY TREE IN ISLANDS WITHIN 12' OF EXTERIOR BUILDING WALLS. ADDITIONAL UNDERSTORY TREES WITHIN VUA PLANTINGS TO ACCOUNT FOR 2:1 REPLACEMENT.

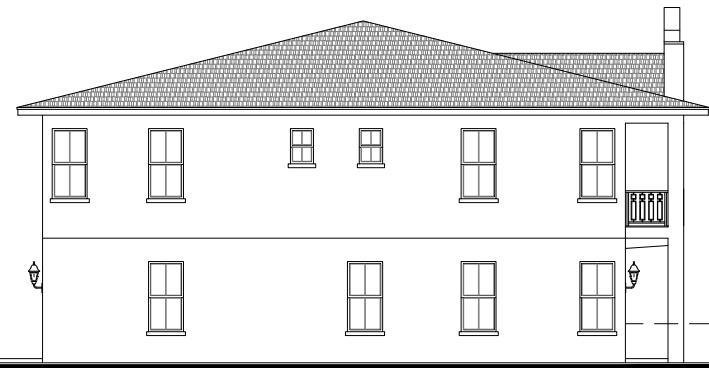
***NOTE: PROPOSED VUA LANDSCAPE AREA EXCEEDS REQUIRED AMOUNT, DUE TO SITE CONSTRAINTS AND EMERGENCY VEHICLE CIRCULATION PROVIDED LANDSCAPE AREAS MAY BE SMALLER THAN REQUIRED, REQUIRED TREES UNABLE TO FIT IN ISLANDS HAVE BEEN PLACED IN LANDSCAPE AREA WITHIN THE IMMEDIATE VICINITY OF PARKING.



1 TRIPLEX - FRONT ELEVATION - (TYPE C)
SCALE: 3/16" = 1'-0"



2 TRIPLEX - RIGHT SIDE ELEVATION - (TYPE C)
SCALE: 3/16" = 1'-0"



3 TRIPLEX - LEFT SIDE ELEVATION - (TYPE C)
SCALE: 3/16" = 1'-0"



4 TRIPLEX - REAR ELEVATION - (TYPE C)
SCALE: 3/16" = 1'-0"

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SP

WILLIAM P. PLATT'S ARCHITECTS

EXTERIOR ELEVATIONS - TRIPLEX
WINTER PARK COMMONS

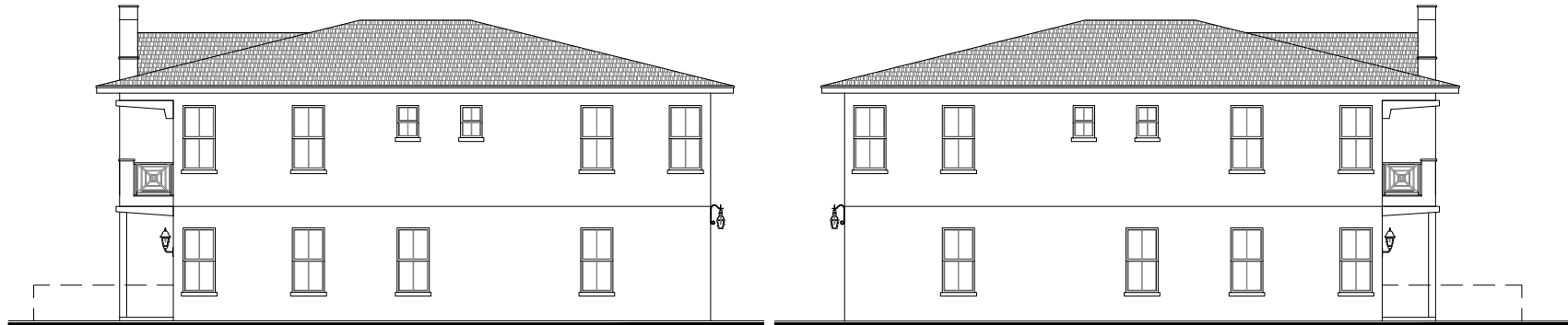
FLORIDA

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07-09-23
SCALE
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JOB NO.
20-031
SHEET

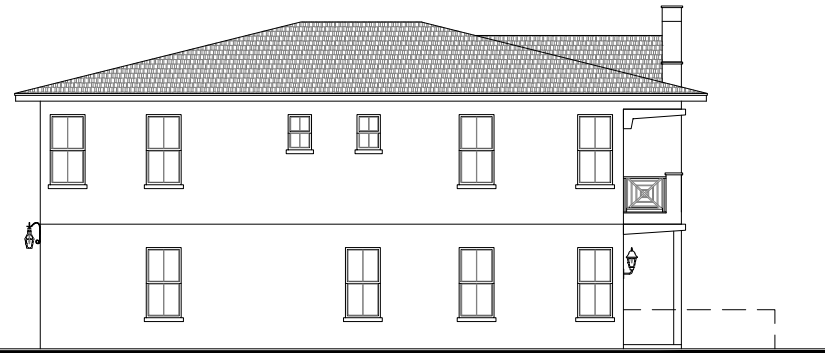
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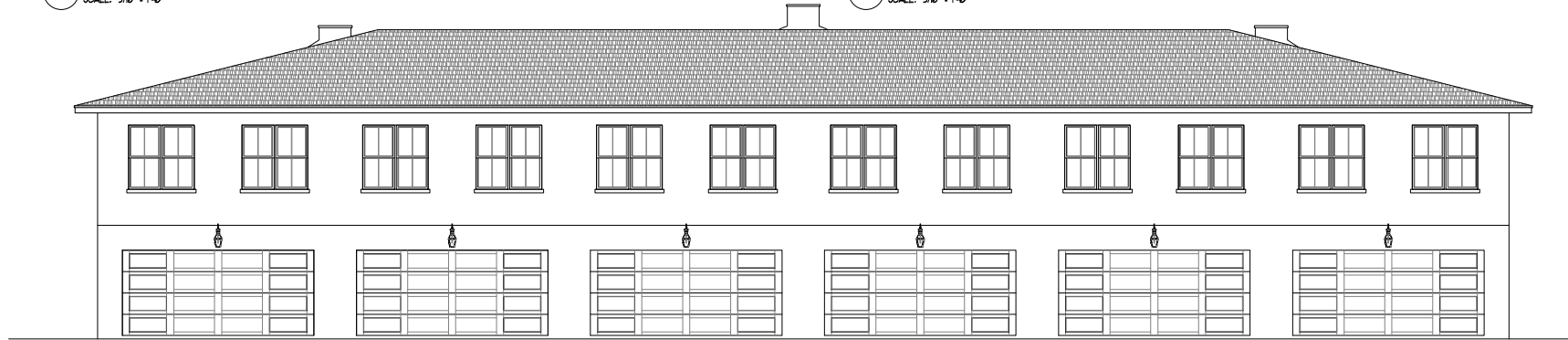
1 SIXPLEX - FRONT ELEVATION - (TYPE E)
SCALE: 3/16" = 1'-0"



2 SIXPLEX - RIGHT SIDE ELEVATION - (TYPE E)
SCALE: 3/16" = 1'-0"



3 SIXPLEX - LEFT SIDE ELEVATION - (TYPE E)
SCALE: 3/16" = 1'-0"



4 SIXPLEX - REAR ELEVATION - (TYPE E)
SCALE: 3/16" = 1'-0"

REVISIONS

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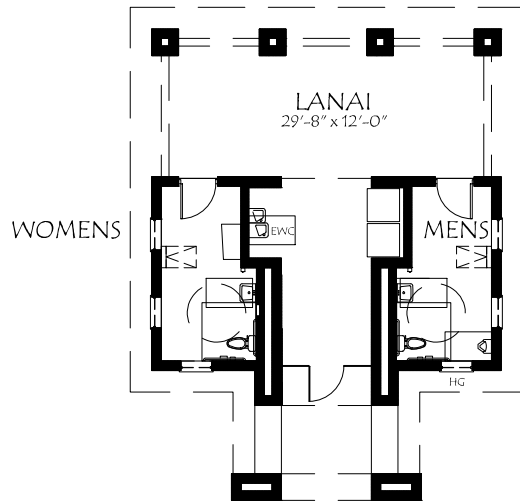


WILLIAM P. PLATTS AR13362

EXTERIOR ELEVATIONS
WINTER PARK COMMONS
FLORIDA

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20-031
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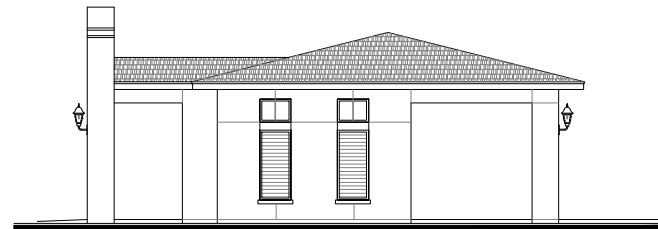
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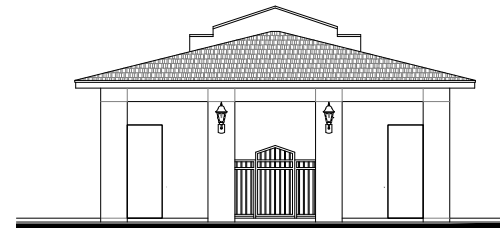
1 CABANA FLOOR PLAN
SCALE: 3/16" = 1'-0"



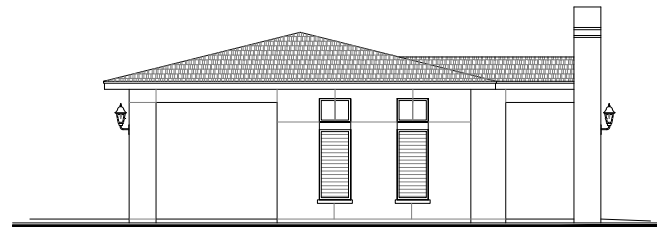
2 CABANA FRONT ELEVATION
SCALE: 3/16" = 1'-0"



3 CABANA RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



4 CABANA REAR ELEVATION
SCALE: 3/16" = 1'-0"



5 CABANA LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"

REVISIONS

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EXTERIOR ELEVATIONS - CABANA
WINTER PARK COMMONS
FLORIDA

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07-09-23
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JOB NO.
20-031
SHEET

A6.5



FRONT ELEVATION

THREE STORY TOWNHOME ELEVATIONS - BLDG. 12
WINTER PARK COMMONS
20-031 SCALE: 3/32" = 1'-0" 08.22.2023





LEFT SIDE ELEVATION

THREE STORY TOWNHOME ELEVATIONS - BLDG. 12
WINTER PARK COMMONS
 20-031 SCALE: 3/32" = 1'-0" 08.22.2023





**BUILDINGS 1-7, N CAPEN SINGLE FAMILY UNITS
ACHITECTURE INSPIRATION**

**item type**

Public Hearings: Non Quasi-Judicial Matters

meeting date

November 8, 2023

prepared by

Jeffrey Briggs, Director of Planning and Zoning

approved by

Randy Knight, City Manager

subject

Resolution 2280-23 - Request of Paul Merrell to designate the property at 1390 Indiana Avenue to the Register of Historic Places

motion | recommendation

The Historic Preservation Board has recommended approval of this designation.

background

Paul Merrell (property owner) has voluntarily agreed to designate his home at 1390 Indiana Avenue on the Winter Park Register of Historic Places. This home is an example of the Bungalow architectural style as was popular when this home was built in 1925.

This one-story, 660 sq. ft. home has an interesting history. In 2008, the overall property was redeveloped with six new two-story townhouse units. This one-story Bungalow was located way back on the northeast corner of the property and the developer was asked to save this small Bungalow and modify the floor plan design of the one-end unit in order to do so. The developer agreed and this 1925 Bungalow was spared from demolition. This Bungalow is largely invisible from the street and can only be seen looking down the rear driveway off Wisconsin Avenue.

Mr. Merrell is the original owner from 2008 and does not want someone to demolish and rebuild his home at some future time.

strategic objectives**alternatives | other considerations****fiscal impact**

attachments

1. Resolution 2280-23
2. Location Map
3. Designation Pictures

RESOLUTION 2280-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1390 INDIANA AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

WHEREAS, there are located within the City of Winter Park historic sites, areas, structures, buildings, improvements and appurtenances, both public and private, both on individual properties and in groupings, that serve as reminders of past eras, events, and persons important in local, state and national history; or that provide significant examples of past architectural styles and development patterns and that constitute unique and irreplaceable assets to the City; and

WHEREAS, the City Commission recognizes that the sites and properties of historical, cultural, archaeological, aesthetic and architectural merit contribute to the public health, welfare, economic well being and quality of life of the citizens of Winter Park; and

WHEREAS, there is the desire foster awareness and civic pride in the accomplishments of the past; and

WHEREAS, the Winter Park Historic Preservation Board has determined and recommended that the property at 1390 Indiana Avenue with the existing home built in 1925 is an example of the Bungalow architecture popular during that period.

NOW, THEREFORE, be it resolved by the City Commission of the City of Winter Park, Florida that:

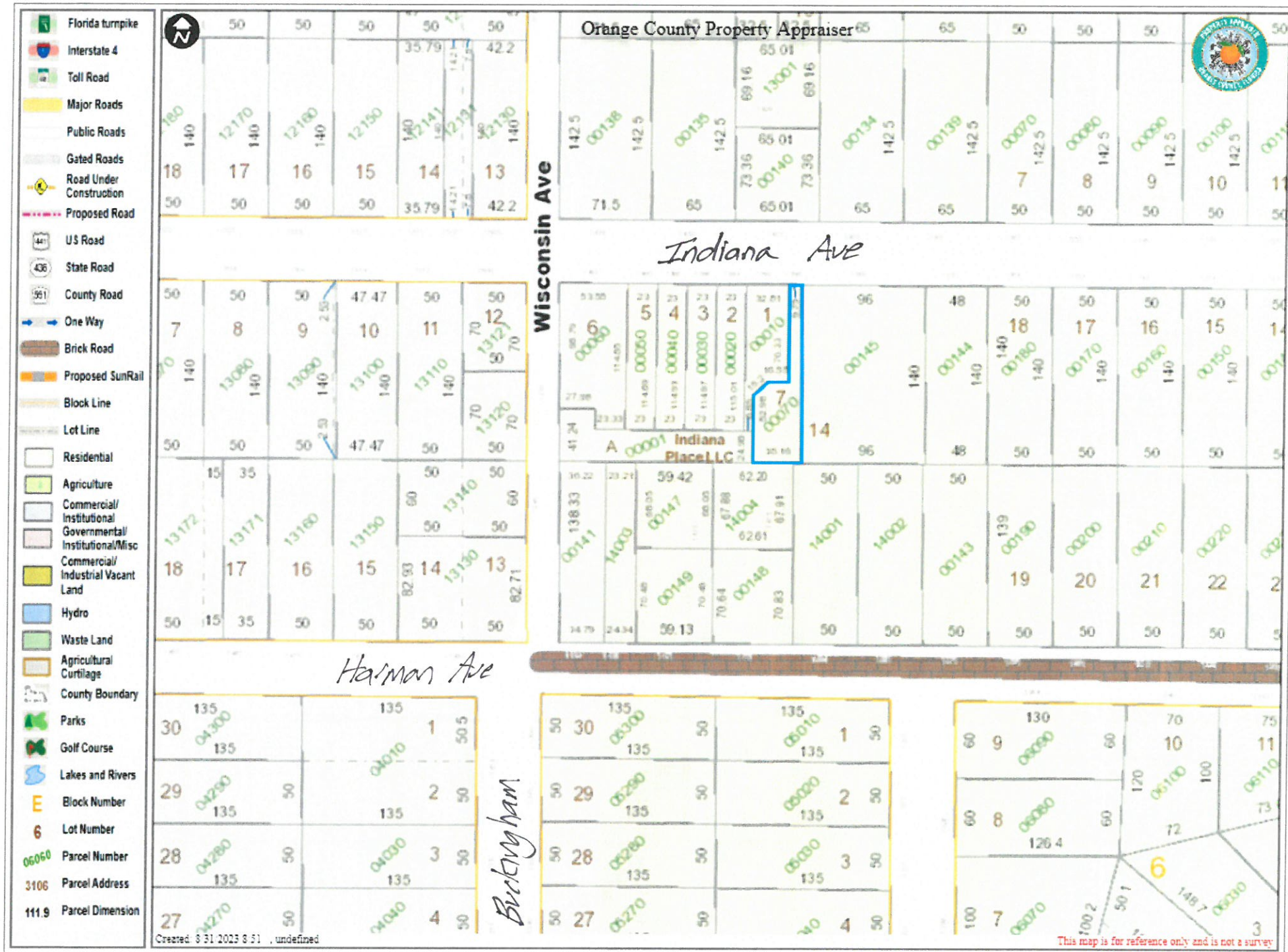
SECTION 1. That the City Commission of the City of Winter Park hereby designates 1390 Indiana Avenue as a historic resource on the Winter Park Register of Historic Places.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 8th day of November, 2023.

Mayor Phillip N. Anderson

ATTEST:

City Clerk Rene Cranis











**item type**

Public Hearings: Non Quasi-Judicial Matters

meeting date

November 8, 2023

prepared by

Jason Seeley, Director of Parks and Recreation

approved by

Rene Cranis, City Clerk

subject

Ordinance prohibiting smoking and vaping in city parks and recreational facilities (1st reading)

motion | recommendation

Approve the ordinance

background

In 2014, the City Commission, with the support of the Winter Park Health Foundation and Chamber of Commerce, approved RESOLUTION NO. 2134-14 which requested the State to repeal Florida statute 386.209 which preempted regulation of smoking to the state and to allow regulations on smoking to be handled at the local level. This was done in an effort to make our parks smoke-free zones and to ensure the safety and health of park guests from the hazards of second-hand smoke. In the Spring of 2022, the state revised the statute allowing local municipalities to enforce smoking restrictions related to parks, beaches, and other leisure and recreational areas. The change in statute 386.209 now allows the City to adopt a smoking and vaping ban at our public parks and recreational facilities and ensure a safe and pleasant environment for all park guests. The city would be joining a growing list of Florida municipalities that have adopted an ordinance since the change at the State level. The list below provides an example of the Florida municipalities that have adopted such an ordinance as of early 2023:

- Daytona Beach Shores
- Panama City Beach
- Fernandina Beach
- Indian Harbour Beach
- St. Augustine
- Sarasota
- St. Petersburg
- Miami Beach
- Palm Beach
- Delray Beach
- Windermere
- South Daytona Beach
- Pompano Beach

- Sunny Isles Beach
- Boca Raton (Resolution)
- Callaway
- Deerfield Beach
- Palm Bay
- Aventura
- Port Orange
- Indialantic
- Greenacres
- Doral
- Atlantic Beach
- Lake Worth Beach

Revised Statute: 386.209 Regulation of smoking preempted to state.—This part expressly preempts regulation of smoking to the state and supersedes any county or municipal ordinance on the subject; however, counties and municipalities may further restrict smoking within the boundaries of any public beaches and public parks that they own, except that they may not further restrict the smoking of unfiltered cigars. A municipality may further restrict smoking within the boundaries of public beaches and public parks that are within its jurisdiction but are owned by the county, unless such restriction conflicts with a county ordinance, except that they may not further restrict the smoking of unfiltered cigars. School districts may further restrict smoking by persons on school district property. This section does not preclude the adoption of county or municipal ordinances that impose more restrictive regulation on the use of vapor-generating devices than is provided in this part. History.—s. 9, ch. 85-257; s. 8, ch. 92-185; s. 10, ch. 2003-398; s. 1, ch. 2011-108; s. 10, ch. 2019-14; s. 3, ch. 2022-213.

strategic objectives

alternatives | other considerations

fiscal impact

Minimal financial impact with signage in key locations being the only projected cost.

attachments

1. 2014 No Smoking Resolution
2. Smoking Prohibition Ordinance

RESOLUTION NO. 2134-14

**A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA,
ASKING THE STATE LEGISLATURE TO REPEAL FLORIDA
STATUTE 386.209 WHICH PREEMPTS REGULATION OF
SMOKING TO THE STATE AND TO ALLOW LOCAL
GOVERNMENTS TO REGULATE SMOKING IN PARKS;
AUTHORIZING THE CITY CLERK TO TRANSMIT THIS
RESOLUTION; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, municipalities have city parks set aside for human enjoyment and to promote the public health, safety and welfare of the citizens; and

WHEREAS, city parks are utilized for summer camps and sports such as soccer, lacrosse, baseball, football and cheerleading; and

WHEREAS, Florida Statute 386.209 denies municipalities the right to regulate smoking in public parks to prevent exposure to second hand smoke (SHS) by non-smokers; and

WHEREAS, non-smokers who are exposed to secondhand smoke breathe in nicotine and toxic chemicals by the same route smokers do; and

WHEREAS, SHS has been linked to lung cancer. There is also evidence suggesting it may be linked to childhood leukemia and cancers of the larynx, pharynx, brain, bladder, rectum, stomach and breast; and

WHEREAS, SHS is responsible for an estimated 46,000 deaths from heart disease in non-smokers, and between 150,000 and 300,000 lower respiratory tract infections in children under 18 months of age; and

WHEREAS, the City of Winter Park believes it should be able to protect the health, safety and welfare of its residents and those who utilize its city park system;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
THE CITY OF WINTER PARK, FLORIDA:**

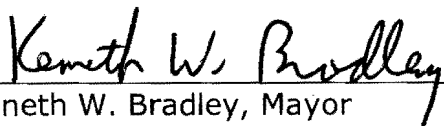
Section 1. The foregoing Whereas clauses are hereby ratified and incorporate as the legislative intent of this Resolution.

Section 2. The City Commission of the City of Winter Park, Florida urges Legislators throughout the State of Florida to repeal Florida Statute 386.209 which preempts the regulation of smoking in parks to the State and to allow municipalities to regulate smoking in public parks.

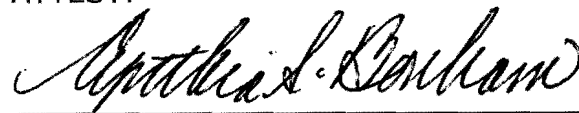
Section 3. The City Clerk is hereby directed to transmit copies of this Resolution to the Winter Park Legislative Delegation, the Speaker of the House, the Minority Whip and the President of the Senate, the Majority Leader, the Minority Leader, the Tri County League of Cities and the Florida League of Cities.

Section 4. Effective date. This Resolution shall be effective immediately upon its adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 27th day of January, 2014.


Kenneth W. Bradley, Mayor

ATTEST:


Cynthia S. Bonham, MMC, City Clerk

ORDINANCE 23-__

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA,
AMENDING ARTICLE III OF CHAPTER 66 OF THE WINTER PARK
CODE OF ORDINANCES TO ESTABLISH SECTION 66-53,
PROHIBITING SMOKING AND VAPING IN CITY PARKS AND
RECREATIONAL FACILITIES; PROVIDING FOR EXCEPTIONS AND
ENFORCEMENT; AND PROVIDING FOR DEFINITIONS,
CODIFICATION, INCONSISTENCY, SEVERABILITY, AND AN
EFFECTIVE DATE.**

RECITALS:

WHEREAS, § 386.209 of the Florida Statutes (2022) expressly authorizes municipalities to adopt and enforce restrictions as to smoking within the boundaries of any public parks that the municipality owns, and to further restrict smoking within the boundaries of public parks that are within the municipality's jurisdiction but are owned by the county, unless such restriction conflicts with a county ordinance; and

WHEREAS, despite the foregoing, § 386.209 of the Florida Statutes (2022) nonetheless preempts municipalities from further restricting unfiltered cigars beyond those restrictions established by state law; and

WHEREAS, to the extent permitted by law, the City Commission of the City of Winter Park desires to restrict vaping and the smoking of tobacco at its parks within the City of Winter Park; and

WHEREAS, the City Commission of the City of Winter Park finds that the provisions of this Ordinance are in the best interests of the citizens of and visitors to the City of Winter Park, and that such restrictions are necessary for the health, safety, and welfare of the citizens of and visitors to the City of Winter Park.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:

Section 1. Recitals. The foregoing recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

Section 2. Amendment. Section 66-53 of the Code of Ordinances, City of Winter Park, Florida, is hereby added to Article III of Chapter 66 of the Winter Park Code of Ordinances and reads as follows (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown or that are not otherwise underlined or stricken are not being amended):

Sec. 66-53. - Prohibiting smoking and vaping at publicly owned parks and recreation facilities within the City

(a) Definitions. For purposes of this section the terms listed have the following meanings:

- (i) Public Parks means and refers to all recreational parks and venues owned or otherwise operated by the City of Winter Park, including those facilities, structures, and buildings located thereupon, which include, but are not limited to: bleachers, seating, gymnasiums, stadiums, courts, fields, buildings, restrooms, parking lots, amphitheaters, pavilions, picnic areas, and playground areas.
- (ii) Smoking means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product.
- (iii) Vape or Vaping means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.
- (b) Prohibited Acts. Except for the smoking of unfiltered cigars, smoking or vaping within a public park is prohibited. Regardless of the foregoing, nothing in this section may be interpreted as permitting or allowing the smoking of unfiltered cigars when such activity is otherwise prohibited or forbidden by general law.
- (c) Penalty. A violation of this section is punishable as Class I violation as set forth in § 1-23(a) of this code of ordinances. Repeat violations are subject to the escalator provision in § 1-23(b) of this code.
- (d) Signage. The City Manager, or his/her designee, is authorized to display one or more signs prohibiting smoking and vaping at city parks and recreational facilities.

Section 3. Inconsistency. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance governs and controls to the extent any such conflict exists.

Section 4. Severability. If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance will remain in full force and effect.

Section 5. Codification. Section 2 of this Ordinance is to be codified and made a part of the City of Winter Park Code of Ordinances. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word “*Ordinance*” may be changed to “*Section*,”

“Article,” “Division” or another appropriate word. The City Clerk is further given liberal authority to correct scrivener’s errors, such as incorrect Code cross-references, grammatical, typographical, and similar errors when codifying this Ordinance.

Section 6. Effective Date. This Ordinance will become effective immediately following approval by the City Commission at its second reading.

PASSED AND ADOPTED on first reading this ____ day of _____ 2023.

PASSED AND ADOPTED on second reading this ____ day of _____ 2023.

**CITY COMMISSION
CITY OF WINTER PARK, FLORIDA**

By: Phil Anderson, Mayor

ATTEST:

Rene Cranis, City Clerk, MMC