



city commission agenda

February 10,
2020
3:30 PM
Commission
Chambers

mayor & commissioners

seat 1
Gregory Seidel

seat 2
Sarah Sprinkel

Mayor
Steve Leary

seat 3
Carolyn Cooper

seat 4
Todd Weaver

welcome

Welcome to the City of Winter Park City Commission meeting. The agenda for regularly scheduled Commission meetings is posted in City Hall the Tuesday before the meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at cityofwinterpark.org.

meeting procedures

Persons desiring to address the Commission MUST fill out and provide the the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the podium, state their name and address, and direct all remarks to the Commission as a body and not to individual members of the Commission, staff or audience.

Citizen comments at 5 p.m. and each section of the agenda where public comment is allowed are limited to three (3) minutes. The yellow light indicator will remind you that you have one (1) minute left. Large groups are asked to name a spokesperson. The period of time is for comments and not for questions directed to the Commission or staff for immediate answer. Questions directed to the City Commission will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

agenda

*times are projected and
subject to change

1. Meeting Called to Order

2. Invocation

Reverend Alison Harrity, St. Richards Episcopal Church

Pledge of Allegiance

3. Approval of Agenda

4. Mayor's Report

- a. Presentation: Fallen Officers College Education Fund at Central Florida Foundation** 10 minutes

- b. Recognition of Winter Park Tigers NFL Flag International Championship** 10 minutes

5. City Manager's Report

- a. Schedule Work Session on Commission protocol, procedures and actions in public meetings** 5 minutes
- b. City Manager's Report** 5 minutes

6. City Attorney's Report

7. Non-Action Items

8. Citizen Comments | 5 p.m. or soon thereafter

(if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting)
(Three (3) minutes are allowed for each speaker)

9. Consent Agenda

- a. Approve the minutes of January 13, 2020** 1 minute
- b. Approve the minutes of January 16, 2020** 1 minute
- c. Approve the minutes of January 27, 2020** 1 minute
- d. Approve the following contract items:** 1 minute
 - 1. Winter Park Housing Authority: Reorientation of the fence line at the tree farm for recreation and green space as well as assistance with an ADA pathway and the replacement of up to 3 picnic tables and 3 benches; Not to exceed \$2,500.
 - 2. CenturyLink: Renewal of city's ISDN PRI telecommunications service agreements at City Hall and the Public Safety Complex; Not to exceed \$52,000.
 - 3. Kimley-Horn & Associates: Amendment to renew RFQ-6-2017 – Continuing Professional Transportation Planning & Engineering Services; Total expenditure to include \$150,000 for the 17-92 corridor analysis and contract shall be utilized for additional services on an as-needed basis.
- e. Approve the following formal solicitation:** 1 minute
 - 1. Traffic Control Devices: IFB-4-2020 – Traffic Signal Installation & Maintenance; Not to exceed \$1,000,000.
- f. Approve the following piggyback agreements:** 1 minute

1. Hubbard Construction Co.: Seminole County contract #IFB-603616-19/BJC – Pavement Management Program Services; Not to exceed \$325,000.
2. Axon Enterprise: Omnia Partners/City of Tucson cooperative contract #151089 – Body Worn Cameras; Not to exceed \$365,282.
3. USA Services of Florida: Increase allowable spend under existing piggyback of City of Daytona Beach contract #13-159 – Mechanical Sweeping Services; Not to exceed \$200,000.
4. SunTrust Bank, now Truist Bank: Lee County contract #RFP147158BCN – Government Entity Commercial Card Agreement; Purchases shall be made in accordance with the approved budget.

10. Action Items Requiring Discussion

11. Public Hearings

a. Request of Samuel and Christine Hines for: 10 minutes

- Subdivision approval to split the property at 1554 Harris Circle in order to allow the existing guesthouse at 1552 Harris Circle to become an independent lot with the ability to be sold separately.

Postponed from January 27, 2020 at applicant's request.

b. Request of Benjamin Partners, Ltd. for: 30 minutes

- An Ordinance providing for the annexation of 1315 Loren Avenue and 322/312/308 & 304 Monroe Avenue, and portions of Bennett Avenue and Lewis Drive, measuring approximately 2.06 acres. (1)

c. Request of Rollins College for: 60 minutes

- Ordinance to amend the Comprehensive Plan Future Land Use Map designation of Office to Institutional at 200 E. New England and 203 E. Lyman Avenues (1)
- Ordinance to amend the official Zoning Map to change from Office (O-1) to Institutional (PQP) on the properties at 200 E. New England and 203 E. Lyman Avenues (1)
- Conditional Use approval to maintain the existing 4-story Lawrence Center office building and to build a new 3-story, 30,766 square foot Rollins Museum and a new 3-story, 77,189 square foot Crummer Graduate School of Business building, on the properties at 200

E. New England and 203 E. Lyman Avenues.

d. Request of the City of Winter Park for: 5 minutes

- An Ordinance amending the Subdivision Regulations to allow consideration of the preservation of historic homes and/or historic specimen live oak trees as special conditions and circumstances for lot size variances subject to the normal public notice and public hearing process. (2)

e. Request of the City of Winter Park for: 5 minutes

- An Ordinance amending the Zoning and Subdivision Regulations to clarify the procedures for applicants seeking to table, continue or postpone public hearings after such public hearings have been duly advertised. (2)

f. Request of The City of Winter Park for: 10 minutes

- An Ordinance to amend the noise controls concerning outdoor music city-wide (1).

12. City Commission Reports

Appeals and Assistance

"If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need 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)

"Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-599-3277) at least 48 hours in advance of the meeting."



city commission **agenda item**

item type	Invocation	meeting date	2/10/2020
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

Reverend Alison Harrity, St. Richards Episcopal Church

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	Mayor's Report	meeting date	2/10/2020
prepared by	City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Presentation: Fallen Officers College Education Fund at Central Florida Foundation

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	Mayor's Report	meeting date	2/10/2020
prepared by	City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Recognition of Winter Park Tigers NFL Flag International Championship

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	City Manager's Report	meeting date	2/10/2020
prepared by	City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Schedule Work Session on Commission protocol, procedures and actions in public meetings

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	City Manager's Report	meeting date	2/10/2020
prepared by	Budget and Performance Measurement	approved by	
board approval	final vote		
strategic objective			

subject

City Manager's Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

City Manager's Report

Upload Date

2/4/2020

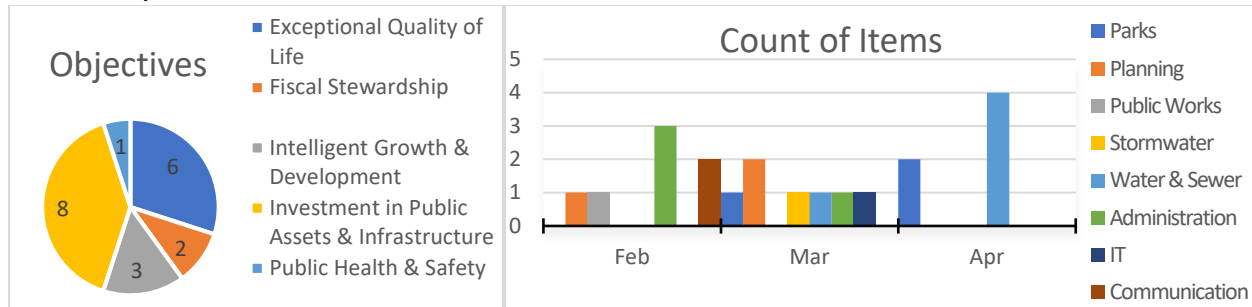
Type

Backup Material



90-Day Report

This outline provides a timetable for issues and items that are planned to come before the commission over the next three months as well as the status of initiatives that do not have any determined completion date. These are estimates and will be updated on a monthly basis.



Upcoming Commission Items

	Item Department	Item Date
Exceptional Quality of Life		
Public Art for I-4		
Review and approve recommendations from the Public Art Advisory Board for a public art display as part of a grant from FDOT for the I-4 Ultimate Project.	Administration	Feb
City Website		
Presentation of new accessibility compliant City Website design.	Communication	Feb
Scenic Boat Tour Agreement		
Renewal of the lease agreement with Scenic Boat Tour.	Administration	Feb
Phelps Park Playground Renovation		
Presentation of playground renovation and redesign at Phelps Park.	Parks	Apr
Tree Preservation Ordinance Revisions		
Ordinance was introduced to PRAB on November 22nd with no action taken and request for additional time to review and possible work session for detailed explanation by staff. Tree Ordinance will be presented to Planning and Zoning in February to be presented to commission in March.	Parks	Apr
Fiscal Stewardship		
Charter Review Advisory Committee		
Information regarding the 11 ballot questions adopted in November are available on the City's website beginning in January. The voters will decide on the charter amendments on March 17th.	Administration	Mar

Parks Maintenance & Swoope Site		
The Parks Master Plan includes the accommodation of parks maintenance storage on the old Swoope Water Plant site. Staff will bring recommendations from EDAB regarding the construction of the facility and use of the site.	Parks	Apr
Intelligent Growth & Development		
Planning Public Hearings		
Hotel at Penn. Project		
Rezoning of property 472 Broadview Ave. along with Redevelopment of the "ranch mall" property at 415 S. Orlando Avenue for 24,000 square feet of new commercial		
Lot split at 1780 and 1760 vote.		
Rezoning of property 1390 Orange Ave from O-1 to PR.	Planning	Feb
Orange Avenue Overlay Steering Committee		
Commission approved project at first reading Jan 16th meeting. The second meeting is scheduled for March 9th.	Planning	Mar
Investment in Public Assets & Infrastructure		
Roadwork		
Realignment of Bennett and Executive Dr. work continues on the preliminary design and costing. An initial permitting meeting is scheduled for Friday Jan 24th with the developer, and FDOT to understand permitting issues/constraints.	Public Works	Feb
Sewer Capacity		
Purchase of additional sewer capacity at Altamonte Springs.	Water & Sewer	Mar
City Fiber Network		
Contract for buildout of the City's private fiber network in response to ITN may be ready for approval in March. Master design and inventory of existing assets is currently being finalized.	IT	Mar
Seminole County Ditch Drainage Improvement		
The hydraulic model has been updated. Seminole County is reviewing the improvement alternatives and will provide the City feedback regarding participation and phasing over a 5 year capital improvement plan. Attorneys are preparing interlocal agreement.	Stormwater	Mar
Security Item		
Risk and Resilience Assessment for Water Infrastructure	Water & Sewer	Apr
Wastewater Interlocal Capital Contribution Payment		
Capital responsibility payment approval to the City of Orlando for water plants	Water & Sewer	Apr
Wastewater Interlocal Contract		
Renewal of Conserv II sewer treatment contract with Orlando.	Water & Sewer	Apr
Consumptive Use Permit		
Request approval for a CUP 5 year analysis report	Water & Sewer	Apr

Additional Items of City Interest

	Item Department
Exceptional Quality of Life	
MLK Park Plan	
City has contracted professional services through Dix-Hite to conduct review of MLK master plan, assessment of neighborhood connectivity with MLK Park and Library/Event Center, and provide suitable options for replacement of Shady Park spray feature.	Parks
Post Office Acquisition	
A counteroffer to the Letter of Intent was sent to the USPS on January 28, 2020. On January 31st the city manager received a response stating the USPS would not be able to accept all of the proposed changes but it would likely be the second week of February before we get a more specific response because the USPS rep is traveling.	Public Works
Investment in Public Assets & Infrastructure	
17/92 Corridor	
Staff is currently working with FDOT Arterial Team to assess needs and scope for model development and funding needs. CRA has reserved funds for this project. FDOT hopes to have 60% plans designed by Feb 2020. The city will work with FDOT on design and other associated improvements such as coordinating of utility undergrounding, landscaping, and water & sewer improvements, over the next couple months. The corridor traffic modeling effort is underway with data collection.	CRA
Electric Undergrounding	
Miles of Undergrounding performed Project G: 4.1 miles 82% complete. Project H: 2.5 miles 90% complete. Project I: to begin after project H.	
TOTAL so far for FY 2020: 1.5 miles	Electric
Fairbanks Transmission	
End of June 2020 is the estimated completion date for the Fairbanks project from Duke transmission contractors. Distribution and transmission work due to be complete by the end of March. Poles are scheduled to be removed 30 days after the completion by transmission contractors.	Electric
Lakemont Avenue	
Scope to be determined. Work to be tentatively performed by new transportation planner position in conjunction with the Public Works and Planning Departments.	Public Works
Lakes Health Analysis	
The Natural resources division of Parks (where lakes management now resides) along with Public Works are preparing a presentation detailing historic and existing lake water quality along with previously implemented improvement projects and proposed future projects for information and discussion. It will illustrate excellent, good and impaired water quality criteria and where the City lakes rank accordingly.	Parks
Parks and Recreation Bike Path and Green Spaces Plan	
Will be part of the overall Transportation Master Plan being performed by the Planning and Public Works Departments.	Public Works

As of 2/10/20, pg3



city commission **agenda item**

item type	Consent Agenda	meeting date	2/10/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Approve the minutes of January 13, 2020

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Minutes of January 13, 2020

Upload Date

2/5/2020

Type

Backup Material



City Commission Regular Meeting Minutes

January 13, 2020 at 3:30 p.m.

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

Present

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

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

1. Meeting called to order

Mayor Leary called the meeting of the Winter Park City Commission to order at 3:34 p.m.

2. Invocation and Pledge of Allegiance

Peter Moore, Division Director of Office of Management and Budget, provided the invocation followed by the Pledge of Allegiance.

3. Approval of Agenda

Motion to approve the agenda made by Commissioner Seidel; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

4. Mayor's Report

- a. Appointment of Michael Dively to the Transportation Advisory Board (alternate)
- b. Appointment of John Miller to the Code Compliance Board (alternate)

Motion to appoint Michael Dively as alternate member to the Transportation Advisory and John Miller as alternate to the Code Compliance Board made by Mayor Leary; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

5. City Manager's Report

6. City Attorney's Report

No report.

7. Non-Action Items

8. Citizen Comments

9. Consent Agenda

- a. Approve the minutes of December 9, 2019

- b. Approve the following purchase:
 - 1) Dobbs Equipment: John Deere 410SL 4x4 Backhoe Loader & 330G Skid Steer Loader replacing units 4450 & 4998, respectively; \$151,352.25.
- c. Approve the following contract items:
 - 1) Thomson Reuters: Renewal of CLEAR online investigative services subscription (3-year renewal term); \$15,541.
 - 2) Advanced Demolition: Award of IFB-21-2019 and Notice to Proceed with the Demolition of Progress Point; \$89,765. **(Pulled by Commissioner Weaver)**
 - 3) Gerhartz & Associates: Amendment to renew RFQ-16-2012 - Continuing Contract for GIS Services; Not to exceed \$175,000.
- d. Approve the following piggyback agreements:
 - 1) Office Depot: OMNIA Partners/City of Tamarac contract #19-12R - Office Supplies, Products & Related Services; Total expenditure under the contract not to exceed \$75,000 per year.
 - 2) Granite Inliner: City of Casselberry contract #RFP-2019-0467 - Sanitary Sewer, Manhole & Lift Station Wet Well Rehabilitation; FY20 expenditure under the contract not to exceed \$725,000.
 - 3) ABM Industry Groups: Pasco County IFB-TB- 16-131 - Ongoing & As-Needed Janitorial Services & Equipment; Total expenditure under the contract not to exceed \$525,000 per year.
 - 4) Shaw Industries: Sourcewell contract #080819 - Flooring Materials with Related Supplies & Services; FY20 expenditure under the contract not to exceed \$100,000.
- e. Public Emergency Management Transportation Letter of Agreement

Commissioner Weaver asked to remove Item 9.c.2.

Motion made by Commissioner Sprinkel to approve the Consent Agenda except 9.c.2; seconded by Commissioner Seidel.

There were no public comments.

Commissioner Weaver stated he would like to table this item until after the public hearing on the Orange Avenue Overlay to discuss the scope and redevelopment of this property.

Motion made by Commissioner Weaver to remove Consent Agenda Item 9.c.2; seconded by Commissioner Cooper.

There were no public comments on Item 9.c.2.

Discussion ensued on the scope of the demolition and potential reuse of the existing buildings. Mr. Knight confirmed that demolition is for all four buildings on the property.

Upon a roll call vote on the motion to remove Consent Agenda Item 9.c.2, Mayor Leary, Commissioners Seidel, Sprinkel, Cooper and Weaver voted no. Motion failed with a 0-5 vote.

Upon a roll call vote on the motion to approve the Consent Agenda, Mayor Leary, Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

10. Action Items requiring Discussion

a. Final approval of Canopy Project

Mr. Knight provided a brief history of the project and cost. He explained that the Community Redevelopment Area Advisory Board added a condition of pervious paving which increased the budget but is still within budget due to some construction changes. This is ready for final approval of the project, the gross maximum price and moving forward.

Russell Crader, Senior Director, Adjaye Associates, gave a presentation on the site layout, building location and floor plans of library with auditorium, computer lab, children's library, archive room, and administrative offices. The events center will have a ballroom on the first floor and a ballroom and outdoor venue on the second floor. He showed renderings of building from different sides, outdoor venue, interior of buildings, and materials. He responded to questions regarding details of the design, children's safety, stair rail, exterior materials and color, and connection to the existing bridge.

Commissioner Seidel asked for clarification on the exclusions from the contract. Mr. Knight advised that some of the exclusions are items that the city is doing in-house, are non-construction components, or were not and will not be part of the design.

Jim Ellspermann, Vice President, Brassfield & Gorrie, introduced their professional staff present to address the GMP and exclusions.

Michelle Whiteside, Senior Lead Manager, Brassfield & Gorrie, explained that some exclusions tell the history of the design process. She stated that it is important to list the exclusions to show the full scope of the project including owner responsibilities for the cost.

Mr. Ellspermann provided information on the structure of the GMP and reasons for listing the exclusions. He stated the cost will not exceed the GMP unless there are items added or unforeseen issues arise. Mr. Knight explained the components of the overall budget of approximately \$41,148,848 with a construction cost of approximately \$41,148,848, non-construction costs (furnishings, fixtures, etc.) of approximately \$7.4 million, and value of work performed by the City of approximately \$229,000.

In response to questions, Mr. Ellspermann stated that he will provide their projects that have exceeded the GMP. He confirmed that the GMP would increase unless the owner adds items or unforeseen conditions arise and that the exclusions are those not part of their scope and as a result, not part of the GMP.

Mr. Knight advised that the exclusions were reviewed by staff and the design team and staff is comfortable in the list of inclusions and exclusions.

Commissioner Weaver expressed his concern about the exclusions and that the contract is labeled “draft” and said that he cannot accept the GMP labeled as a draft.

Jacob Stern, Preconstruction Manager, Brassfield and Gorrie, explained the components of GMP: history of the process showing what was included but are not any longer, soft costs such as furnishings and equipment, tasks performed by city. He stated the exclusions simply clarify the scope of work.

After discussion on the exclusions and responsibility for cost of items, Commissioners Weaver and Cooper suggested a work session to go through each exclusion and to understand what is being taken out and the liability if the city performs some tasks.

Upon comments by Commissioner Seidel regarding the exclusion for demucking and rigid inclusion/soil improvement, Public Works Director Troy Attaway explained that demucking and rigid inclusion/soil improvement is in an area with pavers not a building. This process is part of the city’s scope and expense.

The list of exclusions was reviewed by the commission with staff providing the basis for each exclusion and Mr. Stern, Ms. Whiteside and Carlo Burns, Project Manager, Pizzuti Solutions, providing additional information in response to questions.

Commissioner Cooper asked for clarification on the contingency cost. Mr. Stern stated that the industry standard is 3-5% with this project at the lower end due to extensive project review over the past three years and knowledge of the design team.

Mr. Knight reviewed the Cost Management Log which shows Brassfield and Gorrie’s original bid for the project and soft costs for a total project cost of \$43,073,356. Staff, consultants and the design team reviewed the project list to determine whether any items could be eliminated to reduce the overall cost. He reviewed the items recommended to be removed from or included in the project and the associated costs or cost savings. He responded to questions regarding vertical concrete finish and maintenance/cleaning and demucking.

Mayor asked for commission recommendations for removal or inclusion.

Commissioner Weaver said he has no additions.

Commissioner Cooper commented on the prioritized ranking of potential value engineering add-backs and supported Adjaye’s top five value-added items as follows:

1. Eliminate the extruded aluminum special profile at the portals
2. Provide standard finish on all vertical concrete
3. Eliminate precast bench around plinth and install more traditional type benches
4. Provide alternate light fixture package
5. Replace oculus with roofing and EIFs

She stated she feels demucking should be done through professional contracts (net addition of \$350,000). She spoke in favor of using quality materials due to the significance of this project.

Commissioner Sprinkel spoke in favor of the Adjaye's top five recommendations.

Commissioner Seidel addressed the south parking area on Harper Avenue and building parking garage in order to keep the south parking lot as greenspace. He suggested that CRA funds could be used for a parking garage for the events center and area businesses. Following discussion on the parking lot/garage options and cost, consensus was for staff to investigate parking opportunities in the area and with area businesses.

Commissioner Seidel and Mayor Leary spoke in support of Adjaye's top five recommendations and of city staff performing the demucking.

In response to questions by Mayor Leary, Mr. Knight stated the target budget was \$41,148,848 and the changes added \$567,226 for a total budget of \$42,716,074, which creates a shortfall of \$2,740,792. Options to cover the shortfall include issuance an additional \$2 million in bonds and additional CRA funding of approximately \$750,000, which could be addressed in the Agency's meeting on Monday, January 27th. He added that issuing the additional bonds would impact property taxes by approximately \$2.70/per year for each \$100,000 of assessed value.

(Main) motion made by Commissioner Sprinkel to add back into the project the five recommended value-added items at additional cost of \$567,226 and to fund the shortfall of \$2,740,792 by issuance of additional \$2 million in bond issue and approximately \$750k in CRA funds (pending approval by CRA Agency in 1/27 meeting)

Discussion ensued on the budget, additions and funding. Mr. Knight advised the total CRA contribution, if the additional \$750,000 is approved, would be \$2,132,775. He added that furniture costs for both the library and events center are included in the overall budget.

Commissioner Seidel commented on signage and suggested inclusion of Martin L. King Jr. Park on the signage. He suggested removing the referral to the Canopy and renaming it Winter Park Library and Winter Park Events Center at Martin Luther King, Jr. Park. Commissioner Weaver agreed.

Discussion followed on the naming of the facilities, reference to MLK Park and signage.

Main motion seconded by Commissioner Seidel.

Motion made by Commissioner Seidel to amend the main motion to remove reference to the name Canopy; seconded by Commissioner Cooper.

Mr. Knight advised that the total GMP with amendments is \$34,072,395.

Motion made by Commissioner Seidel that Brassfield and Gorrie provide their projects that were over budget prior to signing final contract; seconded by Commissioner Weaver. After discussion, motion was withdrawn.

Commissioner Weaver stated he will vote against this due to the cost, lack of parking structure and lack of funds raised from public donations and his belief that this violates public trust.

Mayor Leary summarized the motions and cost and next steps.

The following spoke in favor of the project:

- Nancy Shutts, 2010 Brandywine Drive
- Brad Dosser, President Winter Park Library Board of Trustees, 1581 Magnolia Avenue
- Rachel Simmons, archivist, Winter Park Library.
- Sabrina Bernat, Director, Winter Park Public Library
- Ann Murrah, 1600 Alabama Avenue, #402
- Tom McMacken, 1829 Shiloh Lane
- Frank Hamner, 405 Balmoral Road

The following spoke in opposition of the project citing high cost, budget, design:

- Marty Sullivan, 901 Georgia Avenue
- Laurie White, Raintree Place
- Bonnie Hanson, Kilshore Drive
- Jim Fitch, 1820 Via Genoa
- Bill Rosenfelt, 1642 Lookout Landing Circle
- Amgali Vaya, 1717 Pine Avenue
- Elizabeth Bosserman, 818 Antonette Avenue
- Charley Williams, 757 Antonette Avenue
- Rochelle Kolin, 225 Trismen Terrace
- Kim Allen
- Vicki Krueger, 200 Carolina Avenue #201
- Scott Campbell, 1690 Cypress Point Lane

Attorney Ardaman advised that anybody that was downstairs were offered the opportunity to speak.

Mayor Leary advised that the bond referendum was site specific to this location and that additional funding will come from CRA funds and other sources without increasing ad valorem taxes.

Commissioner Seidel said that due to misinformation there have been divisive opinions and expressed his displeasure with the disrespect of different views. He expressed his concern about the budget and that project will go over budget. He suggested a work session to discuss the contract and then discuss additional funding from the CRA at the scheduled CRA Agency meeting on January 27th.

Mayor Leary said that the contract needs to be approved and a work session will need to be held before the CRA Agency meeting in order to address additional funding that may be needed from the CRA.

Commissioner Sprinkel said she feels the library sets the stage for community support of literacy and that the city has to do this for children and grandchildren. She said she is ready to move forward and that the citizens have waited long enough.

Commissioner Cooper expressed her discomfort with the budget that exceeds the \$30 million bond. She spoke in support of the new library and appropriate facilities but also supported scheduling a work session for further discussion.

Commissioner Weaver expressed his concern with the budget, parking, lack of function, and safety with insufficient handrails and the open children's section. He said he feels this is not what the citizens voted for.

Mayor Leary stated he feels there is misinformation, but the city needs to move forward. He asked Randy to review the GMP.

Mr. Knight explained that the GMP does not include non-construction (soft) costs or tasks completed by city staff. The total budget including these costs totals \$41,618.074 and causes for going over-budget would be owner-directed changes or unanticipated problems that arise. He stated that staff is comfortable with contract as is the city attorney.

Mayor Leary stated that he would prefer to move forward as he feels delays will create angst if the project is not moved forward.

Commissioner Seidel expressed his concern about greenspace and with the footprint of the project smaller than the original plan, removal of the southern-most parking area from the plan should be considered. Mayor Leary agreed that the southern parking area does not need to be a part of this; however, it may jeopardize additional funding from the grant.

Discussion followed on the risks with delaying a decision which include possibility of increased materials and construction costs.

Motion made by Commissioner Seidel to table to the next commission meeting and to schedule a work session before the CRA Agency meeting on January 27th; seconded by Commissioner Weaver. Upon a roll call vote, Commissioners Seidel, Cooper and Weaver voted yes and Mayor Leary and Commissioner Sprinkel voted no. Motion carried with a 3-2 vote.

Due to tabling of this item, no vote was taken on other motions.

Mayor Leary called for a recess at 7:25 and reconvened the meeting at 7:50 p.m.

8. Citizen Comments

Tom McMacken, 1821 Shiloh Lane, thanked city staff for efforts on coordinating the many holiday events.

11. Public Hearings

Public Hearings were taken out of order.

b. Request of the Edyth Bush Charitable Foundation for:

Conditional Use approval to demolish their existing 3-story building and rebuild a new 3-story 19,602 square foot building at 199 East Welbourne Avenue, zoned C-2.

Principal Planner Jeff Briggs reviewed the request to demolish the existing building and build a new 3-story building which received unanimous recommendation for approval from the Planning and Zoning Board.

David Odahowski, President and CEO of Edyth Bush Charitable Foundation, provided the biography of Mr. and Mrs. Bush and the creation and goals of the Foundation.

Rebecca Wilson, attorney representing the applicant, responded to questions regarding current and proposed parking needs, which will be diminished with this new building and use. She stated the parking spaces could not be leased for payment as it would affect the Foundation's non-profit status.

Motion made by Commissioner Cooper to approve the conditional use; seconded by Commissioner Sprinkel. There were no public comments. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

c. Request of Lundev Homes for:

Subdivision approval to split the property at 1666 Chestnut Avenue into two single-family lots. No variances are requested.

Principal Planner Jeff Briggs reviewed this subdivision request and stated the Planning and Zoning Board recommended approval with the condition that the architecture of the houses varies.

Brett Lundequam, applicant, was present to answer questions.

Motion made by Commissioner Sprinkel to approve the subdivision with the condition as recommended, seconded by Commissioner Weaver. There were no public comments. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

a. RESOLUTION 2225-20 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, PROVIDING AUTHORIZATIONS TO THE ORANGE COUNTY CANVASSING BOARD WITH RESPECT TO THE CITY'S MARCH 17, 2020 GENERAL ELECTION; PROVIDING AN EFFECTIVE DATE.

Motion made by Mayor Leary to approve the resolution; seconded by Commissioner Sprinkel. There were no public comments made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

d. Request of the City of Winter Park for:

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

A simultaneous public hearing was held on these ordinances.

Attorney Aradman read the ordinances by title.

Planning and Community Development Director Bronce Stephenson reviewed the non-substantive edits made by the City Attorney in the zoning ordinance and comprehensive plan ordinance. Attorney Aradman advised that these changes corrected inconsistencies in the density transfer language in Subarea D and J.

Commissioner Seidel suggested that the property owners be removed and properties be referenced by parcel number.

Mr. Stephenson recognized and thanked members of the OAO Steering Committee and Planning and Zoning Board for their work and input. He gave a presentation on the Overlay including the purpose and the boundaries of the overlay. He summarized the topics of community concerns that the process was rushed, increased height and scale, lack of transportation analysis and modeling, and lack of visualization of development scenarios. He reviewed the process that included public input, online survey, dedicated e-mail address, individual meetings with homeowners’ groups, property owners, and stakeholders, meetings with other city boards, an Orange Avenue walkshop, public hearings and numerous work sessions.

Mr. Stephenson provided details on building heights and setback concerns and stated that staff went above and beyond to avoid “canyonization” as is seen neighboring cities. He displayed renderings of existing buildings and proposed buildings which show setbacks and stepbacks.

Stephen Stansbury, Kimley Horn, provided data on traffic patterns which shows that cut-through traffic dominates Orange Avenue and data on crash patterns which shows that the traffic characteristics are influencing the safety by higher speeds and driving behavior. He stated that once the code is adopted, then it is an applicant’s responsibility as part of their change of use or intensity to do a traffic impact study to support their application, identify deficiencies and provide mitigation and implementation strategies. He advised that if roads are designed to accommodate more traffic then more traffic will result; however, if the area is designed for people a more vibrant and safer conditions will result.

Commissioner Cooper asked what traffic improvements need to be made and the cost associated with those improvements. Mr. Stansbury stated that there are opportunities to improve critical movements and suggested looking both documents for guidance incremental improvements. He stated that timing of the improvements would depend on development. He stated that they will be providing additional forecasting to support developers along the

corridor when the present requests for rezoning and project approval. Commissioner Cooper asked for recommendations on traffic infrastructure improvements based on projects using entitlements. Mr. Stansbury stated that it is difficult to implement improvements based on unknown entitlements and that it would be more appropriate to incrementally create partnerships to implement changes.

Mr. Stephenson stated that two areas are being studied for immediate improvements: the intersection of Minnesota/Orange/Denning and the intersection of Denning and Fairbanks Avenue. He showed conceptual renderings of potential development but reminded everyone that these are what-if models not an expectation of what is planned. He showed conceptual site plans for the Progress Point property and the property on the corner of Fairbanks and Denning with opportunity to acquire right-of-way for dedicated turn lanes on Denning and Fairbanks as part of development approval.

Commissioner Seidel disclosed that he has worked with Kimley Horn with some of his clients.

Mr. Stephenson played a video of public process. He stated that the steering committee recommended approval by a vote of 8-2 due to absence of unanimous agreement on the use of Progress Point property. He reviewed the support and approval by city boards and responded to questions.

Motion made by Commissioner Seidel to approve the ordinances amending the Comprehensive Plan and Zoning Code as presented and including city attorney revisions; seconded by Commissioner Sprinkel.

Commissioner Seidel commented on architectural guidelines and suggested implementation of peer review of architecture by consultant or in-house staff. Mr. Stephenson stated that there are licensed architects on staff but the city also has continuing services contracts with architects that could provide the review. Discussion followed on the professionals needed on the review committee to include a landscape architect and civil engineer to review parking and access and the scope of the review.

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

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

recommendations of such professional architect, or architectural review committee shall be transmitted to the planning and zoning board and city commission for consideration in rendering a decision on the proposed conditional use sought for the proposed development.

Commissioner Seidel expressed his concern about the inclusion of Subarea E parcels adjacent to 17-92. He feels these parcels should be part of the 17-92 study as redevelopment would impact 17-92 more than Orange Avenue.

Mr. Stephenson explained that that these areas were included since they are for sale and their redevelopment would be an opportunity for the city to apply Orange Avenue Overlay standards. Discussion followed on inclusion of properties adjacent to 17-92.

Amendment #2: Motion made by Commissioner Seidel to amend the main motion to remove Subarea E adjacent to 17-92 between Miller Avenue and Indiana Avenue and Subarea E south of Minnesota between 17-92 and Balch Avenue (the location of the former Orchard Supply and all parcels on the east side of Orlando Avenue); seconded by Commissioner Cooper.

Commissioner Seidel commented on the city-owned property in Subarea C (Progress Point) and the need to establish standards for redevelopment of the property when/if sold. Discussion followed on development standards and placing requirements on future redevelopment proposals within the ordinance or at a future date.

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

Commissioner Seidel spoke on the intent to add a parallel road to Orange Avenue to remove trips from Orange Avenue to Palmetto Avenue and Harmon Drive. Mr. Stephenson stated language is included in the ordinance. Commissioner Cooper said she feels the city should own the roads.

Mayor Leary paused the discussion and asked for a show of hands of those in support and in opposition to the overlay (approximately 50/50). He advised that that public comments on these ordinances will be taken after the amendments are made so the public can provide their comments based on the amendments.

Commissioner Seidel asked if the ordinance addressed transportation mobility impact fees. Mr. Stephenson read the language on transportation impact fees. Attorney Ardaman advised that the impact fees must be tied to roadway impacts.

Amendment #4: Motion made by Commissioner Cooper to amend the main motion to change Section b.1 Purpose (21) from “Explore the implementation of a Transportation Impact Fee” to “Implement a Transportation Impact Fee;” seconded by Commissioner Weaver.

Commissioner Seidel expressed his opposition to allowing the removal of a connection road and supported replacement of a vacated road with another to provide similar circulation.

Motion made by Commissioner Cooper to amend the main motion to remove all language that prejudices abandonment of city roads.

Commissioner Seidel stressed the need for parallel road to Orange Avenue. Commissioner Weaver stated he feels the language is prejudicial for future right-of-way abandonment requests and suggested changing the language from “shall be encouraged” to “shall be considered.” Discussion followed on the interpretation of the language as being prejudicial and encouraging abandonment of city streets.

Motion seconded by Commissioner Weaver. Motion withdrawn

Amendment #5: Motion made by Commissioner Seidel to amend the main motion to change road closure provisions from “right-of-way shall be encouraged” to “right-of-way may be considered”; seconded by Commissioner Sprinkel.

Commissioner Seidel addressed the property on the northwest corner of Harmon Avenue and 17-92 and asked whether provisions were added to allow rooftops for penthouse areas. Mr. Stephenson stated provisions were added and would apply to all properties within the overlay to allow for a small footprint of the roof for roof decks, solar panels, gardens or green roof features.

Commissioner Cooper expressed her concern for protection of residential properties which she feels should be removed from the overlay or additional protections added.

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

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

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

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

Public Notice and Hearing Requirements.

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

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

Commissioner Cooper expressed her opposition to residential density transfers without reducing square footage on the property from which the density is transferred.

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

Density Transfer. The owner of properties within Subarea (D or J) (as defined by the map below) shall be allowed to transfer the existing residential density entitlements, based on the maximum residential units per acre permitted under the underlying zoning designation existing just prior to the effective date of this section, from other properties within the OAO that are under common ownership on the date of the first reading of the ordinance adopting this section, though not the square footage. However, properties that have previously developed to the maximum entitled square footage under their underlying zoning designation existing just prior to the adoption of this section do not qualify for and are not permitted to transfer residential density to receiving properties within the OAO. Properties that transfer residential density shall also receive a reduction of the maximum floor area ratio governing the development

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

Mr. Stephenson provided alternative language to Motion #8 that any property that transfers density can no longer use the development enhancement menu to increase the floor area ratio (FAR) beyond the base FAR.

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

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

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

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

or district. All policies related to this overlay or district will be subject to a Comprehensive Plan amendment.

Motion made by Commissioner Cooper to amend the main motion to delete Item 21 under Purposes relating to transportation impact fees. Motion failed for lack of second.

In response to comments by Commissioner Cooper, Mr. Stephenson clarified that the planting strips are meant to provide greenspace between vehicles and pedestrians.

Motion made by Commissioner Cooper to amend the main motion to require all setbacks to include a six-foot planting area to allow for healthy development of trees. Mr. Stephenson clarified that because of the large setbacks and sidewalks there will be ample area for pedestrian traffic, trees and healthy growth. **Motion was withdrawn.**

Commissioner Cooper asked for confirmation that there is adequate room from the rail trail to allow the trees to flourish. Mr. Stephenson stated that language in the ordinance requires sufficient room for adequate growth and for review of tree species by the city arborist.

In response to questions by Commissioner Cooper, Attorney Ardaman and Director of Building and Permitting George Wiggins advised that construction and materials must comply with current building codes.

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

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

Commissioner Cooper displayed and reviewed a graph showing the effect of excluding parking garage square footage from the FAR calculation which she feels will allow large building mass in three subareas.

Amendment #12: Motion made by Commissioner Cooper to amend the main motion to include parking garages in FAR; seconded by Commissioner Weaver.

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

Mayor Leary called for a recess at 10:45 and reconvened the meeting at 11:00 p.m.

Amendment #14: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to add in Section 3.i.j.7.F “liner buildings” as acceptable parking garage screening.

Commissioner Cooper requested that public comment be taken at this time so people can leave if they desire. Mayor Leary suggested that amendments should be completed before public comments are taken so speakers can address the amendments.

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

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

Discussion followed on the conflict between this motion and the motion made by Commissioner Seidel (#4). Attorney Ardaman stated this language provides more flexibility.

Motion made by Commissioner Cooper to amend the motion to add that the variances shall be considered by the Board of Adjustments. Mr. Stephenson clarified that the City Commission has the authority to grant variances in conjunction with City Code as part of conditional use requests. **Motion was withdrawn.**

Commissioner Cooper asked for clarification on exemptions to land development code requirements for properties in Subarea A and whether FAR requirements must be met. Mr. Stephenson explained that language requires that the existing use, size and conditions of the building must be maintained, which addresses the FAR.

Amendment #16: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to add language to Section 3.1.p.1.a.1 to read: "Floor Area Ratio (to the extent existing structure already exceeds FAR.)"

Motion made by Commissioner Cooper to amend the main motion to incorporate the Miller Sellen study on Orange Avenue streetscape design. Motion failed for lack of second.

Amendment #17: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change Subarea B language, Section 3.1.p.2.a.5.c, to require a 30-foot rear setback.

Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to reduce the maximum achievable FAR to 80% in Subarea C.

Commissioner Seidel questioned whether this conflicted with his motion (#3) which set development standards for Subarea C. **Commissioner Cooper withdrew her motion.** She suggested that the FAR be removed the development standards for Subarea C. Mr. Stephenson suggested that development standards be determined by the commission in conjunction with

solicitation of development proposals for city-owned property. Mayor Leary pointed out that Commissioner Seidel's motion (#3) did not include a FAR requirement.

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

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

Amendment #19: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change all of the Subarea Base FAR percentages to the existing underlying zoning district maximum achievable FAR in current Zoning Code. 20 Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to modify Subarea D to a maximum achievable FAR of 100% and modify the maximum height to the average height (in feet) of Commerce National Bank and TD Bank heights, and to modify the Zoning Ordinance setbacks of Subarea D to the average setback of Commerce National Bank and TD Bank.

Amendment #20: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to modify Subarea D to a Maximum Achievable FAR of 100% and modify the maximum height to the average height (in feet) of Commerce National Bank and TD Bank, and to modify the Zoning Ordinance setbacks of Subarea D to the average setback of Commerce National Bank and TD Bank.

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

Amendment #22: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to limit Subarea D and J to a maximum of 25 units per acre with density transfers.

Motion made by Commissioner Cooper to amend the main motion to reduce maximum achievable FAR in Subarea I to 85%. Motion failed for lack of second.

Motion made by Commissioner Cooper to amend the main motion to reduce base FAR in Subarea J to existing maximum FAR of 60%; seconded by Commissioner Weaver. (covered in motion #19)

Amendment #23: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change Subarea J maximum FAR to Maximum Achievable FAR of 85% until the 3D illustration is provided and traffic impact and improvements are reviewed.

Amendment #24: Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change Subarea J to a maximum height of three

stories fronting on Fairbanks Avenue, and to four stories when located 100 feet back from Fairbanks Avenue.

Motion made by Commissioner Cooper to amend the main motion to change Subarea J to a maximum residential density of 25 units per acres with density transfer. (covered in Motion #22)

Motion made by Commissioner Cooper to add the same Density Transfer language in Subarea D to Subarea J (Covered in Motion #8); seconded by Commissioner Weaver.

Motion made by Commissioner Cooper to amend the main motion to establish a rear setback of 30 feet in Subarea K or equal to the building height; seconded by Commissioner Weaver. Motion was withdrawn.

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

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

Commissioner Weaver expressed his concern for fairness, equity and parity of benefit. He said that they have not covered entire document and he feels there is not equal benefit for properties or citizens. He outlined his concerns with various aspects of the overlay.

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

Amendment #27: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to remove all references to the plural “districts” in the enacting language and use the word “district.”

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

In response to questions, Mr. Stephenson advised the intent is to purchase these properties for expansion of MLK Park and that the overlay development standards would apply.

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

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

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

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

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

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

Commissioner Seidel provided the basis for his concerns about maintaining dedicated public access on the parallel road.

Commissioner Weaver spoke in opposition to parking garage access to/from Orange, Fairbanks or Orlando Avenues. Mr. Stephenson stated access can be addressed at conditional use approval. Discussion ensued on the need for parking garages.

Motion made by Commissioner Weaver to amend the main motion to prohibit parking garages fronting on Fairbanks, Orlando and Orange (no direct access)” (Section j, Parking Requirements). Motion failed for lack of second.

Motion made by Commissioner Weaver to amend the main motion to strike “to the maximum extent feasible.” Section j, Parking Requirements.

Commissioner Seidel asked for input from the traffic consultant regarding parking garage access. Mr. Stansbury, Kimley Horn, stated that trips would be part of a traffic study and that

numerous factors would be considered for queueing and access to parking garages. **Motion was withdrawn.**

Amendment #33: Motion made by Commissioner Weaver, seconded by Commissioner Cooper to amend the main motion to prohibit parking garages on the north side of Fairbanks changing the language to read” “Parking structures on the north side of Fairbanks Avenue shall not be allowed.”

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

Motion made by Commissioner Cooper to continue this to another meeting; seconded by Commissioner Weaver. Attorney Ardaman stated that the Commission can continue or table provided it is to a date and time certain without having to re-advertise. If no date is set, re-advertisement will be required. **Motion was withdrawn.**

Motion made by Commissioner Weaver to amend the main motion to change the enhancement for Enhancement OS.4, Mead Garden Improvements, Expansion, to provide for a dollar amount per square foot rather than a percentage of FAR.

Discussion ensued on the calculation of FAR and valuation of additional FAR per square foot.

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

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

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

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

The following spoke in favor of the ordinances:

- Julie Von Weller, 641 Williams Drive
- Teri Gagliano, 2349 Lafayette Avenue
- Bob Bendick, Winter Park Land Trust, 1211 Oxford Road

- Steven Goldman, Winter Park Land Trust, 2009 Venetian Way
- Bruce Stephenson, 421 Genius Drive
- Emily Russell, Director, Winter Park Land Trust
- Chris Hughes, Track Shack and Track Shack Events, 1104 N. Mills Avenue
- Wade Miller, 1520 Glencoe Road
- Robin Swann, 281 Salvador Square
- Jill Hamilton Buss, 1935 Oakhurst Drive
- Lamont Garber, 1071 Lakeview Drive
- Lawrence Lyman, 1731 Diana Drive
- Phillip Anderson, 1621 Roundelay Lane
- Michael Dick, 100 S. Virginia Avenue
- Edward Wood, 2973 Sanbina Avenue
- Rick Baldocchi, 2301 Forrest Road
- Laura Walda, 1791 Shiloh Lane
- Michele Massoni-Dubuc, 508 Balmoral Road
- Larry Adams, 955 N. Pennsylvania Avenue
- Carl Creasman, 2013 Kimbrace Place
- Michelle Heatherly, Demetree Global, 941 W. Morse Blvd.
- Betsy Gardner Eckbert, Winter Park Chamber of Commerce
- Michael Grindstaff, Shutts & Bowen, 300 S. Orange Avenue
- Frank Hamner, 405 Balmoral Road
- Sheila DeCiccio, 1630 Laurel Road
- Bill Rosenfelt, 1641 Lookout Landing Circle
- Genean McKinnon, 701 Via Bella

The following spoke in opposition to the ordinances:

- Ann Higbie, 190 Ward Drive
- Peter Bauer, 1177 South Denning
- Jack Rogers, 311 E. Morse Blvd.
- John Reker, 1660 Joeline Court
- Yvonne Rausch, 1355 Orange Avenue
- Bonnie Ferguson, 700 Melrose Avenue
- Beth Hall, 516 Sylvan Drive

There was no additional public input.

Members of the commission restated their position on these ordinances and the feasibility of a transportation study or model at this point.

Motion made by Commissioner Seidel, seconded by Commissioner to continue this until Thursday, January 16, 2020. Motion carried unanimously.

8. Citizen Comments

Taken before public hearings.

12. City Commission Reports:

No reports.

The meeting adjourned at 2:30 a.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis, CMC



city commission **agenda item**

item type	Consent Agenda	meeting date	2/10/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Approve the minutes of January 16, 2020

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Minutes of January 16, 2020

Upload Date

2/3/2020

Type

Backup Material



City Commission Regular Meeting Minutes

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

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

Present

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

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

1. Meeting called to order

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

2. Public Hearings

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

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

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

The following spoke in favor of these ordinances:

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

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

The following spoke in opposition to these ordinances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Review of amendments made in January 13 meeting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Leary summarized Amendment #3 with additional modifications:

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

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

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

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

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

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

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

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

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

Public Notice and Hearing Requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment #19: - Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to change all of the Subarea Base FAR percentages to the existing underlying zoning district maximum achievable FAR in current Zoning Code. 20 Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to modify Subarea D to a maximum achievable FAR of 100% and modify the maximum height to the average height (in feet) of Commerce National Bank and TD Bank heights, and to modify the Zoning Ordinance setbacks of Subarea D to the average setback of Commerce National Bank and TD Bank.

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

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

Amendment #20: - Motion made by Commissioner Cooper, seconded by Commissioner Weaver to amend the main motion to modify Subarea D to a Maximum Achievable FAR of 100% and modify the maximum height to the average height (in feet) of Commerce National Bank and TD Bank, and to modify the Zoning Ordinance setbacks of Subarea D to the average setback of Commerce National Bank and TD Bank.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment #28 was withdrawn by Commissioner Weaver.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Additional amendments:

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

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

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

Motion seconded by Commissioner Sprinkel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vote on additional amendments:

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

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

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

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

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

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

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

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

The meeting adjourned at 5:00 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis, CMC



city commission **agenda item**

item type	Consent Agenda	meeting date	2/10/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Approve the minutes of January 27, 2020

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Minutes of January 27, 2020

Upload Date

2/3/2020

Type

Backup Material



City Commission Regular Meeting Minutes

January 27, 2020 at 3:30 p.m.

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

Present

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

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

1. Meeting called to order

Mayor Leary called the meeting of the Winter Park City Commission to order at 3:53 p.m.

2. Invocation and Pledge of Allegiance

Lenise Joseph, Central Florida Freethought Community, provided the invocation followed by the Pledge of Allegiance.

3. Approval of Agenda

Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Seidel and carried unanimously with a 5-0 vote.

4. Mayor's Report

a. Presentation - Dr. Phillips Performing Arts Center

Kathy Ramsberger, showed a video on the previous year's data on attendance, shows, educational programs, and volunteer hours. She provided a financial overview including income and fundraising, accomplishments and outreach programs. She presented details on Steinmetz Hall and the green room and construction timeline with planned opening in the fall of 2020.

5. City Manager's Report

Mr. Knight advised the noise ordinance for residential neighborhoods will be on next agenda.

6. City Attorney's Report

Attorney Ardaman commented on a law suit and requested an executive session to discuss litigation strategies. Consensus was to schedule the executive session for February 10, 2020 at 2:45 p.m.

7. Non-Action Items

8. Citizen Comments

Heard after 5:00 p.m.

9. Consent Agenda

- a. Approve the following purchase:
 1. D&M Leasing: Fully electric 2020 Nissan Leaf SV (5 total) for the Building & Permitting Department as well 3 dual-head charging stations to be installed on city property; not to exceed \$157,162.
- b. Approve the following formal solicitation:
 1. Comp Air Service Co.: IFB-2-2020 - Air Compressors for Aloma & Magnolia Water Plants; \$154,968.

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

10. Action Items requiring Discussion

- a. Winter Park Library and Events Center

Mr. Knight stated this was tabled from last meeting and a work session held to receive additional information.

Commissioner Seidel stated that he had asked for and received Brassfield & Gorrie projects that came under budget, for which he feels positive. He commented on the parking options provided by city staff, specifically Option 3 which removes the southern-most parking area along Harper. He supported moving the contract forward without Parking Lot C and initiate a parking study.

Mayor Leary noted that the city has a lease for parking spaces across the street that provides 300 parking spaces after hours and on weekends.

Commissioner Seidel suggested that staff complete a parking analysis within three months to determine best parking solution that will benefit the residents, users of the park and patrons of businesses in area. This would allow sufficient time for the study, design and implementation to coincide with the completion of the library and event center.

Mayor Leary summarized five items that were added back into the project:

1. Extruded aluminum special profile at the portals
2. Provide enhanced finish on all vertical concrete
3. Precast bench around plinth
4. Architect's recommended light fixture package
5. Oculus

Mr. Knight stated these items total \$567,226 which results in a GMP total of \$34,072,395 and a total budget of \$41,716,074 including soft and non-construction costs. He advised that if Lot B is added back and Lot C is deleted, the GMP would be reduced to \$33,699,816 with total project cost of \$41,343,495. He advised this does not include the cost of de-mucking which would increase the GMP to \$34,384,233 total budget to \$41,827,955.

Commissioner Cooper said she is opposed to putting back in Lot B due to the impact on the late and the creation of continuous parking along Harper Street.

Carlo Burns, Pizzuti Solutions, stated that Lot B provides parking to meet zoning requirements and also provides stormwater management. He stated that a decision on Lot B is needed quickly in order to move forward with stormwater management.

Motion made by Commissioner Seidel to approve as presented with \$41,827,955; seconded by Commissioner Sprinkel.

Motion made by Commissioner Seidel to remove the Canopy and change to Winter Park Library and Winter Park Events Center; seconded by Commissioner Sprinkel.

Motion made by Commissioner Cooper to phase the construction of the porte cochere and remove it from the base; seconded by Commissioner Weaver.

Motion made by Commissioner Cooper to phase the construction of the rooftop venue; seconded by Commissioner Weaver

Motion made by Commissioner Cooper to eliminate the rooftop venue from the project; seconded by Commissioner Weaver.

Commissioner Weaver, speaking as a resident, gave a presentation on the site and proximity of the parking lot and distance to library. He spoke in opposition to the porte cochere due to end \$1.5M cost. He reviewed his safety and liability concerns in the children's area, spiral staircase, lack of handrails in body of raked auditorium. He expressed his concerns about operations and maintenance, ability to meet the Library's program requirements, future expansion, parking and technology. He offered seven options to approval:

1. Wait for results of de-mucking
2. Build library only to allow for additional fundraising for event center
3. Complete redesign to meet the budget
4. Remodel existing library with parking garage (relocate Library to Orchard Supply location)
5. Remodel with two-story parking garage and additional two floors above the garage
6. Buy Orchard Supply property, relocate library
7. Stop work and pay back the bond.

He reviewed the current state on cost, funding, parking, site conditions, design, functionality challenges. He said he supports the library but funds need to be raised for the event center.

Motion made by Commissioner Weaver to redesign the project to meet the budget; seconded by Commissioner Cooper.

Motion made by Commissioner Weaver to remodel the existing library with a parking garage and two additional floors above the parking garage; seconded by Commissioner Cooper.

Motion made by Commissioner Weaver to delay approval of the budget until de-mucking and surcharging is finished. Failed for lack of second.

Commissioner Seidel provided the background on the process and funding sources from CRA funds and grants. He spoke in support of the project and is looking forward to having a facility city can be proud of.

The following spoke in favor of the project,

- Brad Doster, President of Winter Park Library Board of Trustees, 1581 Magnolia Avenue
- Nancy Shutts, 2010 Brandywine Drive
- Sabrina Bernat, Executive Director, Winter Park Public Library
- Robert Moore, 2313 Hawick Lane
- Rachel Simmons, archivist, Winter Park Public Library
- Jim Barnes, 7 Isle of Sicily
- David Odahowski, Edyth Bush Charitable Foundation, 199 E. Welbourne Avenue
- Elizabeth Florez, 683 Greene Drive
- Bob McClelland, Winter Park Library Board of Trustees, 444 Jo-Al-Ca Avenue
- Ellen Prague, 321 Beloit Avenue
- Ann Murrah, 1660 Summerland Avenue

The following spoke in opposition to the project:

- Peter Gottfried, 1841 Carollee Lane
- Jay Jurie, Sanford
- Cathy Richey, 1048 S. Kentucky Avenue
- Sally Flynn, 1400 Highland Road
- William Deuchler, 1245 Sunset Drive
- Barbara Anderson, 1016 Tuscany Place
- Marty Sullivan, 901 Georgia Avenue

Commissioner Seidel spoke in opposition to removing the porte cochere as it is an important part of architect's vision.

Commissioner Cooper stated she feels her responsibility as commissioner is broader than her personal support of the library and stated her opposition is due to the budget that exceeds bond issue.

Commissioner Weaver stated he feels the event center will be competition with other venues who rely on income from rentals. He said the construction cost per square foot is excessive and supported building the library only.

Mayor Leary pointed that library has said the project meets their needs and the event center will produce revenue. He thanked city staff and the design team and expressed his hope that this moves forward and is made the best for the city.

Upon a roll call vote on the motion to remove the Canopy and change to Winter Park Library and Winter Park Events Center, Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

Upon a roll call vote on the motion to phase the construction of the porte cochere and remove it from the base, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to phase the construction of the rooftop venue; Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to eliminate the construction of the rooftop venue; Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to redesign the project to meet the budget, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

Upon a roll call vote on the motion to remodel the existing library with a parking garage and two additional floors above the parking garage, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

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

Mayor Leary called for a recess at 5:45 and reconvened the meeting at 6:00 p.m.

8. Citizen Comments

David Porter, Orlando, expressed his disappointment in having the Police Department's armored vehicle at the Martin Luther King Day festival.

LaWanda Thompson, 664 W. Lyman Avenue, opposed the armored vehicle at the festival and asked for solution for MLK Day so that it better represents Martin Luther King Day.

Jay Jurie, Sanford, stated he feels the display of the armored vehicle at MLK Festival was offensive. He urged rethinking and input from the affected community.

Lawanna Gelzer, 7674 St. Stephens Court, Orlando, provided a history of policing and mistrust of law enforcement and stated the presence of armored vehicle brought back bad memories.

b. Consideration of Letter of Intent (LOI) to purchase the USPS property located at 300 N. New York Avenue

Mr. Knight provided a brief history of this matter and stated this letter of intent expires tomorrow but Post Office representatives were aware of the need to bring this to the Commission for approval but are expecting a quick response. He explained that the attorney has proposed some changes that would close some gaps in the letter and that when getting to the purchase sell agreement stage some of the costs would be known of the new facility and land and to address time constraints to build a new facility. He asked authorization to move forward and for the City Attorney and him to negotiate an acceptable agreement. He said the cost of moving forward at this point is \$75,000.

Mayor Leary advised that there is a lot of support for the city to own the property but it is a matter of timing, cost, details and terms of contract.

Attorney Ardaman stated there are some key points in the LOI where at each step of the process the city can reconsider the terms or agree to the terms.

Commissioner Cooper provided a brief background on the city's communication with the post office to purchase the property and the terms of the letter. She spoke in favor of moving forward with attorney recommended clarifications in the LOI.

Motion made by Commissioner Cooper to authorize the City Manager and City Attorney to negotiate terms of LOI and return to City Commission for approval; seconded by Commissioner Weaver.

Mayor Leary questioned the city's willingness to pay up to \$10 million before paying \$75,000 to continue negotiations.

Commissioner Sprinkel expressed her concern with the terms of the contract, which indicate to her that the post office is not a willing seller. She said there are a number of terms that have to change before moving forward but she could not support \$10 million for the property.

Commissioner Cooper pointed out that nothing else in this letter is binding on either party. She said she feels the property is worth the \$75,000 investment.

Commissioner Weaver said he feels the highest and best use of property is parkland and supported moving forward.

In response to questions by the commission, Mr. Knight advised that the cost was in the range of \$4.5 to \$8.8 million, but it did not include the land acquisition for the retail component. He added that the retail component could be a condominium-type ownership.

Bob Bendick, 1211 Oxford Road, stated this is a rational first step to explore and move forward one step at a time.

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

11. Public Hearings

- a. RESOLUTION 2226-20: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA APPROVING A LOCALLY FUNDED AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR DESIGN OF ADDITIONAL LANDSCAPE AND STREETSCAPE IMPROVEMENTS TO U.S. 17-92 FROM NORFOLK AVENUE TO MONROE STREET.

Attorney Ardaman read the resolution by title

Motion made by Commissioner Cooper to approve the resolution; seconded by Commissioner Seidel. There were no public comments made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

- b. Request of WP View LLC for:

Subdivision approval to split the vacant property at 694 N. New York Avenue, Zoned R-3, into 10 single family lots for development as 10 new single homes. Each proposed lot has 60-65 feet of lot width and 6,000-6,240 square feet of land area, which comply with the lot dimensions required for R-3 zoning.

Principal Planner Jeff Briggs presented the request to divide property into 10 single-family properties instead of 16 townhomes. He showed the layout with a common drive in rear of the lots. He stated no variances are requested and approval is recommended provided there is architectural diversity of the homes.

Commissioner Cooper stated she would like for the architecture to be complimentary to downtown architecture in adjacent historical district. Mr. Briggs stated the architecture will be up to the buyers which will create architectural diversity.

Commissioner Seidel said he is glad to see single-family homes with golf course frontage. He suggested that the lot widths vary.

Discussion followed on city's ability to require varying lot sizes and minimum lot widths. Mr. Briggs pointed out that lot widths below 50' require a variance. Mayor Leary said he feels a five-foot variation in lot width will be insignificant.

Chris Gardner, applicant, stated that he has had requests for varying lot sizes but nothing under contract. He said that the homes will have a wide variety of architecture but will be classy. He stated he is not opposed to smaller lot width.

Motion made by Commissioner Sprinkel to approve the subdivision request for ten lots with a minimum lot width of 50 feet; seconded by Commissioner Seidel.

Donna Colado, 327 Beloit Avenue, spoke in favor of this request.

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

c. Request of the ORC 2611/2615 Lee Road LLC for:

Conditional Use approval to redevelop the properties at 2611 and 2615 Lee Road for a new Starbucks restaurant with a drive-thru component on these two properties zoned C-3.

Mr. Briggs reviewed the request which provides 300 parking spaces and rear access through the office parking lot to Wymore Road with directional sign on Wymore Road.

Motion made by Commissioner Sprinkel to approve the conditional use request; seconded by Commissioner Cooper. There were no public comments made. Upon a roll call vote Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

d. Request of the City of Winter Park for:

An Ordinance amending the Subdivision Regulations to allow consideration of the preservation of historic homes and/or historic specimen live oak trees as special conditions and circumstances for lot size variances subject to the normal public notice and public hearing process. (1)

Attorney Ardaman read the ordinance by title.

Mr. Briggs provided the background of this ordinance to allow consideration of preservation of historic homes or live oak trees as part requests for lot splits with lot size variances.

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

e. Request of the City of Winter Park for:

An Ordinance amending the Zoning and Subdivision Regulations to clarify the procedures for applicants seeking to table, continue or postpone public hearings after such public hearings have been duly advertised. (1)

Attorney Ardaman read the ordinance by title.

Mr. Briggs provided the background and purpose of this ordinance which provides opportunities for applicants to table their request, once at Planning and Zoning Board and one at City Commission.

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

f. Request of Samuel and Christine Hines for:

Subdivision approval to split the property at 1554 Harris Circle in order to allow the existing guesthouse at 1552 Harris Circle to become an independent lot with the ability to be sold separately. **Postponed to February 10, 2020 at applicant's request.**

12. City Commission Reports:

Commissioner Seidel

- Commended the Winter Park High School choir on their invitation to perform with the Martin Luther King Aeolians of Oakwood University of Alabama.
- Announced that the national youth flag football champions are from Winter Park.
- Commended Bronce Stephenson on overlay. He recommended the next overlay would be Hannibal Square more for cultural value as well as commercial value.

Commissioner Sprinkel

- Commended staff on the Martin Luther King, Jr. Festival.
- Said she will be attending the State of College at Rollins tomorrow morning.

Commissioner Cooper

- Asked whether it is appropriate to rezone the city park at 1390 Orange Avenue from O-1 to parkland. Planning and Community Development Director Bronce Stephenson stated staff will prepare the ordinance and bring back for approval.
- Thanked everyone for their support of purchase of post office

Commissioner Weaver

- Stated the Chili for Charity event is on February 26th and the Fiddler's 5-k Run is on February 22nd.
- Encouraged everyone to register to vote prior to the deadline.

Mayor Leary

- Expressed his hope that everyone will come together on the library.
- Asked everyone to keep Parking Enforcement Officer Derek Tooley and his mother in their prayers.

The meeting adjourned at 7:15 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis, CMC



city commission agenda item

item type	Consent Agenda	meeting date	2/10/2020
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following contract items:

1. Winter Park Housing Authority: Reorientation of the fence line at the tree farm for recreation and green space as well as assistance with an ADA pathway and the replacement of up to 3 picnic tables and 3 benches; Not to exceed \$2,500.
2. CenturyLink: Renewal of city's ISDN PRI telecommunications service agreements at City Hall and the Public Safety Complex; Not to exceed \$52,000.
3. Kimley-Horn & Associates: Amendment to renew RFQ-6-2017 – Continuing Professional Transportation Planning & Engineering Services; Total expenditure to include \$150,000 for the 17-92 corridor analysis and contract shall be utilized for additional services on an as-needed basis.

motion / recommendation

Commission approve items as presented.

background

Item 1: Agreement shall remain in effect so long as the property continues to be used for the purpose of affordable housing through the WPHA and provided the property is maintained to Winter Park code compliance standards.

Item 2: This is a renewal of an existing agreement.

Item 3: A formal solicitation was issued to award this contract.

alternatives / other considerations

N/A

fiscal impact

Item 1: Total expenditure not to exceed \$2,500.

Item 2: Total expenditure under the contract term (3 years) not to exceed \$52,000.

Item 3: Total expenditure to include \$150,000 for the 17-92 corridor analysis and contract shall be utilized for additional services on an as-needed basis.

ATTACHMENTS:

Description

Contracts

Upload Date

2/4/2020

Type

Cover Memo



city commission agenda item

item type	Contracts	meeting date	February 10, 2020
prepared by department division	Procurement Division	approved by	☒ City Manager ☐ City Attorney ☐ N/A
board approval	☐ yes ☐ no ☒ N/A		
		final vote	

Contracts

	vendor(s)	item background	fiscal impact	motion recommendation
1.	Winter Park Housing Authority	Reorientation of the fence line at the tree farm for recreation and green space as well as assistance with an ADA pathway and the replacement of up to 3 picnic tables and 3 benches	Total expenditure not to exceed \$2,500.	Commission approve the agreement and authorize the Mayor to execute.
Agreement shall remain in effect so long as the property continues to be used for the purpose of affordable housing through the WPHA and provided the property is maintained to Winter Park code compliance standards.				
2.	CenturyLink	Renewal of city's ISDN PRI telecommunications service agreements at City Hall and the Public Safety Complex	Total expenditure under the contract term (3 years) not to exceed \$52,000.	Commission approve the renewal.
3.	Kimley-Horn & Associates	Amendment to renew RFQ-6-2017 – Continuing Professional Transportation Planning & Engineering Services	Total expenditure to include \$150,000 for the 17-92 corridor analysis and contract shall be utilized for additional services on an as-needed basis.	Commission approve the amendment and authorize the Mayor to execute.



city commission **agenda item**

item type	Consent Agenda	meeting date	2/10/2020
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following formal solicitation:

1. Traffic Control Devices: IFB-4-2020 – Traffic Signal Installation & Maintenance;
Not to exceed \$1,000,000.

motion / recommendation

Commission approve item as presented.

background

A formal solicitation was issued to make this award.

alternatives / other considerations

N/A

fiscal impact

Total expenditure under the initial contract term (1 year) not to exceed \$1,000,000.

ATTACHMENTS:

Description

Formal Solicitations

Upload Date

1/31/2020

Type

Cover Memo



city commission agenda item

item type	Formal Solicitations	meeting date	February 10, 2020
prepared by department division	Procurement Division	approved by	☒ City Manager ☐ City Attorney ☐ N/A
board approval	☐ yes ☐ no ☒ N/A		final vote

Formal Solicitations

	vendor(s)	item background	fiscal impact	motion recommendation
1.	Traffic Control Devices	IFB-4-2020 – Traffic Signal Installation & Maintenance	Total expenditure under the initial contract term (1 year) not to exceed \$1,000,000.	Commission approve the award and authorize the Mayor to execute.



city commission agenda item

item type	Consent Agenda	meeting date	2/10/2020
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following piggyback agreements:

1. Hubbard Construction Co.: Seminole County contract #IFB-603616-19/BJC – Pavement Management Program Services; Not to exceed \$325,000.
2. Axon Enterprise: Omnia Partners/City of Tucson cooperative contract #151089 – Body Worn Cameras; Not to exceed \$365,282.
3. USA Services of Florida: Increase allowable spend under existing piggyback of City of Daytona Beach contract #13-159 – Mechanical Sweeping Services; Not to exceed \$200,000.
4. SunTrust Bank, now Truist Bank: Lee County contract #RFP147158BCN – Government Entity Commercial Card Agreement; Purchases shall be made in accordance with the approved budget.

motion / recommendation

Commission approve items as presented.

background

Formal solicitations were issued by the originating agencies to award these contracts.

alternatives / other considerations

N/A

fiscal impact

Item 1: Total expenditure under the initial contract term (1 year) not to exceed \$325,000.

Item 2: Total expenditure under the contract term (5 years) not to exceed \$365,282. (\$98,210 for year 1; \$66,768 per year for years 2-5)

Item 3: Total FY20 expenditure under the contract not to exceed \$200,000.

Item 4: All purchases will be made in accordance with the approved budget.

ATTACHMENTS:

Description	Upload Date	Type
Piggyback Agreements	2/4/2020	Cover Memo



city commission agenda item

item type	Piggyback Agreements	meeting date	February 10, 2020
prepared by department division	Procurement Division	approved by	☒ City Manager ☐ City Attorney ☐ N/A
board approval	☐ yes ☐ no ☒ N/A		
		final vote	

Piggyback Agreements

	vendor(s)	item background	fiscal impact	motion recommendation
1.	Hubbard Construction Co.	Seminole County contract #IFB-603616-19/BJC – Pavement Management Program Services	Total expenditure under the initial contract term (1 year) not to exceed \$325,000.	Commission approve the piggyback and authorize the Mayor to execute.
2.	Axon Enterprise	Omnia Partners/City of Tucson cooperative contract #151089 – Body Worn Cameras	Total expenditure under the contract term (5 years) not to exceed \$365,282.	Commission approve the piggyback and authorize the purchase.
Yearly pricing breakdown as follows: \$98,210 for year 1 and \$66,768 per year for years 2-5.				
3.	USA Services of Florida	Increase allowable spend under existing piggyback of City of Daytona Beach contract #13-159 – Mechanical Sweeping Services	Total FY20 expenditure under the contract not to exceed \$200,000.	Commission approve the increase.
4.	SunTrust Bank, now Truist Bank	Lee County contract #RFP147158BCN – Government Entity Commercial Card Agreement	Purchases will be made in accordance with the approved budget.	Commission approve the piggyback and authorize the Mayor to execute.



city commission agenda item

item type	Public Hearings	meeting date	2/10/2020
prepared by	Planning	approved by	City Manager, City Attorney
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Request of Samuel and Christine Hines for:

- Subdivision approval to split the property at 1554 Harris Circle in order to allow the existing guesthouse at 1552 Harris Circle to become an independent lot with the ability to be sold separately.

Postponed from January 27, 2020 at applicant's request.

motion / recommendation

Recommendation from the Planning and Zoning Board and Staff is for approval of the lot split request.

background

The property at 1554 Harris Circle is a historic designated property on the Winter Park Register of Historic Places. This means that the structures may not be demolished and that any exterior alterations or additions must be approved by the Historic Preservation Board.

There are two structures on the property. The main house on the northern portion of the site is the principal residence of approximately 3,000 square feet in size. On the southern portion of the site is a detached 958 square foot guest cottage structure.

The owners of the property are requesting lot split approval to divide the property into two single-family lots, in order to separate the two structures and be able to sell each of the two buildings on that property. However, the immediate plan is for the current owners to move into the one-story 958 square foot cottage and sell the two-story main residence.

The zoning of this property is R-1A. The lots are proposed to be split with 111.84 and 76.16 feet of lot frontage along Harris Circle. These lot widths exceed the minimum 75 foot lot, width requirement for their R-1A zoning. The respective lots sizes would be 7,924 square feet and 4,313 square feet. Variances are requested as the lots do not meet the minimum 8,500 square feet of land area.

Table 1:

--	--	--	--

	R-1A Zoning	Proposed North Lot	Proposed South Lot
Lot Size	8,500 square feet	7,924 sq. ft.	4,313 sq. ft.
Lot Width	75 feet	111.84 feet	76.16 feet

Note: Items in bold indicate a variance request.

Lot Conformance to Subdivision Code Test: There are 47 non-lakefront homes within this neighborhood with the same R-1A zoning. The average lot width is 67.6 feet, and the median lot width is 70.4 feet. The average lot area from this 47-home survey is 9,749 square feet, and the median lot area is 9,834 square feet. Thus, the proposed lot widths conform but the lot areas are less than the existing neighborhood average.

Historic Designation: The decision to designate a property on the Winter Park Register of Historic Places is supposed to be a benefit for both the City and the Owners. The owners give up the right to sell to builders who would tear down the home but the City tries to incentivize that decision to designate with the ability to request variances. Coincidentally, the decision to designate a property as historic and gain the potential for a lot split variance is an incentive that the Historic Preservation Board has formally recommended become a part of the Code (see companion agenda item ZTA #20-01). One alternative is gaining a historic designation via preservation of a home coupled with lot split variance for the property, or in this case, the same type of justification for the lot size variances.

Development Plans: There is no development proposed as both structures are intended to remain as-is. Nothing can be changed on the exterior and no additions can be made without approval by the Historic Preservation Board. It is possible that the southern lot/home could add an open front porch which would match the one on the existing home. There already exists a front drive to provide parking spaces for the structure. Thus, there would be no impact upon the neighbors.

Summary: This is a very unique scenario because the result of this lot split changes almost nothing for the neighbors. They will have another full time neighbor in the small 958 square foot home, but otherwise nothing changes. Not everyone needs a large home. There are many empty nester scenarios where someone would be perfectly happy living in this small home (somewhat more affordable) in this nice neighborhood. It also gives the City a chance to demonstrate a benefit and value from a historic designation.

Planning and Zoning Board Minutes from January 7, 2020:

- SUB #20-01. Request of Samuel and Christine Hines for: Subdivision approval to split the property at 1554 Harris Circle in order to allow the existing guesthouse at 1552 Harris Circle to become an independent lot with the ability to be sold separately.

Mr. Briggs explained that the item was a lot split request and presented aerial views of the property location and a survey which outlined the top northern portion of the property where the main house is located at 1554 Harris Circle which is approximately 3,000 square feet in size and a guest house at the bottom of the survey which is 958 square feet. Both of the structures are listed on the City's Register of Historic Places and will be preserved. Any additions and

alterations would have to go before the Historic Preservation Board for approval. The applicant would like to split the property in in order the main house to be sold independently, as it is the intent of the applicant to move into the guest cottage.

Mr. Briggs explained that the lot was only 4,300 square feet and the requirement for new lots is 8,500 square feet therefore a variance was requested for the lot size based on the commitment that both structures were to be preserved on the register of historic places for the city. He noted that the guest cottage was located on the rear property line and the front of the home was in line with the front setback therefore additions to the home would not be feasible outside of the addition of a small porch which would match the front of the main home. Thus, there would be no impact on the neighbors.

Mr. Samuel Hines (applicant) spoke and outlined the long history of this home built in 1887, which is the second oldest home in the City. He detailed the history including the period when the home was owned by the son and daughter in-law of Thomas Edison. He indicated that they desired to sell the main residence and move into the smaller guest home, which already has a full kitchen, separate electric meter, etc. That property already has parking spaces and all they may do is add a new front porch. So the neighbors will not see any changes other than new owners of the main residence.

The Board heard public comment from Christopher Wideman, 1551 Harris Circle and John Skolfield, 358 Vitoria Avenue, who spoke in favor of the request and Jim Cook, 1444 Grove Terrace, Winter Park, FL spoke in opposition of the request.

The Planning Board members discussed that the proposed lot split would have not impact upon the neighbors. Nothing can be done to either structure without approval from the Historic Preservation Board following notice and public hearing. The Board acknowledged that the Historic Preservation Board has also made a recommendation that a property was worthy of historic designation and split since they used it as an example for the previous Ordinance.

Motion made by Christian Swann, seconded by Ray Waugh for subdivision approval to split the property at 1554 Harris Circle in order to allow the existing guest house at 1552 Harris Circle to become an independent lot with the ability to be sold separately.

Motion carried unanimously with a 6-0 vote.

alternatives / other considerations

N/A

-- --

fiscal impact

N/A

ATTACHMENTS:

Description	Upload Date	Type
Backup Materials	1/14/2020	Backup Material
Picture of 1554 Harris Circle	1/15/2020	Cover Memo
Picture of 1554 Harris Circle	1/15/2020	Cover Memo
Article on Historic Designation	1/15/2020	Cover Memo



LOCATION MAP

1554 Harris Circle

City of Winter Park
Florida

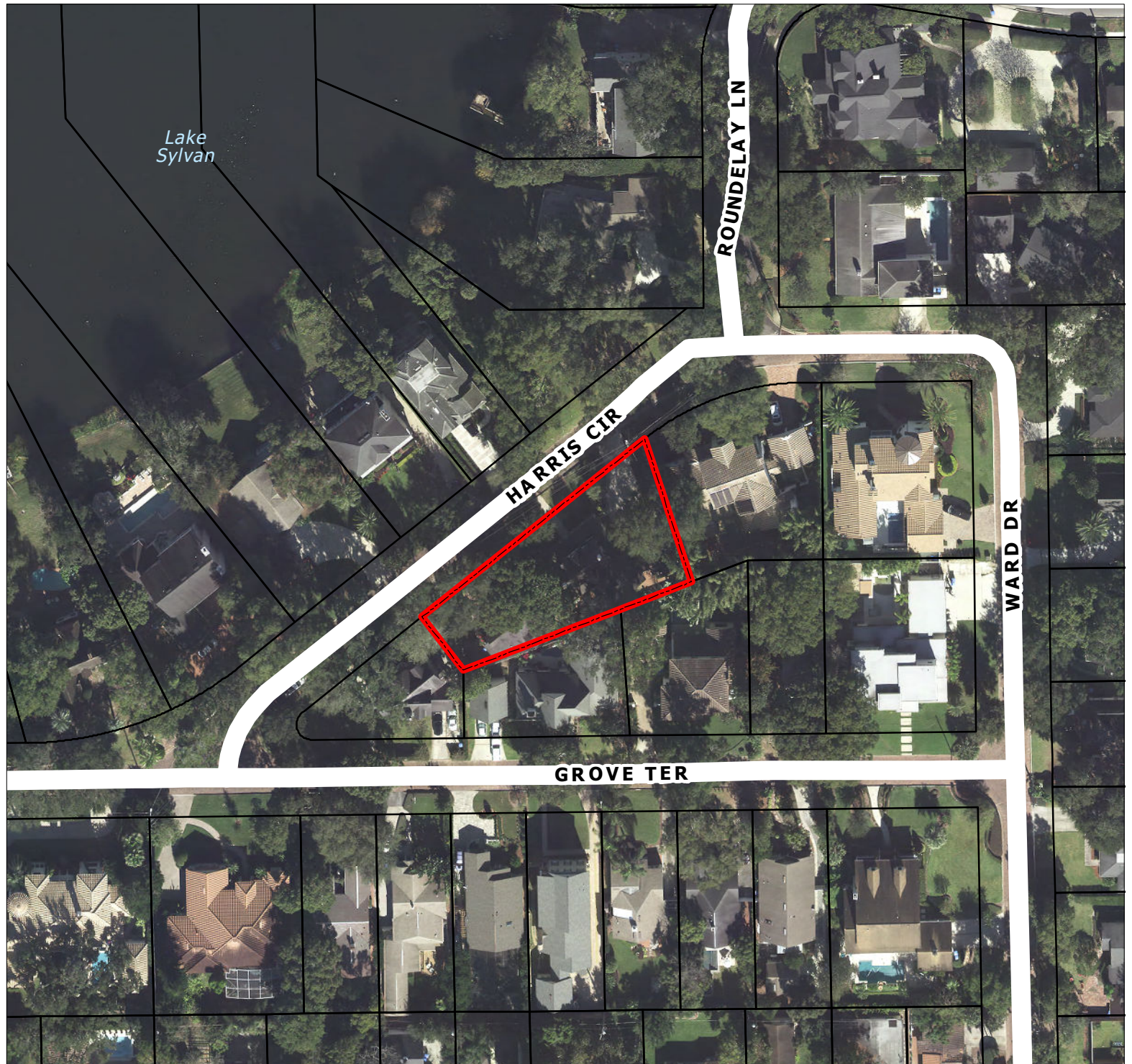




LOCATION MAP

1554 Harris Circle

City of Winter Park
Florida



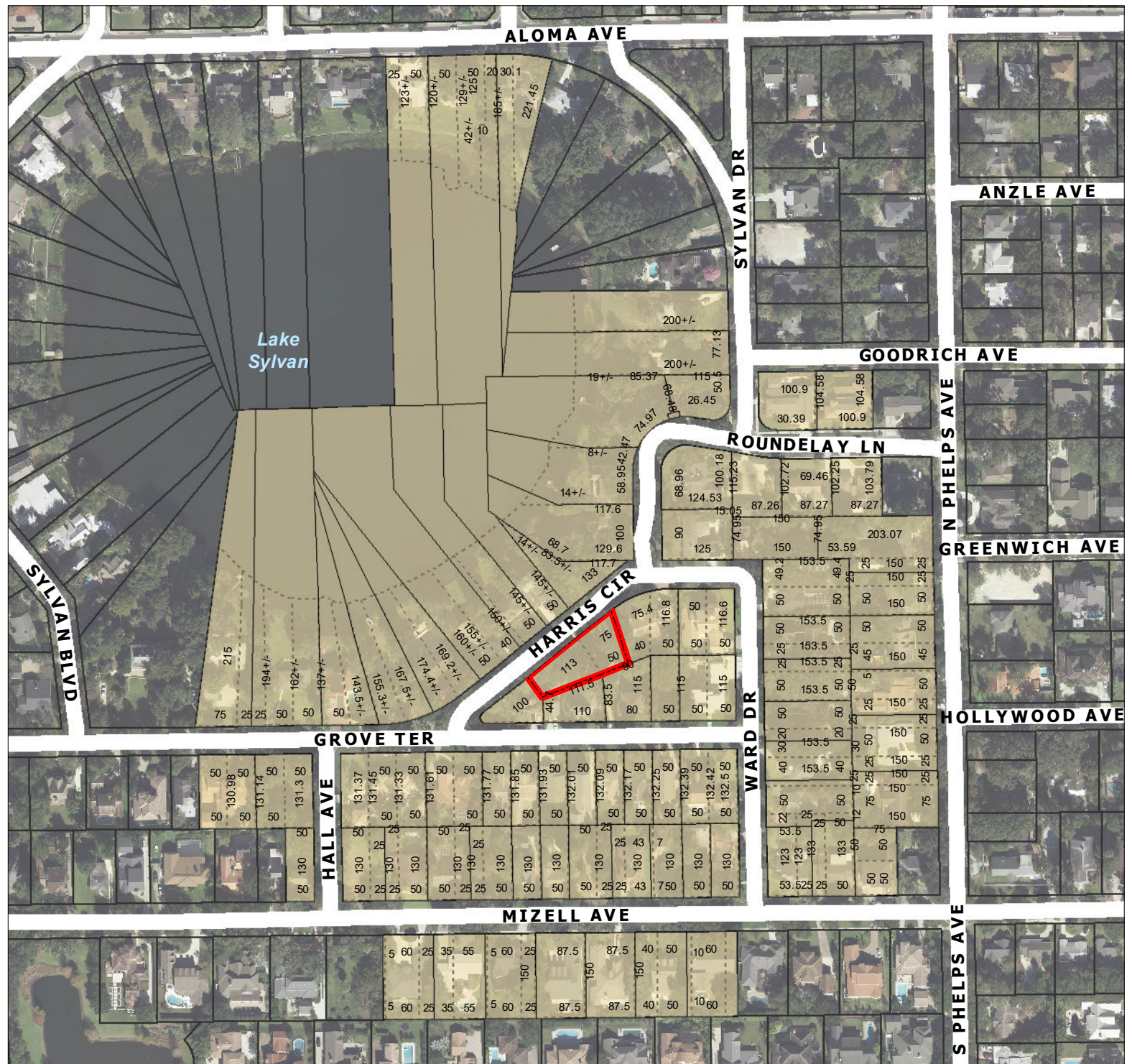


City of Winter Park
Florida

 Subject Site

 Single-Family Lots Within 500' of Site (80 total)

Average Lot Width = 81 ft
Median Lot Width = 77 ft
Average Lot Size = 15,315 sq ft
Median Lot Size = 11,499 sq ft



Email-jbriggs@cityofwinterpark.org

August 27, 2019

Jeff Briggs
City of Winter Park Planning & Community Development
401 Park Avenue South
Winter Park, Florida 32789

Re: Request for Lot Split
1554 Harris Circle
Winter Park, FL 32789

Dear Mr. Briggs:

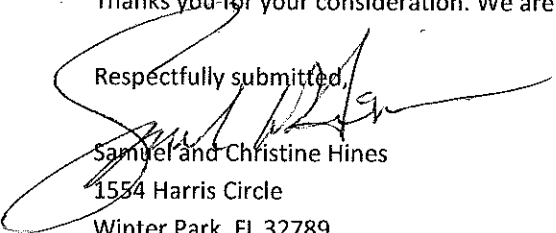
My wife (Christine) and I purchased 1554 and 1554 ½ Harris Circle in July 1993. Based on the historical American Gothic Farmhouse design, construction completed in 1887, and historic ownership (John Harris 1900-1925 and Ted & Anne Edison 1932-1987), we petitioned and the City listed the property on the Winter Park Historical Registry in September 2001. Based on a recent city presentation event, our home is now the 2nd oldest home on the registry. Over the years we have taken great care and pride in preserving its history and maintaining this piece of history in a wonderful, quiet neighborhood where neighbors care for each other. Over the years, we have conducted tours for historic groups and former families who grew up in the home. We moved to Florida 49 years ago from California to enjoy the small own feel within the city.

The property sits on two contiguous lots on the south side of Harris Circle in Lake Sylvan Estates. The main house (1554 Harris Circle) is the historic two story home of approximately 2,750 sq. ft. The guest cottage (1554 ½ Harris Circle that was officially changed to 1552 Harris Circle in 2002) is a single story cottage of 965 sq. ft.

We are growing older and have some health issues that make climbing stairs and maintaining a home of this magnitude more and more difficult, yet we want to stay in the neighborhood near our children and grandchildren, if possible. We would like to have a lot split between the two structures, leaving the guest cottage an independent property so that the main house at 1554 can be sold to the next preserver of history; and we would like to renovate the cottage for our residence in keeping with the historic design and keeping the same living area size of 965 sq. ft. We intend to preserve the historic features of the cottage, such as the wall paintings of Anne Edison and the extensive bead board interior walls and ceilings. In addition to interior renovations, we would like to add a front porch entrance to the cottage that would be similar in design to the main house at 1554, so that both properties would have a similar historic looking frontage. The porch entrance would be subject to approval separately from the lot split, I assume.

Thanks you for your consideration. We are available for discussion or additional information, if desired.

Respectfully submitted,

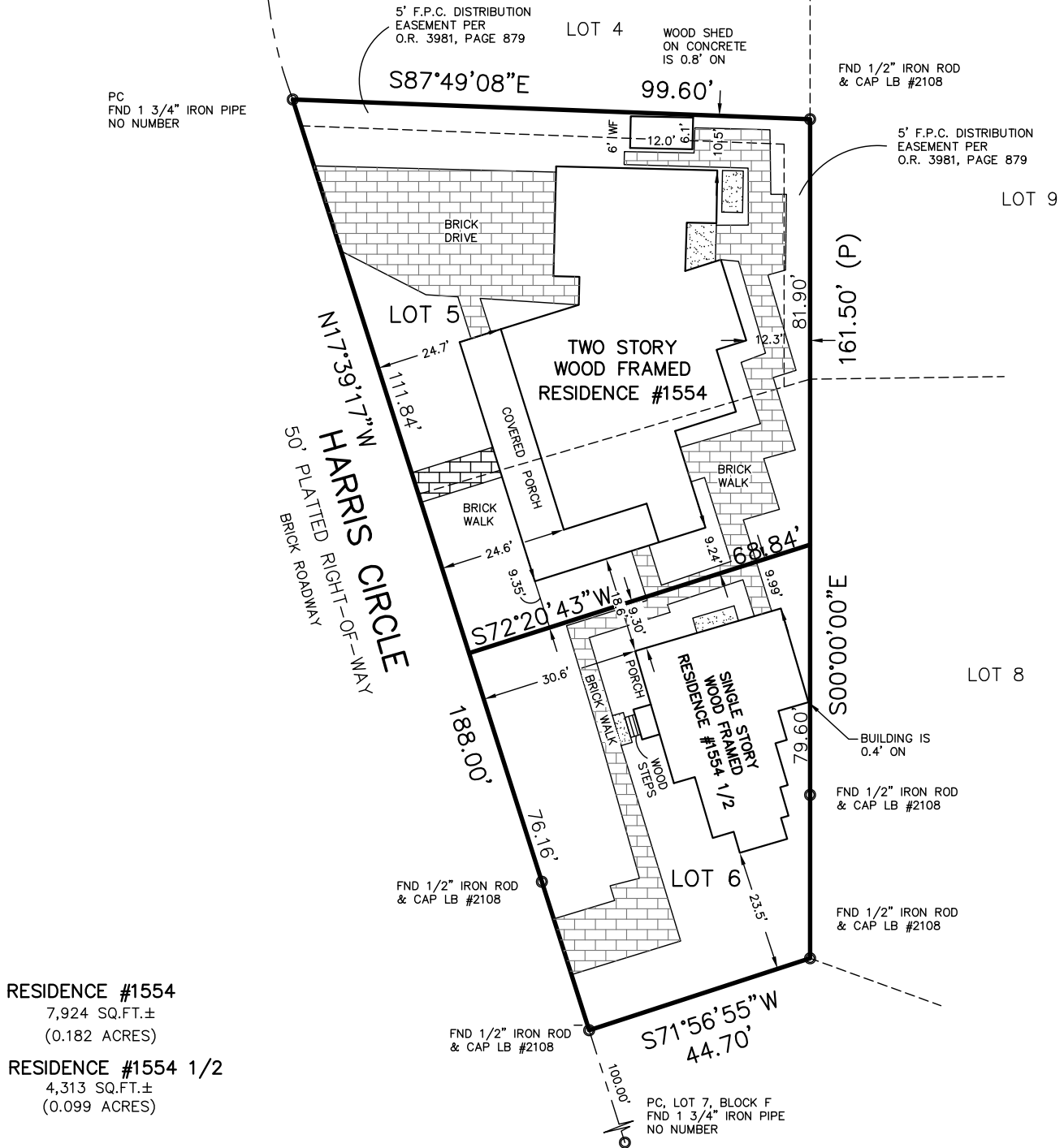


Samuel and Christine Hines
1554 Harris Circle

Winter Park, FL 32789
Tel-407-701-4020 or 407-257-9032

PROPOSED LOT SPLIT EXHIBIT

LOTS 5 AND 6, BLOCK F, SYLVAN LAKE SHORES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK N, PAGE 48, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA



LOT SPLIT EXHIBIT

OF
1554 AND 1554 1/2 HARRIS CIRCLE, WINTER PARK
AKA
LOTS 5 AND 6, BLOCK F, SYLVAN LAKE SHORES
ORANGE COUNTY, FLORIDA

ASM

AMERICAN
SURVEYING
& MAPPING INC.

3191 MAGUIRE BLVD., SUITE 200
ORLANDO, FLORIDA 32803
PHONE (407) 426-7979
WWW.ASMCORPORATE.COM

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND
2. NO IMPROVEMENTS HAVE BEEN LOCATED.
3. THIS DOCUMENT CONSISTS OF 2 SHEETS, NOT FULL OR COMPLETE WITHOUT ALL SHEETS.

THIS IS NOT A SURVEY.

DATE: 9-11-19

SCALE: N/A

APPROVED BY: —

JOB NO. asm1506

DRAWN BY: TKC

REVISED:





'Without proper safeguards, historic neighborhoods will lose the identities that drew residents to put down roots in the first place.'

— RICHARD MOE
NATIONAL TRUST FOR HISTORIC PRESERVATION



GEORGE SKENE/ORLANDO SENTINEL

'It's a great house. It's got a lot of older-home charm. But we are just busting out at the seams.'

— JENNIFER DEERY
WINTER PARK RESIDENT



GEORGE SKENE/ORLANDO SENTINEL

In Winter Park. Sam Hines stands in front of his home on Harris Circle recently. The sign (in photo above) marks the age of his home, which was designated historic after a Winter Park ordinance was enacted in June 2001.

Older homes become history instead of historic

By STEPHANIE ERICKSON
SENTINEL STAFF WRITER

WINTER PARK — A year-old historic-preservation ordinance in Winter Park has been too little too late to save many of the city's older homes.

Since the ordinance was enacted in June 2001 — allowing homeowners to ask that their homes be protected as historic — more than 75

property owners have applied for permits to demolish single-family homes. Only 27 homeowners have applied for historic designation.

So far this year, 63 homeowners have applied for a demolition permit, compared with 50 for all of last year.

The reason is simple: Many of the city's older homes, including some of the 650 structures considered to have historic value, lack the size and a-

menities demanded by a new generation of affluent home buyers.

Of the homes with historic value, "the vast majority would provoke a neighborhood reaction" if torn down, and 150 are eligible for the National Register of Historic Places, said Lindsey Hayes, a city liaison to Winter Park's Historic Resources Task

12 NOV 01

PLEASE SEE HOMES, B7



city commission agenda item

item type	Public Hearings	meeting date	2/10/2020
prepared by	Planning	approved by	City Manager, City Attorney
board approval	N/A final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Request of Benjamin Partners, Ltd. for:

- An Ordinance providing for the annexation of 1315 Loren Avenue and 322/312/308 & 304 Monroe Avenue, and portions of Bennett Avenue and Lewis Drive, measuring approximately 2.06 acres. (1)

motion / recommendation

Staff recommendation is for approval of the annexation Ordinance.

background

This public hearing is for a voluntary annexation of the owner of 1315 Loren Avenue and 322/312/308 & 304 Monroe Avenue, and portions of Bennett Avenue and Lewis Drive, measuring approximately 2.06 acres. These properties and rights-of-way were inside the City of Maitland, but the Maitland City Council has agreed to an Ordinance to de-annex these properties in order for The City of Winter Park to then annex these properties. The City of Maitland would also transfer the ownership of the portions of Bennett Avenue and Lewis Drive rights-of-way via an interlocal agreement.

This annexation provides a more uniform City limit line, and the City of Winter Park already provides the potable water and sanitary sewer to these properties to be annexed. This annexation will also move the City limit line to the right-of-way line of Monroe Avenue instead of through the middle of a tract of land with common ownership. Ultimately, annexing these properties and having the entire tract of land within one jurisdiction will allow for better coordination of the development of these parcels, and gives Winter Park better control of how these properties will be developed.

Once this property is annexed, the staff will come back with Ordinances to establish the Comprehensive Plan Future Land Use and Zoning designations. However, this process cannot be completed until the property is officially annexed.

alternatives / other considerations

N/A

fiscal impact

N/A

ATTACHMENTS:

Description

Upload Date

Type

Ordinance

2/4/2020

Backup Material

Backup Materials

2/4/2020

Backup Material

ORDINANCE ____

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 _____ day of _____, 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 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.

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°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°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°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°05'33" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 451.45 FEET; THENCE NORTH 89°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°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:

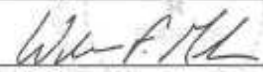
1. The lands as shown hereon lie within Section 01, Township 22 S., Range 29 E., Orange County, Florida.
2. This is not a survey.
3. Bearings shown hereon are assumed relative to the South right-of-way line of Monroe Avenue, said bearing being N89°59'35"E per plat.

SHEET 1 OF 2

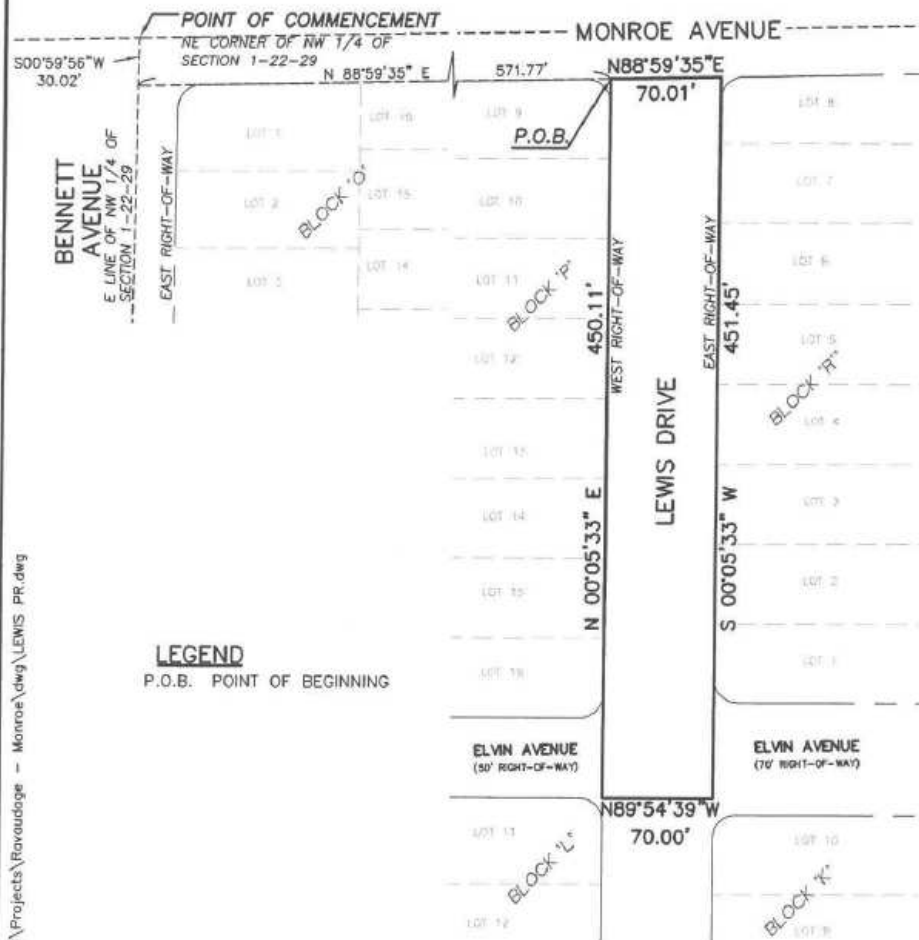
HLSM, LLC
Henrich-Luke-Swaggerty-Menard
Professional Surveyors & Mappers
Licensed Business No. 7276
302 Live Oaks Boulevard
Casselberry, Florida 32707
P. (407) 647-7346
Survey@HLSM.US F. (407) 982-7166

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)



LEGEND
P.O.B. POINT OF BEGINNING



\\SERVER\Projects\Rayoudage - Monroe\dwg\LEWIS PR.dwg

SHEET 2 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.

SEE SHEET 1 OF 2
FOR SIGNATURE & SEAL

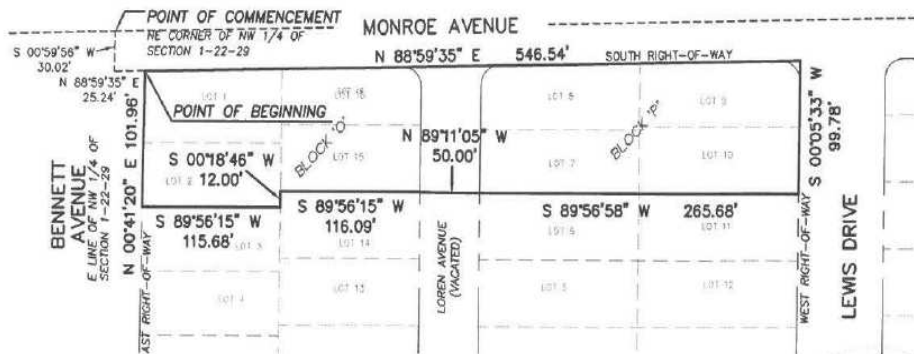
DESCRIPTION

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 SOUTHEAST 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 SOUTHEAST CORNER OF 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 SOUTHEAST 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 302 Live Oaks Boulevard Casselberry, Florida 32707 P. (407) 647-7346 F. (407) 982-7166 Survey@HLSM.US			
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)

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

EXHIBIT "B"





401 South Park Avenue • Winter Park, Florida 32789

407-599-3234 • 407-599-3436 fax
cityofwinterpark.org

January 30, 2020

VIA CERTIFIED MAIL

Orange County Board of County Commissioners
201 S Rosalind Ave., 5th Floor
Orlando, Florida 32801

RE: Notice of Intent to Annex Property – Section 171.044(6), Fla. Stat.
Portions of Bennett Avenue and Lewis Drive and Orange County Tax Parcel Identification #s:
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

Dear Board of County Commissioners:

In accordance with Section 171.044(6), Florida Statutes, this correspondence shall serve as the City of Winter Park's notice to the Orange County Board of County Commissioners of the City of Winter Park's intent to voluntarily annex those certain lands owned by the Winter Park Redevelopment Agency, Ltd., Benjamin Partners, Ltd., and GreenHouse Partnership, Ltd. generally described as approximately 1.22 +/- acres of land located having Orange County Tax Parcel Identification 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. The City of Winter Park's intent is also to annex portions of the rights of way of Lewis Drive and Bennett Avenues (approximately 0.84 acres) that has been deannexed by the City of Maitland. A draft of the proposed annexation Ordinance along with a legal description and map of the areas subject to the proposed annexation is enclosed for your information.

The intended 1st reading of the annexation Ordinance is during the City of Winter Park City Commission meeting on Monday, February 10, 2020 followed by the intended 2nd reading, public hearing and adoption at the City of Winter Park City Commission meeting on Monday, February 24, 2020.

Sincerely,


Randy Knight
City Manager

Enclosure:

cc: Chris Testerman, Assistant County Administrator



PUBLIC WORKS DEPARTMENT

DIANA M. ALMODOVAR, P.E., *Interim Director*

4200 South John Young Parkway • Orlando, Florida 32839-9205

407-836-7974 • Fax 407-836-8003

e-mail: diana.almodovar@ocfl.net

June 19, 2019

Honorable A. Dale McDonald
City of Maitland
1776 Independence Lane
Maitland, FL 32751

RE: De-Annexation Petition

Dear Mayor McDonald:

Pursuant to the enclosed correspondences, Orange County does not object to the proposed annexation or de-annexation between the jurisdictions of the City of Winter Park and the City of Maitland.

If you have any questions or concerns, please contact Pedro Medina, P.E., at (407) 836-7974.

Sincerely,

Diana M. Almodovar, P.E.
County Engineer

Enclosure(s)
DMA/PLM/wsv

cc: Renzo Nastasi, AICP, Manager, Transportation Planning Division
Pedro Medina, P.E., Interim Manager, Development Engineering Division
George Shupp, Assistant Project Manager, Roads & Drainage Division
Daniel M. Bellows, Sydgan Corporation, (*email*)

MEETING DATE
January 27, 2020
Subject: Ordinance - Deannexation of Monroe Avenue Properties and Rights of Way



AGENDA REPORT

AGENDA
Section: Decisions
Item #: 5

Department/Office:

Administration

Requested Action or Motion: After taking public input, move to introduce an ordinance on first reading to de-annex five properties on Monroe and associated rights of way and set the public hearing date for February 24, 2020.

Summary Explanation & Background:

In May of 2019, the City received a request for deannexation from Dan Bellows on behalf of the three entities that own five vacant parcels on Monroe Avenue. The deannexation request is for five parcels and transfer of the associated rights of way of Lewis and Bennett to the City of Winter Park. On October 28, 2019, the applicant appeared before the Council to submit his request for deannexation, and subsequently staff was directed to bring back an Ordinance for Council consideration.

The private parcels owned by the entities are the following:

Address	Parcel ID	Size	Zoning
1315 Loren Ave	01-22-29-3712-15-010	.57 acre	RS-2
322 Monroe Ave	01-22-29-3712-16-072	.20 acre	RS-2
312 Monroe Ave	01-22-29-3712-16-070	.15 acre	RS-2
308 Monroe Ave	01-22-29-3712-16-092	.15 acre	RS-2
304 Monroe Ave	01-22-29-3712-16-091	.15 acre	RS-2

Although the parcels were annexed into the City of Maitland in 1963, the City has never provided water or waste water service to the parcels (Winter Park provided services). The City of Maitland provided garbage and stormwater service until such time as the houses were demolished and removed.

In addition, the City of Winter Park is supportive of the City transferring the ROW of Lewis Drive and Bennett Avenue for installation of utilities (underground electric, water and wastewater) and streetscape. Attached are the request from Mr. Dan Bellows on behalf of Sydgan Companies, a letter of support from the City of Winter Park and a letter of no objection from Orange County.

Also attached is an ordinance which includes both the private parcels and the rights of way (further described in the attachments to the ordinance). Two additional maps are included, one showing the parcels involved and the other showing what the city limits would look like if adopted after the public hearing. Winter Park will consider annexation of the properties at the February 10th meeting, and if introduced the ordinances would be dated consistently to ensure the transfer is simultaneous. If

approved at the public hearing, the City would also transfer ownership of the rights of way to Winter Park via an interlocal agreement. The petitioner's legal counsel has stated that since the parcels will not actually change from a municipality to unincorporated status, but rather from one municipality to another, the requirements for contraction under F.S. 171.052 do not apply based on the definition of contraction in F.S. 171.031 is defined as "...the reversion of real property within municipal boundaries to an unincorporated status." In our prior deannexation to Winter Park, however, staff did in fact use the contraction requirements to determine if the parcels were eligible and below is the analysis for these parcels:

Per Florida Statutes 171.052, Criteria for contraction of municipal boundaries:

"(1) Only those areas which do not meet the criteria for annexation in s. 171.043 may be proposed for exclusion by municipal governing bodies. If the area proposed to be excluded does not meet the criteria of s. 171.043, but such exclusion would result in a portion of the municipality becoming noncontiguous with the rest of the municipality, then such exclusion shall not be allowed.

(2) The ordinance shall make provision for apportionment of any prior existing debt and property."

To determine if the properties are eligible for contraction it must first be determined if they meet the criteria for annexation. Florida Statute 171.043, "Character of the area to be annexed" states:

"A municipal governing body may propose to annex an area only if it meets the general standards of subsection (1) and the requirements of either subsection (2) or subsection (3).

(1) The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality."

Staff Analysis: The area does meet the criteria of 171.043 (1).

"(2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries;

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; or

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the

area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size."

Staff Analysis: The area **does not** meet the criteria of 171.043 (2) a, b or c. Currently, these parcels are vacant/undeveloped and there is not a resident population of at least 2 persons/acre (a) or 1 person/acre (b). Florida Statutes 171.031, Definitions, define "urban purposes" as land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas. The parcels are vacant and are currently not used intensively nor are they dedicated greenbelt areas (c). Florida Statutes defines "urban in character" under another definition, which would include an area undergoing development for any of these purposes, however 171.043(2)c clearly states "used for urban purposes."

"(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2).

The purpose of this subsection is to permit municipal governing bodies to extend corporate limits to include all nearby areas developed for urban purposes and, where necessary, to include areas which at the time of annexation are not yet developed for urban purposes whose future probable use is urban and which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes."

Staff Analysis: This third criteria is clearly outlined in the purpose statement, it is subjective and would apply when an area does not currently meet subsection (2), most likely land not yet developed that is between the municipality and an area developed for urban purposes which impacts the municipalities ability to service (water/sewer) the developed area. This does not apply to these parcels the City is not extending services and in fact has not even served these parcels with water and sewer.

In summary, since it requires that the parcels meet both (1) **and** (2) or (3), staff believes the parcels can be deannexed, if Council were to find they do not currently meet the criteria of FS 171.043 (2) or

(3).			
Fiscal Impact: Estimated property taxes \$1,539 annually. There are no other services to these vacant parcels (stormwater, garbage, sewer, electric or water).			
Exhibits: Letter from Dan Bellows (PDF) Winter Park Letter (PDF) Orange County Letter (PDF) Revised City Limits (PDF) Deannexation Lots (PDF) Draft DeAnnexation Ordinance (DOCX) EXHIBIT A (DOCX) Exhibit B (PDF)	Contact Person: Sharon Anselmo, City Manager		
Commission/Board:	Phone #: 407 539-6221		
<table border="1"> <tr> <td> Reviewed by City Attorney ___ Yes <u> X </u> N/A </td> <td></td> </tr> </table>	Reviewed by City Attorney ___ Yes <u> X </u> N/A		
Reviewed by City Attorney ___ Yes <u> X </u> N/A			



city commission agenda item

item type	Public Hearings	meeting date	2/10/2020
prepared by	Planning	approved by	City Manager, City Attorney
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Request of Rollins College for:

- Ordinance to amend the Comprehensive Plan Future Land Use Map designation of Office to Institutional at 200 E. New England and 203 E. Lyman Avenues (1)
- Ordinance to amend the official Zoning Map to change from Office (O-1) to Institutional (PQP) on the properties at 200 E. New England and 203 E. Lyman Avenues (1)
- Conditional Use approval to maintain the existing 4-story Lawrence Center office building and to build a new 3-story, 30,766 square foot Rollins Museum and a new 3-story, 77,189 square foot Crummer Graduate School of Business building, on the properties at 200 E. New England and 203 E. Lyman Avenues.

motion / recommendation

Staff and P&Z Board recommendation is for approval of the Comprehensive Plan future land use map change, Zoning map change and Conditional Use subject to the terms of the proposed Benefit (Development) Agreement and with the final floorplans and exterior elevations/materials of the Museum building and final exterior elevations/materials of the Crummer School building, as well as the site, landscape plan to be reviewed and approved by the Planning and Zoning Board and City Commission.

background

Rollins College owns the 2.37 acres at 200 E. New England and 203 E. Lyman Avenues, which is the entire block bounded by New England, Interlachen, Lyman and Knowles Avenues. There is an existing 4-story Lawrence Center office building at the corner of New England and Knowles Avenues and a 2-story College office building at the corner of Lyman and Knowles Avenues.

The applications consists of two elements:

1. To change the Comprehensive Plan future land use map and Zoning map for the subject property from the existing Office (O-1) designation to an Institutional (PQP) designation, and
2. For Conditional Use approval that seeks to retain the existing 4-story Lawrence

Center building, demolish the existing 2-story College office building and adjacent drive-thru tellers and to build a new 3-story, 30,766 square foot, Rollins College Museum and a new 3-story, 77,189 square foot Crummer Graduate School of Business.

Comprehensive Plan Future Land Use and Zoning Map changes

These properties, historically, were privately held (Winter Park Federal Savings & Loan) until their acquisition by Rollins College in 1993. The 4-story Lawrence Center building has been predominately privately leased office space, including the bank with drive-thru tellers and additionally the 2-story Pioneer building that was business offices for the Hamilton Holt school. As such, the existing Office zoning designations fit the historic uses of the property.

Now that the proposed uses of this block are requested to be predominately College related functions of the Rollins Museum and Crummer Graduate School. The request is to match the land use designations that exist on the Rollins College campus, which is Institutional (PQP).

Aside from zoning compatibility with the Campus and the surrounding zoning, what this change results in, is an increase in the maximum permitted Floor Area Ratio from 45% up to a maximum of 200%. Thus, this 2.37 acre block changes from a maximum of 46,456 square feet to a maximum of 206,474 square feet of buildings. The combination of the two existing buildings is now 50,591 square feet.

The result of the Land Use/Zoning changes is to allow (subject to Conditional Use approval) and increase for the 110,000 square feet of new buildings proposed. That is not an insignificant increase in building size and mass. Thus, compatibility and context are important considerations.

This block is located adjacent to the Central Business District where the C-2 zoning allows properties a similar maximum of 200% FAR. It is adjacent to the SunTrust building (FAR of 237%) and the SunTrust/Rollins parking garage (FAR of 272%). It is also adjacent to the Alford Inn (FAR of 197%), the Residences (FAR of 447%) and Via Sienna Condominiums (FAR of 173%). There are other adjacent buildings such as the Women's Club, All Saints Episcopal Church and the Congregational Church with much smaller FAR's. Based upon these adjacent buildings with compatible FAR's and the general compatibility with the permitted FAR of the adjacent Central Business District, the planning staff can support this land use change, in terms of compatibility with the building scale of the area.

One unintended consequence of this change to Institutional (PQP) is that that designation is only for institutional buildings such as public schools and colleges, hospitals, churches, city facilities, etc. The PQP zoning does not anticipate or permit private offices (Lawrence Center). As a result, this zoning change to PQP makes those private business offices in the Lawrence Center building non-conforming uses. As it is in the best interests of the City and Rollins for those private leased office spaces to continue, one provision of the proposed Benefit (Development) Agreement would allow the continuation of those functions within the Lawrence Center building and keep these commercial uses on the tax rolls.

Conditional Use Review

The goal of Rollins College with this request is to gain the entitlements for these two new facilities of a museum and graduate business school. Fund raising and other design decisions are still to come. As a result, Rollins College has agreed that any approval may be conditioned upon the final exterior architectural design, site plan and landscape plans to come back to the Planning and Zoning Board and City Commission for a final approval.

The first part of the conditional use review is the proposed new 3-story, 33,766 square foot museum. This project is intended to facilitate the relocation of the Cornell Fine Arts Museum from its current location on the college campus to a more visible and prominent location. The growth in museum size will allow, as the floor plans indicate, additional gallery space, conference/meeting room spaces for visual and lecture presentations and more back-of-house workspaces.

From the staff's perspective, having this new museum on New England Avenue in between the Alford Inn and Park Avenue will be a symbiotic relationship and will also create a lateral corridor from Park Avenue. Guests at the Alford Inn will be walking past the new museum which helps to promote our brand as the city of arts and culture and will also help expand and promote increased visitor numbers and programming at the museum.

From a site plan and architectural image perspective, the challenge with any museum is the conflict between solid blank exterior walls needed for gallery and theatre walls (similar to the Morse Museum) and the need for windows and openness to invite guests to explore the offerings and to provide exterior architectural appeal. For the final approval, the staff expects to be involved in the review of the interior floor plan layout (as this controls the exterior walls sections) together with final architectural design and materials.

The second part of the Conditional Use review is for the new 3-story, 77,189 square foot Crummer Graduate School of Business. The growth in the Crummer School size will allow, as the floor plans indicate, administration and facility offices, classrooms for teaching and learning, meeting rooms, an auditorium, and food service facility. From a site plan and architectural image perspective, these interior functions allow more opportunity for windows and openness to enhance the exterior architectural appearance. Staff will be involved in the final exterior architectural design and material selection of this building, as well.

Project Site Statistics and Infrastructure

The combination of these three buildings is 171,801 square feet which results in Floor Area Ratio of 166% (less than the maximum 200% allowable). Setbacks for the Museum and Crummer School are proposed at 10 feet from New England and Lyman Avenues and 25 feet from Interlachen Avenue. The existing Lawrence Center office building is 10 feet from New England Avenue and the SunTrust building is 10 feet from Lyman Avenue (parking garage is 7 feet). The Alford Inn and the Residences are both 25 feet from Interlachen Avenue. Impervious coverage meets code. Building height is proposed at 42½ feet to the top of the flat roofs in lieu of the code maximum of 40 feet. There are also parapets to screen rooftop mechanical equipment.

The site will also hold a small parking lot of 38 spaces. This is to provide opportunities for convenient accessible handicapped parking, quick service deliveries and other special parking needs. Underground exfiltration beneath that parking lot area will provide the required storm water retention for this site.

Parking Analysis

There are three parking code sections that would apply to this combination of buildings. The Lawrence Center office building requires one space for each 333 sq. ft. of its 44,433 square feet or 133 spaces. Museum parking is "as determined by the City Commission" but it is expected to be largely pedestrian oriented from visitors already in the Central Business District area. The Crummer School parking is based on one space for each employee and one space for each two students, but the analysis is campus-wide.

The new Ollie parking garage has opened up the opportunity for this project (as well as the Alford expansion) by shifting about 300-350 daytime student and college employee cars from the SunTrust parking garage to the Ollie parking garage. It is also important to note that the Crummer Graduate School is primarily evening courses for a student body that is largely employed and seeking an advanced business degree. All of the Crummer students currently park in the SunTrust parking garage. When those students are there in the evening, any spaces provided for the Lawrence Center office building and SunTrust building tenants are available, as they are primarily daytime office or retail uses. There are approximately 900 spaces in the SunTrust parking garage. The times of usage with the needs of the Crummer School and Alford Hotel being primarily in the evening and the SunTrust, Lawrence Center and Alford Inn during the day, work to maximize the efficiency of the SunTrust parking garage. It is a good example of a compatible shared parking arrangement.

Rollins College has provided a parking summary of the users of the SunTrust parking garage. Their expectation is that a 200+ car surplus is available at any given time. As a result, Rollins is offering to provide parking for 25 City employees as part of the proposed Development Agreement. The College should also provide assurance that those at the Congregational Church and All Saints Episcopal Church needing parking on Sunday morning could find it in the SunTrust parking garage.

Comprehensive Plan Policy Guidance

There are no policies within the Comprehensive Plan that would be in conflict with this project, as amended. The building height of three-stories and the size (FAR) are permitted under the proposed Institutional Future Land Use designation and location within the CBD. There are Comprehensive Plan policies that generally speak to institutional facilities below, which encourages the approval of future land use map changes and conditional uses for colleges and museums. However, it is not open ended as the following policies makes those decisions based upon the conclusions that the proposed buildings are compatible with the character of the surrounding area.

Policy 1-2.4.18: New Institutional Facilities Since any new institutional facilities or expansions can only occur through Conditional Uses or Future Land Use Map changes, these proposed types of facilities such as public governmental buildings, schools, colleges or universities, public utility facilities, public parking lots, churches, museums, libraries, retirement and nursing homes, hospitals and non-profit community service facilities (excluding private clubs and lodges) may be exempted from policies in this element which discourages land use plan map changes so that appropriate future sites may be established that shall provide these public services and benefits.

Policy 1-2.4.19: Ensure Compatibility of New Community Institutional Facilities New community facility uses or expansions shall be permitted only when those facilities or uses are compatible with the character of the surrounding area, and when there is minimal additional impact over that possible by existing land use, for such factors as traffic, parking, noise, height and size of the facilities.

PLANNING AREA G: Downtown/Rollins College

Policy 1-G-11: Improvements at Rollins College & other Educational, Non-Profit or Other Institutional Entities to Avoid Adverse Impacts on Surrounding Residential Areas Improvements or expansions to the

buildings and facilities of Rollins College and other educational, non-profit or other institutional entities shall conform to existing Comprehensive Plan policies, including but not limited to the Future Land Use Map as well as Winter Park zoning regulations and standards and shall not negatively impact the surrounding residential areas.

Policy 1-G-12: Managing Expansion & Physical Improvements at Rollins College and Other Educational, Non-Profit or Other

Institutional Entities The City shall endeavor to accommodate, through conditional use reviews, the physical development building needs and campus expansion requirements through land use changes to an "Institutional" Future Land Use designation and a "Public/Quasi-Public" zoning district classification for Rollins College and other educational, non-profit or other institutional entities as long as those projects are directly related to the educational purposes of serving students and/or staff as long as those projects are compatible with adjacent residential neighborhoods and properties.

Policy 1-G-18: Maintaining the Character of Interlachen Avenue

The City shall strongly discourage any change to the future land use and zoning from low density residential to medium or high density residential on the properties on the west side of Interlachen Avenue, now designated as low density residential and future development along Interlachen Avenue shall conform to a minimum 25 foot street front setback along Interlachen Avenue for buildings and structures that is consistent with the existing pattern of development.

Future Rollins College Expansions

These Comprehensive Plan policies envision a partnership with the City and other non-profits such as Rollins College. To date, such a partnership with Rollins College envisions that the college campus, south of Fairbanks Avenue, is the focus of instruction for teaching and learning. Other ancillary facilities such as the new Physical Plant building at the end of Holt Avenue, or administrative office facilities on Fairbanks Avenue are ancillary and supportive of the primary activities of the Liberal Arts institution on the main campus.

This application has raised the policy question as to the limits of outward expansion of the Rollins College campus, as this is the first time that a teaching and instruction facility, in this case of 77,000 square feet in size, is proposed "off-campus" north of Fairbanks Avenue.

There are many valid differentiators between the Crummer Graduate School and the undergraduate program. Crummer students are in a Masters business program and most work full-time. Rollins undergraduates do not take Crummer classes except occasionally in their senior year when they are also living off-campus.

Nonetheless, this application has raised the legitimate question as to whether there are or should be any limits to the geographical expansion of Rollins College, with respect to classroom instruction and undergraduate housing. As an example, could the Miller's Hardware property be proposed as the new Social Sciences classroom building or the next dormitory. To that end, the (attached) Development Agreement provides limits to the future expansion of Rollins College with respect to undergraduate classroom instruction and undergraduate housing. Those functions will remain south of Fairbanks Avenue.

Benefit (Development) Agreement

The applicant is proposing a companion Benefit (Development) Agreement. This

Agreement contains important provisions for:

1. Providing the Conditional Use entitlements along with any conditions of approval. Those Conditional Use entitlements are to be for a period of five years (versus normal two years) due to the need for fund raising, etc.
2. Limiting the use of the Crummer Graduate School to that use and thus restricting the building from conversion to undergraduate classroom instruction.
3. Providing a restriction on any future undergraduate instruction or dormitory building(s) north of Fairbanks Avenue.
4. Providing for City employee parking (25 spaces) within the SunTrust garage. This would then allow more public parking in the lot behind City Hall.

Staff Evaluation and Recommendation

The main review criteria for the Comprehensive Plan/Zoning Map changes (increase in FAR to 200%) and the Conditional Use is the context and compatibility with the adjacent area. This block is located adjacent to the Central Business district where the C-2 zoning allows properties a similar maximum of 200% FAR. It is adjacent to the SunTrust building (FAR of 237%) and the SunTrust/Rollins parking garage (FAR of 272%). It is also adjacent to the Alford Inn (FAR of 197%) and the Residences (FAR of 447%) and Via Sienna Condominiums (FAR of 173%). Based upon these adjacent buildings with compatible FAR's and the general compatibility with the permitted FAR of the adjacent Central Business District, the planning staff is in support of this land use change and conditional use.

The planning staff understands the distinction between the Crummer "Graduate" School of Business versus the Liberal Arts focus of the Rollins "undergraduate" program and why the business school believes that a location within the Central Business District of Winter Park and apart from the undergraduate campus works for their mission and brand.

Planning and Zoning Board Minutes from January 14, 2020:

CPA #20-01; RZ #20-01 & CU #20-02: Request of Rollins College for: Ordinances to amend the Comprehensive Plan Future Land Use Map and Official Zoning Map from Office (O-1) to Institutional (PQP) and for Conditional Use approval to build a new 3-story, Rollins Museum and a new 3-story, Crummer Graduate School of Business at 200 E. New England and 203 E. Lyman Avenues.

Board Member Laura Walda recused herself from the item as she is employed by same office as counsel for the applicant.

Principal Planner Jeff Briggs explained that the item was a request of Rollins College for Comprehensive Plan Future Land Use and Zoning changes on the Lawrence Center block and Conditional Use approval to build a new three-story Rollins Museum and three-story Crummer Graduate School of Business. Mr. Briggs presented images of the Lawrence Center block and Comprehensive Plan Map showing the property designated and zoned Office. Rollins College request is that the Land use/Zoning be changed to match that of the college campus, which is an Institutional FLU category and Public Quasi Public (PQP) zoning.

Mr. Briggs explained that one difference between the two designations was the Floor Area Ratio which would change the FAR from a maximum of 45% to a potential maximum of 200 %. It was stated that the changes were key because through the

development program the density would be increased to 166% FAR, making the land use changes essential.

Mr. Briggs explained that the existing Lawrence Center four-story office building that will remain on the property to be used as "for lease" office space to third parties and not intended to transition to Rollins College use. However, redevelopment is planned for the rest of the property. He explained that the desire is to move Cornell Museum from its present, obscure location on the lakefront, to this site where more people would have an opportunity to visit the museum giving it more visibility and vitality. The other portion of the request was a new three-story Crummer Graduate School of Business measuring three-stories and approximately 79,000 square feet of building area. In addition, there would be a small parking lot at the corner of Knowles Avenue and Lyman Avenue that would serve immediate needs of visitors requiring disabled parking, deliveries and other parking needs.

Mr. Briggs explained that underground exfiltration beneath the parking lot would be used for retention. Additionally, Mr. Briggs showed preliminary elevations of the new buildings. It was noted that the elevations were intended to be preliminary as the goal of Rollins College was to gain the entitlements for the two new facilities of a museum and graduate business school. Fund raising and other design decisions would come later in the process. Thus any approval by the City would come with the condition that the final exterior elevations and materials, along with any adjustments to the landscape plan, would be brought back to P&Z for subsequent approval which was agreed to by the College.

Mr. Briggs noted that in terms of height and FAR, the project was compatible with other buildings in close proximity. Mr. Briggs discussed parking and explained that the project would primarily utilize the SunTrust garage. Rollins would be moving 300-400 students/staff from the SunTrust garage to the newly constructed Ollie parking garage on campus which would open parking opportunities to accommodate the needs of Lawrence Center and Museum employees and visitors, Crummer Graduate School students, and Alford Inn needs and still have a surplus. It was noted that most of the Crummer Graduate School classes are at night and those students park there now.

Lastly, Mr. Briggs stated that a development agreement was part of the request. He stated that Rollins College was asking for approval/entitlements to last 5 years due to the need for fund raising and further design. With the surplus parking available in the SunTrust garage, Rollins offered to provide 25 parking space for City Hall employees which would allow for additional customer and public parking behind City Hall. Additionally, Rollins' would limit the use of the Crummer Graduate School so that there would be no undergraduate classroom instruction and no dormitory construction north of Fairbanks Avenue.

Staff recommendation was for approval. There were no questions from the Board for Staff.

Rollins College President Grant Cornwell, 600 Osceola Avenue, Winter Park, FL, addressed the Board. He explained the College's vision for the Innovation Triangle in that the project was derived from the College's strategic planning process. With respect to the Cornell Museum, he stated that their art collection had grown in quality and quantity and contained approximately 5,000 pieces of fine art and it was a civic duty to share the collection with the larger community. With respect to the Crummer Graduate School, Mr. Cornwell explained that the school had been constrained in its current location and had outgrown its space. He stated that the,

faculty, dean and board of advisors were looking for The Crummer to be housed in a new facility and that the new building was very important to the Rollins College pedagogy. Lastly, he stated that the Innovation triangle encompasses three programs: Museum; Business school and Alford Inn that will provide synergy between them to serve Rollins college, and the City of Winter Park as a destination for innovation.

Rebecca Wilson, Lowndes, Drosdick, representing Rollins College thanked the Board for their consideration and noted that the college chose architect, Joseph Coriarty, for the project through a nationwide search and noted that Mr. Coriarty had previously designed the Hillstone Restaurant building in Winter Park. Ms. Wilson discussed the site plan, reiterated that the Lawrence Center was the existing four-story building on the property and most of the spaces are leased to 3rd party businesses with the College occasionally using it for "swing space" she spoke about the progression from Park Avenue to the Alford Inn and stated that currently there is a dead space between the current building and Park Avenue and the Innovation Triangle project would create a streetscape similar to Park Avenue.

Mrs. Wilson reviewed the Floor Area Ratio calculations for the Alford Inn and the Lawrence Center and presented conceptual images of the Innovation Triangle. She further discussed the Development Agreement and talked about the City code analysis as it relates to three-story buildings in the Central Business District. She reviewed the setbacks on Interlachen Avenue and briefly discussed issues related to parking. Mrs. Wilson reiterated that the final exterior elevations and landscape plans would be required to come back to the Planning & Zoning Board for final approval. Lastly, she asked to permission to address concerns made by residents during public comment.

The Board heard public comment from:

Jim Fitch, 1820 Via Genoa, Winter Park, FL who spoke in opposition of the Innovation Triangle Project citing issues related to parking and the City allowing Rollins College to lease office space at the Lawrence Center and Carmen Rasnick, 311 N. Knowles Avenue, Winter Park, FL; Ann Kelly, 520 N Phelps Avenue, Winter Park, FL.; Greg Marshall, 1625 Roundelay Lane, Winter Park, FL; and Patricia (could not hear last name in audio), 2837 Lake Baldwin Lane who spoke in favor of the project.

In addition, the Board heard public comment from William Gerber, 300 S. Interlachen Avenue, Winter Park. Mr. Gerber explained that The Residences has ten parking spaces in the current Lawrence center parking lot via easement and objected to the relocation of those spaces.

No one else from the public wished to speak. The public hearing was closed. Attorney Rebecca Wilson addressed concerns made during public comment. She stated that the Crummer Graduate School held most of its classes in the evenings which would alleviate issues related to lack of available parking during the day. Ms. Wilson confirmed that in 2011 an easement was granted for parking to the Residences which allows for the relocation of those spaces and she stated the college would work directly with The Residences on that issue.

Mrs. Wilson answered questions from the Board related to public access to the property, taxes Rollins pays for leasing office space at the Lawrence Center, lot coverage and FAR percentages, and main entrance location for the museum.

The Planning Board members voiced support for the overall concept of the project and felt that the buildings were compatible with the location proposed. They agreed that the new Ollie Garage made this possible by shifting so many student/staff cars from the SunTrust garage that the Lawrence center parking lot could be removed given the new parking capacity in the SunTrust garage.

Motion made by Laura Turner, seconded by Ray Waugh, for approval for an Ordinance to amend the future land use plan map to change the future land use designation of office to institutional on the 2.37 acres of properties at 200 E. New England Avenue and 203 E. Lyman Avenue. Motion carried unanimously with a 7-0 vote.

Motion made by Laura Turner, seconded Ray Waugh, by for approval for an ordinance to amend the official zoning map to change from Office (O-1) zoning to Public, Quasi-Public (PQP) district zoning on the 2.37 acres of properties at 200 E. New England Avenue and 203 E. Lyman Avenue. Motion carried unanimously with a 7-0 vote.

Motion made by Laura Turner, seconded Chuck Bell for Conditional Use approval to redevelop the properties at 200 E. New England Avenue and 203 E. Lyman Avenue, to build a new 3-story, 30,766 square foot, Fine Arts Museum and a new 3-story 77,189 square foot Crummer Graduate School of Business building with the following condition:

1. That the final floorplans and exterior elevations/materials of the Museum building and final exterior elevations/materials of the Crummer School building, as well as the site, landscape plan to be reviewed and subsequently approved by the Planning and Zoning Board and City Commission.

Motion carried unanimously with a 7-0 vote.

[alternatives / other considerations](#)

N/A

[fiscal impact](#)

N/A

ATTACHMENTS:

Description	Upload Date	Type
Backup Materials	1/30/2020	Backup Material
Development (Benefit) Agreement	1/30/2020	Cover Memo
Public responses, emails.	1/30/2020	Cover Memo

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" TO AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM AN OFFICE FUTURE LAND USE DESIGNATION TO AN INSTITUTIONAL FUTURE LAND USE DESIGNATION ON THE PROPERTIES AT 200 E. NEW ENGLAND AVENUE AND 203 E. LYMAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3184, Florida Statutes, establishes a process for adoption of comprehensive plans or plan amendments amending the future land use designation of property; and

WHEREAS, this Comprehensive Plan amendment meets the criteria established by Chapter 163 and 166, Florida Statutes; and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on January 14, 2020, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on February 10, 2020 and on February 24, 2020 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, 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 map designation of Office to Institutional on the properties at 200 E. New England Avenue and 203 E. Lyman Avenue, being more particularly described as follows:

Lots 1 through 7 inclusive and Lots 22 through 27 inclusive, less the West 5 feet of Lot 7 and 22, Block 59, REVISED MAP OF THE TOWN OF WINTER PARK, as recorded in Plat Book A, Pages 67 through 72, Public Records of Orange County, Florida. Also the vacated alley adjacent to the South line of Lots 1 through 7 and the North line of Lots 22 through 25. Property Tax ID's # 05-22-30-9400-59-051; 05-22-30-9400-59-220 and 05-22-30-9400-59-271.

SECTION 2. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 3. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 4. Effective Date. An amendment adopted under this paragraph does not become effective until 31 days after adoption. If timely challenged, an amendment may not become effective until the state land planning agency or the Administration Commission enters a final order determining that the adopted small scale development amendment is in compliance.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2020.

Mayor

Mayor Steve Leary

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" TO AMEND THE "OFFICIAL ZONING MAP" TO CHANGE FROM OFFICE (O-1) DISTRICT ZONING TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ZONING ON THE PROPERTIES AT 200 E. NEW ENGLAND AVENUE AND 203 E. LYMAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owners of properties at 200 E. New England Avenue and 203 E. Lyman Avenue have requested a zoning map amendment consistent with the amended Comprehensive Plan, and such municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their January 14, 2020 meeting; and

WHEREAS, the City Commission of the City of Winter Park held a duly noticed public hearing on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Winter Park Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida.

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

SECTION 1. Official Zoning Map Amendment. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation of Office (O-1) District to Public, Quasi-Public (PQP) District zoning on the properties at 200 E. New England and 203 E. Lyman Avenue, more particularly described as follows:

Lots 1 through 7 inclusive and Lots 22 through 27 inclusive, less the West 5 feet of Lot 7 and 22, Block 59, REVISED MAP OF THE TOWN OF WINTER PARK, as recorded in Plat Book A, Pages 67 through 72, Public Records of Orange County, Florida. Also the vacated alley adjacent to the South line of Lots 1 through 7 and the North line of Lots 22 through 25. Property Tax ID's # 05-22-30-9400-59-051; 05-22-30-9400-59-220 and 05-22-30-9400-59-271.

SECTION 3. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 4. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall become effective upon the effective date of Ordinance _____. If Ordinance _____ does not become effective, then this Ordinance shall be null and void.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2020.

Mayor Steve Leary

Attest:

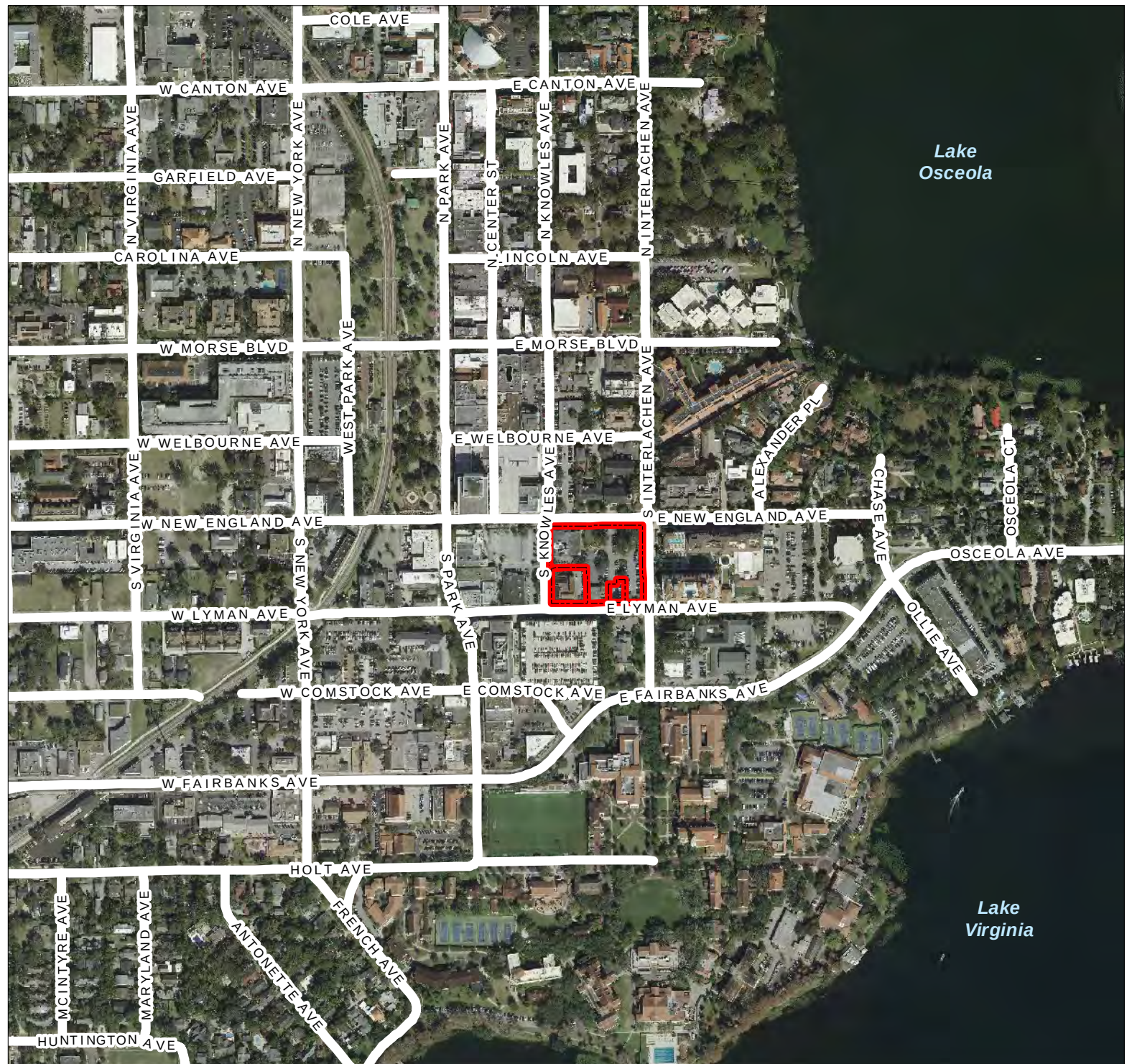
City Clerk



LOCATION MAP

200 E New England &
203 E Lyman Ave

City of Winter Park
Florida

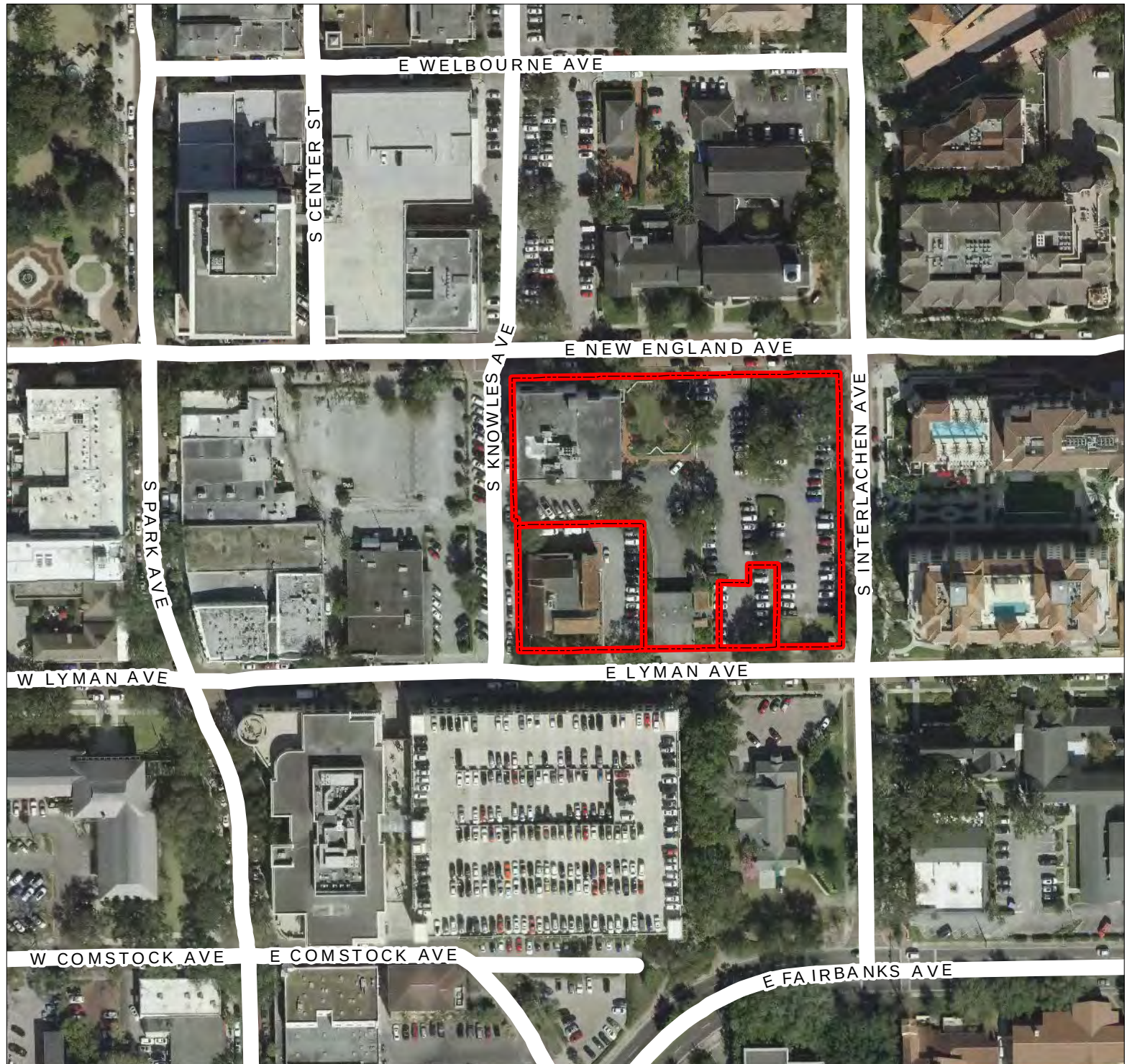




LOCATION MAP

200 E New England &
203 E Lyman Ave

City of Winter Park
Florida





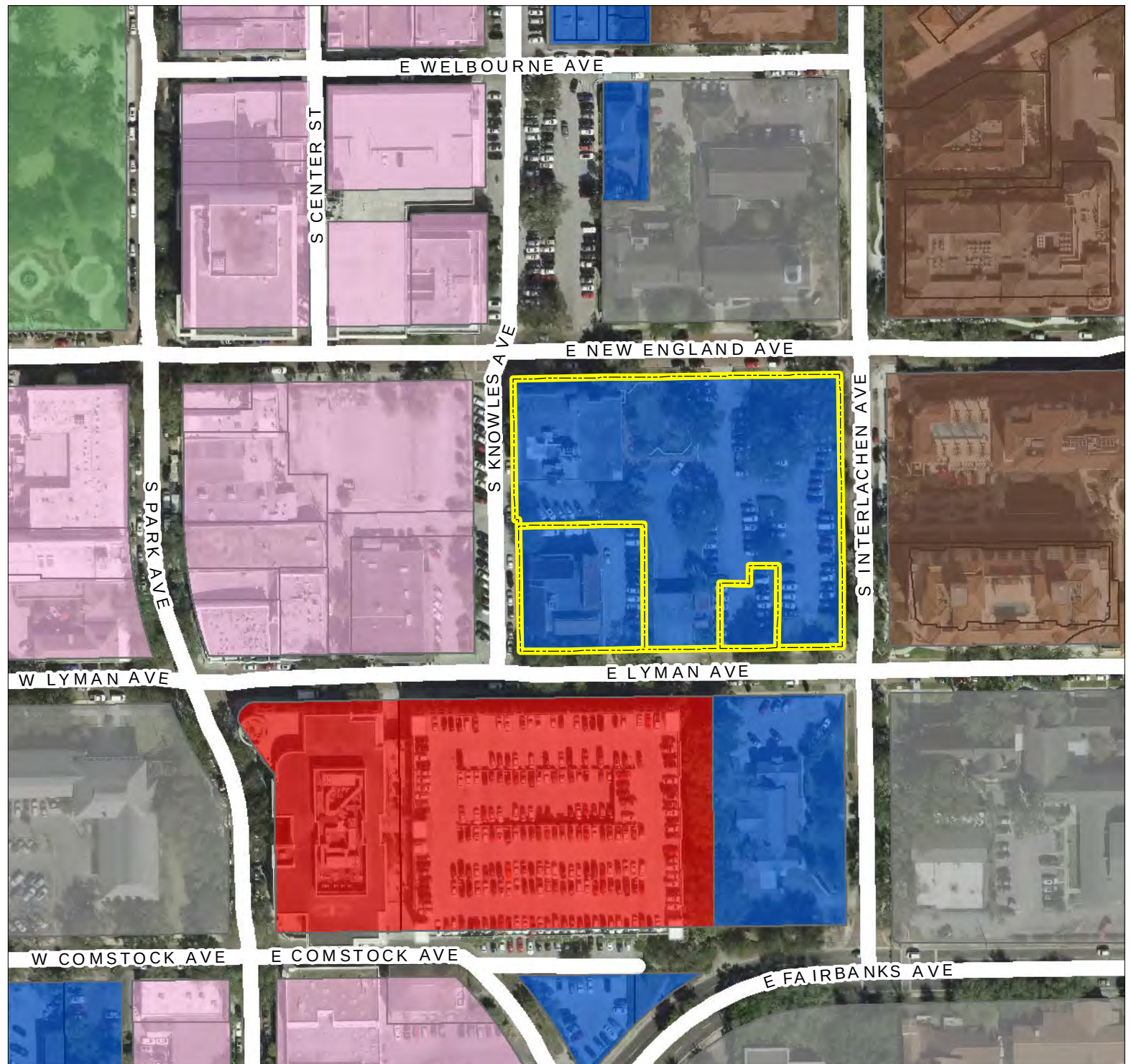
FUTURE LAND USE

200 E New England &
203 E Lyman Ave

City of Winter Park
Florida

Future Land Use

- Central Business District
- Commercial
- Office Professional
- Institutional
- High Density Residential
- Open Space Recreation





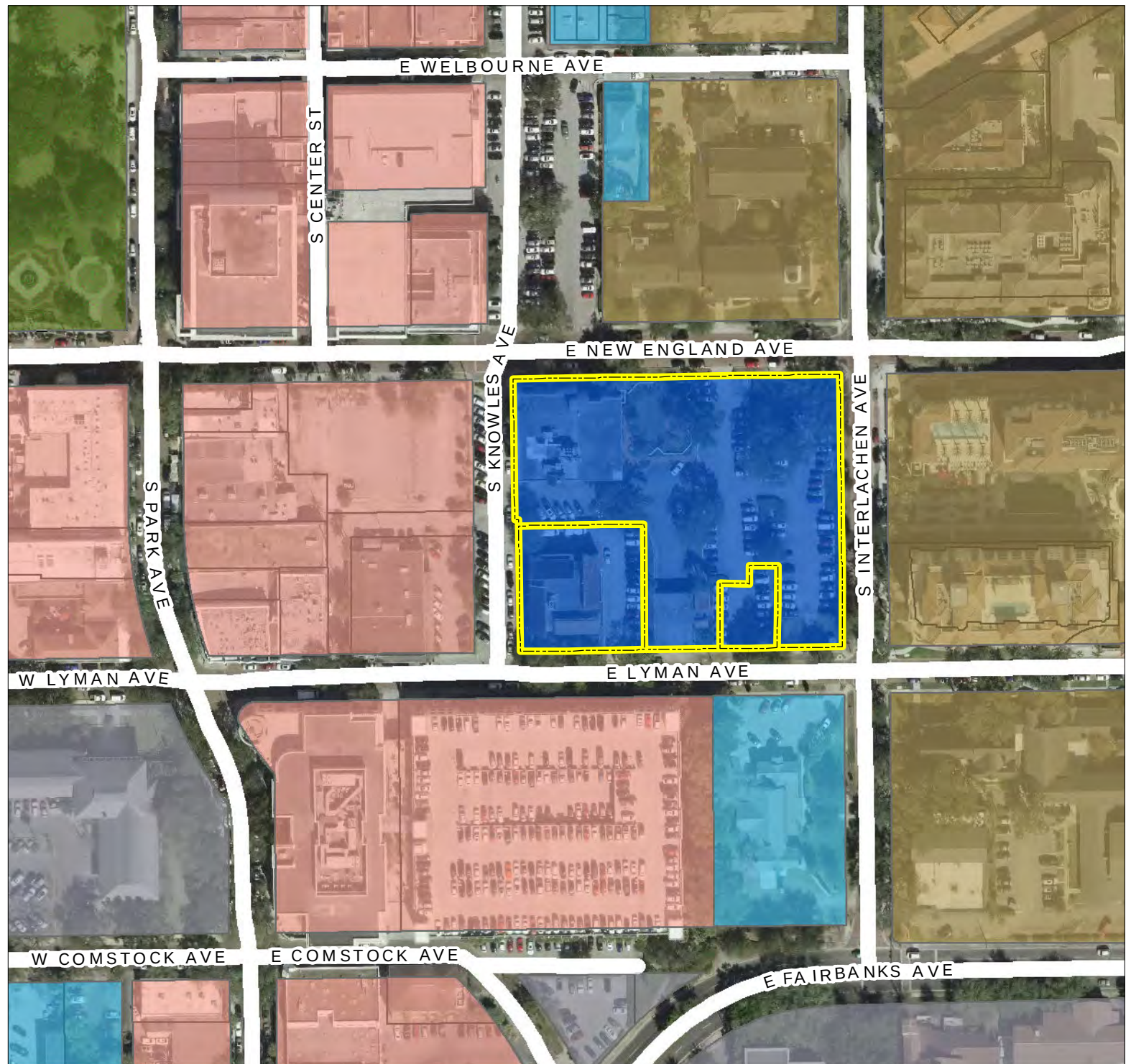
ZONING

200 E New England &
203 E Lyman Ave

City of Winter Park
Florida

Zoning

- C-2
- O-1
- O-2
- PQP
- PR
- R-4





Rollins Innovation Triangle

Preliminary Conditional Use Application

Winter Park, Florida
December 9, 2019

Project Team

Applicant
Rollins College
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Email: rvb@avconinc.com

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Orlando, FL 32803
Contact: Katy Magley
Tel.: (407) 758-9456
Email: katymagley@magleydesign.com

Sheet Index

	Cover Sheet
G-1	Process
G-2	Development Parameters
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3 of 3	Survey Topographic Details
C-200	Civil Site Plan
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L2.0	Planting Plan
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A-2	Illustrative Site Plan
A-3	Ground Level Plan
A-4	Second Level Plan
A-5	Third Level Plan
A-6	Roof Plan
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A-8	Building Elevations
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Project Information

Address:	200 E New England Ave & 203 E Lyman Ave
Legal Description:	Lots 1 through 7 inclusive and Lots 22 through 27 inclusive, less the West 5 feet of Lot 7 and 22, Block 59, REVISED MAP OF THE TOWN OF WINTER PARK, as recorded in Plat Book A, Pages 67 through 72, Public Records of Orange County, Florida. Also the vacated alley adjacent to the South line of Lots 1 through 7 and the North line of Lots 22 through 25. Together with an easement for ingress and egress being more particularly described as commencing at the Southwest corner of Lot 22, said Block 59, Revised Map of the Town of Winter Park, run South 89°59'20" East along the South line of Lots 22, 23, 24, and 27 a distance of 216.76 feet; thence North 00°16'00" East, 71.39 feet; thence South 88°20'56" East, 31.27 feet to the Point of Beginning; thence North 00°51'14" East, 19.76 feet thence North 89°19'40" West 10.0 feet; thence South 00°46'20" West 19.60 feet; thence South 88°20'56" East 10.0 feet to the Point of Beginning.
Project Description:	Construction of a new 3-story higher education building and a new 3-story museum building
Lot Size:	2.37 acres
Existing Zoning:	O-1, Office
Requested Zoning:	PQP
Planning Area:	Area G: Downtown/Rollins College
100 Yr Flood Plain:	Not Applicable

Vicinity Map



Introduction

Only a short walk from Winter Park's bustling downtown and Rollins's campus core the "Innovation Triangle" is a natural fit for a cluster of institutions that will embody a unique combination of hospitality, business, cultural activities, teaching, learning, and community engagement.

The conceptual design presented combines Crummer's and the Museum's institutional philosophies with contextual sensitivity, functionality and an aesthetic of inspiration.

With its relocation to the Lawrence Center block, the Crummer School will be able to broaden its educational programs and sponsored activities, while also provide more resources to a growing community of affiliated professionals.

Site Considerations

- This site offers both institutions a new opportunity to serve as a place for interface between Rollins College and Winter Park, as well as act as a cultural and academic destination .
- To accomplish these objectives, the project team compiled the following strategies for the site:
- Reinforce a sense of invitation, accessibility and connection that is essential to Winter Park's character as a garden city.
 - Consider surrounding context and circulation patterns, including the architectural and landscape character.
 - Activate the site to better serve both Rollins College and the Winter Park community.
- Issues addressed at both the micro and macro scale include:
- Preserving a sense of individual identity for both Crummer and the Museum while enabling them to occupy the site as a cohesive whole
 - Articulating the Innovation Triangle's role as an interface between Rollins College and Winter Park
 - Enhancing Crummer's and the Museum's connections to partner with cultural and business venues, and to each other
 - Establishing an allowable building envelope that complies with Winter Park's zoning code and comprehensive plan, as well as the Lawrence Center block master plan
- Identifying pedestrian and vehicular circulation paths, parking, and public vs. service access points from both Winter Park and the Rollins campus
 - Assessing existing circulation around and through the site, as well as entry points into adjacent buildings
 - Researching environmental conditions to inform site planning and strengthen visual and physical connections
 - Respecting and responding to the site context's existing architecture, landscape, and character

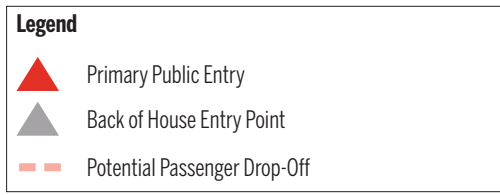


Context & Building Heights

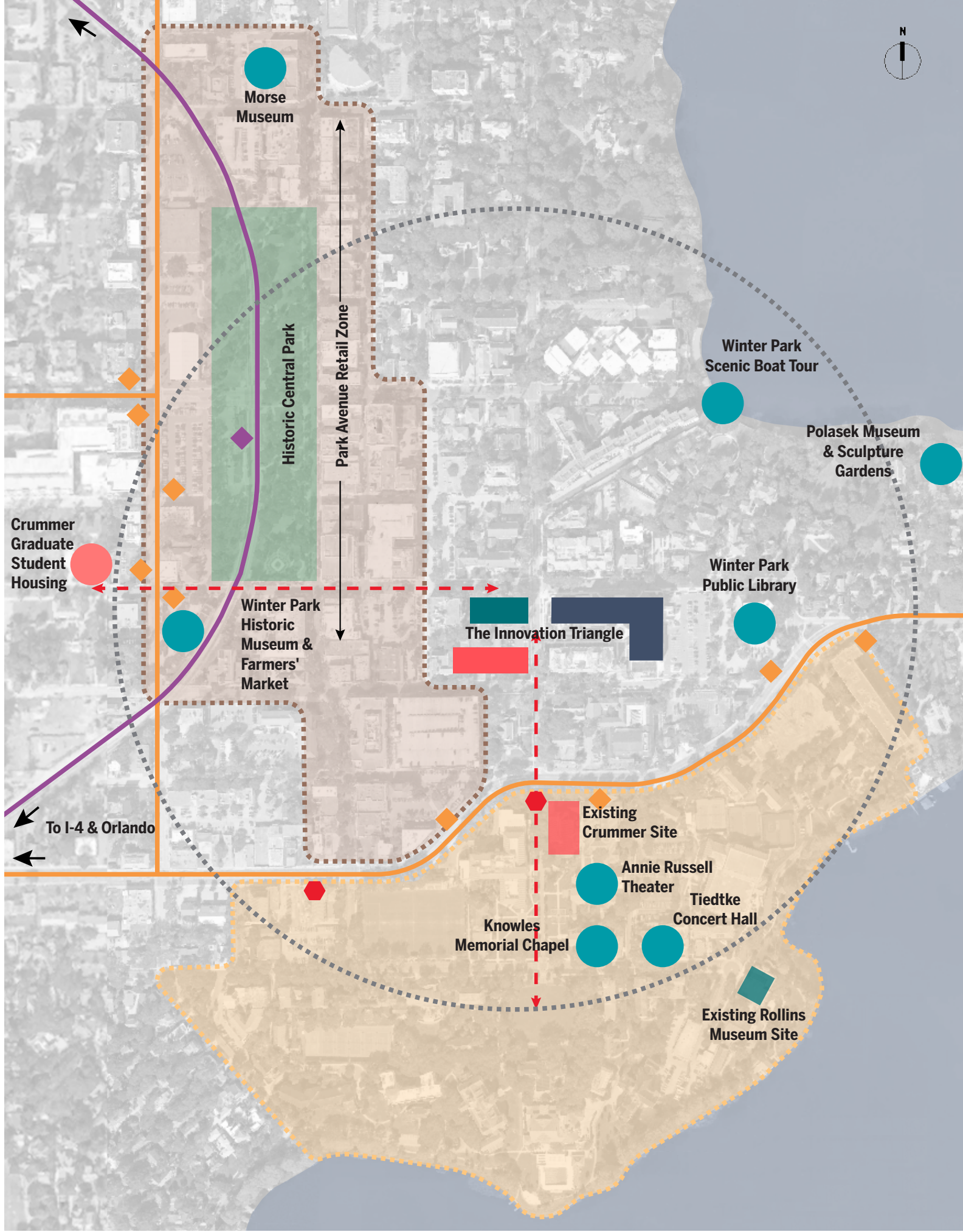
The Winter Park Zoning Code and the Comprehensive Plan mandate a maximum building height of three stories/40'-0" - 42'-6" on the proposed Museum/Crummer site. The surrounding buildings—mostly non-residential—vary significantly in height and scale. In many cases, the existing urban fabric is much taller than what is mandated by code.

Circulation and Parking:

A critical aspect of the Lawrence Center block's future development concerns circulation and parking. The diagrams at left illustrate vehicular and pedestrian circulation patterns around the site at both the local and city-wide scale. Understanding these circulation patterns helped locate public entry points, open space and access for deliveries and loading.



Connectivity



Process

The Alfond Inn



Architectural Character

In preparing a conceptual vision of the proposed Innovation Triangle complex, FF&P drew inspiration from three key vernacular references. Winter Park's downtown commercial district combines a lively street-front experience with an intimate scale that gives the city a unique sense of accessibility and invitation. Second, The Alfond Inn offers visitors and residents a promenade through social spaces



Rollins College



that feels transparent, open, and textured. Last but not least, Rollins College's historic Mediterranean-inspired architecture offers depth and detail.

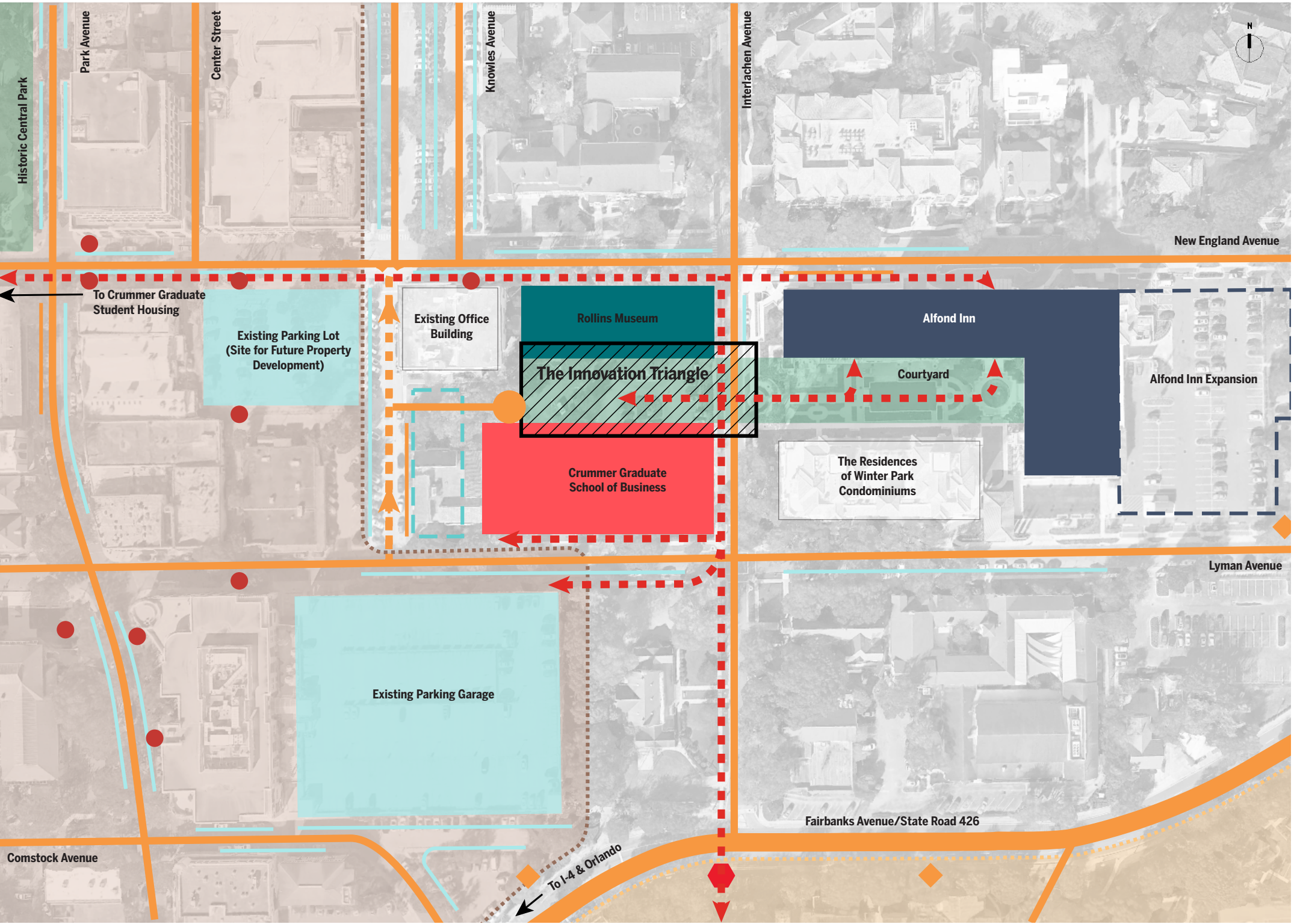


Inspiration

Drawing on the salient vernacular references, the design team also drew inspiration from other sources, both historic and contemporary. Key concepts found in the examples cited here include: proportion of solid and void, rhythm and syncopation, simplicity and transparency, and layering and setbacks,



(Left to Right)
Colby College Museum of Art - Alfond Lunder Family Pavilion (FF&P)
Walter L Dodge House (Irving Gill)
Oceanside Museum of Art Expansion (Irving Gill, FF&P)
The Bishop's School (Irving Gill)



As illustrated at right and left Crummer and the Rollins Museum are currently located on the Rollins College campus. Although both institutions are affiliated with the College, they are unique in that they serve constituencies that extend to the greater Central Florida area and beyond.

Relocation brings the Museum within a five-minute walk from downtown and improves the Museum's connection to Winter Park's other cultural and recreational venues, including its satellite art collection in The Alfond Inn.

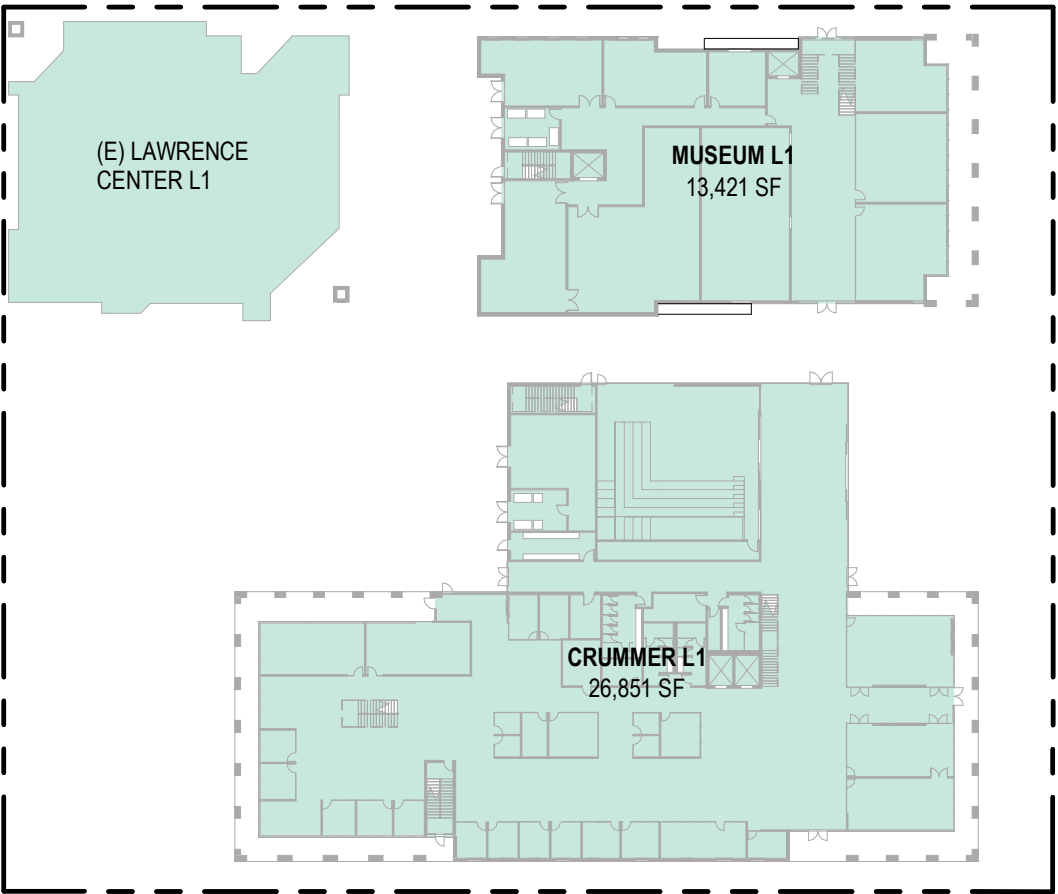
In the new location, both institutions will be easily reached via public transit, and proximity to more parking greatly facilitates vehicular access.

FAR Calculations

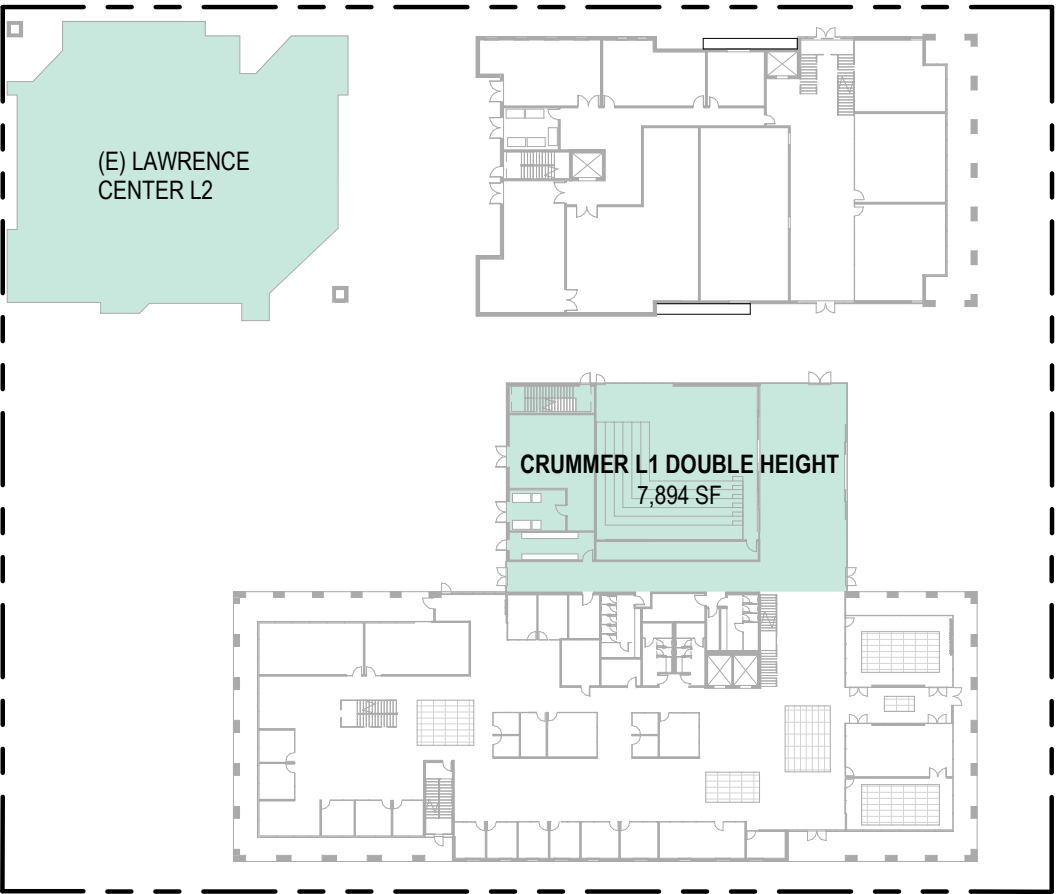
ALLOWABLE GSF

LOT AREA: 103,187 SF
200% FAR: 206,344 SF

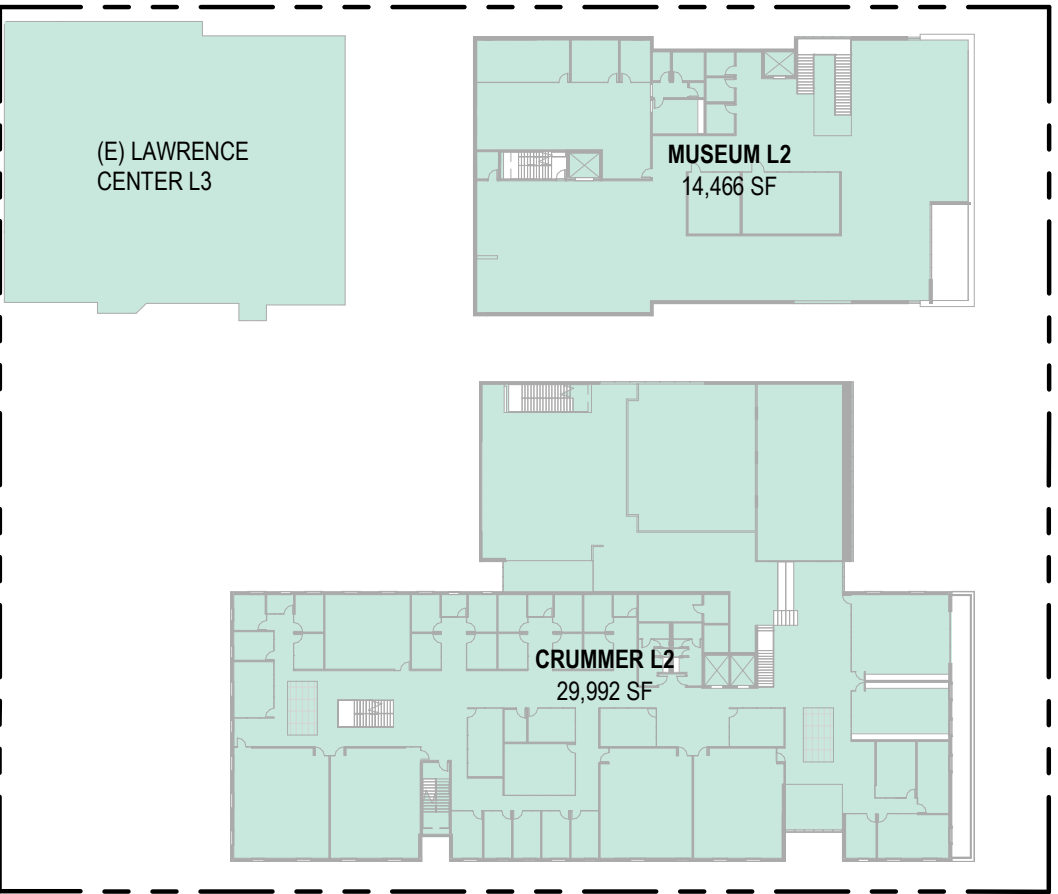
PROVIDED GSF	
Name	Area
(E) LAWRENCE CENTER	44,433 SF
CRUMMER L1	26,851 SF
CRUMMER L1 DOUBLE HEIGHT	7,894 SF
CRUMMER L2	29,992 SF
CRUMMER L3	20,346 SF
MUSEUM L1	13,421 SF
MUSEUM L2	14,466 SF
MUSEUM L2 DOUBLE HEIGHT	11,517 SF
MUSEUM L3	2,879 SF
	171,801 SF
	166% FAR



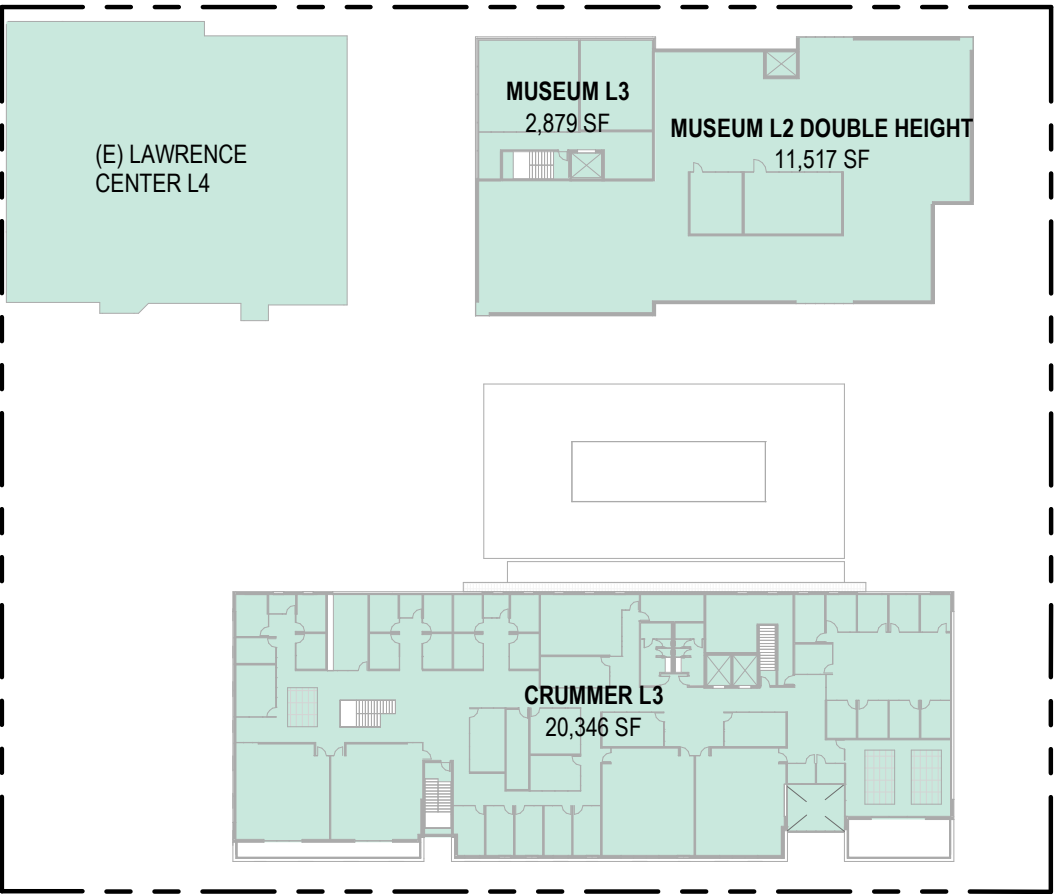
FAR - LEVEL 1



FAR - LEVEL 1 DOUBLE HEIGHT

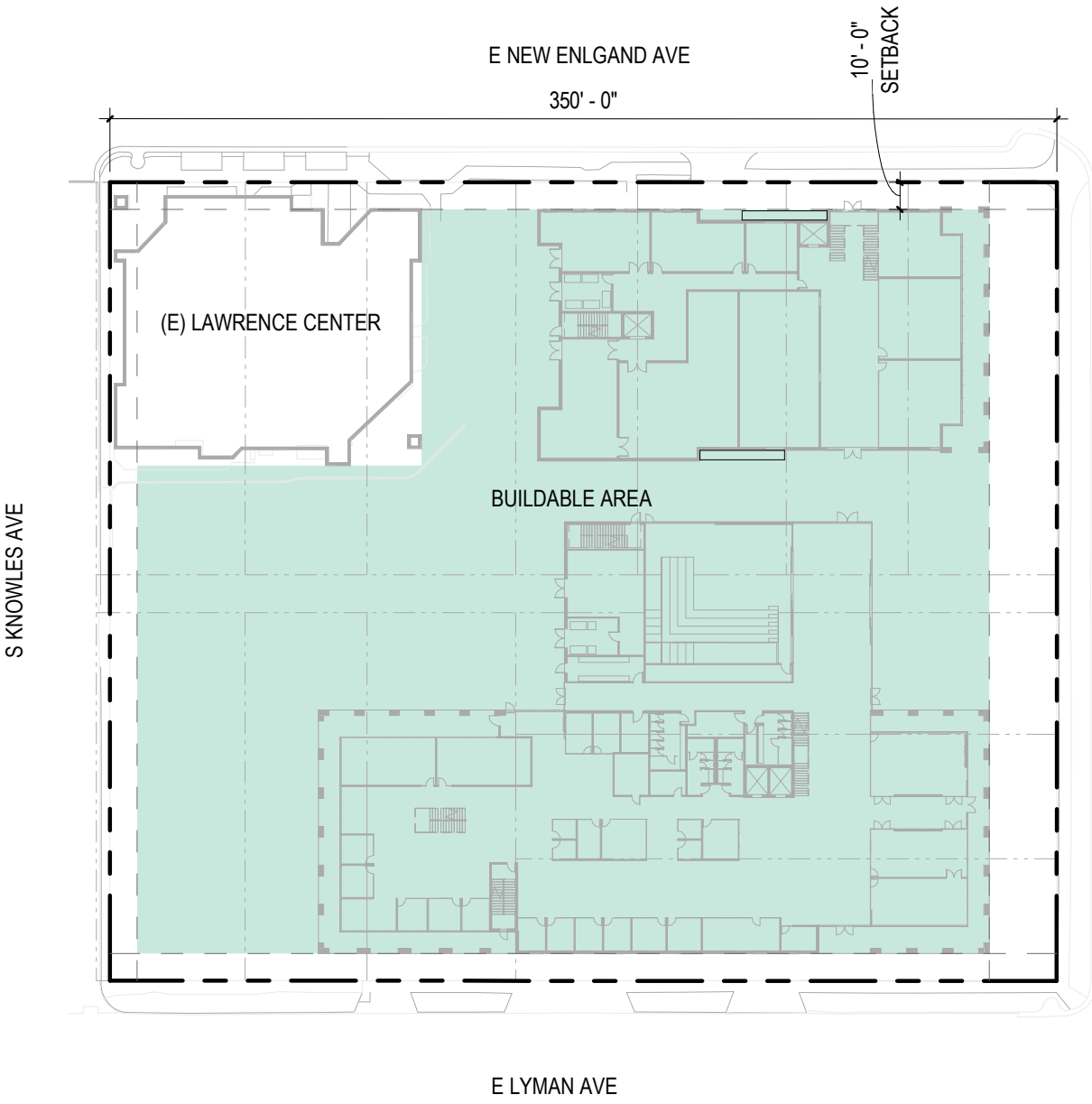


FAR - LEVEL 2



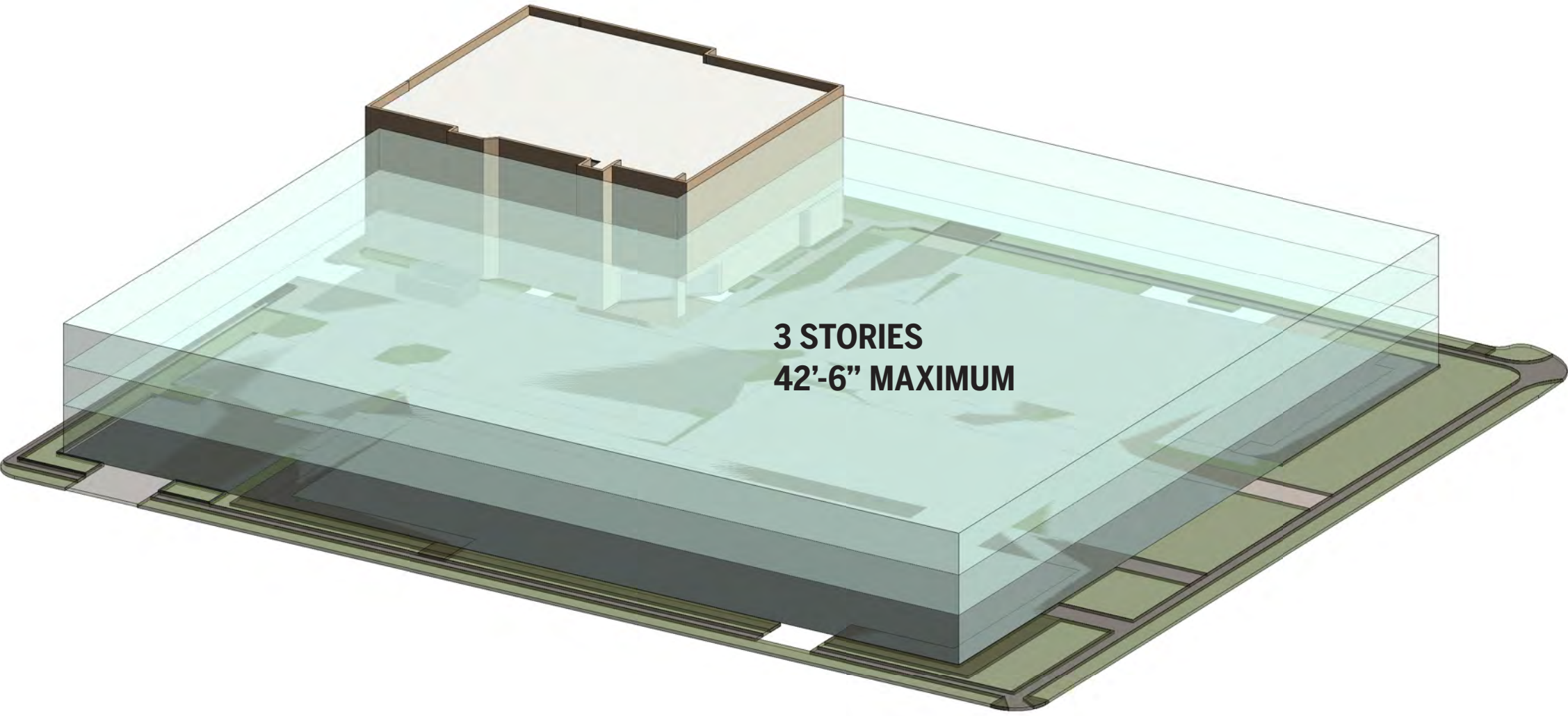
FAR - LEVEL 3

Allowable Building Envelope

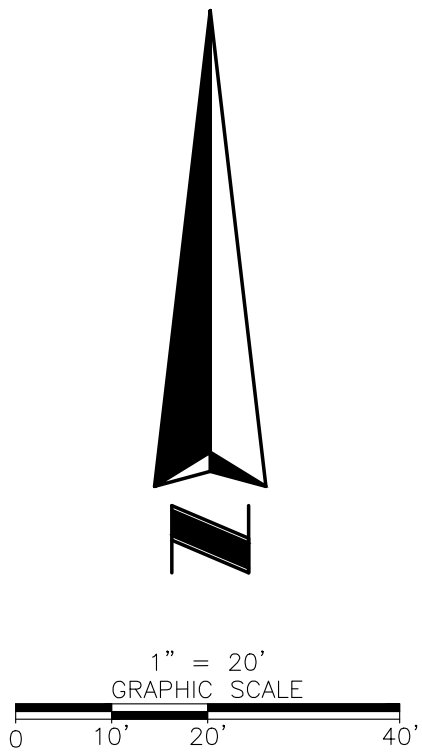
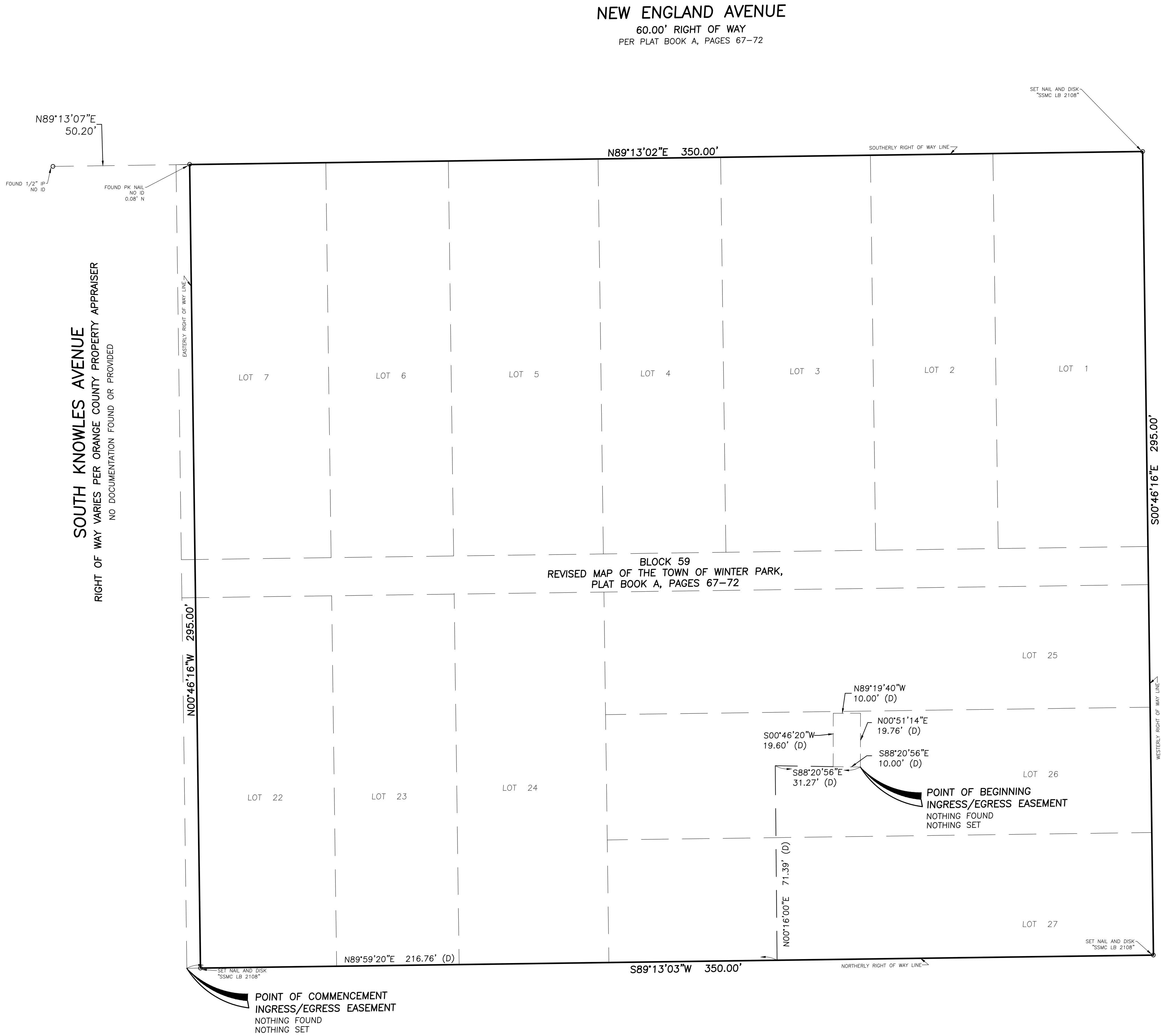


SETBACKS

	Required	Provided
Allowable Uses:	Colleges, Museums	College, Museum
FAR / Intensity	PQP Zone: 200% FAR	166% FAR
Maximum Height:	PQP Zone: 3 Stories, 40'-0" 3 Requested Variance: 42'-6"	stories, 42'-6" 3 Stories, 42'-6"
Setbacks:	Front (street facing frontages): 10'-0" Interlachen Ave: 25'-0"	New England Ave & Lyman Ave: 10'-0" Interlachen Ave: 25'-0" Knowles: 77'-0"



BUILDABLE ENVELOPE



Boundary & Topographic Survey	
Project:	Lawrence Center 200 E New England Ave. & 203 E Lyman Ave.
Field Date:	October 04, 2018
Drawn By:	AJ
Scale:	1" = 20'

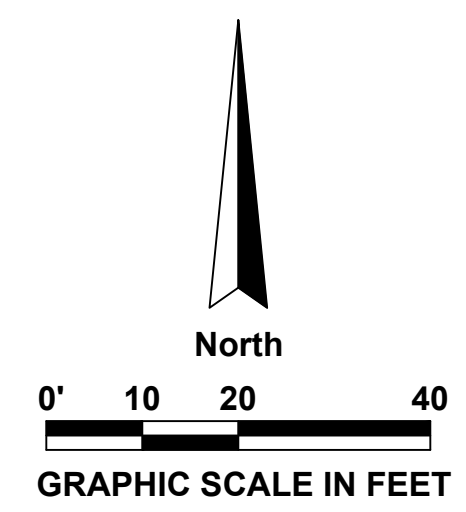
SEE SHEET 1 FOR NOTES,
LEGEND AND DESCRIPTION.

DRAWING NUMBER
59409002
SHEET
NUMBER
2 OF 3

REVISION DATE	REVISION	BY

**SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION**
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e-mail: info@southeasternsurveying.com
Certification Number: 1252106

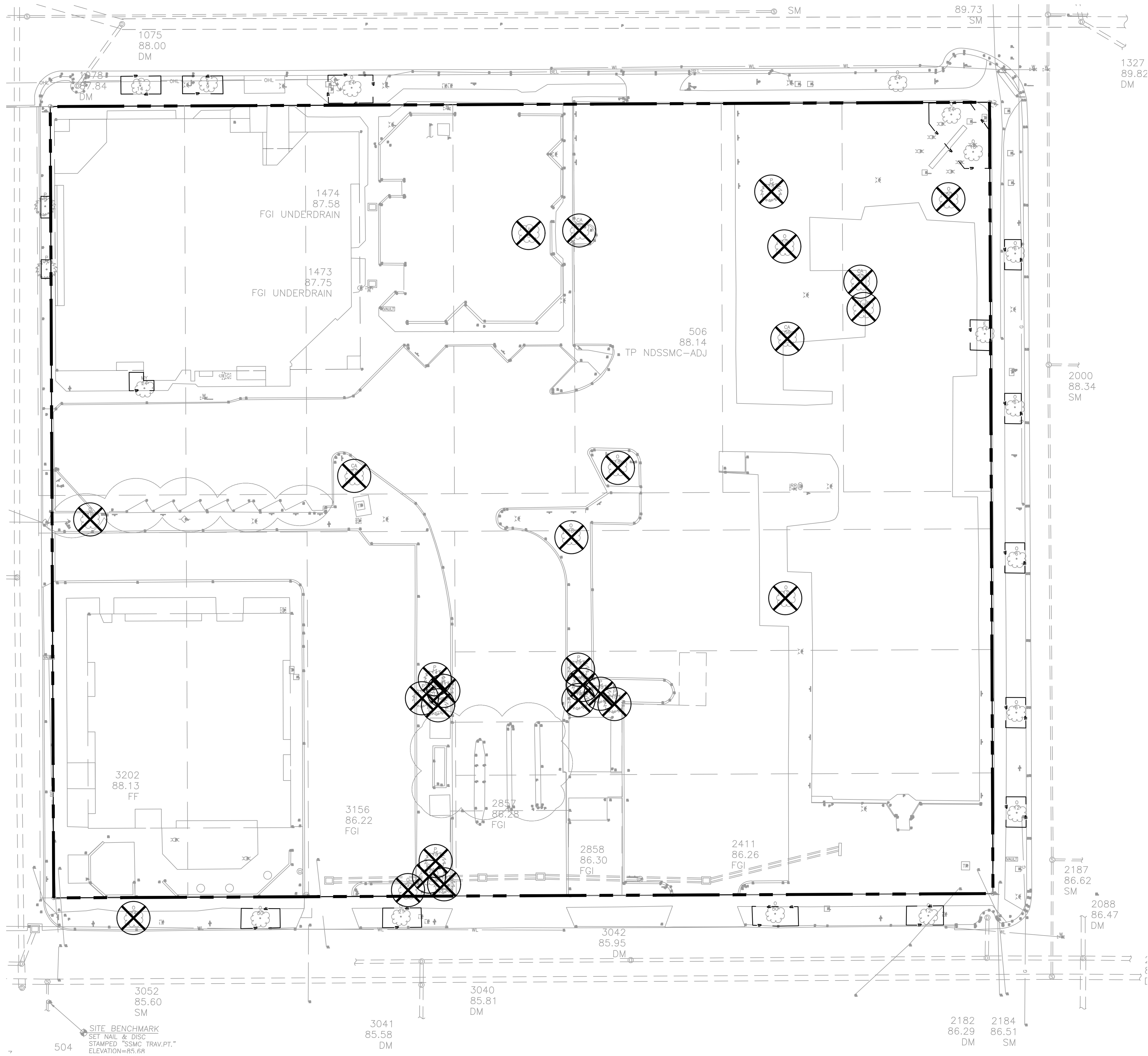
SHEET NUMBERS 2 OF 3
SHEET NUMBER 2
NOT VALID WITHOUT SHEETS
1 THROUGH 3



	ASPHALT PAVEMENT
	ADA PARKING
	CONCRETE AREAS
	PARKING COUNT
	PAVER AREAS
	THROUGH LANE—USE ARROW (FDOT INDEX No. 17346)
	SINGLE—COLUMN SIGN
	WHEEL STOP

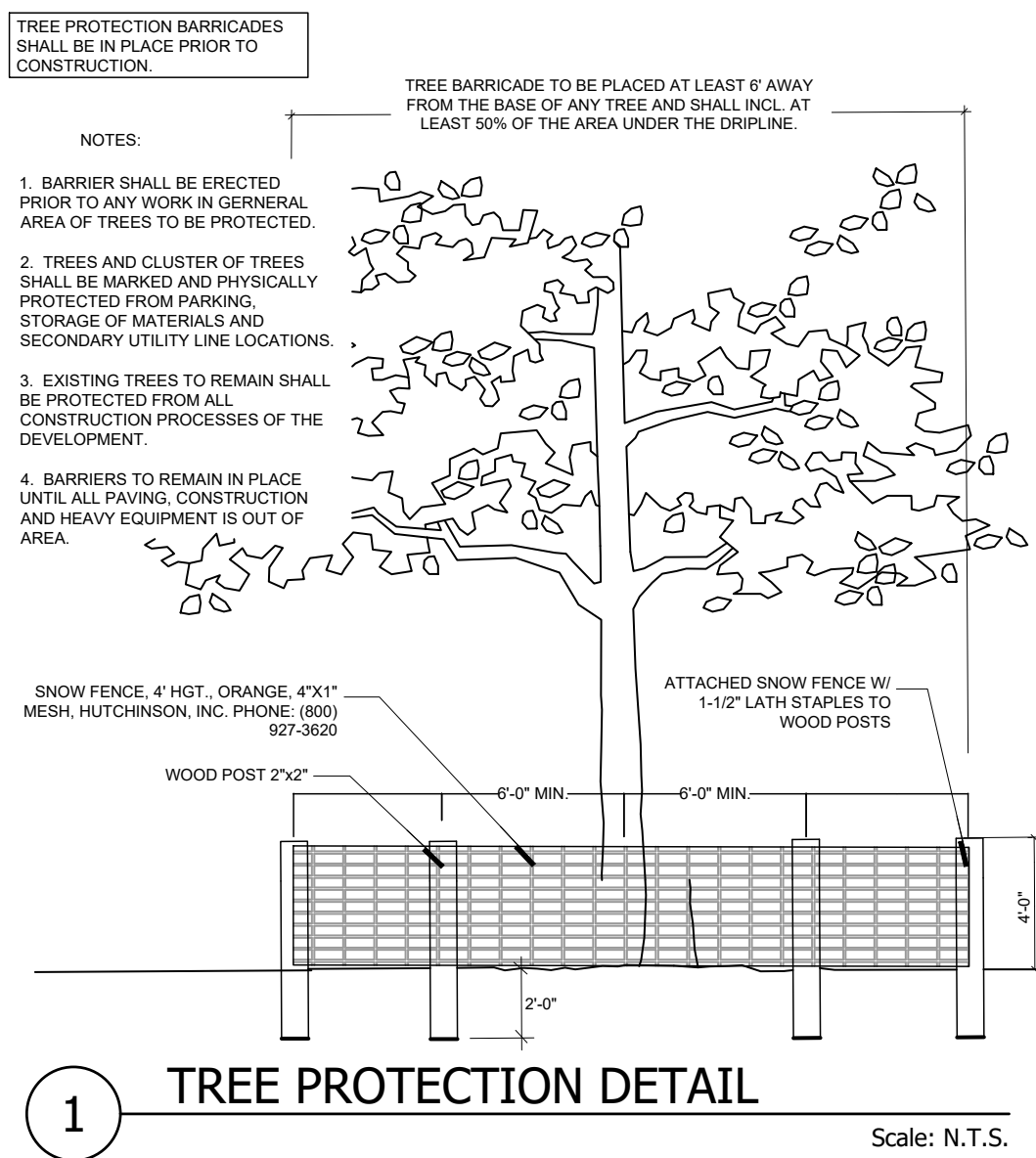


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TREE REPLACEMENT CALCULATIONS

Caliper	Species	Qty.	Replacement
24	OAK	1	
9	OAK	1	
12	OAK	1	
11	PALM	0	
7	PALM	0	
14	PALM	0	
10	PALM	0	
10	PALM	0	
10	PALM	0	
10	PALM	0	
10	PALM	0	
10	PALM	0	
12	OAK	1	
18	OAK	1	
18	OAK	1	
72	CAMPBOR	0	
19	OAK	2	
36	CAMPBOR	0	
30	CAMPBOR	0	
8	DRAKE ELM	1	
18	DRAKE ELM	1	
30	CAMPBOR	0	
10	OAK	1	
18	PALM	0	
30	OAK	2	
TOTAL		13	REQUIRED REPLACEMENT TREES (3" CAL MIN.)
		16	PROVIDED

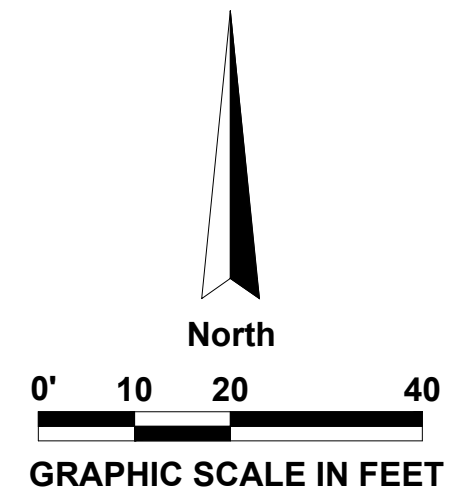
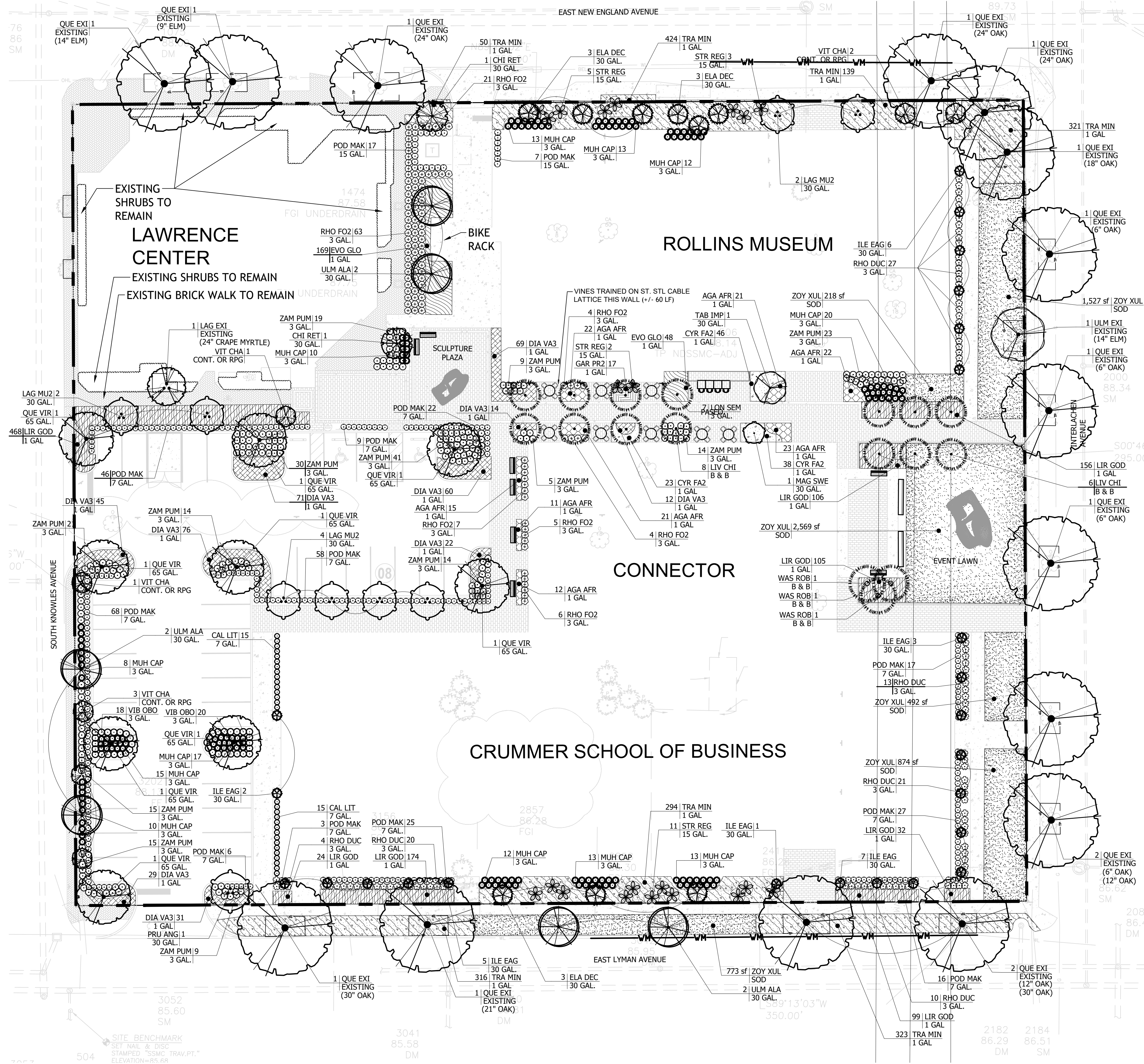


- LEGEND
- TREE TO REMAIN/ TREE BARRICADE (REFER TO DETAIL FOR ACTUAL DIMENSIONS FROM TRUNK)
 - TREE TO BE REMOVED



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PLANT SCHEDULE SITE										
TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT.	CAL/DBH	SPECIFICATION	WATER USAGE	NATIVE	REMARKS	
CHI RET	2	CHIONANTHUS RETUSUS	CHINESE FRUNGE TREE	30 GAL.	1.75" CAL	7' HT MIN X 48" SPR MIN	LOW-MEDIUM		FULL	
ELA DEC	9	ELAEOCARPUS DECIPENS TM	JAPANESE BLUEBERRY TREE	30 GAL.	1.75" CAL	6' H X 3' S	LOW-MEDIUM	NO	SINGLE, STRAIGHT TRUNK, FULL TO GROUND	
ILE EAG	24	ILEX X ATTENUATA 'EAGLESTON'	EAGLESTON HOLLY	30 GAL.	1.5" CAL	8' H X 4' S	LOW	YES	SINGLE, STRAIGHT TRUNK, FULL TO GROUND	
LAG MU2	8	LAGERSTROEMIA X 'MUSKOGEE'	LAVENDER CRAPE MYRTLE	30 GAL.		8' H X 4' S	LOW-MEDIUM	NO	MULTI-TRUNK, FULL	
MAG SWE	1	MAGNOLIA VIRGINIANA	SWEET BAY	30 GAL.	1.5" CAL COMB MIN	8' H X 3' S	MEDIUM-HIGH	YES	SINGLE, STRAIGHT TRUNK, FULL	
PRU ANG	1	PRUNUS ANGUSTIFOLIA	CHICKASAW PLUM	30 GAL.	2" CAL		LOW	YES	MULTI-TRUNK, FULL	
QUE VIR	9	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	65 GAL.	3.5" CAL	15' H X 8' S	LOW-MEDIUM	YES	SINGLE, STRAIGHT TRUNK, FULL	
TAB IMP	1	TABERBUA IMPETIGINOSA	PINK TRUMPET TREE	30 GAL.	1.5" CAL	10' H X 6' S	LOW	NO	SINGLE, STRAIGHT TRUNK, FULL	
ULM ALA	6	ULMUS ALATA	WINGED ELM	30 GAL.	2" CAL	10' H X 4' S	LOW-HIGH	NO	SINGLE, STRAIGHT TRUNK, FULL	
VIT CHA	7	VITEX AGNUS-CASTUS	CHASTE TREE	CONT. OR RPG	1.5" CAL	6' H X 3' S	LOW	YES		
EXISTING TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT.	CAL/DBH	SPECIFICATION	WATER USAGE	NATIVE	REMARKS	
LAG EXI	1	LAGERSTROEMIA SPP.	EXISTING CRAPE MYRTLE	EXISTING	N/A		LOW-MEDIUM	NO	EXISTING	
QUE EXI	15	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	EXISTING						
ULM EXI	1	ULMUS PARVIFOLIA 'DRAKE'	DRAKE ELM	EXISTING						
PALM TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT.	CAL/DBH	SPECIFICATION	WATER USAGE	NATIVE	REMARKS	
LIV CHI	14	LIVISTONA CHINENSIS	CHINESE FAN PALM	8 & B	14" CAL	18' CT	LOW	NO	HEAVY, SINGLE, STRAIGHT TRUNK, MATCHED	
WAS ROB	1	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	8 & B	18" CAL	8' CT	LOW	NO	HEAVY, STRAIGHT TRUNK VOID OF DAMAGE, BOOTS INTACT	
	1	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	8 & B	22" CAL	12' CT	LOW	NO	HEAVY, STRAIGHT TRUNK VOID OF DAMAGE, BOOTS INTACT	
	1	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	8 & B	22" CAL	16' CT	LOW	NO	HEAVY, STRAIGHT TRUNK VOID OF DAMAGE, BOOTS INTACT	
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT.	-	SPECIFICATION	WATER USAGE	NATIVE	REMARKS	
GAL LIT	30	CALLISTEMON VIMINALIS 'LITTLE JOHN'	DWARF BOTTLE BRUSH	7 GAL.		16" HT X 12' S	LOW-MEDIUM	NO	FULL	
MUH CAP	156	MUHLENBERGIA CAPILLARIS	PINK MUHLY	3 GAL.		18" H X 16' S	LOW-HIGH	YES	FULL	
POD MAK	24	PODOCARPUS MACROPHYLLUS MAKI	SHRUBBY YEW	15 GAL.		42" HGT. X 24" WIDE	LOW-MEDIUM	NO	FULL	
	297	PODOCARPUS MACROPHYLLUS MAKI	SHRUBBY YEW	7 GAL.		30" HGT. X 18" SPD.	LOW-MEDIUM	NO	FULL	
RHO DUC	95	RHODODENDRON AZALEA 'DUC DE ROHAN'	DWARF PINK AZALEA	3 GAL.		14" H X 12" S	LOW	YES	FULL	
RHO FO2	110	RHODODENDRON AZALEA 'FORMOSA'	LARGE PURPLE AZALEA	3 GAL.		16" H X 16" S	LOW	YES	FULL	
STR REG	21	STRELITZIA REGINAE	BIRD OF PARADISE	15 GAL.		36" H X 24" S	LOW-MEDIUM	NO	HEAVY, FULL	
VIB OBO	38	VIBURNUM OBOVATUM	WALTER'S VIBURNUM	3 GAL.		14" H X 12" S	LOW	YES	FULL	
ZAM PUM	229	ZAMIA PUMILA	COONTIE	3 GAL.		12" H X 12" S	LOW	YES	FULL, 9 LEAVES MIN.	
VINE/ESPA LIER	QTY	BOTANICAL NAME	COMMON NAME	CONT.	-	SPECIFICATION	WATER USAGE	NATIVE	REMARKS	
LON SEM	7	LONICERA SEMPERVIRENS	CORAL HONEYSUCKLE	3 GAL.		18" H X 24" S	LOW-MEDIUM	YES	FULL, 5 RUNNERS MIN., TRAINED ON TRELLIS	
GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	CONT.	-	SPECIFICATION	WATER USAGE	NATIVE	SPACING	REMARKS
AGA AFR	147	AGAPANTHUS AFRICANUS	LILY OF THE NILE	1 GAL.		12" O.A.	LOW	NO	18" o.c.	FULL
CYR FA2	107	CYRTOMIUM FALCATUM	HOLLY FERN	1 GAL.		12" H X 12" S	MED	NO	18" o.c.	FULL
DIA VA3	429	DIANELLA TASMANICA 'VARIEGATA'	FLAX LILY	1 GAL.		12" H X 12" S	LOW	NO	18" o.c.	FULL
EVO GLO	217	EVOLVULUS GLOMERATUS	BRAZILIAN DWARF MORNING GLORY	1 GAL.		10" H X 12" S	LOW	NO	18" o.c.	FULL
GAR PR2	17	GARDENIA JASMINOIDES 'RADICANS'	DWARF GARDENIA	1 GAL.		10" H X 12" S	LOW	NO	20" o.c.	FULL
LIR GOD	1,164	LIRIOPE MUSCARI 'EMERALD GODDESS'	EMERALD GODDESS LILYTURF	1 GAL.		12" H X 12" S	MEDIUM	NO	15" o.c.	FULL
TRA MIN	1,867	TRACHELOSPERMUM ASIATICUM 'MINIMA'	VARIEGATED DWARF JASMINE	1 GAL.		10" H X 12" S	LOW-MED	NO	18" o.c.	FULL, 5 RUNNERS MIN.
SOD/SEED	QTY	BOTANICAL NAME	COMMON NAME	CONT.	-	SPECIFICATION	WATER USAGE	NATIVE	SPACING	REMARKS
ZOY XUL	6,454 SF	ZOYSIA X 'EMPIRE'	EMPIRE ZOYSIA	SOD		PALLET OR ROLLED		NO		SOD, FREE OF WEEDS



JAMES R MAGLEY, RLA
FL # LA0001300



Landscape Architecture • Site Planning • Project Management
1817 E. Washington St. • Orlando, FL 32803 • 407.898.0223

Rollins Innovation
Triangle

16008.04

200 EAST NEW ENGLAND AVENUE,
WINTER PARK, FL 32789

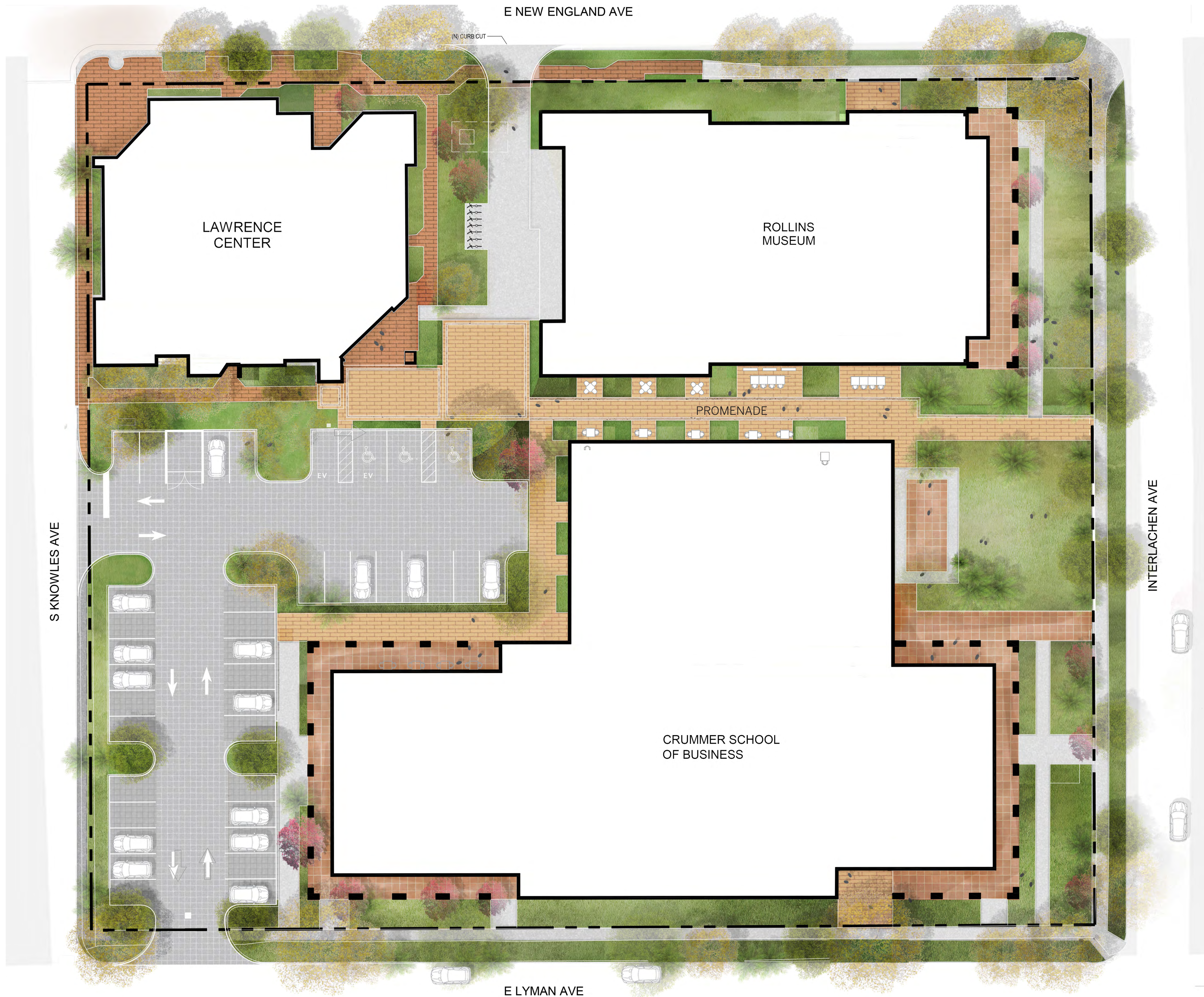
**Frederick
Fisher and
Partners**
12248 Santa Monica Blvd.
Los Angeles, CA 90025

ISSUED FOR DATE
C.U.P. 10-31-19
C.U.P. REVISIONS 12-09-19

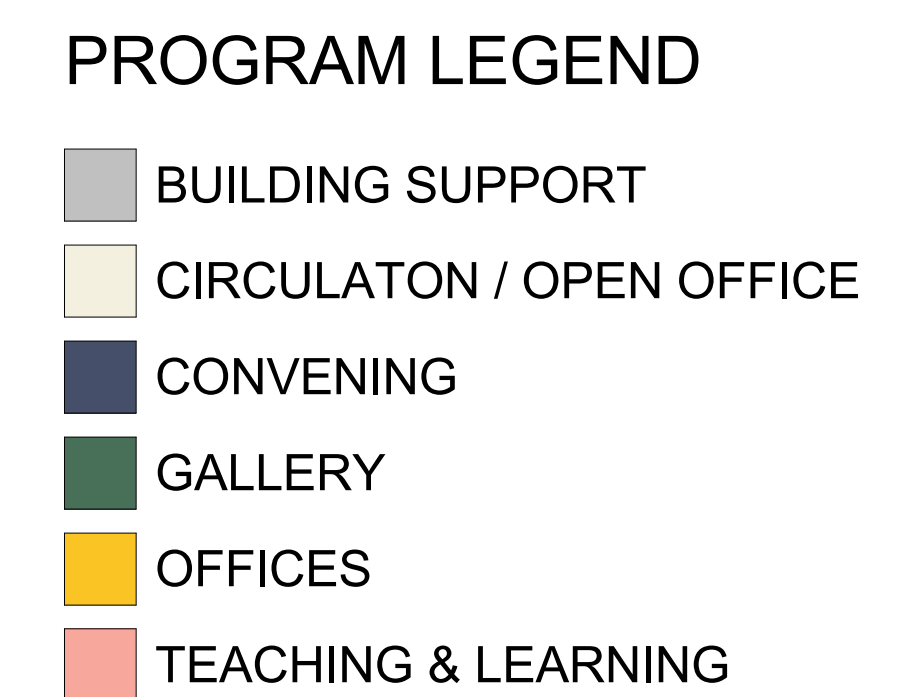
PLANTING PLAN

SCALE: AS NOTED

L2.0



Illustrative Site Plan





Third Level Plan



PARKING GARAGE AT
SUNTRUST PLAZA

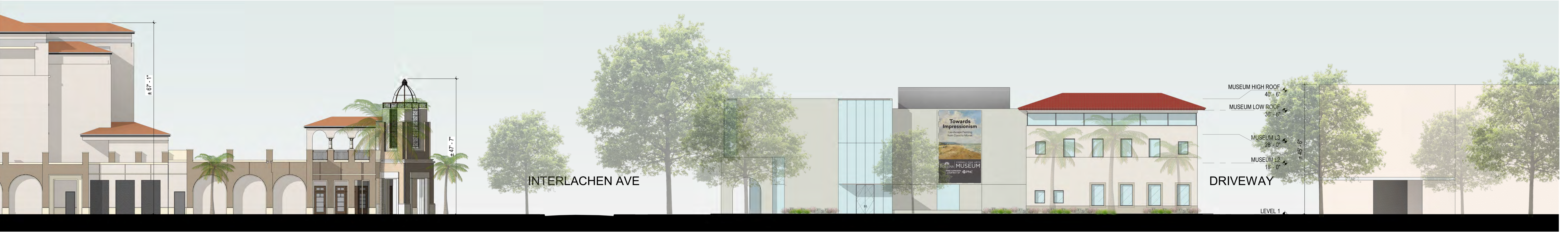
CRUMMER SCHOOL OF BUSINESS

CONNECTOR

ROLLINS MUSEUM

FIRST CONGREGATIONAL
CHURCH OF WINTER PARK

ELEVATION - EAST



ALFOND INN

ROLLINS MUSEUM

LAWRENCE CENTER

ELEVATION - NORTH



ELEVATION - SOUTH

CRUMMER SCHOOL OF BUSINESS

THE RESIDENCES OF WINTER PARK



FIRST CONGREGATIONAL CHURCH OF WINTER PARK

ROLLINS MUSEUM

CONNECTOR

CRUMMER SCHOOL OF BUSINESS

PARKING GARAGE AT SUNTRUST PLAZA

ELEVATION - WEST



PROMENADE ELEVATION - NORTH

CRUMMER SCHOOL OF BUSINESS



PROMENADE ELEVATION - SOUTH

ROLLINS MUSEUM

Building Elevations

**View of Courtyard
from Interlachen Ave**



**View of Museum
from Interlachen Ave &
New England Ave**





**View of Museum
from New Enlgand Ave**



**View of Business School
from Lyman Ave**

From: [Owen Beitsch](#)
To: [Kim Breland](#)
Subject: [External] FW: Rollins College Innovation Triangle Project
Date: Monday, November 25, 2019 11:10:49 AM
Attachments: [image001.png](#)
[image002.png](#)

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks contained in the email, verify the real address by hovering over the link with your mouse. Do not open attachments from unknown or unverified sources.]

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From: Sam Stark <SSTARK@Rollins.edu>
Sent: Monday, November 25, 2019 11:02 AM
To: Sam Stark <SSTARK@Rollins.edu>
Cc: Becky Hopkins <RMHOPKINS@Rollins.edu>
Subject: Rollins College Innovation Triangle Project

EXTERNAL E-MAIL MESSAGE

Hello P&Z Board Members,

As you may know by now, Rollins recently submitted plans to the City to complete our “Innovation Triangle” project. The project on the Lawrence Center property, just west of the Alford Inn, will be the new home of our famous Cornell Fine Arts Museum and our top-ranked Crummer Graduate

School of Business.

If you are interested in walking through the project and plans with me, I would be delighted to meet before the January P&Z meeting. Please let me and Becky Hopkins, copied on this email, know what works for you in December and I will meet you wherever it's convenient for you.

Thanks for your work and service to the City. I hope to see you soon.

Best regards,
SAM

Sam Stark
Vice President, Communications & External Relations
Rollins College



November 21, 2019

Mayor and Commissioners
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

Dear Mayor and Commissioners,

On behalf of the Board of Directors of the Winter Park Chamber of Commerce, I urge you to support Rollins College's proposal for the final phase of Innovation Triangle. The Chamber Board agrees with President Cornwell that the Samuel B. Lawrence Center property is "primed for change" that will enhance the business district, college and the city.

A new Rollins Museum of Art and a relocated Crummer Graduate School of Business on the property, all in proximity to The Alford Inn, would create a dynamic area that brings together beauty, art, hospitality, business and academia.

We believe Rollins College is a Winter Park jewel – with a world-class reputation and a beautiful campus that enhances our community. It partners seamlessly with the City, Chamber, old guard, young people, business leaders and the community at large. Our Board of Directors voted unanimously to support this project as it aligns with our mission to convene people and ideas. We look forward to welcoming guests to this impressive collaborative center.

Warmest Regards,

Betsy Gardner Eckbert, IOM
President / CEO

407.644.8281

151 West Lyman Ave.
Winter Park, FL 32789

WinterPark.org

**COMMUNITY BENEFIT AGREEMENT
(Rollins College)**

This **COMMUNITY BENEFIT AGREEMENT** (the “Agreement”) is made and entered into the ____ day of _____, 2020, between the **City of Winter Park, Florida**, a Florida municipality (“**City**”), whose address is 401 Park Avenue South, Winter Park, Florida 32789; **Rollins College**; a Florida non-profit corporation (“**Rollins College**”), whose address is 1000 Holt Avenue, Winter Park, Florida 32789 and Holt Properties LLC, a Florida limited liability company (“**Holt Properties**”), whose address is 1000 Holt Avenue, Winter Park, Florida 32789.

WHEREAS, Rollins College is a not-for-profit university located in the City which owns approximately fifty-six (56) acres which is used as its main campus (the “Main Campus”);

WHEREAS, in addition to the Main Campus, Rollins College owns additional property in the City;

WHEREAS, Rollins College and Holt Properties own the properties bounded by S. Interlachen Avenue on the east, S. Knowles Avenue on the west, E. Lyman Avenue on the south and New England Avenue on the north known as the “Lawrence Center Block” as set forth on **Exhibit “A”** attached hereto;

WHEREAS, the Lawrence Center Block is currently developed as a 44,433 square foot office building (the “Lawrence Center Building”), with drive-thru tellers, 125 surface parking spaces and an 18,486 square foot administration building;

WHEREAS, Rollins College desires to redevelop the property to include preservation of the Lawrence Center Building, a new Crummer Business School, the relocation of the Cornell Fine Arts Museum, an outdoor plaza, and 30 surface parking spaces (“Innovation Triangle”).

WHEREAS, the City desires to ensure the orderly redevelopment of the Lawrence Center in a manner compatible with Winter Park’s Central Business District and village character;

WHEREAS, Rollins College has submitted a request to amend the City’s Comprehensive Plan from Office to Institutional, amend the Official Zoning Map from O-1 to PQP and receive a Preliminary Conditional Use Permit for approvals to build Innovation Triangle;

NOW, THEREFORE, in consideration of the premises thereof, the promises and provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City, Rollins College and Holt Properties LLC agree as follows:

1. Incorporation of Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Agreement.

2. Approved Lawrence Center Block Use.

(a) Lawrence Center Building. Rollins College and Holt Properties may continue to use the Lawrence Center Building for leases to third-parties for office use and

for Rollins College administrative use. Portions of the building which may be converted to College administrative use may be converted back to third-party office use.

(b) Crummer School of Business Administration. Rollins College may develop the Lawrence Center Block with up to 79,000 square feet for use as the Crummer School of Business Administration. The Crummer School of Business use is intended to predominately serve those students who are enrolled in a Masters of Business Administration program. There will be no regularly scheduled undergraduate classes at the Crummer School of Business Administration.

(c) Cornell Museum of Art. Rollins College may develop the Cornell Museum of Art up to 32,000 square feet for use as an art gallery and museum. The Cornell Museum of Art may host learning experience for Rollins students but it may not hold regularly scheduled classes.

3. Parking. The Lawrence Center Block surface parking lot contains a minimum of 30 parking spaces. In addition, and in compliance with City Code Section 58-86(3)(f), parking will be provided for Lawrence Center Building, Crummer School of Business and the Museum in the SunTrust Garage owned by Rollins College as described on Exhibit "B" ("SunTrust Garage").

4. City Parking License. Rollins College agrees to grant to the City a Parking License for the purpose of City employee parking for up to 25 spaces in the SunTrust Garage. These spaces are unassigned and available to City employees from 9:00 am to 5:00 pm Monday through Friday. This City Parking License shall terminate in the event that 401 Park Avenue South is no longer used as City Hall.

5. Ad valorem Taxes. Currently the Lawrence Center Block is divided into property which is assessed ad valorem taxes (the Lawrence Center Building and associated surface parking) and property which is exempt from property tax assessments due to its not-for-profit status (existing administrative building and associate parking to be demolished). Since Rollins College and Holt Properties will continue to use the Lawrence Center Building for third-party leasing, the parties agree that Rollins College will create a separate tax parcel to include the existing Lawrence Center Building and relocated surface parking lot as shown on Exhibit "C" ("New Tax Parcel"). Note that the final dimensions and location of the New Tax Parcel is subject to Final CUP and engineering. Rollins College and Holt Properties agree to maintain the New Tax Parcel as subject to Orange County Property Appraiser ad valorem taxes for period of not less than twenty (20) years from the creation of the New Tax Parcel.

6. Rollins Ownership. Rollins College and Holt Properties own various properties north of Fairbanks Avenue in Winter Park which are not part of the Main Campus or Innovation Triangle. These properties as currently owned, are listed on Exhibit "D" (the "North Fairbanks Properties"). Rollins College and Holt Properties agree that these properties and any properties purchased by Rollins north of Fairbanks Avenue will continue to be used as commercial and offices both leased to third-parties and used by Rollins College administration (but not for student instruction or dormitories) for a period not less than twenty (20) years.

7. Conditional Use Permit. In exchange for the obligations set forth herein, the City agrees that the Preliminary Conditional Use Permit shall be valid for a term of five (5) years from the Effective Date of this Agreement.

8. Effective Date. This Agreement shall become effective upon the adoption of Ordinance 2020-XX (Comp Plan Amendment); Ordinance 2020-XX (Zoning Ordinance) and City Commission approval of the Preliminary Conditional Use Permit submitted on November 4, 2019, and the expiration of all appeal periods.

9. Notices. Any notice delivered with respect to this Agreement shall be in writing and shall be deemed to be delivered (whether or not actually received) (i) when hand delivered to the person(s) hereinafter designated, or (ii) upon deposit of such notice in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the person at the address set forth opposite the Party's name below, or at such other address or to such other person as the party shall have specified by written notice to the other Party delivered in accordance herewith:

As to City: City of Winter Park
Attn: City Manager
401 Park Avenue South
Winter Park, Florida 32789

And a Copy to: Fishback Dominc Law Firm
Attn: Kurt Ardaman
1947 Lee Road
Winter Park, Florida 32789

As to Rollins and Holt Properties: Rollins College
Attn: Ed Kania
1000 Holt Avenue
Winter Park, Florida 32789

And a Copy to: Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
Attn: M. Rebecca Wilson
215 N. Eola Drive
Orlando, Florida 32801

10. Amendment. Except as expressly provided herein, this Agreement contains the entire agreement between the parties and may not be changed, modified, amended, waived, or cancelled except by an amendment in writing and executed by each of the parties hereto.

11. Recording. This Development Agreement may be recorded in the official records of Orange County, Florida, at the time and expense of Rollins College.

12. Counterparts and Facsimile Signatures. This Agreement may be executed in one or more counterparts each of which shall be deemed an original but all of which together shall constitute one and the same instrument. This Agreement may be executed by facsimile or .pdf

electronic signature by any party and such signature will be deemed binding for all purposes hereof without delivery of an original signature being thereafter required.

13. Applicable Law and Jurisdiction. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Each party agrees that any action or proceeding with respect to this Agreement may only be brought in a federal or state court situated in Orange County, Florida, and by execution and delivery of this Agreement, such party irrevocably consents to jurisdiction and venue in each such court.

14. Binding Nature. This Agreement inures to the benefit of and is binding upon the successors or assigns in interest or the legal representatives of the parties hereto.

(SIGNATURES ON FOLLOWING PAGES)

WITNESSES:

CITY OF WINTER PARK, FLORIDA, a
Florida municipality

Print Name: _____

By: _____

Name: _____

Title: _____

Print Name: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by _____, as _____ of the City of Winter Park, Florida, a Florida municipality, on behalf of the municipality. He (She) ☐ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

WITNESSES:

ROLLINS COLLEGE, a Florida non-profit corporation

Print Name: _____

By: _____

Name: _____

Title: _____

Print Name: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by _____, as _____ of Rollins College, a Florida non-profit corporation, on behalf of the corporation. He (She) ☐ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

WITNESSES:

HOLT PROPERTIES LLC, a Florida
limited liability company

Print Name: _____

By: _____

Name: _____

Title: _____

Print Name: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by _____, as _____ of Holt Properties LLC, a Florida limited liability company, on behalf of the company. He (She) ☐ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

EXHIBIT "A"
Lawrence Center Block

Lots 1 through 7 inclusive and Lots 22 through 27 inclusive, less the West 5 feet of Lot 7 and 22, Block 59, REVISED MAP OF THE TOWN OF WINTER PARK, as recorded in Plat Book A, Pages 67 through 72, Public Records of Orange County, Florida. Also the vacated alley adjacent to the South line of Lots 1 through 7 and the North line of Lots 22 through 25.

Together with an easement for ingress and egress being more particularly described as commencing at the Southwest corner of Lot 22, said Block 59, Revised Map of the Town of Winter Park, run South 89°59'20" East along the South line of Lots 22, 23, 24, and 27 a distance of 216.76 feet; thence North 00°16'00" East, 71.39 feet; thence South 88°20'56" East, 31.27 feet to the Point of Beginning; thence North 00°51'14" East, 19.76 feet thence North 89°19'40" West 10.0 feet; thence South 00°46'20" West 19.60 feet; thence South 88°20'56" East 10.0 feet to the Point of Beginning.

EXHIBIT "B"
SunTrust Garage

The East 339.40 feet of Lot 1 of 400 Park Avenue South Plat Book 43, Page 119 of the Public Records of Orange County, Florida.

(Parcel ID# 07-22-30-00-33-00-011)

EXHIBIT "C" New Tax Parcel

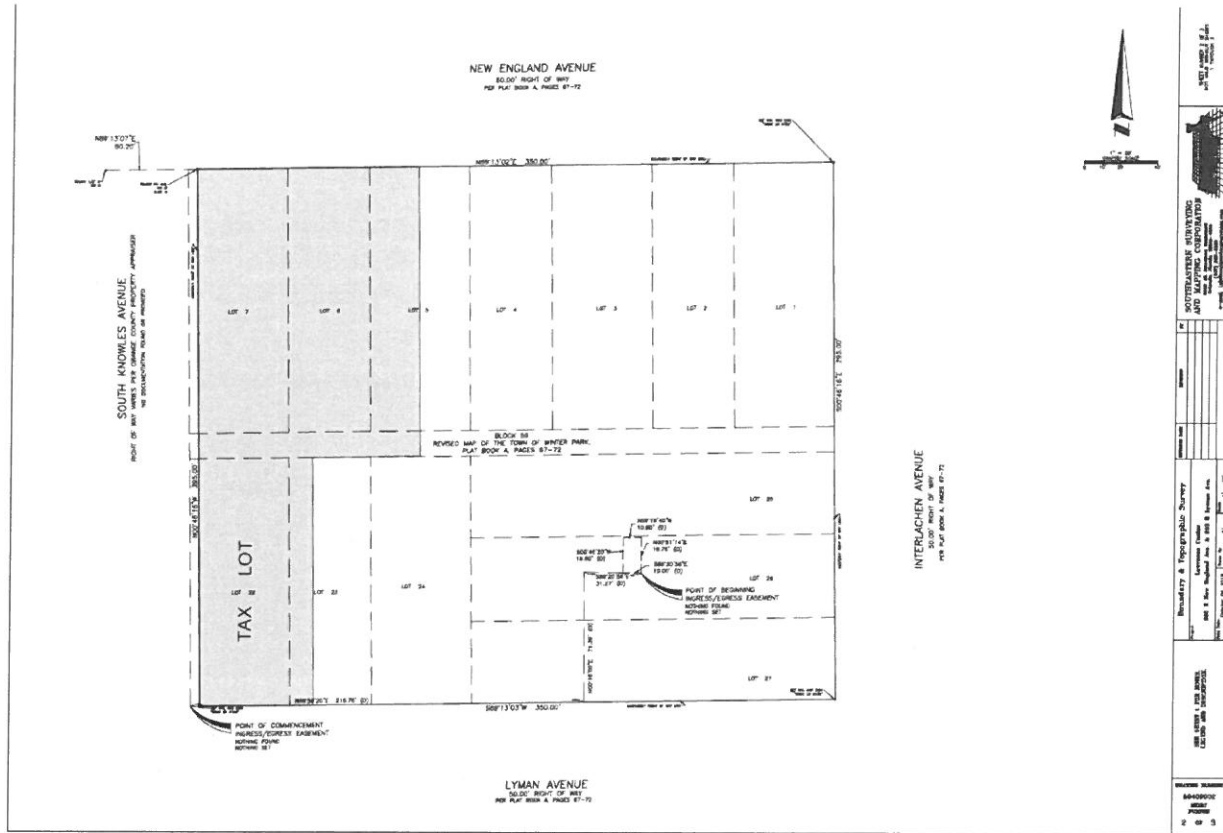


EXHIBIT "D"
North Fairbanks Properties

<u>Building</u>	<u>Address</u>
SunTrust Plaza	400 S. Park Ave., Winter Park, FL
Hamilton Holt School	311 W. Fairbanks Ave, Winter Park, FL
Apartment unit	238 Welbourne Ave., Winter Park, FL
Apartment unit	262 W. Welbourne Ave, Winter Park, FL
Apartment unit	316 W. Welbourne Ave., Winter Park, FL
Apartment unit	308 W. Welbourne Ave., Winter Park, FL
Apartment unit	1625 Ridgewood Ave, Winter Park, FL
Graduate Apartments	210 S. Virginia Ave, Winter Park, FL.
Graduate Apartments	273 W. New England Ave., Winter Park, FL.
Rosen Family Center	E. Lyman Ave, Winter Park, FL
Comstock Building	E. Comstock Ave., Winter Park, FL
Rollins College offices	203 E. Lyman Ave., Winter Park, FL
Alfond Baseball Stadium	700-800 Aragon Ave., Winter Park, FL.



**EDYTH BUSH
CHARITABLE FOUNDATION**

January 9, 2020

Mr. Jeffrey Briggs
Principal Planner
City of Winter Park
401 Park Avenue, South
Winter Park, FL 32789

Dear Mr. Briggs:

Our relationship with Rollins College and the City of Winter Park began over 70 years ago when Archibald Granville Bush and Edyth Bush arrived by train. There to greet them at the train station were Dr. Hugh McKean and Jeanette McKean, the President and First Lady of Rollins College, and the rest was history. Today, the Edyth Bush Charitable Foundation is the third largest donor in the 135 history of Rollins College and the number one donor to the Roy E. Crummer Graduate School of Business. The Foundation was the catalyst for Rollins College acquiring what is now known as the Samuel B. Lawrence Center property during the 1990's.

I write you with our enthusiastic and strong support for the Rollins College Innovation Triangle proposal and the creation of a new George D. and Harriet W. Cornell Fine Arts Museum and Roy E. Crummer Graduate School of Business. President Grant Cornwell and the Rollins College Board of Trustees are making significant and strategic investments in the future of the College, the City of Winter Park and the State of Florida.

The Cornell Fine Arts Museum is one of America's finest college museums. The Museum became Florida's first college museum to be accredited by the American Alliance of Museums, and one of only four AAM accredited museums in greater Orlando. Its location, nestled in the college campus on Lake Virginia, is charming but is stifling its impact. The growth of its collection, the physical requirements of today's museums and its lack of accessibility by the residents and visitors to Winter Park compel the College to make the Cornell Museum part of the Innovation Triangle proposal. As you know, museums bring a desirable aesthetic and economic impact to a community. As the Orlando Museum of Art considers a move to Lake Nona, it would not be hard to imagine the Cornell's move to Loch Haven Park, downtown near the Dr. Phillips Center or Lake Nona.

It is vitality important that the Roy E. Crummer Graduate School of Business be a part of the Innovation Triangle proposal. The Crummer School is the number one rated graduate school of business in the state of Florida and ranked 44th in the nation. Its faculty, curriculum and impact have been critically important to developing the human resources necessary for the success of

Address: 199 E. Welbourne Avenue, Suite 100, Winter Park, FL 32789

Phone: (407) 647-4322 | Fax: (407) 647-7716 | Web Address: www.edythbush.org

Edyth Bush Charitable Foundation is honored to administer the following Funds:

Richard J. Conlee Fund | H. Clifford Lee Fund

Mr. Jeffrey Briggs
January 9, 2020
Page Two

Lockheed Martin, Disney, Darden and many other publicly held companies in Central Florida and across the state. More importantly, the Crummer School has enhanced the skills and success of individual entrepreneurs and their privately held companies, such as DePrince, Race & Zollo, Finrock, Massey Services and many other independent businesses that are the backbone of our regional economy. All of this, however, is threatened due to the changing nature of the MBA curriculum, the physical needs of a modern school of business and accessibility to global business and their leaders.

The Crummer school needs to be located alongside the Alford Inn and as part of the Innovation Triangle to stave off the above-mentioned challenges and secure the school's future. Business students and business leaders are fundamentally different than undergraduate students. They are serious and committed. They require a modern learning environment with ease of location, hospitality and other amenities that the main Rollins campus cannot provide. As part of the Innovation Triangle, business students and business leaders will be exposed to the true essence of Winter Park with a relaxing stay at the Alford Inn and a short walk to Park Avenue to see all it has to offer. When they are thinking about where to start their business, expand their business or move their personal residence, our community will be top of mind. Without this bold vision and investment, the Crummer School could lose its number one ranking in Florida, falling off the top 50 list and shuttering its MBA program, like the University of Illinois, Wake Forest, Virginia Tech and others.

The success of Winter Park depends on the success of Rollins Collins, and the success of Rollins College depends on the success of Winter Park. I urge you to approve the Innovation Triangle proposal.

Sincerely,



David A. Odahowski
President and CEO

DAO/jnb

cc: Grant H. Cornwell, Ph.D.
President
Rollins College
1000 Holt Avenue, 2711
Winter Park, FL 32789-4499



November 21, 2019

Mayor and Commissioners
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

Dear Mayor and Commissioners,

On behalf of the Board of Directors of the Winter Park Chamber of Commerce, I urge you to support Rollins College's proposal for the final phase of Innovation Triangle.

The Chamber Board agrees with President Cornwell that the Samuel B. Lawrence Center property is "primed for change" that will enhance the business district, college and the city.

A new Rollins Museum of Art and a relocated Crummer Graduate School of Business on the property, all in proximity to The Alford Inn, would create a dynamic area that brings together beauty, art, hospitality, business and academia.

We believe Rollins College is a Winter Park jewel – with a world-class reputation and a beautiful campus that enhances our community. It partners seamlessly with the City, Chamber, old guard, young people, business leaders and the community at large. Our Board of Directors voted unanimously to support this project as it aligns with our mission to convene people and ideas. We look forward to welcoming guests to this impressive collaborative center.

Warmest Regards,

Betsy Gardner Eckbert, IOM
President / CEO

407.644.8281

151 West Lyman Ave.
Winter Park, FL 32789

WinterPark.org

*Mr. & Mrs. Harry W. Collison, Jr.
106 S. Interlachen Avenue, Unit 119
Winter Park, FL 32789*

December 16, 2019

Mr. Jeff Briggs, Principal Planner
City of Winter Park
Planning and Zoning Department
401 S. Park Avenue
Winter Park, Florida 32789

Dear Mr. Briggs,

I have reviewed the conceptual rendering for the Rollins College Innovation Triangle's proposed site plan and elevations at 200 E. New England Avenue and 203 E. Lyman Avenue.

I own and occupy office space two blocks north from this project. In addition, I own and live at the Cloisters Condominiums which are located immediately northeast on Interlachen Avenue.

Please consider this letter as my support for the Comprehensive Plan and Zoning changes along with the associated Conditional Use approval to develop the Cornell Fine Arts Museum and the new Crummer Graduate School of Business building.

Thank you,



Harry Collison

Jeffrey Briggs

From: Kirk Nalley <kirk.nalley.personal@gmail.com>
Sent: Tuesday, January 07, 2020 10:04 AM
To: Mayor and Commissioners
Cc: Jeffrey Briggs; Sam Stark
Subject: [External] I support the Rollins Innovation Triangle project

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks contained in the email, verify the real address by hovering over the link with your mouse. Do not open attachments from unknown or unverified sources.]

Good morning Mayor Leary and Honorable Commissioners.

I am contacting you all today to voice my support of the Rollins Innovation Triangle project.

I am a tax paying resident of Winter Park and I am an active voter in local elections and I am requesting that you all support this community building project with your vote.

Here are a number of reasons why I believe this project deserves your support and vote.

- The new museum will firmly establish Winter Park as an arts destination (two world-class museums anchoring Park Avenue at opposite ends)
- Significantly larger galleries will allow Rollins to show more of the permanent collection (currently Rollins only show 2-3% of the collection at any given time) and more ambitious temporary exhibitions
- Study rooms and an education center will serve larger numbers of K-12 and college students. As the only teaching museum in the greater Orlando area, it will be equipped to fully serve local colleges and universities and the community at large
- Location will signal that museum is an integral part of the Winter Park community. On campus, museum is not a natural destination (no foot traffic); additionally, for some there is a perceived barrier of location on a private college campus. Rollins wants to be fully welcoming to the entire community
- A community hub with social gathering space against an art background, and a more seamless transition between the collection at the Alford Inn and the Museum
- The museum and all its programs will continue to be free of charge for all

Rollins is a leader in the Winter Park community. The location of the museum positions the college in the heart of our beautiful city. This is a project that builds community and brings people together through the arts. This is what world class cities do and what a great opportunity for you all to be a part of making the legacy and tradition of Winter Park and Rollins move forward.

Thank you for your attention and please vote in favor of the Rollins Innovation Triangle project.

- Kirk

Kirk Nalley
2033 Cove Trail
Winter Park, FL 32789

Jeffrey Briggs

From: Steve Rotz <srotz@productionhub.com>
Sent: Tuesday, January 07, 2020 10:30 AM
To: Mayor and Commissioners
Cc: Jeffrey Briggs
Subject: [External] Cornell in the city core

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Dear Mayor and Commissioners-

As a Winter Park Resident and Rollins Graduate, I am excited to hear the possibility of the Cornell Fine Arts Museum moving off of Rollins campus to a location near the Alfond.

As Winter Park continues to promote and support the Arts, this would be a great addition to that effort and I applaud Rollins for the gesture.

The Alfond area would be even more spectacular with a beautiful museum that includes parking and open space. Quite honestly, the parking lot that's there now is out of place beside the Alfond.

Thank you for your time and for your service to the City.

Regards,
Steve Rotz

Steve Rotz
 **ProductionHUB**
877.629.4122
www.productionhub.com



Jeffrey Briggs

From: John Pokorny <jmpoko@gmail.com>
Sent: Tuesday, January 07, 2020 10:46 AM
To: Mayor and Commissioners
Cc: Jeffrey Briggs
Subject: [External] Rollins Innovation Triangle

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks contained in the email, verify the real address by hovering over the link with your mouse. Do not open attachments from unknown or unverified sources.]

To the City of Winter Park Mayor and Commissioners,

As a Rollins College graduate and Winter Park resident for over 30 years, I am writing to express my strong support for the Rollins Innovation Triangle. Culturally, I cannot imagine a better gift from the college than to move the Cornell Fine Arts Museum out from the interior depths of campus to the central core of downtown Winter Park. It is a hidden gem that should be front and center to be experienced by all who live in and visit this great city.

The concept of adding the Crummer School of Business to this location is pure genius. The convergence of business and the arts is a forward thinking model that cities across America will envy and try to emulate. Winter Park is in a unique and advantageous situation to truly be a city of arts and culture.

The vocal minority of naysayers will rant about parking concerns, increased traffic and McMansion style enormity. And in all fairness, sometimes they are right. However, this project, like the Alford Inn, is different. The college has a thoughtful plan that will transform a visual eyesore of a parking lot into a world class facility with beautiful architecture and open spaces for the public to enjoy. Rollins is not just a partner of the City of Winter Park, they are a pillar of innovation and stewardship and their generosity deserves your consideration.

Thank you for your time and your dedication to our special city!

Respectfully,

John Pokorny
Interlachen Avenue

Jeffrey Briggs

From: srosoff@atlantic.net
Sent: Tuesday, January 07, 2020 11:24 AM
To: Jeffrey Briggs
Subject: [External] Cornell Fine Arts Museum Support

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks contained in the email, verify the real address by hovering over the link with your mouse. Do not open attachments from unknown or unverified sources.]

I am writing in support of the Cornell Fine Art Museum's proposal to relocate the museum. I have been impressed with the quality of the exhibitions and programming now taking place at Cornell. The Museum's current location is not easily accessible, and their proposed move would be conducive to welcoming the entire community, just as the Morse Museum does. Cornell has a world class collection, but to the community, its collection is a hidden treasure because of its location. The proposed plan also increases the gallery space, which would also allow the Museum to expand its exhibition program and present more in depth programming. As a reminder, admission to the Museum is free, which enables diverse audiences community access to the galleries. As a resident who feels the cultural life of Winter Park residents could be enhanced by this move, I urge approval of the Museum's proposal.

Susan Rosoff

Jeffrey Briggs

From: Llop, Luis A <Luis.Llop@charter.com>
Sent: Friday, January 10, 2020 5:28 PM
To: Mayor and Commissioners
Cc: Jeffrey Briggs
Subject: [External] Letter of Support -- Crummer Graduate School of Business
Attachments: Letter of Support - Crummer Graduate School Of Business.pdf

Importance: High

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks contained in the email, verify the real address by hovering over the link with your mouse. Do not open attachments from unknown or unverified sources.]

January 10, 2020

Honorable Mayor Steve Leary &
Winter Park City Commissioners
401 S. Park Avenue
Winter Park, FL 32789

Dear Mayor Leary & City Commissioners,

I am writing to you ahead of the Planning and Zoning Hearing that is scheduled for Tuesday, January 14, 2020. It is my understanding that during such hearing the construction of the new Crummer Graduate School of Business will be discussed by the City Commission. Unfortunately, I will not be able to attend the actual hearing since I will be traveling for work that week.

As a Winter Park resident of six years and a Crummer Graduate School alumnus, I would like to express my full support for what I consider a very important project for Rollins College, the City of Winter Park, and all of us who have the privilege of calling the Winter Park home.

It is my sincere belief that the co-location of the new Crummer Graduate School of Business building with The Alford Inn and the new art museum will provide for a creative intersection of business, hospitality, and art that will only be found in our great City.

In addition, the site will offer an exciting opportunity to serve as a point of interface between Rollins College and the Winter Park community, and to act as a business and cultural destination for Central Florida and beyond.

In conclusion, I believe this new location will heighten awareness of Crummer's reputation for academic excellence, innovation, and executive programming. I also expect the Winter Park Business District will reap the benefits of the additional foot-traffic that this project will bring to our community.

My sincere appreciation for taking the time to read this letter and really do hope to count with your support of such an important project.

Sincerely,

Luis Llop

January 13,2020

Mayor Steve Leary

Commissioner Greg Seidel

Commissioner Sarah Sprinkel

Commissioner Carolyn Cooper

Commissioner Todd Weaver

Dear Mayor and Commissioners,

As an engaged and committed resident of Winter Park, I wanted to voice my support for the new Crummer Graduate School of Business that will be reviewed at the January 14 Planning and Zoning Meeting and at the City Commission in February. For full transparency, I serve on the Crummer's Center for Advanced Entrepreneurship Board and, based on that role, on the Crummer Board of Overseers.

Part of the reason I support Rollins is, as a Winter Parker, I see Rollins as positively intertwined with our community. Amongst its many charms and strengths, I view Winter Park as a community of culture, arts, and education. Rollins has been, and continues to be, a key partner in that identity. It is for a continuation and enhancement of that partnership and its positive impact on Winter Park that I urge you to support Rollins' proposed new Crummer. There are also some very specific and tangible benefits to Winter Park including:

- The proposed location integrating the new Crummer, Alford Inn, and new Cornell Arts Museum, will create a vibrant and creative space that integrates business, hospitality, and the arts in a way that is unique to the great City of Winter Park.
- Moving the students and the Cornell Arts Museum off campus will increase foot traffic for our local small businesses in the Park Avenue and Hannibal Square Business areas.
- Provides state of the art educational facilities and programming that will launch Crummer's competitive placement within the executive education space.
- With the opening of the Ollie Street garage, parking for this expanded space will be plentiful at the existing SunTrust garage, alleviating auto and pedestrian traffic on and across Fairbanks.

Again, as a resident (and one who walks or drives past this location several times a day), I believe the new Crummer Graduate School of Business project is an exciting opportunity for Winter Park. One that is consistent with who are as a community of arts and education, and that would be a positive for our residents and local businesses.

I hope you will support this project. Thank you for your consideration,

Rob Panepinto

138 Detmar Drive, Winter Park, FL 32789

407-467-5689

Planning & Zoning E-mail
for
January 14, 2020
Meeting

Subject: Planning & Zoning Staff Report for January 14 Rollins College Innovation Triangle Meeting

This e-mail for the Planning & Zoning Board Chairman Ross Johnston and the Winter Park City Manager Randy Knight provides additional information concerning the Conditional Use approval requested for the redevelopment of the property owned by Rollins College and described as the Rollins College Innovation Triangle.

After reviewing the P & Z Staff report, the following comments were developed by the Board of Directors of the The Residences of Winter Park Condominium Association, Inc.(the Association).

Rollins gave, granted and conveyed to the Association, for the benefit of the Association and its Unit Owners, vendors, guests and invitees, a perpetual exclusive parking easement for vehicular parking on, over and across ten (10) reserved and designated surface parking spaces (the "Reserved Parking Spaces") on the southern-most five (5) parking spaces on both sides of the drive isle (for a total of 10 parking spaces) within the eastern-most portion of the surface parking lot of the Laurence Center land. The details of the easement and other matters concerning the operation of the hotel parcel are contained in the Agreement (including Parking Easement) between Rollins College and the Association signed on December 16, 2011 and recorded in the official records of Orange County, FL on December 21, 2011.

This perpetual exclusive parking easement places the Association as a direct party which is affected by the proposed Lawrence Center development through the provision for 10 parking spaces in a particular location on the same Lawrence Center property which is to be used for the Innovation Triangle project.

The above information does not appear in the January 14 P & Z Staff Report. The Association requests that this perpetual exclusive parking easement obligation be resolved by Rollins and The Residences prior to the Planning and Zoning Board and the City Commission signing off on any final exterior architectural design, site plan and landscape plans for the proposed Conditional Use permit.

We are not filing a formal objection at this time (but reserve our right to do so) to the requested zoning changes but are concerned with the non-disclosure of this easement and the many implementation issues that need to be agreed to before finalizing the exterior architectural design, site plan and landscape plans for the Rollins College Innovation Triangle.

We have been in preliminary discussions with Rollins representatives on the perpetual easement issue as project information has become available and hope to resolve the issue before any final decisions are made by the parties.

Submitted by William G. Gerber, President, The Residences of Winter Park Condominium Association

Jeffrey Briggs

From: High, Robert <RHigh@hjhigh.com>
Sent: Monday, January 27, 2020 9:00 AM
To: Mayor and Commissioners
Cc: Jeffrey Briggs
Subject: [External] Crummer School of Business Facility

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks contained in the email, verify the real address by hovering over the link with your mouse. Do not open attachments from unknown or unverified sources.]

Dear Mayor and Commissioners,

I would like to express my support for Crummer's planned facility near Alford Inn. I know that this project will appear before you on February 10. I am a lifelong Orlando resident and attended Crummer. My father was also born/raised in Orlando and attended Crummer. Our family construction business is 84 years old and has worked in Winter Park for decades.

We recognize the world class education students receive here and the value a school of higher learning brings to the City of Winter Park and feel this planned facility would continue to separate Winter Park from all other cities.

I hope you are able to support the project as we are all very excited about it!



Robert High
President
H. J. High Construction Company
407-422-8171 | www.hjhigh.com
Connect: [Facebook](#) | [LinkedIn](#)

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Jeffrey Briggs

From: Mike Welker <mikew@andcoconsulting.com>
Sent: Monday, January 27, 2020 7:57 PM
To: Mayor and Commissioners; Jeffrey Briggs
Subject: [External] Rollins Innovation Triangle

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks contained in the email, verify the real address by hovering over the link with your mouse. Do not open attachments from unknown or unverified sources.]

My name is Mike Welker and I'm a resident of Winter Park, Florida. I moved to Florida in 1995 to attend Rollins College. Upon graduation I decided to attend the Rollins College Crummer Graduate School of Business. The community of Winter Park and Rollins College changed my life. I loved the culture and unique appeal of Winter Park along with the world class education of Rollins. Anything that can enhance that experience I think would be beneficial for the current residents of Winter Park and the city as a whole. That is why I'm writing to support the new Crummer Graduate School of Business and Innovation Triangle. I've outlined some key points below why I support this development and truly hope the City Commission does as well.

- 1) The co-location of the new Crummer Graduate School of Business building with The Alford Inn and the new art museum provides for a creative intersection of business, hospitality and art that can only be found in Winter Park.
- 2) The new location will heighten awareness of Crummer's reputation for academic excellence, innovation, and executive programming.
- 3) The Winter Park Business District will reap the benefits of the additional foot-traffic within the community.
- 4) The expansion and partnership with The Alford Inn will help launch Crummer's competitive placement within the executive education space.

Thank you for your consideration of this new development. Winter Park, Florida and Rollins College are two wonderful assets of Central Florida. I think both the community and school benefit from this proposed development. I truly hope you support the planned project.

Mike Welker, CFA®

CEO

4901 Vineland Road | Suite 600 | Orlando, FL 32811  
Mobile: 407.489.1484 | Direct: 407.627.1801 | mikew@AndCoConsulting.com | AndCoConsulting.com

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city commission agenda item

item type	Public Hearings	meeting date	2/10/2020
prepared by	City Clerk	approved by	City Manager, City Attorney
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Request of the City of Winter Park for:

- An Ordinance amending the Subdivision Regulations to allow consideration of the preservation of historic homes and/or historic specimen live oak trees as special conditions and circumstances for lot size variances subject to the normal public notice and public hearing process. (2)

motion / recommendation

Recommendation from the Planning and Zoning Board and Staff is for approval of the Ordinance.

background

The Historic Preservation Board, P&Z Board, and planning staff are recommending approval of an Ordinance to establish that for subdivisions/lot splits, the approval of lot size variances can be justified based on (1) preservation of historic or specimen live oak trees; or (2) preservation of historic homes. The City Commission has asked that justifications for subdivision lot split variances be put into the Code so that the public can see that such rationale is part of the considerations for lot dimension variances.

As is evident from previous meeting agendas, the City routinely fields subdivision or lot split requests. Many of the lot split requests include variances for lot sizes that do not meet the R-1A or R-1AA lot size standards. They almost all involve the tear down of the existing home for two new homes but there may be cases where the existing home is a worthy historic structure which could be saved, or there are some historic or specimen live oak trees on-site to preserve.

Preservation of Historic or Specimen Live Oak Trees

The City has approved variances for lot sizes, as part of lot splits, when the City gained easements to preserve historic (over 36" dbh) or specimen (over 18" dbh) live oak trees via recorded easements to the City. This occurred recently in August 2019 for a lot split at 2700 Wright Avenue and also in September 2017 at 2098 East End Avenue. This Code amendment would codify this practice or justification. It is important to emphasize that the text only says that this "may" be a justification.

There is no requirement to approve any lot split variance. This is only a rationale or justification to explain why a lot split variance could be approved, if the P&Z Board wants to recommend approval and if the City Commission wants to do so.

Preservation of Historic Homes

In some cases there may be the opportunity to accomplish the preservation of an existing Historic home as an incentive to qualify for the lot size variance on the remaining land. This proposed Code amendment would provide that the designation and preservation of the existing home may be a possible rationale and justification for a lot size variance.

The first step would be for the applicant to receive a recommendation from the Historic Preservation Board (HPB) that the building was a worthy candidate for preservation. Then that could be a consideration for the P&Z Board and City Commission. Again, it is important to emphasize that the text only says that this "may" be a justification.

In 2004, the City approved a lot split with variance at 1331 Aloma Avenue (Waddell House -1897) that allowed the split of the adjacent property where a new home was built at 1323 Aloma with a lot width variance. That is how the City gained that Waddell House on our Register of Historic Places.

This would add an incentive to encourage owners to designate their historic structures. The other existing incentives for preservation are the HPB variance authority for setbacks and the authority of HPB to allow rental status to accessory living structures (cottages or garage apts.) The City also incentivizes waivers of fees for undergrounding of electric, reduced building permit fees, and \$25,000 matching rehab grants.

Summary

This proposed ordinance would be another incentive to encourage historic designations and to preserve significant live oak trees. The text only says that such an offer to designate "may" be considered as a "special condition and circumstance". It in no way compels the City Commission to approve the lot split.

The Historic Preservation Board, at their December 11, 2019 meeting, voted unanimously to recommend approval of this Ordinance. The P&Z Board also voted unanimously to recommend approval of this Ordinance.

Planning and Zoning Board Minutes from January 7, 2020:

- ZTA #20-01. Request of City of Winter Park For: Subdivision Code amendment to allow the preservation of historic homes or the preservation of historic specimen live oak trees as an incentive for lot split variances.

Mr. Briggs explained that the item was a request of the City and the Historic Preservation Board for an Ordinance that would provide consideration for the preservation of live oak trees as well as historic properties with relation to lot split applications. He stated that the City approves a number of lot splits that has used the same as justification for lot dimension variances and recalled a lot split application from August of 2019, 2700 Wright Avenue where live oak trees

exist on the property and a condition of the lot split approval was a granting to the City an easement to preserve the trees and the preservation of the trees was the justification for the variances in terms of lot width that was granted.

Mr. Briggs added that the City Commission stated that the factors should be a part of the Code. He noted that in the past variances have not only been justified in lot splits for tree preservation, and for historic home designation, where there has been an opportunity for a home to be added to the register of historic places, preserve the home and split off a portion of the yard that might be less than the dimensions that are needed. This would allow for the City to have historic homes designated and allow the home owner the justification for a lot split.

Mr. Briggs stated that the proposed ordinance would be another incentive to encourage historic designations and to preserve significant live oak trees. The text only says that such an offer to designate "may" be considered as a "special condition and circumstance". It in no way compels the City Commission to approve the lot split. In addition, it was noted that the request was also discussed with the Historic Preservation Board who voted unanimously to recommend approval of the Ordinance at their December 11, 2019 meeting. Mr. Briggs went on to discuss the procedures an applicant would take for such a request. Staff recommendation was for approval. Mr. Briggs answered questions from the Board regarding unintended consequences that may result from this type of request.

The Board heard public comment from John Skolfield, 358 Vitoria Avenue, Winter Park. Mr. Skolfield stated that he was a member of the Historic Preservation Board and spoke in favor of the Ordinance and the importance of preserving trees the live oak trees in Winter Park as well has the historic homes. No one else from the public wished to speak. The public hearing was closed.

During the Board comments, Board Member Chuck Bell stated that he used to serve on the Historic Preservation Board and echoed with Mr. Skolfield's comments regarding preservation trees and homes in Winter Park. The Board agreed with Staff's recommendation.

Motion made by Adam Bert, seconded by Ray Waugh for Approval of the Ordinance to allow consideration of the preservation of historic homes and/or historic specimen live oak trees as special conditions and circumstances for lot size variances subject to the normal public notice and public hearing process.

Motion carried unanimously with a 6-0 vote.

[alternatives / other considerations](#)

N/A

[fiscal impact](#)

N/A

ATTACHMENTS:

Description

Ordinance

HPB Board Minutes

Upload Date

1/14/2020

1/14/2020

Type

Cover Memo

Backup Material

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE VI SUBDIVISION REGULATIONS OF CHAPTER 58 OF THE LAND DEVELOPMENT CODE SUBSECTION 58-376 CONCERNING SUBDIVISIONS AND LOT SPLITS; TO ALLOW CONSIDERATION OF THE DESIGNATION AND PRESERVATION OF HISTORIC HOMES AND/OR HISTORIC SPECIMEN LIVE OAK TREES AS SPECIAL CONDITIONS AND CIRCUMSTANCES FOR MINIMUM LOT SIZE VARIANCES SUBJECT TO THE NORMAL PUBLIC NOTICE AND PUBLIC HEARING PROCESS.

WHEREAS, the City Commission of the City of Winter Park (the “City”) recognizes that the preservation of historic homes and historic specimen live oak trees can be considered as special conditions and circumstances in the review of subdivision and lot split requests; and

WHEREAS, the City recognizes that the Planning and Zoning Board and/or the City Commission desires that such factors be allowed to be considered as trade-offs in the consideration of variances for lot sizes when reviewing subdivision; and

WHEREAS, the City recognizes that the Planning and Zoning Board and/or the City Commission recognizes that such factors are only one part of the consideration of variances and the offer to preserve and protect historic homes and historic specimen live oak trees and such offers do not entitle anyone to the approval of variances requested for lots sizes; and

WHEREAS, in accordance with section 163.3174, Florida Statutes, and section 58-372 of the City Code of Ordinances, the City’s local planning agency, which is the designated planning and zoning board, has reviewed and made recommendations as to the amendments set forth herein; and

WHEREAS, this Ordinance is consistent with the Comprehensive Plan and is being adopted in the best interests of the health, safety and welfare of the citizens of Winter Park.

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

SECTION I: RECITALS. The above 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 II: EDITS. Portions of Chapter 58, Land Development Code, Article VI, Subdivision and Lot Consolidation Regulations, are hereby amended to read as shown below, and words with single underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text. Provisions not included are not being amended.

SECTION III: AMENDMENT. Chapter 58, Land Development Code, Article VI, Subdivision and Lot Consolidation Regulations, Section 58-376 is hereby amended to create a new subsection in 58-376 (f) and to renumber the existing subsection 58-376 (f) Appeals to subsection 58-376 (g). as shown below:

Sec. 58-376. – Variances and appeals from subdivision regulations.

(f) Historic homes and live oak trees. The Planning and Zoning Board and the City Commission may consider the preservation and protection of historic homes and/or the preservation and protection of historic or specimen live oak trees as a special condition and circumstance pursuant to subsection (a)(1) for the purposes of granting variances to minimum lot sizes in conjunction with subdivisions or lot splits. In considering the preservation of an existing building, the Historic Preservation Board shall first determine that the building is recommended for inclusion on the Winter Park Register of Historic Places and such listing and inclusion shall be required as a condition of such lot size variance and related subdivision or lot split approval. In consideration of the preservation of historic live oak tree(s), any such variance approval and related subdivision or lot split approval shall be conditioned upon the granting of a tree preservation easement to the City, with terms acceptable to the City, to ensure the preservation of such tree(s).

(fg) *Appeals.* Any person aggrieved by the city commission's decision regarding a preliminary or final subdivision plan or plat, or the city commission's decision regarding any variance, may file a petition for a writ of certiorari in the Circuit Court of Orange County.

SECTION IV: INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION V: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION VI: CODIFICATION. Section III of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word “Ordinance” may be changed to “Section,” “Article,” or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener’s errors.

SECTION VII: This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2020.

City of Winter Park

Steven M. Leary, Mayor

Attest: _____
Rene Cranis, City Clerk



HISTORIC PRESERVATION BOARD

Minutes

December 11, 2019 at 9:00 a.m.

City of Winter Park Commission Chambers

Call to order.

Call to order. The meeting was called to order at 9:00 a.m.

Present: Laura Armstrong, Bob Schwejte, John Skolfield, Tracey Curry, Wade Miller, Drew Henner, and Ed Sabori. Staff: Planning Manager, Jeff Briggs and Planning Technician, John Nico. Absent: Jason Taft.

Action Items: (ONE)

- Historic Preservation Incentives: Subdivision Code amendment to allow the preservation of historic homes as an incentive for lot split variances.
- Proposed Subdivision Code Incentives: Subdivision Code amendment would permit that the designation and preservation of the existing home to be such a "special condition and circumstance". It would require there be recommendations by HPB that the building is a worthy candidate for preservation.

Planning Manager, Jeff Briggs opened the meeting with an action item on a recommendation for an ordinance to go before Planning and Zoning and City Commission amending the code and establish a dedication for homes on the list of registered historic places to be incentivized by granting a lot split variance and lot dimensions to be less than what zoning currently allows.

This topic has been in discussions for the last two meeting where three examples were provided for potential lot splits and variance for historical designations. In particular, 1554 Harris Circle is already designated historic, and has a separate cottage on the property. As discussed before, the elderly couple are ready to sell and move into an assisted living arrangement. Mr. Briggs recommends moving forward with this ordinance request in conjunction with the variance for a lot split request because this property is already designated historic.

Mr. Briggs indicated that the Board's primary role will be to determine if the building or property in question is in fact, worthy of being designated historic and/or preserved. This is their sole role. The variances and lot splits would be considered by P&Z and determined by City Commission.

John Skolfield asked what qualifies as a historic designation. Mr. Briggs replied with two stipulations: an historic designation would be appropriate if a significant historic figure or event occurred at this site and/or if the structure after 50 years old has maintained the integrity its architectural design and worthy of designation.

The Board agreed that there could be many good examples where HPB this new Ordinance could be used to encourage historic designations and the Board would have to decide these situations case by case, and that their only role is to determine if the structure in question is worthy of historic preservation. Not trees.

A motion to recommend approve of the Ordinance encouraging historic designations as part of lot split reviews was made by Chair Armstrong, and seconded by Vice-Chair Schwetjke.

The motion carried unanimously with a 6-0 vote.



city commission agenda item

item type	Public Hearings	meeting date	2/10/2020
prepared by	City Clerk	approved by	City Manager, City Attorney
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Request of the City of Winter Park for:

- An Ordinance amending the Zoning and Subdivision Regulations to clarify the procedures for applicants seeking to table, continue or postpone public hearings after such public hearings have been duly advertised. (2)

motion / recommendation

Recommendation from the Planning and Zoning Board, City Attorney and Staff is for approval of the Ordinance.

background

At the direction of the City Commission, staff is proposing to amend the Zoning Code and Subdivision Regulations to limit applicants to just one opportunity to request a continuance or postponement after a public hearing has already been duly advertised. This would apply to amendments to the zoning text or map, conditional uses, lakefront reviews and variances. If rescheduled, the applicant pays a second filing fee to cover necessary administration and other expenses for the repeated public notice. If the applicant again requests a delay, postponement or continuance after the first public hearing was tabled, then the P&Z Board, Board of Adjustments or the City Commission shall hold the public hearing, as advertised, or the applicant must withdraw the request and start over. The exception provided for are if the sole reason for the second request to table is based on not having the full City Commission or Board of Adjustment present to vote. It is important to point out that this change does not affect the ability of P&Z Board, Board of Adjustment or City Commission to table for valid reasons.

Ordinances of other Florida Municipalities to Request a Delay, Postponement or Continuance Only Once.

Many municipalities throughout the state of Florida provide the ability to grant an applicant's request to delay, postpone or continue only once after the initial public hearing has been duly advertised.

Cape Coral's ordinance states, "The decision-making body or the Hearing Examiner may, on its own motion or at the request of any person, continue the hearing to a

fixed date, time, and place. The applicant shall have the right to one continuance; however, all subsequent continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown."

Jacksonville Beach's ordinance states, "The body conducting the hearing or meeting may, on its own motion or at the request of any person, continue the hearing or meeting to a fixed date, time and place. The applicant shall have the right to one continuance; however, all subsequent continuances shall be granted at the sole discretion of the body conducting the hearing only upon good cause shown."

Islamorada's ordinances states, "A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuances, is received in writing by the code compliance hearing officer at least ten calendar days prior to the date set for the hearing. A hearing may only be continued once. ... Inexcusable neglect, on the part of the party requesting it, shall not constitute good cause for a continuance."

Lastly, Fort Myers Beach's ordinance states, "1. The applicant, or his duly authorized agent, shall submit the request in writing to, and the request shall be received by, the town manager at least one day prior to the advertised hearing date, or the applicant or his duly authorized agent shall appear before the local planning agency or town council at the beginning of its scheduled agenda and orally request the continuance. 2. The local planning agency or town council may either deny or grant the request for continuance. (i) If the request for continuance is denied, the hearing shall proceed in accordance with the published agenda. (ii) If the request for continuance is approved, the local planning agency or town council may set a date certain for hearing the application. Any hearing not continued to a date certain is deemed to be denied without prejudice. 3. The applicant shall be entitled to one continuance before the local planning agency and one continuance before the town council as a matter of right. Each body shall have the authority to grant additional continuances upon a showing of good cause. 4. A fee, in accordance with a fee schedule, shall be charged for any applicant-initiated continuances to cover the costs of re-notification. The applicant must bear all re-notification costs of an applicant-initiated continuance."

Summary

Staff is proposing this Zoning Code and Subdivision regulation text amendment in order to ensure that the P&Z Board, Board of Adjustment and the City Commission can eliminate repeated requests from applicants to delay, continue or postpone their public hearing when these requests come after the public hearing has been duly advertised. The result will be that applicants coming to the P&Z Board, Board of Adjustments and the City Commission will have only one opportunity for a continuance and thus eliminate repeated continuance requests that come after the public hearing has been duly advertised. The existence of such ordinances from other Florida municipalities exemplify that other cities have had the same issues with last minute requests for continuances. These municipalities have provided verbiage that provides for just one opportunity for a continuance or postponement. However, it does not limit the ability of the P&Z Board or the City Commission to table for valid reasons.

Planning and Zoning Board Minutes from January 7, 2020:

- ZTA #19-02. Request of City of Winter Park For: An Ordinance amending the Zoning and Subdivision Regulations to clarify the procedures for applicants seeking to table, continue or postpone public hearings after such public hearings have been duly advertised.

Principal Planner Jeff Briggs explained that the request from the City Commission, was an effort to better organize the rules on the number of times an applicant can request a continuance or postpone their item after it has already been advertised and notices mailed. He gave an example of request in the past year of the Glen Haven Cemetery project where an applicant requested multiple continuances and explained challenges with properly noticing those subsequent continuances in a timely manner and not having residents come to meets when an item is to be tabled.

Mr. Briggs explained that Planning Intern Nicholas Lewis provided research on how other cities throughout the state regulated the number of continuances an applicant could request. Through his research, Mr. Lewis discovered that while some cities had no regulations, there were a number of cities that allowed an applicant to request one continuance with proper advertisement and any additional request to continue would result with the applicant being required to move forward with the public hearing or withdraw the item and start a new application process.

Mr. Briggs stated that with assistance from the City Attorney, a number of provisions were added to the Ordinance outlining circumstances where the rule would not apply and noted that the regulations would not limit the ability of the P&Z Board or the City Commission to table for valid reasons.

Staff recommendation was for approval.

Mr. Briggs, City Attorney Dan Langley and the Board further discussed how continuances would affect City Commission hearings, proper advertisement, applicant perspective and whether the intent of the regulation was to allow the applicant an opportunity to request a continuance from both the P&Z Board and the City Commission at those respective hearings.

There was no public comment. The public hearing was closed.

The Planning Board members agreed that the public is not served by allowing multiple continuances. The Board confirmed with the City attorney that this meant an applicant could get one table at P&Z and one at City Commission.

Motion made by Chuck Bell, seconded by Ray Waugh to amend the Zoning Code and Subdivision Regulations to grant the City the ability to limit continuance requests from applicants seeking to reschedule after public hearing notice has been duly advertised.

Motion carried unanimously with a 6-0 vote.

alternatives / other considerations

N/A

fiscal impact

N/A

ATTACHMENTS:

Description

Ordinance

Upload Date

2/4/2020

Type

Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE III “ZONING” AND ARTICLE IV “SUBDIVISION AND LOT CONSOLIDATION REGULATIONS OF CHAPTER 58 “LAND DEVELOPMENT CODE” TO CLARIFY THE PROCEDURES FOR APPLICANTS SEEKING TO TABLE, CONTINUE OR POSTPONE PUBLIC HEARINGS AFTER SUCH PUBLIC HEARINGS HAVE BEEN DULY ADVERTISED FOR REZONING AND CONDITIONAL USE REQUESTS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the “City”) recognizes that repeated requests from applicants to continue or postpone their public hearing when these requests come after the public hearing has been duly advertised, places an undue burden on the Planning and Zoning Board, Board of Zoning Adjustments, City Commission, City staff and the public; and

WHEREAS, the City recognizes that there is currently no limit on the number of times an applicant can request that the Planning and Zoning Board, Board of Zoning Adjustments or the City Commission may continue or postpone an application; and

WHEREAS, the City recognizes that the applicant must pay added filing fees to cover necessary administration and other expenses; but this is not a discouragement to repeated requests for continuances or postponements; and

WHEREAS, the City recognizes some limitations are necessary to the number of times an applicant can continue or postpone and application as is the custom for most cities and counties in Florida; and

WHEREAS, in accordance with section 163.3174, Florida Statutes, the City’s local planning agency, which is the designated Planning and Zoning Board, has reviewed and made recommendations as to the amendments set forth herein;

WHEREAS, the City Commission has determined that this Ordinance is in the best interest of the health, safety and welfare of the citizens of Winter Park and is consistent with the Comprehensive Plan.

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

SECTION I: The above 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 II: Portions of Chapter 58, Land Development Code, Article III, Zoning as set forth in this Ordinance, are hereby amended to read as shown below, and words with single underlined

type shall constitute additions to the original text, ~~strike-through~~ shall constitute deletions to the original text, and subsections and provisions not included are not being amended.

SECTION III: Chapter 58, Land Development Code, Article III, Zoning, Section 58-89 “Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses” is hereby amended to repeal Subsection (h) entitled “*Continuances*” and replace it with a new Subsection (h) entitled “*Continuances*” and a new Subsection (n) entitled “*Limit on Application After Denial*,” as shown below:

Sec. 58-89. – Zoning changes and amendments, public notice requirements and procedures for zoning amendments; and conditional uses.

(h) *Continuances.* Requests for continuances and continuances of public hearings before the planning and zoning board or city commission relating to rezoning, zoning code text change, conditional use, lakefront review, or other development order applications will be handled in the following manner:

(1) If the after a public hearing has been duly advertised, the applicant requests a continuation or postponement of such public hearing, the planning and zoning board or the city commission may grant the applicant’s request for a continuance for up to six (6) months after the date of the originally advertised public hearing. Further, upon its own motion at a public hearing, the planning and zoning board or city commission may continue the public hearing for up to six (6) months with the concurrence of the applicant. The planning and zoning board and city commission shall each have the authority to deny any request for a continuance.

(2) If after an originally scheduled public hearing is continued at the request of the applicant, the applicant does not desire to proceed with the continued public hearing the applicant shall withdraw its application, otherwise the planning and zoning board or city commission will proceed with the continued public hearing. Thus, the applicant may only receive one continuance (one from each the planning and zoning board and city commission) of a public hearing at the applicant’s own request. However, if at a city commission public hearing, the applicant’s request for a postponement or continuance is based exclusively and entirely on a lack of all five members of the city commission being present to consider the matter, the city commission may waive the one applicant requested continuance restriction set forth in this subsection.

(3) If at any time the planning and zoning board or city commission lacks a quorum to conduct business on the date of an advertised public hearing, the public hearing shall be deemed automatically continued to the date of the next regularly scheduled meeting of the planning and zoning board or city commission without the need to re-advertise the public hearing, unless it is continued as provided in the next sentence. Further, in the event of a lack of quorum, with unanimous consent of the members of the planning and zoning board or city commission who are present constituting less than a quorum after a call to order, the public hearing may be continued to a special meeting or other regular meeting occurring within forty-five (45) days from the date of the originally scheduled public hearing without the need to re-advertise the public hearing.

(4) If a public hearing is continued or postponed to a time that is more than forty-five (45) days from the date of the originally advertised public hearing, the continued public hearing date shall be re-advertised in the same manner as was required for the original public hearing date except as otherwise provided in subsection (c). If the planning and zoning board or city commission continues a public hearing to a time certain that is to occur within forty-five (45) days of the originally noticed public hearing date, the continued public hearing date does not have to be re-advertised except for the public posting of the planning and zoning board or city commission agenda for which the matter is to be heard.

(5) If re-advertising is required due to a continuance or tabling of a public hearing, the applicant shall pay all costs necessary to cover the advertising and notice costs and other administrative expenses relating to continuing or tabling and re-advertising the public hearing. The planning and community development department shall have the authority to establish a fee schedule for costs and expenses relating to continuances or postponement.

(6) The planning and zoning board and city commission shall each have the authority to continue or table any scheduled public hearing with or without the applicant's consent in the event it is determined that: (i) the applicable required advertising or notice of the public hearing was not provided, so that a future public hearing can be scheduled with proper advertising and notice; or (ii) the application is incomplete or there is a lack of relevant information needed to make a decision on the applicant's request.

(n) *Limit on Application After Denial.* If a rezoning or conditional use request is denied, a new application for a rezoning or conditional use pertaining to the same property will not be accepted or processed for a period of one-year from the date of the public hearing for which the denial vote occurred.

SECTION IV: Chapter 58, Land Development Code, Article III, Zoning, Section 58-91 “Board of adjustments – Establishment of procedure” is hereby amended to add a new subsection (b) (4) as shown below:

(b) Proceedings.

(4) *Continuances.* Requests for continuances and continuances of public hearings before the board of zoning adjustments relating to variance requests will be handled in the following manner:

(a) If the after a public hearing has been duly advertised, the applicant requests a continuation or postponement of such public hearing, the board of zoning adjustments may grant the applicant's request for a continuance or tabling for up to six (6) months after the date of the originally advertised public hearing. Further, upon its own motion at a public hearing, the board of zoning adjustments may continue the public hearing for up to six (6) months with the concurrence of the applicant. The board of zoning adjustments has the authority to deny any request for a continuance.

(b) If after an originally scheduled public hearing is continued at the request of the applicant, the applicant does not desire to proceed with the continued public hearing the applicant shall withdraw its application, otherwise the board of zoning adjustments will

proceed with the continued public hearing. Thus, the applicant may only receive one continuance of a public hearing at its own request. However, if at a board of zoning adjustments public hearing, the applicant's request for a postponement or continuance is based exclusively and entirely on a lack of all seven members of the board of zoning adjustments being present to consider the matter, the board of zoning adjustments may waive the one applicant requested continuance restriction set forth in this subsection.

(c) If at any time the board of zoning adjustments lacks a quorum to conduct business on the date of an advertised public hearing, the public hearing shall be deemed automatically continued to the date of the next regularly scheduled meeting of the board of zoning adjustments without the need to re-advertise the public hearing, unless it is continued as provided in the next sentence. Further, in the event of a lack of quorum, with unanimous consent of the members of the board of zoning adjustments who are present constituting less than a quorum after a call to order, the public hearing may be continued to special meeting or other regular meeting occurring within forty-five (45) days from the date of the originally scheduled public hearing without the need to re-advertise the public hearing.

(d) If a public hearing is continued or postponed to a time that is more than forty-five (45) days from the date of the originally advertised public hearing, the continued public hearing date shall be re-advertised in the same manner as was required for the original public hearing date. If the board of zoning adjustments continues a public hearing to a time certain that is to occur within forty-five (45) days of the originally noticed public hearing date, the continued public hearing date does not have to be re-advertised except for the public posting of the board of zoning adjustments agenda for which the matter is to be heard.

(e) If re-advertising is required due to a continuance or tabling of a public hearing, the applicant shall pay all costs necessary to cover the advertising and notice costs and other administrative expenses relating to continuing and re-advertising the public hearing. The planning and community development department shall have the authority to establish a fee schedule for costs and expenses relating to continuances or postponement.

(f) The board of zoning adjustments shall have the authority to continue or table any scheduled public hearing with or without the applicant's consent in the event it is determined that: (i) the applicable required advertising or notice of the public hearing was not provided, so that a future public hearing can be scheduled with proper advertising and notice; or (ii) the application is incomplete or there is a lack of relevant information needed to make a decision on the applicant's request.

SECTION V: Chapter 58, Land Development Code, Article VI, Subdivision Regulations, Section 58-372 "Procedure for securing approval of subdivisions." is hereby amended to add Subsection (d) *Continuances* as shown below:

Sec. 58-372. – Procedure for securing approval of subdivisions.

(d) *Continuances.* Requests for continuances and continuances of public hearings before the planning and zoning board or city commission relating to subdivisions requests or other development order applications within this Article will be handled in the following manner:

(1) If the after a public hearing has been duly advertised, the applicant requests a continuation or postponement of such public hearing, the planning and zoning board or the city commission may grant the applicant's request for a continuance for up to six (6) months after the date of the originally advertised public hearing. Further, upon its own motion at a

public hearing, the planning and zoning board or city commission may continue the public hearing for up to six (6) months with the concurrence of the applicant. The planning and zoning board and city commission have the authority to deny any request for a continuance.

(2) If after an originally scheduled public hearing is continued at the request of the applicant, the applicant does not desire to proceed with the continued public hearing the applicant shall withdraw its application, otherwise the planning and zoning board or city commission will proceed with the continued public hearing. Thus, the applicant may only receive one continuance (one from each the planning and zoning board and city commission) of a public hearing at its own request. However, if at a city commission public hearing, the applicant's request for a postponement or continuance is based exclusively and entirely on a lack of all five members of the city commission being present to consider the matter, the city commission may waive the one applicant requested continuance restriction set forth in this subsection.

(3) If at any time the planning and zoning board or city commission lacks a quorum to conduct business on the date of an advertised public hearing, the public hearing shall be deemed automatically continued to the date of the next regularly scheduled meeting of the planning and zoning board or city commission without the need to re-advertise the public hearing, unless it is continued as provided in the next sentence. Further, in the event of a lack of quorum, with unanimous consent of the members of the planning and zoning board or city commission who are present constituting less than a quorum after a call to order, the public hearing may be continued to special meeting or other regular meeting occurring within forty-five (45) days from the date of the originally scheduled public hearing without the need to re-advertise the public hearing.

(4) If a public hearing is continued or postponed to a time that is more than forty-five (45) days from the date of the originally advertised public hearing, the continued public hearing date shall be re-advertised in the same manner as was required for the original public hearing date. If the planning and zoning board or city commission continues a public hearing to a time certain that is to occur within forty-five (45) days of the originally noticed public hearing date, the continued public hearing date does not have to be re-advertised except for the public posting of the planning and zoning board or city commission agenda for which the matter is to be heard.

(5) If re-advertising is required due to a continuance or tabling of a public hearing, the applicant shall pay all costs necessary to cover the advertising and notice costs and other administrative expenses relating to continuing and re-advertising the public hearing. The planning and community development department shall have the authority to establish a fee schedule for costs and expenses relating to continuances or postponement.

(6) The planning and zoning board and city commission shall each have the authority to continue or table any scheduled public hearing with or without the applicant's consent in the event it is determined that: (i) the applicable required advertising or notice of the public hearing was not provided, so that a future public hearing can be scheduled with proper advertising and notice, or (ii) the application is incomplete or there is a lack of relevant information needed to make a decision on the applicant's request.

SECTION VI: CONFLICTS. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION VII: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION VIII: CODIFICATION. Sections III, IV and V of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION IX: EFFECTIVE DATE. This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2020.

City of Winter Park

Steven M. Leary, Mayor

Attest: _____
Rene Cranis, City Clerk



city commission agenda item

item type	Public Hearings	meeting date	2/10/2020
prepared by	Planning	approved by	City Manager, City Attorney
board approval	N/A final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development, Public Health and Safety		

subject

Request of The City of Winter Park for:

- An Ordinance to amend the noise controls concerning outdoor music city-wide (1).

motion / recommendation

Staff recommendation is for approval of the Ordinance.

background

At the November 25, 2019 City Commission meeting, the City Commission amended the noise Ordinance to prohibit live music in Hannibal Square after 10:00 pm (if it can be heard from more than 50 feet away) similar to the restrictions in place on Park Avenue.

At the public hearing, a city-resident, Mr. Jim Barnes, asked that the same restrictions concerning outdoor music, parties or other noise-related nuisances after 10:00 pm be adopted to protect residential properties city-wide. The Commission directed staff to prepare an Ordinance for public hearing discussion.

This Ordinance would establish a violation if music from an outdoor party, outdoor amplified music system or other noise-related nuisance was loud enough to be heard inside an adjacent residence at least 50 feet away. It would change the current rules for 11:00 pm to be in violation to 10:00 pm. If the noise-related nuisance is from inside a house, then the current 11:00 pm cut-off does not change.

The Police Department expects a slight increase in calls with the change to 10:00 pm. The problem for the Police response is that they are often greeted by an event with many people, some of whom are very uncooperative. If the police can tell them first that they have to move the music inside, it will be helpful and then less of nuisance for the neighbors.

alternatives / other considerations

N/A

fiscal impact

N/A

ATTACHMENTS:

Description

Ordinance

Upload Date

2/3/2020

Type

Backup Material

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING CHAPTER 62, "OFFENSES AND
MISCELLANEOUS PROVISIONS" WITHIN DIVISION 2,
"NOISE AND DISTURBANCE CONTROL", SECTION 62-97,
PROVIDING FOR NOISE CONTROLS RELATED TO
OUTDOOR LIVE MUSIC TO APPLY CITYWIDE; PROVIDING
FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN
EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the hours of outdoor live music and other amplified sounds from residential house parties or from other venues located nearby residential homes and apartments can affect the livability and peaceful enjoyment of those residential neighbors; and

WHEREAS, the City recognizes that providing for uniform hours for certain types of audible live music and other noise and sounds for the control of noise in an equitable manner for the entire City as exists for both the Central Business District and the Hannibal Square Neighborhood Commercial District is in the best interests of the public and residents in order to protect the public health, safety and general welfare.

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

SECTION 1: Recitals. The above 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. That Chapter 62 "Offenses and Miscellaneous Provisions", Division 2 "Noise and Disturbance Control, Section 62-97, Subsection (2) of the City of Winter Park Code of Ordinances is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

Chapter 62. Offenses and miscellaneous provisions.

DIVISION 2. - NOISE AND DISTURBANCE CONTROL

Sec. 62-97. - Specific prohibitions.

The following acts, among others (this enumeration shall not be deemed to be exclusive), are declared to be noise disturbances in violation of this division:

(2) *Radios, phonographs, television sets, musical instruments, etc.*

a. Using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner:

1. As to disturb the peace, quiet and comfort of neighboring inhabitants;
2. At any time with louder volume than is necessary for convenient hearing for the persons who are in the same dwelling unit of any multiple dwelling in which such machine or device is operated and who are voluntarily listeners thereto; or
3. As to create a noise disturbance.

b. It shall be a violation to commit any one of the enumerated acts listed in this section.

c. The operation of any ~~such sound system, speakers, radio, television, turntable, amplifier, musical set,~~ instrument, phonograph, machine or device between the hours of 10:00 p.m. and 8:00 a.m. from outside any residential, office or commercial building or from 11:00 p.m. and 8:00 a.m. from inside any residential, office or commercial building in such manner as to create a plainly audible sound to a reasonably prudent person of ordinary sensibilities either at a distance of 50 feet from the building, structure or vehicle in which it is located or so that a reasonably prudent person of ordinary sensibilities inside a building which is across a residential property line from the source of the sound is able to hear the plainly audible sound or vibrations. The foregoing shall be prima facie evidence and create a presumption that a noise disturbance exists in violation of this division.

SECTION 3. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 5: CODIFICATION. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Code or Ordinances, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2020.

Mayor Steve Leary

ATTEST:

Rene Cranis, City Clerk