



City Commission Regular Meeting

Agenda

October 23, 2024 @ 3:30 PM

City Hall Commission Chambers
401 S. Park Avenue

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/meetings/ and include virtual meeting instructions.

assistance & appeals

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

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

please note

Times are projected and subject to change.

1. Meeting Called to Order**2. Invocation - Fr. Stuart Shelby, All Saints Episcopal Church****3. Pledge of Allegiance****4. Approval of Agenda****5. Mayor's Report**

- a. Proclamation for Orange County Week of the Family 5 minutes

6. City Manager's Report

- a. Arts & Culture Alliance update & the upcoming 2025 Arts Weekend 10 minutes

7. City Attorney's Report**8. Non-Action Items****9. Public Comments | 5 p.m. or soon thereafter**

(If the meeting ends earlier than 5 p.m., public comments will be at the end of the meeting. Three minutes are allowed for each speaker.)

10. Consent Agenda

- a. Approve the following piggyback contracts: 1 minute

1. Chuck Robinson Concrete & Bobcat, Inc. - Seminole County Contract #RFP-604273-22/LNF - Aquatic Maintenance Services and Dredging; for services during the term of the agreement through May 30, 2025; Amount: \$300,000
2. Stuart C. Irby Co. - OUC Contract #4670 OQ - Padmount Switchgears; for goods during the term of the agreement through December 31, 2024; Amount: \$1,100,000
3. Gresco Utility Supply Inc. - City of Ocala Contract #ELE/190961 - Transformer Supply and Delivery Services; for goods on an as-needed basis during the term of the agreement through March 2, 2025; Amount: \$180,000
4. Environmental Products Group, Inc. - Sourcewell Contract #120721-EVS - Sewer inspection and Maintenance Equipment; for goods & services on an as-needed basis during the term of the agreement through January 17, 2026; Amount: \$350,000
5. CDW Government - NJPA Contract #100614 - Cisco ELA Coverage - Renewal; for services during the term of the agreement through

October 13, 2029; Amount: \$455,000

b. Approve the following contracts: 1 minute

1. RFQ7-23 - Pond & Company, Inc. - Geotechnical & Environmental Consulting Services; Task Order for Mead Gardens Boardwalk Project; Amount: \$40,167
2. FY25-12 - Cigna Health and Life Insurance Co. - Medical Insurance Stop Loss & Administration; for services during the term of the agreement through October 1, 2025; Amount: \$1,420,000

c. Approve of the following purchase: 1 minute

1. Symbiont Service Corporation - GeoThermal Pool Heater at the Community Center; Amount: \$160,876

d. FY25 Budget Amendment - COPS Grant 1 Minute

11. Action Items Requiring Discussion

a. City Manager's Annual Evaluation 10 minutes

12. Public Hearings: Quasi-Judicial Matters

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

a. Request of Benjamin Partners, LTD for: 5 minutes

- An Ordinance amending Chapter 58 "Land Development Code" Article I, "Comprehensive Plan" and the Future Land Use Map so as to change the Low Density Residential Future Land Use designation to an Orange County Planned Development Future Land Use designation on the property located at 1251 Lewis Drive, more particularly described herein, providing for severability, conflicts and an effective date. (1st Reading)
- An Ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" and the official Zoning Map so as to change Low Density Residential (R-2) District Zoning to Orange County Planned Development (OC PD) District Zoning on the property located at 1251 Lewis Drive, more particularly described herein, providing for severability, conflicts and an effective date. (1st Reading)

13. Public Hearings: Non Quasi-Judicial Matters

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

- | | | |
|----|---|------------|
| a. | Resolution 2291-24 - Designating 1500 Sunset Drive to the Winter Park Register of Historic Places | 5 minutes |
| b. | Ordinance authorizing the sale of the East 20 feet of 1530 Drum Street. (1st Reading) | 15 minutes |
| c. | Resolution 2292-24 - Request of Benjamin Partners, LTD: adopting the Fourth Amendment to the Amended and Restated Development Order for the Ravaudage Development as originally adopted on November 10, 2014. | 30 minutes |
| d. | Ordinance amending adopted FY 24 Budget | 1 minute |

14. Appeal of Denial of Tree Removal Permit

- | | | |
|----|------------------|------------|
| a. | 1780 Mizell Ave. | 10 minutes |
|----|------------------|------------|

15. City Commission Reports

16. Summary of Meeting Actions

17. Adjournment



City Commission

agenda item 5.a

item type

Mayor's Report

meeting date

October 23, 2024

prepared by

Craig O'Neil, Assistant Director of Communications

approved by

Randy Knight, City Manager

subject

Proclamation for Orange County Week of the Family

motion | recommendation

background

Week of the Family is in its 21st year serving the residents of Orange County. This year's celebration, "**Families: Better Together!**", falls on November 2-9, 2024. The City of Winter Park will once again issue a Week of the Family Proclamation and offer a special Popcorn Flick showing on Thursday, November 7, in Central Park.

The Week of the Family's mission is to strengthen family relationships through education, wholesome activities, fitness and community service. We recognize that families are vital to the diverse cultural and social fabric of our community; and while the structure of family has changed dramatically, we believe it to be of utmost importance to celebrate and encourage the investment of time and attention into each and every family in the county.

Recently we have moved to a philosophy of transformational change. To put it simply, we are working with a team of collaborative partners to empower individuals and families to take control over their lives to create a better life for themselves and their whole family.

alternatives | other considerations

fiscal impact

N/A

attachments

None



City Commission

agenda item 6.a

item type

City Manager's Report

meeting date

October 23, 2024

prepared by

Clarissa Howard, Director of Communications

approved by

Randy Knight, City Manager

subject

Arts & Culture Alliance update & the upcoming 2025 Arts Weekend

motion | recommendation

Presentation only - no action required.

background

Since the city's [Arts & Culture Alliance](#) was launched in 2017, this monthly gathering of Winter Park's 22 non-profit arts & cultural organizations has evolved into a powerful and inspiring collaborative working group focused on growing and sharing unique arts experiences. The Alliance and its members continue to discover synergies and creative opportunities to fulfill its mission to enhance and improve awareness and visibility of the non-profit arts & culture organizations within city limits. An update of the Alliance's successes will be presented, in addition to the announcement of 2025 [Arts Weekend](#) (February 20-23, 2025).

alternatives | other considerations**fiscal impact****attachments**

1. Arts & Culture Alliance City Commission Presentation 10.09.24





CITY OF WINTER PARK

401 South Park Avenue

Winter Park, Florida

32789-4386

COMMUNICATIONS DEPARTMENT

P 407.599.3343



cityofwinterpark.org

PRESS RELEASE

For Immediate Release:

Media Contact: Clarissa Howard 407-599-3428 or cell 407-948-2044

WINTER PARK INSPIRES WITH NEW ARTS & CULTURE AWARENESS INITIATIVE

WINTER PARK, Fla., an internationally recognized ICMA Excellence Award winner with accredited fire-rescue, police and parks & recreation agencies (June 1, 2017) – The City of Winter Park has been committed to arts and culture since its establishment in 1882. This commitment continues today with the official formation of a hyperlocal initiative to elevate the awareness of all cultural opportunities within the city limits.

This recent initiative is a result of *Vision Winter Park*, a year-long process to create a 20+ year vision for the city. This process, which began in 2015, involved focus groups of which arts and culture was one. The following city vision was developed:

"Winter Park is the city of arts and culture, cherishing its traditional scale and charm while building a healthy and sustainable future for all generations."

At the forefront of this vision is the "city of arts and culture," which prompted the City Commission to form a subcommittee of the Public Art Advisory Board. The **Arts & Culture Subcommittee**, formed in September 2016, is facilitated by the city's Communications Department, involves all arts & culture non-profits within city limits, and comprised of the following members:

1. Albin Polasek Museum & Sculpture Gardens/Capen Showalter House
2. Bach Festival Society of Winter Park
3. The Charles Hosmer Morse Museum of American Art
4. Cornell Fine Arts Museum
5. Crealdé School of Art
6. Public Art Advisory Board liaison
7. Winter Park History Museum

Today marks the official launch that includes the planning of an upcoming year of promotions and a special weekend devoted entirely to arts and culture in Winter Park. In addition, the city has developed an exclusive webpage **cityofwinterpark.org/arts-culture** that features:

- A comprehensive directory of all non-profit arts & cultural organizations within the city limits with links to each entity
- An extensive event calendar featuring all cultural experiences
- Upcoming special arts & culture community-wide events

Whether you are making plans for an afternoon, long weekend or lifetime, every day in Winter Park is a special experience. Winter Park invites you to be inspired! **#WPinspires**

#

The mission of the Arts & Culture Subcommittee is to enhance and improve awareness and visibility of the non-profit arts and culture organizations which offer programming to the public within the City of Winter Park limits.

Arts & Culture Alliance Members





WPInspires.org

[illegible]



[Police Website](#)
[Events](#)
[Jobs](#)
[Media](#)

[Residents & Guests](#)
[Services](#)
[Business](#)
[Government](#)
[Departments](#)



Be inspired by Arts & Culture

[City of Winter Park](#) >
 [Residents & Guests](#) >
 [Things to Enjoy](#) >
 Arts & Culture

EVENTS CALENDAR

ARTS WEEKEND

SIGN UP FOR ENEWSLETTER

VOLUNTEER OPPORTUNITIES

Our Vision

Winter Park is the city of arts and culture, cherishing its traditional scale and charm while building a healthy and sustainable future for all generations.

It is one of the finest cities in the United States and considered by many to be the premier urban village in the sunshine state. The city is known for its Old World charm, elegant homes, quaint bricked streets, extensive tree canopy, upscale shopping and dining experiences, Rollins College and world-class arts and cultural opportunities.

Our Mission

The mission of the Arts & Culture Alliance is to enhance and improve awareness and visibility of the non-profit arts & culture organizations within city limits which offer art programming to the public.



Be Inspired! Access the current [Arts & Culture eNewsletter](#).



Arts & Culture Alliance

[View this email in your browser](#)



The Winter Park Arts & Culture Alliance invites you to join them this summer. Be inspired. #WPinspires

The Winter Park Playhouse presents 7th Annual

Florida Festival NEW MUSICALS

2024 Presented by The Winter Park Playhouse

One act of each new musical will be fully read and sung, concert-style, by casts of professional actors and musicians followed by a talk-back with the creative team.

407-645-0145 | winterparkplayhouse.org
711 Orange Ave Suite C, Winter Park, FL 32789
A Professional Musical Theatre & 501(c)(3) Non-Profit Charitable Organization

Showcasing 6 brand new musicals from around the country!

June 20 - 23, 2024

Presenting Sponsors
Dr. Judith Marlowe & Gordon Blitch

\$10.00 per Reading
All 6 for \$50.00!

AUTUMN ART FESTIVAL

OCTOBER 12 & 13

Hosted by the Winter Park Chamber of Commerce

PRESENTED BY
KW WINTER PARK
KELLER WILLIAMS, REALTY

PATRON PACKAGES

3 Exclusive Events
VIP Lounge Access
\$300 Art Dollars
& More

\$600

PER TWO PATRONS

VISIT WINTERPARK.ORG/AAF

SPONSORSHIP OPPORTUNITIES

Contact Stacey Cox at
scox@winterpark.org for details

THE WINTER PARK SIDEWALK ART FESTIVAL CONGRATULATES ALL 2024 FESTIVAL WINNERS!



FEATURING
2024 BEST OF SHOW WINNER
"MATHESON HAMMOCK PARK"
HERNAN RODRIGUEZ

NOW ON DISPLAY IN THE
WINTER PARK CITY HALL LOBBY



2025 FESTIVAL DATES: MARCH 21-23, 2025
VISIT WWW.WPSAF.ORG FOR DETAILS.

The **Public Art Advisory Board** implemented a new initiative two years ago, housing the current year's Winter Park Sidewalk Art Festival "Best of Show" piece in the City Hall lobby for all visitors to enjoy. These pieces are then moved to a permanent home in City Hall, the Winter Park Library & Events Center or Welcome Center, becoming part of the entire public art collection and making way for the next Best of Show piece to be displayed.



Arts & Culture Alliance

[View this email in your browser](#)



The Winter Park Arts & Culture Alliance invites you to join them this fall. Be Inspired. #WPinspires

The Winter Park Playhouse

Central Florida's Professional Musical Theatre

Sept. 20 - Oct. 13, 2024

Southeast Regional Premiere!
Outstanding score by
Stephen Schwartz including
music from *Wicked*, *Pippin*
and *Godspell*!
Rediscovering true love
that remained hidden in a
lifetime of Snapshots.

Stephen Schwartz's
Snapshots
A Musical Scrapbook

407-645-0145 | winterparkplayhouse.org
A Professional Musical Theatre & 501(c)(3) Non-Profit Charitable Organization

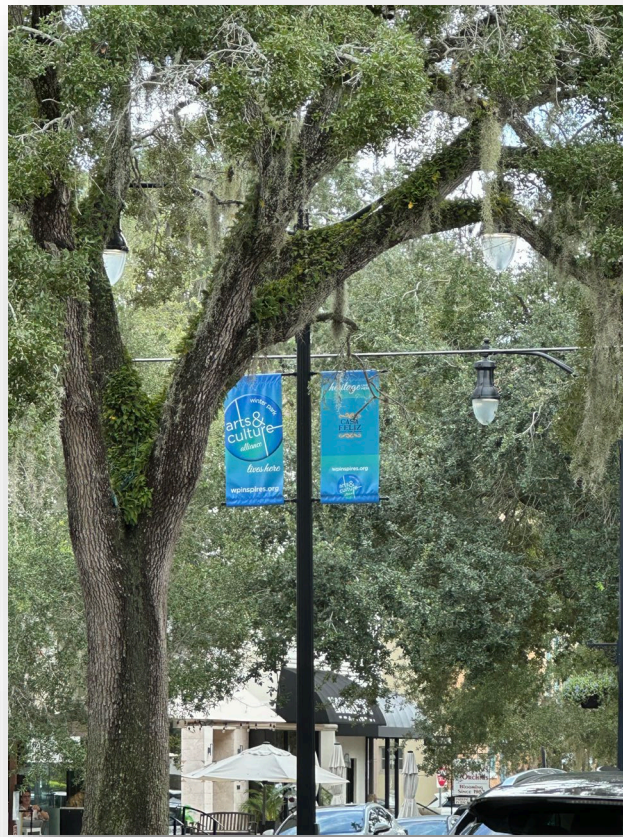


illumination

a spotlight on arts & culture









CHOOSE YOUR ADVENTURE

Upgrade your stay in Orlando. This series of walking tours are the best way to explore local arts & culture destinations.
Operated by trusted and established operators, these experiences will make your visit unforgettable.



DOWNTOWN

Explore the vibrant artistic tapestry that makes up Orlando's identity while indulging in delicious local fare along the way.

LEARN MORE & BOOK



LOCH HAVEN

Visit remarkable destinations that showcase contemporary and classic works, in addition to a behind the curtain exclusive tour.

LEARN MORE & BOOK



WINTER PARK

Get immersed in the rich history, architecture, gardens and contemporary art in this tour guided by local experts in Winter Park.

COMING SOON

CANVAS

Cultural Plan
for the City of Orlando
and Orange County





February 20-23, 2025



Arts Weekend 2025

[City of Winter Park](#) > [Residents & Guests](#) > [Things to Enjoy](#) > [Arts & Culture](#) > Arts Weekend

Discover the City of Arts & Culture at Arts Weekend, February 20-23. This four-day arts extravaganza will feature dozens of community events and performances at Central Park's Main Stage and 20+ cultural venues throughout the city. We invite you to immerse yourself in the amazing and diverse art & cultural experiences that Winter Park has to offer. Be inspired!



Enjoy "Big Band Spirituals," a free musical performance by the Bach Festival Society of Winter Park, while lounging on a blanket or chair in Central Park.



Immerse yourself in an afternoon with the arts. Live performances and interactive arts activities will include touch a piece of history, watch a musical act, take an art selfie, engage in an opera.



Experience the wonderful museums, gardens, and theatrical and musical venues throughout the city. Special programming and discounts will be available at participating Alliance member locations.



For a complete list of Arts Weekend events, participating Alliance members, award-winning restaurants, unique boutiques and galleries, please be inspired by accessing the interactive guide below.



presented by



EDYTH BUSH
CHARITABLE FOUNDATION





alliance members

Albin Polasek Museum & Sculpture Gardens + Capen Showalter House
ArtReach Orlando
Bach Festival Society of Winter Park
Casa Feliz Historic Home Museum
Central Florida Vocal Arts & Opera del Sol
The Charles Hosmer Morse Museum of American Art
City of Winter Park Public Art Collection
Crealde School of Art + Hannibal Square Heritage Center

GladdeningLight
Mead Botanical Garden, Inc.
Open Scene
Rollins Department of Music
Rollins Museum of Art
Rollins Theater & Dance
Winter Park Chamber of Commerce
Winter Park History Museum
Winter Park Institute
Winter Park Library
Winter Park Playhouse
Winter Park Sidewalk Art Festival





immerse yourself

This four-day arts extravaganza will feature dozens of community events and performances at Central Park's Main Stage and 20+ cultural venues throughout the city. We invite you to immerse yourself in the amazing and diverse art & cultural experiences that Winter Park has to offer.

be inspired!

wpinspires.org/artsweekend

presented by

EDYTH BUSH CHARITABLE FOUNDATION

Advent Health

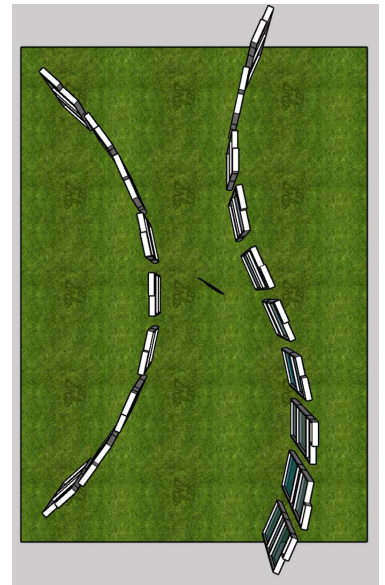
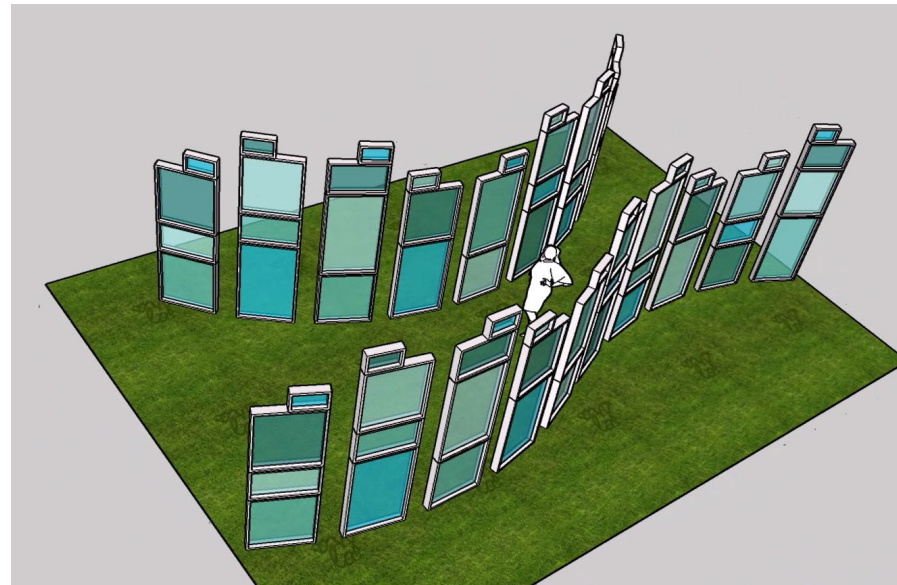
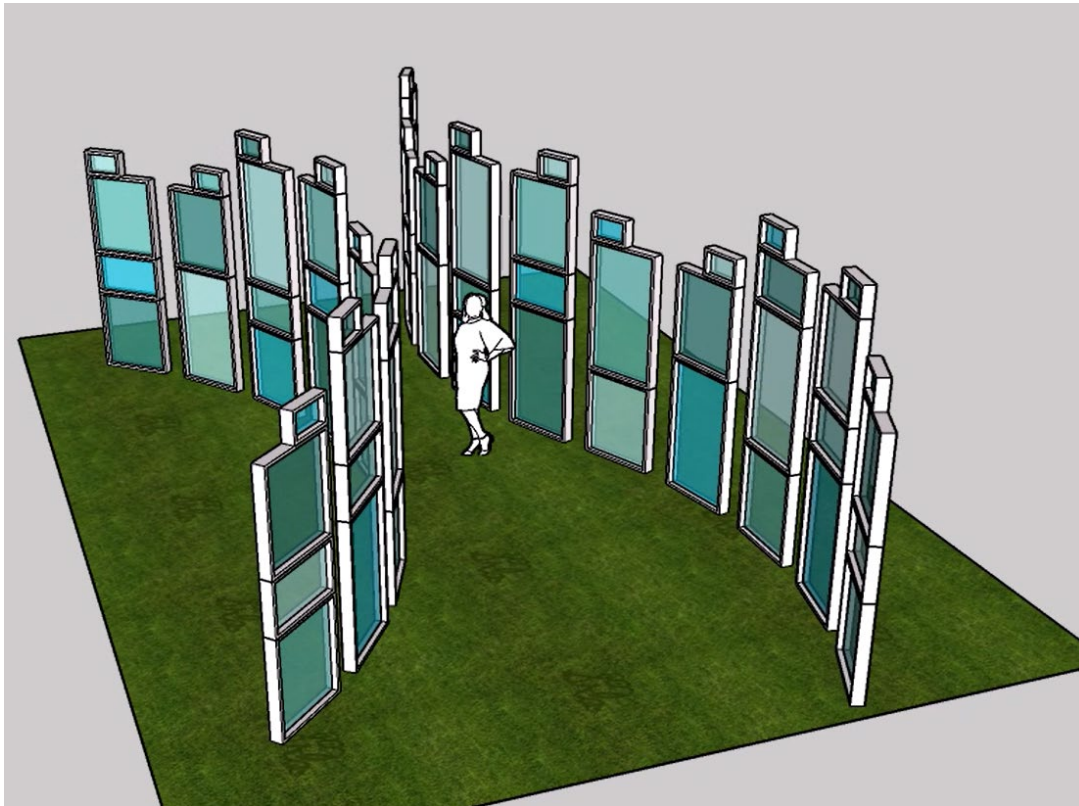
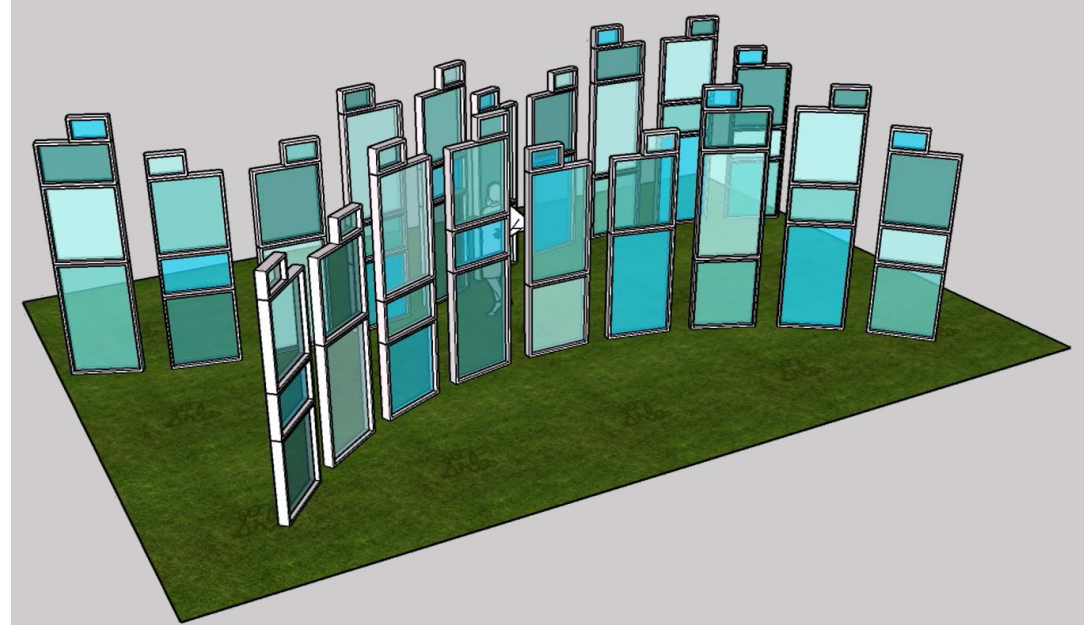
WINTER PARK
arts
WEEKEND

February
20-23 2025

Rhythmic Colors City of Winter Park Public Art Collection

winter park florida
arts & culture
alliance







wpinspires.org/artsweekend



City Commission

agenda item 10.a

item type

Consent Agenda

meeting date

October 23, 2024

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

Approve the following piggyback contracts:

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

None



item type

Consent Agenda

meeting date

October 23, 2024

prepared by

Rebecca Watt, Procurement Agent

approved by

Randy Knight, City Manager

subject

1. Chuck Robinson Concrete & Bobcat, Inc. - Seminole County Contract #RFP-604273-22/LNF - Aquatic Maintenance Services and Dredging; for services during the term of the agreement through May 30, 2025; Amount: \$300,000
2. Stuart C. Irby Co. - OUC Contract #4670 OQ - Padmount Switchgears; for goods during the term of the agreement through December 31, 2024; Amount: \$1,100,000
3. Gresco Utility Supply Inc. - City of Ocala Contract #ELE/190961 - Transformer Supply and Delivery Services; for goods on an as-needed basis during the term of the agreement through March 2, 2025; Amount: \$180,000
4. Environmental Products Group, Inc. - Sourcewell Contract #120721-EVS - Sewer inspection and Maintenance Equipment; for goods & services on an as-needed basis during the term of the agreement through January 17, 2026; Amount: \$350,000
5. CDW Government - NJPA Contract #100614 - Cisco ELA Coverage - Renewal; for services during the term of the agreement through October 13, 2029; Amount: \$455,000

motion | recommendation

Commission approve items as present and authorize Mayor to execute.

background

1. The Originating Agency (Seminole County) issued a formal solicitation to award this contract in FY22.
2. The Originating Agency (OUC) issued a formal solicitation to award this contract in FY20.
3. The Originating Agency (City of Ocala) issued a formal solicitation to award this contract in FY20.
4. The Cooperative Purchasing Agency (Sourcewell) issued a formal solicitation to award this contract in FY22.
5. The original purchase was made under this piggyback contract. This is a renewal and

continuation of those licenses.

alternatives | other considerations

N/A

fiscal impact

Total expenditures included in the following approved budgets:

1. NRCS Fund
2. Electric Utility Fund
3. Electric Utility Fund
4. General Fund
5. Information Technology Fund

attachments

None



City Commission

agenda item 10.b

item type

Consent Agenda

meeting date

October 23, 2024

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

Approve the following contracts:

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

None



City Commission

agenda item 10.b.1

item type

Consent Agenda

meeting date

October 23, 2024

prepared by

Rebecca Watt, Procurement Agent

approved by

Randy Knight, City Manager

subject

1. RFQ7-23 - Pond & Company, Inc. - Geotechnical & Environmental Consulting Services; Task Order for Mead Gardens Boardwalk Project; Amount: \$40,167
2. FY25-12 - Cigna Health and Life Insurance Co. - Medical Insurance Stop Loss & Administration; for services during the term of the agreement through October 1, 2025; Amount: \$1,420,000

motion | recommendation

Commission approve items as presented and authorize Mayor to execute.

background

1. This Task Order outlines the design, environmental survey and permitting for the Mead Gardens Boardwalk.
2. The City's Insurance Agreements are perpetual, and the funding has been approved in the FY25 budget.

alternatives | other considerations

N/A

fiscal impact

Total expenditures included in the following approve budgets:

1. Capital Projects Fund
2. Employee Insurance Fund

attachments

None

**item type**

Consent Agenda

meeting date

October 23, 2024

prepared by

Rebecca Watt, Procurement Agent

approved by

Randy Knight, City Manager

subject

Approve of the following purchase:

1. Symbiont Service Corporation - GeoThermal Pool Heater at the Community Center;
Amount: \$160,876

motion | recommendation

Commission approve item as presented and authorize Mayor to execute.

background

1. The current heater at the Community Center is broken. This vendor installed the geothermal heater at the Cady Way pool. Staff recommends moving forward with the same installer to maintain consistency between both facilities.

alternatives | other considerations

N/A

fiscal impact

Total expenditures included in the following approved budgets:

1. Capital Projects Fund

attachments

None

**item type**

Consent Agenda

meeting date

October 23, 2024

prepared by

Peter Moore, Director of Office of Management and Budget

approved by**subject**

FY25 Budget Amendment - COPS Grant

motion | recommendation

Approve the Budget Amendment as Presented

background

The city applied for and received the COPS grant, where a portion of new police hires' salaries will be paid by the grant. At the time of budget development, there was no guarantee that the city would receive this funding. Under the grant, the city has been awarded funding to support the hire of two additional Police Officers. As part of the proposed FY25 budget that was just adopted, the city deferred on adding new officer positions in lieu of waiting on the grant results, and now that the grant has been successful, the city needs to accommodate the remaining funding to support the new positions. The grant will pay for approximately \$65k of each position's salary. The total cost for bringing on a new officer position is about \$206k. That includes about \$77k for the fully equipped vehicle, \$32k in equipment, and about 97k in total wages & benefits. With \$130k in grant support, the cost of adding the positions to the FY25 budget will be about \$282k. As this is the beginning of the fiscal year and it is too early to make any judgment on revenue performance, staff is suggesting that the Commission use some of the \$450k contingency set aside in the FY25 budget. As part of previous budget conversations, the City Commission had expressed a desire to grow the officer count by six positions over 3 years. Two new positions were added in FY24, and this grant will assist with adding the new positions in FY25.

alternatives | other considerations

Not funding the grant will result in its forfeiture.

fiscal impact

This will reduce the city's available contingency from \$450k to \$168k.

attachments

1. Budget Amendments Sheet - COPS Grant

Exhibit A

Item	Amount	Source Account	Source Acct. Name	Exp. Account	Exp. Acct. Name	Note	Approval Date
COPS Grant	\$282,000 \$130,000	0019200 599410 0010331 331100	General Fund Contingency Federal Grants	0014104 ***** (See listing attached)	Uniform Patrol Division (Various Accounts, See attached)	Funding to add two new police officer positions with a portion paid from the Department of Justice COPS grant.	Pending

COPS Grant Budget Amendment

Org	Object	Description	Additional Funding
0014104	512010	REGULAR SALARIES AND WAGES	112,000
0014104	521010	FICA TAXES	8,600
0014104	523010	EMPLOYEE INS - HEALTH & DENTAL	27,600
0014104	522011	RETIREMENT CONTRIBUTIONS - PD	45,800
0014104	544060	RENTALS - EQUIP REPLACEMENT FD	154,000
0014104	552090	OPERATING EQUIP UNDER \$5000	64,000
Totals			412,000.00

Funding Sources

0019200	599410	OTHER USES - CONTINGENCY RES	282,000
0010331	331100	FED GRANT-GENERAL GOVERNMENT	130,000
Totals			412,000.00



City Commission

agenda item 11.a

item type

Action Items Requiring Discussion

meeting date

October 23, 2024

prepared by

Pamela Russell, Director of Human Resources

approved by

Randy Knight, City Manager

subject

City Manager's Annual Evaluation

motion | recommendation

Determine and approve the amount of a merit increase, if any, for the City Manager.

background

This is the City Manager's Annual Review. The Mayor and Commissioners completed an evaluation of the City Manager for the period from 10/1/2023 to 9/30/2024, a summary of which is attached.

The City Commission has approved a budget that includes up to a 3.5% merit increase for employees for FY 2025.

alternatives | other considerations**fiscal impact**

The City Manager's salary to which the merit increase would apply is \$252,345.

attachments

1. Score Card

City Manager Evaluations
10/1/2024

	Mayor DeCiccio	VM Weaver	Comm Sullivan	Comm Russell	Comm Cruzada	Average	Weight
Professional Attributes	4.0	4.0	3.3		3.7	3.75	20%
Leadership	4.0	3.8	3.7		3.8	3.83	25%
Departmental Performance	4.0	3.9	3.8		3.8	3.88	25%
Oversight/Execution on Major Projects, Initiatives	<u>3.8</u>	<u>3.4</u>	<u>3.5</u>	<u></u>	<u>3.7</u>	<u>3.60</u>	<u>30%</u>
Weighted Average	3.90	3.80	3.60		3.80	3.76	100%

Scale

- | | |
|------------------------|----------------------------------|
| 4 Exceeds Expectations | 2 Minor Improvement Needed |
| 3 Meets Expectations | 1 Significant Improvement Needed |

**item type**

Public Hearings: Quasi-Judicial Matters

meeting date

October 23, 2024

prepared by

Allison McGillis, Director of Planning and Zoning

approved by

Randy Knight, City Manager

subject

Request of Benjamin Partners, LTD for:

- An Ordinance amending Chapter 58 "Land Development Code" Article I, "Comprehensive Plan" and the Future Land Use Map so as to change the Low Density Residential Future Land Use designation to an Orange County Planned Development Future Land Use designation on the property located at 1251 Lewis Drive, more particularly described herein, providing for severability, conflicts and an effective date. (1st Reading)
- An Ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" and the official Zoning Map so as to change Low Density Residential (R-2) District Zoning to Orange County Planned Development (OC PD) District Zoning on the property located at 1251 Lewis Drive, more particularly described herein, providing for severability, conflicts and an effective date. (1st Reading)

motion | recommendation

Planning & Zoning Board recommendation is for approval of the Ordinances.

background

This public hearing is to re-designate 1251 Lewis Drive, which was recently purchased by the master developer of the Ravaudage Planned Development, from Low Density Residential (R-2) zoning and Low Density Residential Future Land Use to Orange County Planned Development (OC PD) zoning and Future Land Use. The Comprehensive Plan provides via Policy 1-M-6 (below) that when out-parcels are added to the Ravaudage development, they may be granted the same Future Land Use and zoning designations as the entire project.

Policy 1-M-6: Future Enclave & Out-Parcel Additions to the Ravaudage Planned Development. Any future acquisitions and additions to the Ravaudage PD of enclave or out-parcel properties may, at the discretion of the City, be added to the Ravaudage PD and regulated by the Orange County PD Code and the Development Order terms and conditions pertaining to the Ravaudage PD.

The City does not have a Planned Development Future Land Use designation or Planned Development (PD) zoning that approximates the Orange County PD designations. In the Ravaudage Annexation Agreement and the Comprehensive Plan, the use of the Orange County land use designations is provided for.

This property at 1251 Lewis Drive is a single lot that measures 75 feet along Lewis Drive and is 132.5 feet deep, which equates to a lot area of 9,937 square feet. The maximum residential unit density for Ravaudage is 14.76 dwelling units per acre, and the maximum commercial density (or floor area ratio) is 100%. Thus, adding this property to the PD boundary, results in three (3) additional units and 9,937 square feet of added commercial entitlements.

In accordance with the Comprehensive Plan, these two ordinances would change the Low Density Residential Future Land Use designation and corresponding R-2 zoning to Orange County Planned Development Future Land Use and the corresponding Orange County Planned Development (OC PD) zoning.

alternatives | other considerations

fiscal impact

attachments

1. Ord. Comp. Plan_FLU 1251 Lewis Drive
2. Ord. Zoning _1251 Lewis Drive
3. 1251 Lewis Dr Location Map
4. Aerial Map

ORDINANCE XXXX-24

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO ORANGE COUNTY PLANNED DEVELOPMENT FUTURE LAND USE ON THE PROPERTY AT LOCATED AT 1251 LEWIS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the City Commission intends to amend its Comprehensive Plan Future Land Use Map to recognize the addition of 1251 Lewis Drive to the Ravaudage Planned Development, as is consistent with the policies of the Comprehensive Plan, and

WHEREAS, this change of future land use designations is being accomplished via a Comprehensive Plan future land use map designation small-scale amendment to the Comprehensive Plan, and

WHEREAS, on October 1, 2024, the Planning and Zoning Board held a public hearing on the proposed future land use map amendment set forth herein and made a recommendation to the City Commission concerning the same, and

WHEREAS, the amendment of the Comprehensive Plan Future Land Use Map meets the criteria established by Chapter 163, Florida Statutes and pursuant to and in compliance with law.

NOW THEREFORE BE IT ENACTED, AS FOLLOWS:

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change from a Low Density Residential future land use designation to an Orange County Planned Development future land use designation on the property located at 1251 Lewis Drive and more particularly identified with Orange County Parcel ID# 01-22-29-3712-12-120 and further identifies as Lot 12 and the north half of Lot 13, Block M, Home Acres subdivision as recorded in Plat Book "M", Page 97 of the Public Records of Orange County, Florida.

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

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ____ day of _____, 2024.

Mayor Sheila DeCiccio

Attest:

ORDINANCE XXXX-24

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE FROM LOW DENSITY RESIDENTIAL (R-2) ZONING TO ORANGE COUNTY PLANNED DEVELOPMENT (OC-PD) ZONING ON THE PROPERTY AT 1251 LEWIS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the City Commission intends to amend the zoning designation on 1251 Lewis Drive in conformance with the Comprehensive Plan future land use designation of said property, and

WHEREAS, on October 1, 2024, the Planning and Zoning Board held a public hearing on the rezoning set forth herein and made a recommendation to the City Commission regarding such rezoning, and

WHEREAS, the City Commission finds that the zoning set forth herein is consistent with the Comprehensive Plan and land development regulations for the public safety uses intended, and

WHEREAS, the establishment of 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.

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 III, "Zoning" and the Official Zoning Map is hereby amended so as to change the existing zoning designation of Low Density Residential (R-2) District to Orange County Planned Development (OC-PD) district zoning on the property at 1251 Lewis Drive, more particularly identified with Orange County Parcel ID# 01-22-29-3712-12-120 and further identifies as Lot 12 and the north half of Lot 13, Block M, Home Acres subdivision as recorded in Plat Book "M", Page 97 of the Public Records of Orange County, Florida.

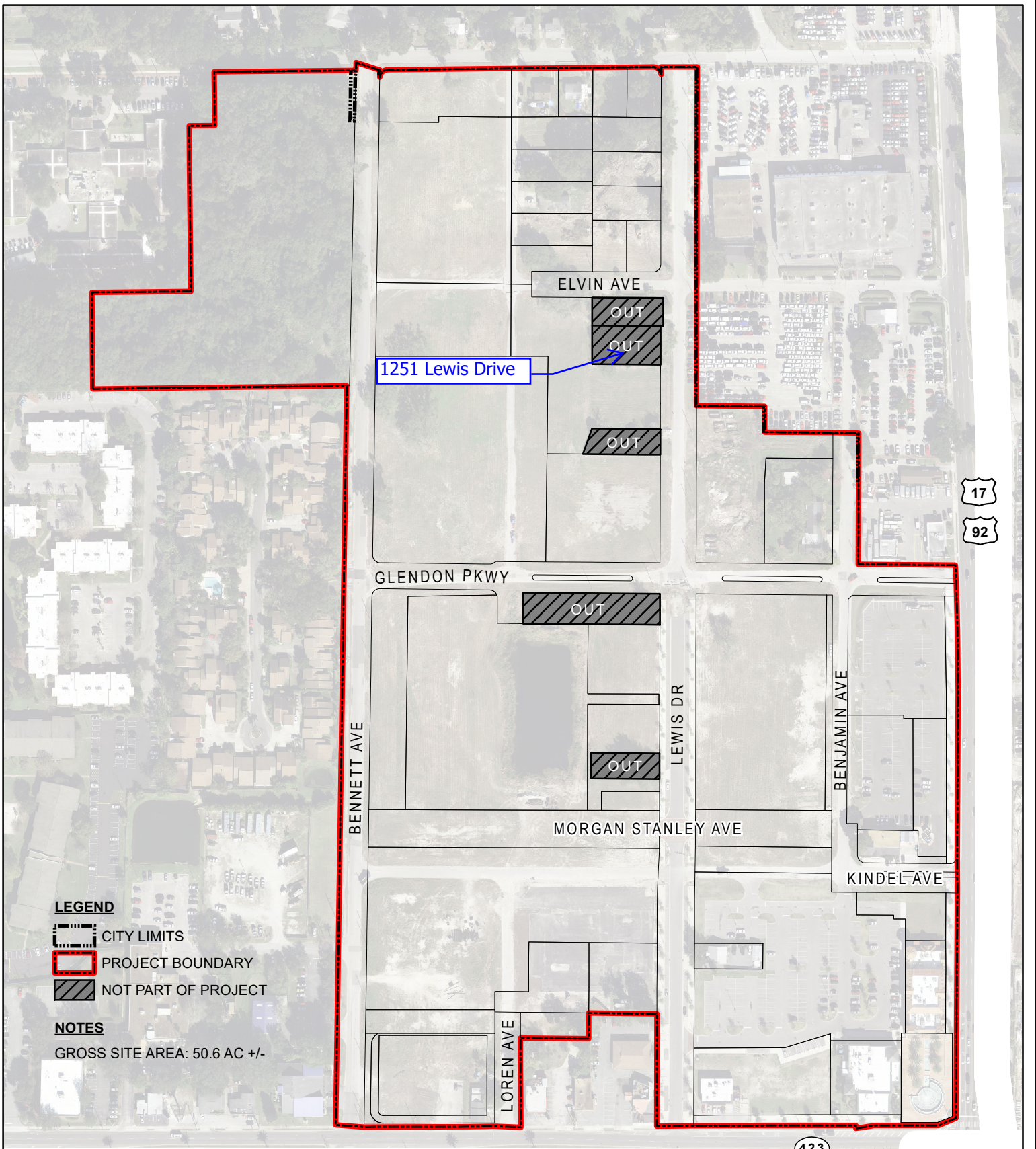
SECTION 2. This Ordinance shall become effective immediately upon the effectiveness of the companion ordinance amending the City of Winter Park Comprehensive Plan to designate the property described in Section 1 of this Ordinance with the Planned Development future land use.

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 _____, 2024.

Attest:

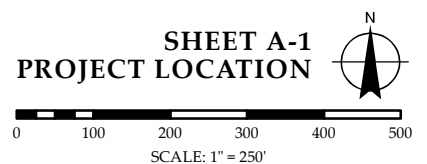
Mayor Sheila DeCiccio

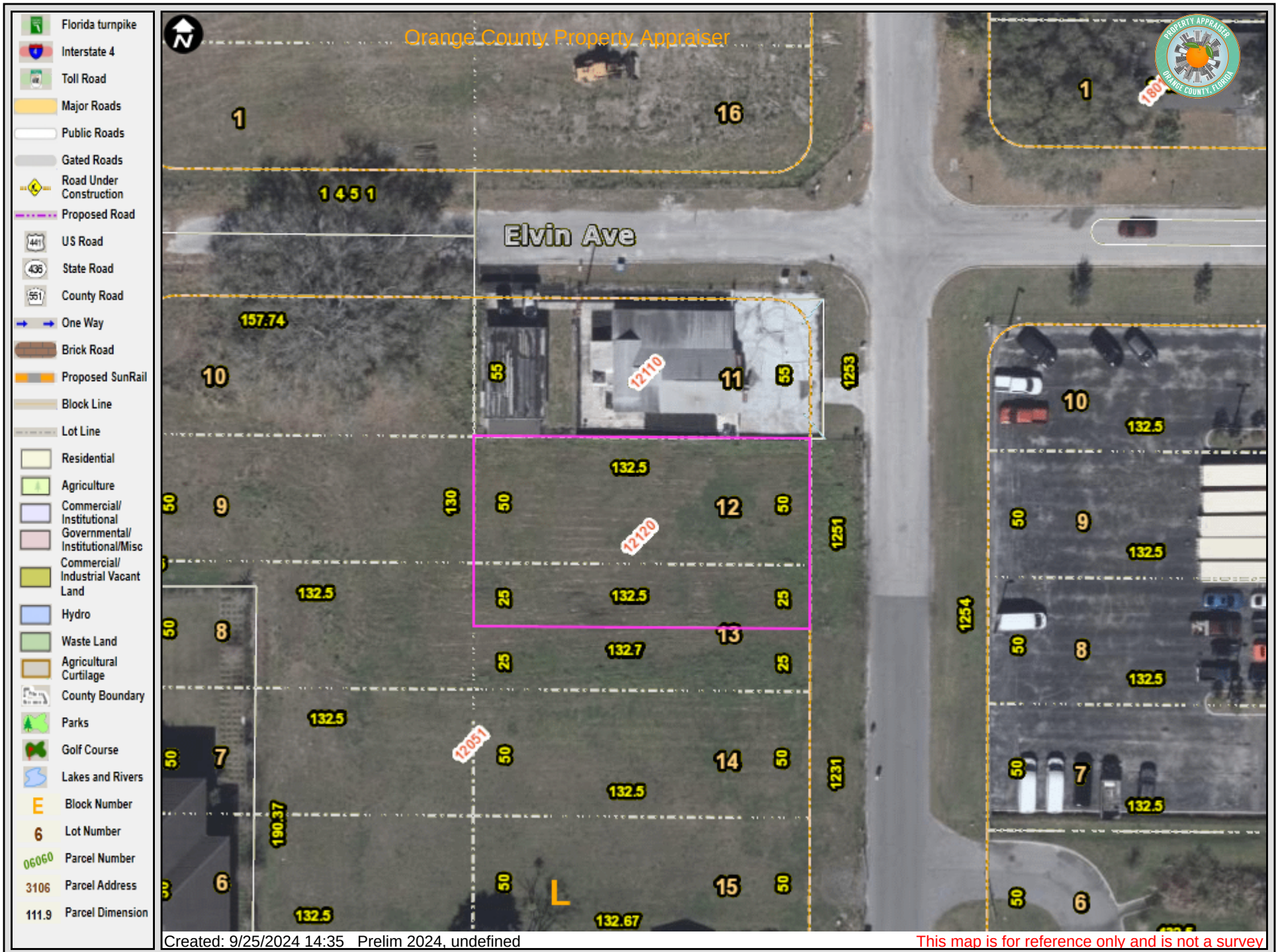
Rene Cranis, City Clerk



RAVAUDAGE LAND USE PLAN WINTER PARK, FLORIDA

**SHEET A-1
PROJECT LOCATION**





**item type**

Public Hearings: Non Quasi-Judicial Matters

meeting date

October 23, 2024

prepared by

Jeffrey Briggs

approved by

Randy Knight, City Manager

subject

Resolution 2291-24 - Designating 1500 Sunset Drive to the Winter Park Register of Historic Places

motion | recommendation

The Historic Preservation Board recommends approval of this historic designation.

background

This public hearing is for a new historic designation of the home and property at 1500 Sunset Drive. The historic designation request is contingent upon the approval of the proposed additions that were approved by the Historic Preservation Board on September 25, 2024. The property owner, Jill Cotton, with the assistance of Z Properties, desire to keep the existing home, built in 1959, (no tear down) and undertake additions to the home.

The survey and site plan with the additions proposed is attached, including elevations. The goal is to increase the square footage of the one-story home from 1,509 square feet of living area up to 2,327 square feet without building the added square footage as a second story. As such, the proposed additions extend into the setbacks and as submitted there were setback variance requests that have been approved by the Historic Preservation Board.

This is a mid-century modern style, built in 1959. If the home were to be demolished, conformance to the required building setbacks would mandate a two-story product in order to get larger living area square footage and a two-car garage. These additions add living space while maintaining the existing scale, which is important. Any tear down and rebuild would be much larger and two-stories in height. Together with an attractive landscape package that Z Properties contemplates, this will dramatically improve the appearance of this highly visible property.

alternatives | other considerations

fiscal impact

attachments

1. Resolution 2291-24 1500 Sunset Drive Designation
2. Location Map
3. Existing House Pictures
4. Proposed Design Images

RESOLUTION 2291-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1500 SUNSET DRIVE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

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

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

WHEREAS, the Winter Park Historic Preservation Board has determined that the property at 1500 Sunset Drive meets the criterion for historic resource status through its association with a Mid-Century Modern architectural style that was predominant in the 1950's and 1960's as built in many places throughout the City by Sorensen & Fletcher and others.

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

Section 1. The City Commission of the City of Winter Park hereby designates the home and property located at 1500 Sunset Drive as a historic resource on the Winter Park Register of Historic Places.

Section 2. That the designation is being made in confirmation of and subject to the approvals of variances for setbacks as granted by the Historic Preservation Board on September 25, 2024 inclusive of the expansion of the front yard exclusion for floor area ratio for both the three-sided open front porch and carport.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 23rd day of October, 2024.

Sheila DeCiccio, Mayor

ATTEST:

City Clerk Rene Cranis

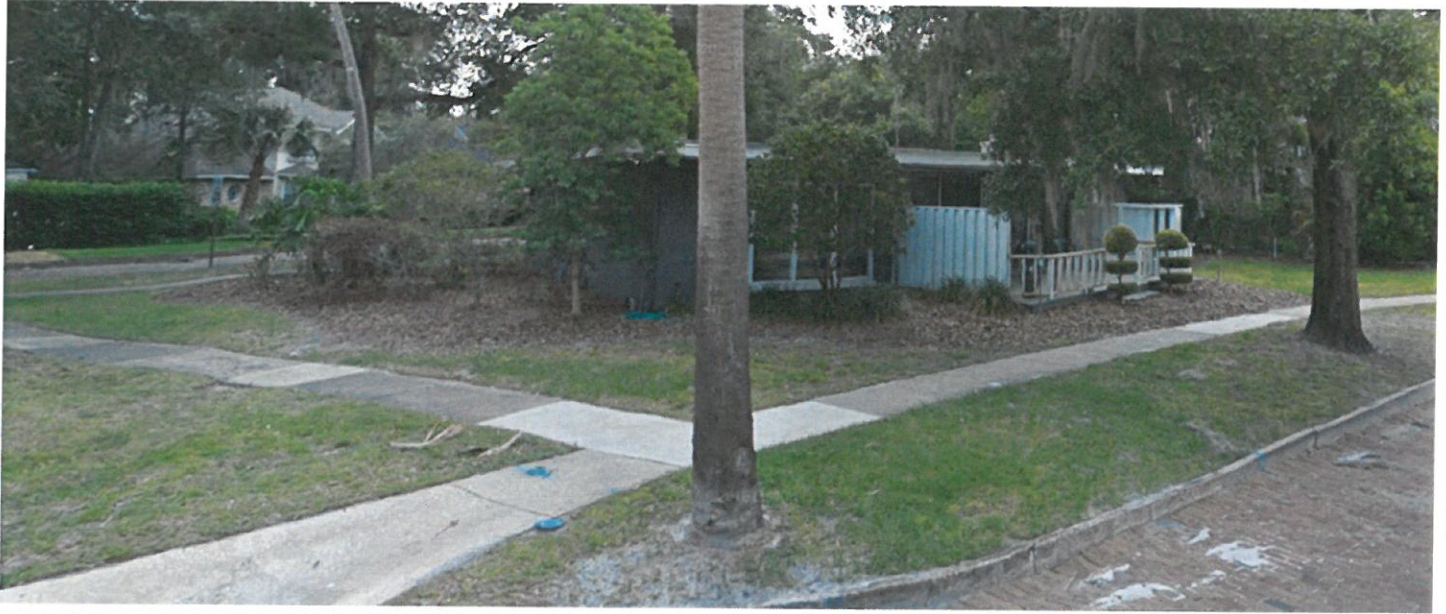
View from Sunset Drive



View showing frontages on Sunset Drive and Edgewater Avenue



Views from the Wilbar Circle street side



Z | PROPOSED DESIGN







**item type**

Public Hearings: Non Quasi-Judicial Matters

meeting date

October 23, 2024

prepared by

Jeffrey Briggs

approved by

Randy Knight, City Manager

subject

Ordinance authorizing the sale of the East 20 feet of 1530 Drum Street. (1st Reading)

motion | recommendation

Staff recommendation is for approval.

background

The City of Winter Park owns a vacant 75-foot-wide lot at 1530 Drum Street that is used solely for drainage conveyance of the streets in the adjacent neighborhood to the adjoining wetland. The owners of the adjacent vacant property at 1550 Drum Street are requesting to purchase the adjoining east 20 feet of the city's property. Their proposal is to use that 20 feet along with their 75-foot-wide vacant lot to build a new single family home. Their proposal also offers a renewal of the remaining 55 feet of city property with new landscaping, planting of new native trees, revitalizing the drainage channel into a scenic water feature, and the maintenance of the same from this date forward. The Pappas family, who own the adjacent vacant lot, will fund these improvements, the future maintenance, and make an additional \$36,352 payment to the city in exchange for the sale of the 20 feet of the 1530 Drum Street city lot to the Pappas family, to be joined with the adjacent buildable lot at 1550 Drum Street.

History

Thomas Pappas purchased 1570 Drum Street, one of the original 1960's ranch houses in Winter Park, in 2000, as well as the adjacent vacant lot at 1550 Drum Street to its west. Further west, the lot at 1530 Drum Street is owned by the City of Winter Park and has no improvements other than a roughed-in drainage ditch, a concrete spillway from the street, and a pile of sandbags to help prevent erosion. Over the 24-year period of owning 1550 and 1570 Drum Street, Thomas Pappas has maintained the landscaping on the city property at 1530 Drum Street. At no time in those 24 years has the city needed to pay for landscaping services on that property, saving the city roughly \$16,000.

Today

The current city-owned lot at 1530 Drum Street is unused and unusable. The drainage ditch is unsightly, invasive plants and trees have taken over parts of the lot, and the neighborhood

largely ignores the area. The neighbors to the west, at 1510 Drum Street, have blocked their view of this lot by planting a continuous hedge of podocarpus along the property line. The lot occasionally accumulates trash which the Pappas family cleans up, and the lot has no natural beauty to contribute to the neighborhood around it.

Thomas Pappas would like to allow his daughter, Fay Olga Pappas, to build a new home on the expanded 1550 Drum Street. The new home is a classic New England-style two-story house, and includes master suites for Fay and her husband Ken, Fay's parents, Thomas and Kiki, and Ken's parents as well. To facilitate keeping the whole family together and in Winter Park, Thomas would like to purchase 20 feet of the unbuildable drainage lot and add it to 1550 Drum Street. In exchange, the Pappas family will redevelop the landscaping of the remaining city property entirely with invasive species to be removed. Sandbags are to be replaced with attractive bouldering surrounded by beautiful native Florida Muhly, Pickerel, and Fakahatchee grasses. New bald cypress, live oak, and holly trees will replace the scrub and invasive plants there now. Bahia grass will cover the rest of the property. Lastly, Thomas and Fay Pappas will:

- Pay \$36,352.00 to the City of Winter Park,
- Certify both their existing property at 1550 Drum Street and the renovated property at 1530 Drum Street as Firefly Habitats through Firefly.org, to create and sustain a healthy habitat for adult and larval fireflies that currently live in the Howell Branch Preserve,
- Agree to maintain the landscaping at the 1530 property in an attractive, clean way for as long as the Pappas family owns the home at 1550 Drum Street.

Value of the land

The city staff valued the property at \$36,352 based on the OCPA land value per square foot. While OCPA can undervalue property versus the market, the added consideration is the \$50,000 to be spent by the Pappas family to landscape the city's remaining property with new trees and landscaping and improvements to the drainage ditch. The Public Works Dept. has determined that they have no use for the 20 feet to be sold and the improvements and cost savings for future maintenance justify the land values. Staff would propose that the proceeds are directed to the Park Acquisition Trust Fund.

alternatives | other considerations

fiscal impact

attachments

1. Ordinance - Sale of 20 Feet of 1530 Drum Street
2. Map and Aerial
3. Existing pictures of the site
4. City Council Proposal for Purchase of 20 Feet

5. Landscape Plan for 1530 Drum Street

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE SALE AND CONVEYANCE OF THE EAST 20 FEET OF 1530 DRUM STREET OWNED BY THE CITY IN CONFORMANCE WITH CITY CHARTER SECTION 2.08 (C) AND SECTION 2.11 OF THE CITY CHARTER, PURSUANT TO THE TERMS APPROVED BY THE CITY COMMISSION; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, Section 2.08 (c) which requires a supermajority vote and Section 2.11 of the Charter of the City of Winter Park, Florida, authorizes the City Commission, by ordinance to sell, convey or authorize by administrative action the conveyance of any lands of the City; and

WHEREAS, the City has determined that there is not a municipal use of this 20-foot of property and that the proposed use will be consistent with the single-family district (R-1A) zoning and no variances or any other commitments have been made other than the ability to develop the land in conformance with the normal land development code regulations.

WHEREAS, the City Commission finds that the new landscaping and trees to be added to the remaining 55 feet of city property and the improvements to the drainage ditch along with the agreement for perpetual maintenance of the city's 55 feet to be compelling justifications for the \$36,352 to be paid for the 20 feet of land to be sold.

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

SECTION 1. The recitals stated hereinabove are incorporated herein by reference and are made fully a part of this Ordinance.

SECTION 2. The property that is authorized to be conveyed by the City is the property identified as follows:

PORTION OF CITY PROPERTY AT 1530 DRUM STREET

THE EAST 20 FEET OF LOT 18, BLOCK "A" WINTER PARK MANOR SUBDIVISION AS RECORDED IN PLAT BOOK "X", Page 13 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. East 20 feet of Property Tax ID #29-21-30-9422-01-180

SECTION 3. The City Commission of the City of Winter Park hereby approves the transfer and conveyance of this property for \$36,352 based upon the commitments for landscape and other improvements to the remaining city property and for the commitment to maintain such landscaping at no cost to the City.

SECTION 4. This Ordinance shall constitute the authorization by the City Commission pursuant to Section 2.08 (c) and Section 2.11 of the Charter of the City of Winter Park, Florida, for the transfer and conveyance of the property set forth above, and the City Commission of the City of Winter Park hereby authorizes the Mayor to execute such contract and deed on behalf of the City, as may be required.

SECTION 5. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

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 _____, 2024.

Mayor Sheila DeCiccio

ATTEST:

City Clerk, Rene Cranis

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- One Way
- Brick Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental/Institutional/Misc
- Commercial/Industrial Vacant Land
- Hydro
- Waste Land
- Agricultural Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- E Block Number
- 6 Lot Number
- 06060 Parcel Number
- 3106 Parcel Address
- 111.9 Parcel Dimension



Created: 9/23/2024 15:56 Prelim 2024, undefined

This map is for reference only and is not a survey

Recommendation for the Commission



Recommendation for the Commission



Recommendation for the Commission

Recommendation

The Board recommends that the Commissioners accept a proposal to permit the improvement of 1530 Drum Street, a city owned vacant lot, including a complete renewal of the landscaping, planting of new native trees and other plant life, revitalizing a drainage channel into a scenic water feature, and the maintenance of the same from this date forward. The Pappas family, who own the adjacent vacant lot, will fund this improvement, the future maintenance, and make an additional \$36,000 payment to the city. In exchange, the city agrees to sell 20' of the 1530 Drum Street lot to the Pappas family, to be joined with the adjacent, buildable lot at 1550 Drum Street.

History

Thomas Pappas purchased 1570 Drum Street, Winter Park, FL 32789, one of the original 1960's ranch houses in Winter Park, in 2000, as well as the adjacent vacant lot at 1550 Drum Street to its west. Further west, the lot at 1530 Drum Street is owned by the City of Winter Park and has no improvement other than a roughed-in drainage ditch, a concrete spillway from the street, and a pile of sandbags to help prevent erosion.

Over the 24-year period of owning 1550 and 1570 Drum Street, Thomas Pappas has maintained the landscaping. As the properties are all connected, he also maintained the landscaping on the city owned property at 1530 Drum Street. At no time in those 24 years has the city needed to pay for landscaping services on that property, saving the city roughly \$16,000.

Today

The current city-owned lot at 1530 Drum Street is unused, and unusable. The drainage ditch is unsightly, invasive plants and trees have taken over parts of the lot, and the neighborhood largely ignores the area. The neighbors to the west, at 1510 Drum Street, have blocked their view of this lot by planting a continuous hedge of podocarpus along the property line. The lot occasionally accumulates trash which the Pappas family cleans up, and has no natural beauty to contribute to the neighborhood around it.

Thomas Pappas would like to allow his daughter, Fay Olga Pappas, to build a new home on the buildable lot at 1550 Drum Street. The new home is a classic New England style two-story house, and includes master suites for Fay and her husband Ken, Fay's parents Thomas and Kiki, and Ken's parents as well. To facilitate keeping the whole family together and in

Recommendation for the Commission

Winter Park, Thomas would like to purchase 20 feet of the unbuildable drainage lot and add it to 1550 Drum Street.

In exchange, the Pappas family will redevelop the landscaping of the remaining city property entirely. Invasive species are to be removed. Sandbags are to be replaced with attractive bouldering surrounded by beautiful native Florida Muhly, Pickerel, and Fakahatchee grasses, pictured below. Bald Cypress, Live Oak, and Holly trees will replace the scrub and invasive plants there now. Bahia grass will cover the rest of the property.

Lastly, Thomas and Fay Pappas will:

- Pay \$36,352.00 to the City of Winter Park,
- Certify both their existing property at 1550 Drum Street and the renovated property at 1530 Drum Street as Firefly Habitats through Firefly.org, to create and sustain a healthy habitat for adult and larval fireflies that currently live in the Howell Branch Preserve,
- Agree to maintain the landscaping at the 1530 property in an attractive, clean way for as long as the Pappas family owns the home at 1550 Drum Street.

Illustration

Here are photos of the existing unimproved city lot at 1530 Drum Street:



Recommendation for the Commission



Recommendation for the Commission

A site plan for the proposed improvements is attached to this recommendation as Exhibit A.

Here are images of the plants named in the site plan (and their quantities):

SEVEN (7) ILEXOPACA EAGLESTON (native hollies):



TWO (2) QUERCUS VIRGINIANA (live oaks):

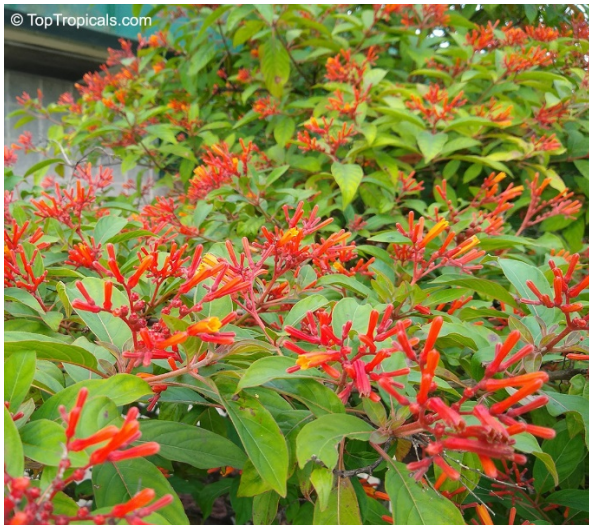


Recommendation for the Commission

THREE (3) TAXODIUMDISTICHUM (bald cypresses):



THIRTEEN (13) HAMELIAPATENS (fire bushes):



Recommendation for the Commission

NINETY-EIGHT (98) MUHLENBERGIA CAPILLARIS (muhly grasses)



TWENTY-TWO (22) PONTEDARIA CODATA (pickerel weed)



NINETY-SIX TRIPSACUM FLORIDANUM (dwarf Fakahatchee grass)



Recommendation for the Commission

BAHIA GRASS "ARGENTINE"

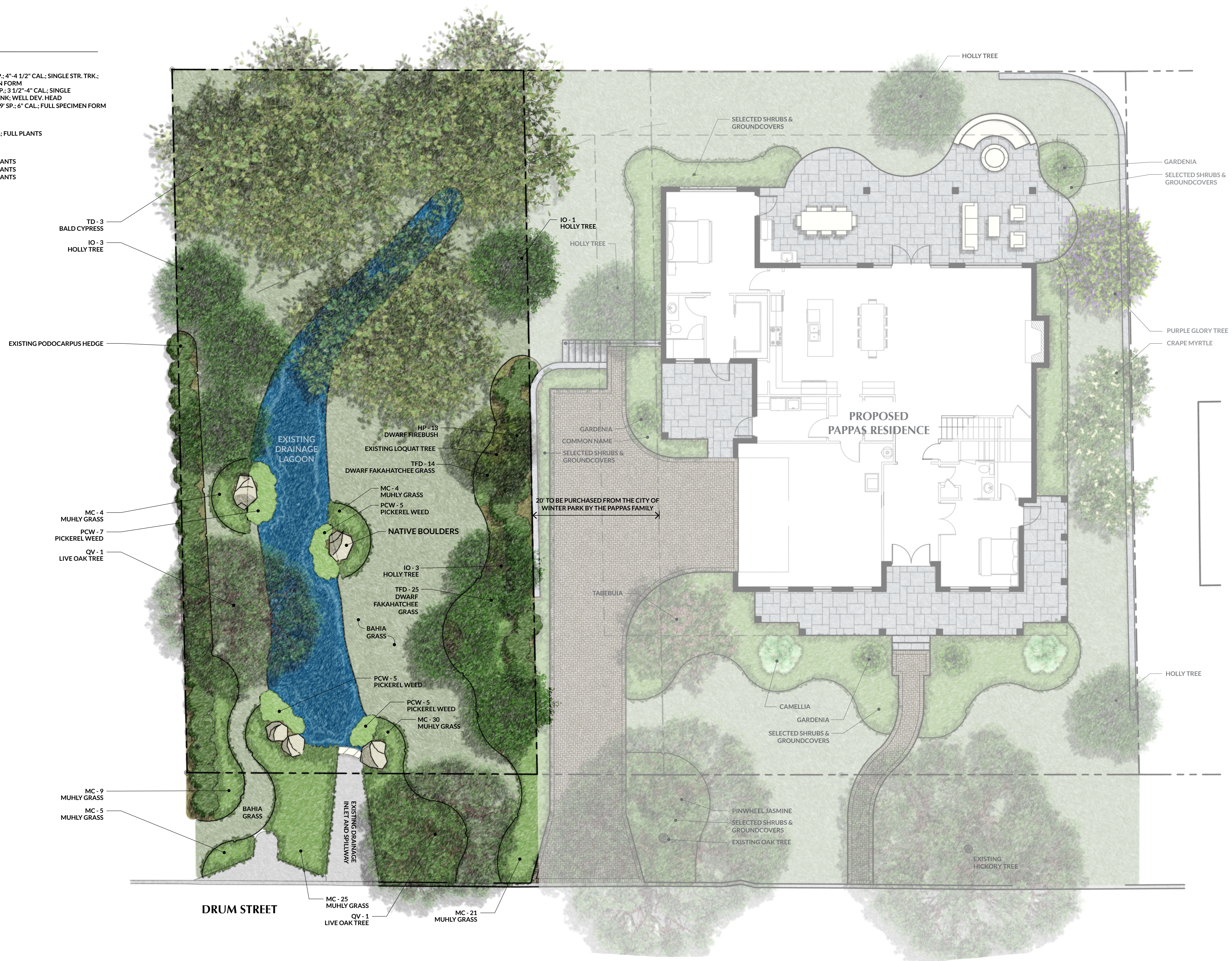


Recommendation for the Commission

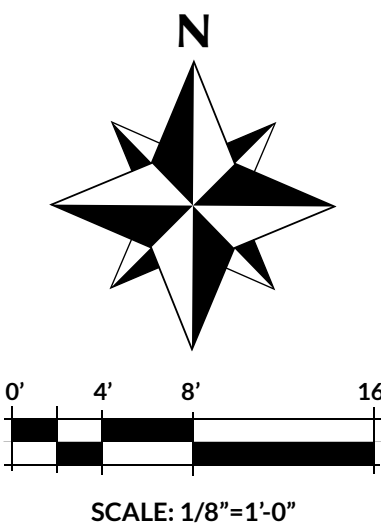
EXHIBIT A:

PLANT LIST

SYM	QTY	BOTANICAL	COMMON	OC	SIZE
TREES					
IO	7	ILEX OPACA 'EAGLESTON'	HOLLY TREE	as shown	12'-14"x6'-7" S.P.; 4"-4 1/2" CAL.; SINGLE STR. TRK.; FULL SPECIMEN FORM
QV	2	QUERCUS VIRGINIANA	LIVE OAK	as shown	14'-16" X 6'-7" SP.; 3 1/2"-4" CAL.; SINGLE STRAIGHT TRUNK; WELL DEV. HEAD
TD	3	TAXODIUM DISTICHUM	BALD CYPRESS	as shown	18'-20' HT. x 8'-9" SP.; 6" CAL.; FULL SPECIMEN FORM
SHRUBS					
HP	13	HAMELIA PATENS	FIRE BUSH	48"	7 GAL.; 30" O.A.; FULL PLANTS
GROUND COVERS					
MC	98	MUHLBERGIA CAPILLARIS	MUHLY GRASS	30"	1 GAL.; FULL PLANTS
PCW	22	PONTEDARIA CODATA	PICKEREL WEED	24"	1 GAL.; FULL PLANTS
TFD	96	TRIPSACUM FLORIDANUM	DWARF FAKAHATCHEE GRASS	18"	1 GAL.; FULL PLANTS
SOD		BAHIA GRASS 'ARGENTINE'			



Landscape Plan
CITY OF WINTER PARK 'OPEN SPACE'
Prepared for: The Pappas Family
Winter Park, Florida
25 September 2024





item type

Public Hearings: Non Quasi-Judicial Matters

meeting date

October 23, 2024

prepared by

Allison McGillis, Director of Planning and Zoning

approved by

Randy Knight, City Manager

subject

Resolution 2292-24 - Request of Benjamin Partners, LTD: adopting the Fourth Amendment to the Amended and Restated Development Order for the Ravaudage Development as originally adopted on November 10, 2014.

motion | recommendation

Development Review Committee (DRC) recommendation is for approval of the attached Fourth Amendment to the Amended and Restated Development Order for the Ravaudage Planned Development.

background

The applicant, master developer for the Ravaudage Planned Development (PD), is requesting to amend the PD Development Order (DO) to add a new entitlements category into the Project Building Program table for Affordable Housing Units, and to allow the conversion of unused hotel rooms into residential units using the Equivalency Matrix included in the DO (refer to page 18 of the attached DO) as an administrative approval granted by the Development Review Committee (DRC).

Affordable Housing Request:

In 2023, the Live Local Act was approved as a comprehensive, statewide, attainable housing strategy, designed to increase the availability of affordable housing opportunities for Florida's residents, who desire to live within the communities they serve. The Act is vague in how it affects PDs like Ravaudage, that already have a set amount of residential entitlements. In early 2024, the city adopted its own Live Local Ordinance to help clarify some of the vagueness of the Act, and determined that the land use Ravaudage has (Orange County PD, OC PD) is a commercial land use and can be a candidate for a Live Local project. For this request, the master developer is requesting to amend the DO for affordable housing units following some of what Live Local allows, but in a slightly modified fashion, which means this is not a true Live Local Act request/project.

Ravaudage currently has entitlements for 14.76 dwelling units per acre (du/ac) for the PD,

which is less than the maximum permitted elsewhere in the city at 17 du/ac. The master developer is requesting to gain additional residential entitlements (2.24 du/ac) into their DO to match the same 17 du/ac allowed citywide. Included in the request is splitting the added units into two buckets: 40% of the units at or below 120% of the median adjusted gross annual income (AMI) for Orange County, Florida based on number of occupants, and 10% of the units at 120-140% AMI.

17 du/ac – 14.76 du/ac = 2.24 du/ac x 50.6 ac (size of Ravaudage) = 113 additional units
 40% of the units at or below 120% AMI = 45 units
 10% of the units at 120-140% AMI = 11 units
 50% of units at market rate = 57 market rate

In exchange for increasing the residential units, there is also a companion reduction in the office entitlements of 54,828 square feet, following the Equivalency Matrix conversion math included in the DO (1,000 square feet of office for every 2.061 du), to make sure that there is the same traffic generation within the PD as originally anticipated.

This request went before the city’s Development Review Committee (DRC). They felt that apartments at the 120-140% AMI are, in practice, essentially market rate units. Based on the April 2024 HUD Income Limits and Rent Limits data for Orange County this would be in the range of \$2,607 to \$3,041 a month for a two-bedroom unit. The three major apartment buildings in Winter Park/Ravaudage (Paseo/Juno/Bainbridge) are charging \$2,700 to \$2,900 a month for a two-bedroom unit. Therefore, DRC recommended that 50% of the additional units (56) be limited to at or below 120% AMI and the remainder be market rate (57).

As recommended by DRC, the following changes would be made to the Project Building Program table and added to the DO text. Also included in this revision is the addition of 1251 Lewis Drive into the PD with added entitlements of 9,937 square feet of commercial and three (3) residential units.

CATEGORY	ENTITLEMENTS
RESIDENTIAL	<u>681</u> 622 UNITS ¹
COMMERCIAL	<u>575,478</u> 565,541 SF
OFFICE	<u>811,427</u> 866,255 SF
HOTEL	320 ROOMS
<u>AFFORDABLE HOUSING</u>	<u>56 UNITS</u>
<u>UNITS²</u>	

1: UNIT COUNT REFLECTS 10% LAND USE INCREASE WHICH WAS CALCULATED USING THE EQUIVALENCY MATRIX BY CONVERTING 24,745 SQUARE FEET OF OFFICE ENTITLEMENTS INTO

51 ADDITIONAL RESIDENTIAL UNITS.

2: THESE UNITS ARE LIMITED TO AT OR BELOW 120% OF THE MEDIAN ADJUSTED GROSS ANNUAL INCOME (AMI) FOR ORANGE COUNTY, FLORIDA.

F. As a condition of approval for any project brought to DRC containing affordable housing

units, prior to any site or building permits for the project being requested or obtained, the applicant (and the property owner, if different from the applicant) must execute and have recorded in the public records of Orange County, Florida, an Affidavit of Commitment and Restrictive Covenants. Such Affidavit of Commitment and Restrictive Covenants shall: (i) have terms acceptable to the city, (ii) run with and be binding upon the land for no less than thirty (30) years from the issuance of a certificate of occupancy for the last principal structure of the project (iii) be enforceable by the city; (iv) detail the affordable housing and project conditions and restrictions required by the DO and conditioned by DRC; (v) provide for monitoring, and compliance requirements; and (vi) provide for the city's enforcement remedies. Mortgage holders will be required to execute and record a subordination of their lien interest to such Affidavit of Commitment and Restrictive Covenants prior to or simultaneously with the recording of the Affidavit of Commitment and Restrictive Covenants. The city will provide the monitoring and compliance forms upon submittal of the application, deemed complete and sufficient.

Hotel Conversion Request:

Secondly, part of this request is to allow the conversion of unused hotel rooms into residential units using the Equivalency Matrix included in the DO (refer to page 18 of the attached DO) as an administrative approval granted by the Development Review Committee (DRC).

Currently, Ravaudage has utilized 126 rooms for the Marriot with approved plans for another 44-room expansion coming soon, 102 rooms for the Hilton, and 13 extended-stay units within a proposed building within the parking lot of Ale House fronting on Morgan Stanley Avenue, for a total of 285 rooms accounted for. This leaves 35 rooms remaining that could be converted using the Equivalency Matrix to 41 residential units (1.195 residential units for every hotel room and fractional residential units do not count). While the primary purpose of a hotel room is temporary lodging rather than permanent residence, the overlap in features and services makes them quite similar in many respects. As evident from the equivalency matrix, the residential units also generate less trips/traffic than the hotel units which is why they translate to more residential units than hotel rooms.

DRC felt that there should be language included that these hotel conversions may be required to be made at the same 50/50 split of affordable housing units and market rate units as the first part of this request, at their discretion, at the time the request is made to convert. This ensures that the conversion equally benefits both general residential (market rate) and affordable housing needs. To accomplish this, the following text would be added to the DO:

G. Hotel rooms to residential unit conversions may be granted administratively by DRC using the Equivalency Matrix. At the discretion of DRC, these conversions may be required to be converted at a 50/50 split into the "Residential" and "Affordable Housing Units" categories of the Project Building Program table. For example: if 10 units are requested to be converted at 1.195 units for every hotel room, that equates to 11 units (fractional units do not count). The "Residential" category would be allocated first with 6 units, and the other 5 units would go to the "Affordable Housing Units" category. If DRC decides not to require a 50/50 split, these 11 units would go into the "Residential" category.

Overall, accounting for the 468 residential units already built, the result of this request would yield 132 new market rate units and 56 affordable housing units. Additionally, there is the possibility of converting 35 hotel rooms into 41 more residential units, which could be designated as market-rate, or a 50/5 mix of both market-rate and affordable, depending on DRC approval.

alternatives | other considerations

fiscal impact

attachments

1. Ravaudage Resolution Oct 2024
2. Fourth Amendment to DO_2024_Affordable Housing and Hotel Conversion

After Recording Return to:
City Clerk
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

RESOLUTION 2292-20

A RESOLUTION OF THE CITY COMMISSION OF THE OF WINTER PARK, FLORIDA, ADOPTING THE FOURTH AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE RAVAUDAGE DEVELOPMENT AS ORIGINALLY ADOPTED ON NOVEMBER 10, 2014, PROVIDING FOR, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, Benjamin Partners, Ltd. (Developer), and City of Winter Park previously entered into an Annexation Agreement dated April 9, 2012 and recorded in O.R. Book 10363, Page 1250, et seq, Public Records of Orange County, Florida, concerning property generally located at Lee Road and 17-92 in Winter Park, Florida and known as Ravaudage, in which the parties agreed that Developer's Development Order with Orange County dated May 24, 2011, (the "Original Development Order") would govern the development of Ravaudage with a few modifications, as noted in the Annexation Agreement; and

WHEREAS, the Original Development Order was amended and restated by that certain Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2148-14 adopted on November 10, 2014, which is recorded at Official Records Book 10938, Page 3602, et. seq., Public Records of Orange County, Florida, as further amended by that certain First Amendment to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2188-17 adopted on July 24, 2017, which is recorded at Official Records Document number 20170499479, et. seq., Public Records of Orange County, Florida ("First Amendment to Amended and Restated Development Order"), further amended by that certain Second Amendment to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2211-18 adopted on October 23, 2018, which is recorded at Official Records Document number 20180635393, et. seq., Public Records of Orange County, Florida ("Second Amendment to Amended and Restatement Development Order") and further amended by that certain Third Amendment to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2241-20 adopted on December 9, 2020, which is recorded at Official Records Document number 20210034580, et. seq., Public Records of Orange County, Florida ("Third Amendment to Amended and Restatement Development Order"); and

WHEREAS, the Orange County Code applies to the development of Ravaudage under F.S. §171.062 and under the terms of the Annexation Agreement subject to the terms and conditions of the Second Amendment to Amended and Restated Development Order as further amended herein; and

WHEREAS, the Developer and the City staff have requested certain additional amendments to the Amended and Restated Development Order, which have been recommended for approval by the Development Review Committee at their October 2, 2024 meeting, and approved by the City Commission at a public hearing on October 23, 2024, all in accordance with the procedure required by the Orange County Zoning Code, and those requested amendments are reflected in the attached Fourth Amendment to the Amended and Restated Development Order; and

WHEREAS, the City finds that these amendments to the Amended and Restated Development Order are consistent with the City of Winter Park and Orange County Comprehensive Plan and the Orange County Zoning Code, and is in the best interests of the citizens of Winter Park.

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

SECTION 1. APPROVAL. The City Commission of the City of Winter Park hereby approves the Fourth Amendment to the Amended and Restated Development Order attached hereto as Attachment "A" ("Fourth Amendment"), and authorizes the Mayor to execute said Fourth Amendment on behalf of the City.

SECTION 2. SEVERABILITY. If any Section or portion of a Section of this Resolution 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 Resolution.

SECTION 3. CONFLICTS. In the event of conflicts between this Resolution and other resolutions or parts thereof, this Resolution shall control to the extent of the conflict.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 23rd day of October, 2024.

Mayor Sheila DeCiccio

ATTEST:

City Clerk

Prepared by and Return to:

City Clerk
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

Attachment 'A'

**FOURTH AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT ORDER
(RAVAUDAGE)**

THIS FOURTH AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT ORDER (the "FOURTH Amendment") is made and entered into this ____ day of _____, 2024, by and between the **City of Winter Park**, a municipal corporation of the State of Florida (the "City"), 401 Park Avenue South, Winter Park, Florida 32789 and **DANIEL B. BELLOWS**, (referred to as "Developer" and "Owner"), P.O. Box 350, Winter Park, FL 32790; **BENJAMIN PARTNERS, LTD.**, a Florida limited partnership, of P.O. Box 350, Winter Park, FL 32790; **CENTRAL FLORIDA STOCK INVESTORS, LLC**, a Florida corporation, of **P.O. Box 350, Winter Park, FL 32790**; and **GARMET, LTD.**, a Florida limited partnership, of 222 South Pennsylvania Ave., Ste. 200, Winter Park, FL 32789 (excluding the City, the foregoing parties, including the Developer are herein collectively referred to as "Owners").

WHEREAS, the City and Owners (or their predecessors in title) previously entered into that certain Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2148-14 adopted on November 10, 2014, which is recorded at Official Records Book 10938, Page 3602, et. seq., Public Records of Orange County, Florida, as further amended by that certain First Amendment to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2188-17 adopted on July 24, 2017, which is recorded at Official Records Document number 20170499479, et. seq., Public Records of Orange County, Florida, as further amended by that certain Second Amendment to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2211-18 adopted on October 22, 2018, which is recorded at Official Records Document number 20180635392, et. seq., Public Records of Orange County, Florida, as further amended by that certain Third Amendment to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2241-20 adopted on December 9, 2020, which is recorded at Official Records Document number 20210034580, et. seq., Public Records of Orange County, Florida ("Third Amendment to Amended and Restatement Development Order"); and

WHEREAS, the City and Owners desire to further amend the Amended and Restated Development Order as set forth in this Fourth Amendment; and

WHEREAS, the City finds that this Fourth Amendment is consistent with the City and County Comprehensive Plans, the Orange County Zoning Code, and is in the best interests of the citizens of Winter Park.

NOW, THEREFORE, for and in consideration of the terms and conditions of this Fourth Amendment, the mutual covenants set forth herein, and for other good and valuable consideration, the City and Owners agree to the following conditions:

1. Recitals. The above recitals are true and correct and form a materials part of this Fourth Amendment.

2. Amendment. The Amended and Restated Development Order is hereby amended as set forth in the strike-through and underline version of the Amended and Restated Development Order attached hereto as **Attachment "1"** (~~strike-through~~ language are deletions; underlined language is being added).

3. Ratification. All other provisions of the Amended and Restated Development Order, except as modified herein, shall remain in full force in effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

CITY OF WINTER PARK, FLORIDA, a municipal corporation of the State of Florida

Name: _____

By: _____
Sheila DeCiccio, Mayor

Name: _____

ATTEST:
By: _____
Rene S. Cranis, City Clerk

Date: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by physical presence this ____ day of _____, 2024, by Sheila DeCiccio, Mayor of THE CITY OF WINTER PARK, FLORIDA, a municipal 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)

Name: _____

By: _____
Daniel B. Bellows

Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by physical presence this _____ day of _____, 2024, by Daniel B. Bellows, who ☐ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

GARMET, LTD., a Florida limited partnership

By: Welbourne Ave. Corp., its General Partner

By: _____
Robert P. Saltsman, President

Date: _____

Name: _____

Name: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by physical presence this ____ day of _____, 2024, by Robert P. Saltsman, President of Welbourne Ave., Corp, a Florida corporation, the General Partner for Garmet Ltd, a Florida limited partnership, who ☐ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

Central Florida Stock Investors, LLC a Florida corporation

Name: _____

By: _____
Robert Saltsman, Manager

Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by physical presence this ____ day of _____, 2024, by Robert Saltsman, Manager, Central Florida Stock Investors, LLC, a Florida corporation, who ☐ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

BENJAMIN PARTNERS, LTD., a Florida
limited partnership

Name: _____

By: BENNETT AVE. COMPANY, INC., a
Florida corporation, its General Partner

Name: _____

By: _____
Daniel B. Bellows, President

Date: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by physical presence this ____ day of _____, 2024, by Daniel B. Bellows, President, of Bennett Ave. Company, Inc., a Florida corporation, the General Partner of Benjamin Partners, Ltd., a Florida limited partnership, who ☐ is personally known to me or ☐ has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

**AMENDED AND RESTATED DEVELOPMENT ORDER
(RAVAUDAGE)**

THIS AMENDED AND RESTATED DEVELOPMENT ORDER (the “Amended Order”) is made and entered into this ____ day of December, 2024, by and between the **City of Winter Park, Florida**, a political subdivision of the State of Florida (the “City”), 401 Park Avenue South, Winter Park, Florida 32789 and **DANIEL B. BELLOWS**, (referred to as “Developer” and “Owner”), P.O. Box 350, Winter Park, FL 32790; **BENJAMIN PARTNERS, LTD.**, a Florida limited partnership, of P.O. Box 350, Winter Park, FL 32790; **CENTRAL FLORIDA STOCK INVESTORS, LLC**, a Florida corporation, of **P.O. Box 350, Winter Park, FL 32790**; and **GARMET, LTD.**, a Florida limited partnership, of 222 South Pennsylvania Ave., Ste. 200, Winter Park, FL 32789 (excluding the City, the foregoing parties, including the Developer are herein collectively referred to as “Owners”).

WITNESSETH:

WHEREAS, the property that is the subject of this Amended Order is generally located at Lee Road and U.S. 17-92 in Winter Park, Florida, and is described in attached Exhibit A (the “Property”), and the development on the Property is known as Ravaudage; and

WHEREAS, the City and Developer previously entered into an Annexation Agreement dated April 19, 2012 and recorded in O.R. Book 10363, Page 1250 et seq, Public Records of Orange County, Florida, and in Section 5, the parties agreed to accept the Developer’s prior Development Order with Orange County dated May 24, 2011, to govern the development of Ravaudage with a few modifications, as noted in the Annexation Agreement; and

WHEREAS, the City agreed to maintain the County Comprehensive Plan designation on the Property, Orange County PD zoning, and pursuant to Fla. Stat. 171.062, to follow the Orange County Subdivision and Zoning Code to regulate development on the Property; and

WHEREAS, the Developer has requested certain amendments to the Original Order, which have been approved by the City’s Development Review Committee at public hearings, and by the City Commission at public hearings, as required by the Orange County Zoning Code, and those amendments are reflected in this Amended Order; and

WHEREAS, the Original Order will continue to govern those parcels which are no longer owned by the Developer, which consist of the parcel at 1251 Lee Road, Winter Park, Florida, with a Parcel ID No. 01-22-29-3712-01-010, the parcel at 1035 N. Orlando Avenue, Winter Park, Florida, with a Parcel ID No. 01-22-29-3712-01-131, the parcel at 1006 Lewis Drive, Winter Park, Florida, with a Parcel ID No. 01-22-29-3712-02-150, the parcel at 1101 Lewis Drive, Winter Park, Florida, with a Parcel ID No. 01-22-29-2712-06-170, and the Amended and Restated Development Order as approved by Resolution No. 2148-14 will continue to govern the parcel at 1060 Lewis Drive, Winter Park, Florida with a Parcel ID No. 01-22-29-3712-07-031; and

WHEREAS, this Amended Order was previously amended by the First, Second, and the latest Third Amendment to Amended and Restated Development Order (Ravaudage) approved by City of Winter Park Resolution No. 2241-20 adopted on December 9, 2020, which is recorded at Official Records Document number 20210034580, et. seq., Public Records of Orange County, Florida, and the form of this Amended Order reflects those previous amendments; and

WHEREAS, the City finds that this Fourth Amended Order is consistent with the City and County Comprehensive Plans, the Orange County Zoning Code, and is in the best interests of the citizens of Winter Park.

NOW, THEREFORE, for and in consideration of the terms and conditions of this Amended Order, the mutual covenants set forth herein, and for other good and valuable consideration, the City and Developer agree to the following conditions:

1. Recitals. The above recitals are true and correct and form a materials part of this Amended Order
2. THE DEVELOPMENT SHALL CONFORM TO THE RAVAUDAGE PD LAND USE PLAN DATED JULY 24, 2017 AND ANY AMENDMENT AND/OR MODIFICATIONS THEREOF AND ATTACHED HERETO AS EXHIBIT B AND SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND COUNTY LAWS, ORDINANCES AND REGULATIONS, EXCEPT TO THE EXTENT THAT ANY APPLICABLE COUNTY LAWS, ORDINANCES OR REGULATIONS ARE EXPRESSLY WAIVED OR MODIFIED BY ANY OF THESE CONDITIONS, ACCORDINGLY, THE PD MAY BE DEVELOPED IN ACCORDANCE WITH THE USES, DENSITIES AND INTENSITIES DESCRIBED IN SUCH LAND USE PLAN, SUBJECT TO THOSE USES, DENSITIES AND INTENSITIES CONFORMING WITH THE RESTRICTIONS AND REQUIREMENTS FOUND IN THE CONDITIONS OF APPROVAL AND COMPLYING WITH ALL APPLICABLE FEDERAL, STATE AND COUNTY LAWS, ORDINANCE AND REGULATIONS, EXCEPT TO THE EXTENT THAT ANY APPLICABLE COUNTY LAWS, ORDINANCES OR REGULATIONS ARE EXPRESSLY WAIVED OR MODIFIED BY ANY OF THESE CONDITIONS. IF THE DEVELOPMENT IS UNABLE TO ACHIEVE OR OBTAIN DESIRED USES, DENSITIES OR INTENSITIES, THE CITY IS NOT UNDER ANY OBLIGATION TO GRANT ANY WAIVERS OR MODIFICATIONS TO ENABLE THE DEVELOPER TO ACHIEVE OR OBTAIN THOSE DESIRED USES, DENSITIES OR INTENSITIES. IN THE EVENT OF A CONFLICT OR INCONSISTENCY BETWEEN A CONDITION OF APPROVAL OF THIS ZONING AND THE LAND USE PLAN DATED JULY 24, 2017 THE CONDITION OF APPROVAL SHALL CONTROL TO THE EXTENT OF SUCH CONFLICT OR INCONSISTENCY.
3. THIS PROJECT SHALL COMPLY WITH, ADHERE TO, AND NOT DEVIATE FROM OR OTHERWISE CONFLICT WITH ANY VERBAL OR WRITTEN PROMISE OR REPRESENTATION MADE BY THE APPLICANT (OR AUTHORIZED AGENT) TO THE BOARD OF COUNTY COMMISSIONERS AT THE PUBLIC HEARING WHERE THIS DEVELOPMENT WAS APPROVED, WHERE SUCH PROMISE OR REPRESENTATION, WHETHER ORAL OR WRITTEN, WAS RELIED UPON BY THE BOARD IN APPROVING THE DEVELOPMENT, COULD HAVE REASONABLY BEEN EXPECTED TO HAVE BEEN RELIED UPON BY THE BOARD IN APPROVING THE DEVELOPMENT, OR COULD HAVE REASONABLY INDUCED OR OTHERWISE INFLUENCED THE BOARD TO APPROVE THE DEVELOPMENT. FOR PURPOSES OF THIS CONDITION, A “PROMISE” OR “REPRESENTATION” SHALL BE DEEMED TO HAVE BEEN MADE TO THE BOARD BY THE APPLICANT (OR AUTHORIZED AGENT) IF IT WAS EXPRESSLY MADE TO THE BOARD AT A PUBLIC HEARING WHERE THE DEVELOPMENT WAS CONSIDERED OR APPROVED.
4. OUTDOOR SALES, STORAGE, AND DISPLAY SHALL BE ALLOWED TO INCLUDE SPECIAL EVENT SALES, KIOSKS, (TEMPORARY AND PERMANENT) SPECIAL OUTDOOR SALES, FOOD TRUCK EVENTS AND OUTDOOR GARDEN SALES IN CONFORMANCE WITH THE CITY REGULATIONS GOVERNING SUCH EVENTS AND ACTIVITIES.
5. SIGNAGE SHALL COMPLY WITH THE MASTER SIGNAGE PLAN TO BE SUBMITTED AND REVIEWED PRIOR TO DEVELOPMENT PLAN APPROVAL.
6. A WAIVER FROM SECTION 34-209, WHICH REQUIRES A 6-FOOT HIGH MASONRY WALL TO SEPARATE RESIDENTIAL SUBDIVISIONS FROM ADJACENT ROADWAYS, IS GRANTED AS THIS IS AN URBAN TOWN CENTER IN-FILL PROJECT.

7. THE FOLLOWING RELATES TO THE PROJECT BUILDING PROGRAM:

CATEGORY	ENTITLEMENTS
RESIDENTIAL	681-622 UNITS ¹
COMMERCIAL	575,478 565,541 SQUARE FEET
OFFICE	811,427 866,255 SQUARE FEET
HOTEL	320 ROOMS
<u>AFFORDABLE HOUSING UNITS²</u>	<u>56 UNITS</u>

1: UNIT COUNT REFLECTS 10% LAND USE INCREASE WHICH WAS CALCULATED USING THE EQUIVALENCY MATRIX BY CONVERTING 24,745 SQUARE FEET OF OFFICE ENTITLEMENTS INTO 51 ADDITIONAL RESIDENTIAL UNITS.

2: THESE UNITS ARE LIMITED TO AT OR BELOW 120% OF THE MEDIAN ADJUSTED GROSS ANNUAL INCOME (AMI) FOR ORANGE COUNTY, FLORIDA.

- A. MULTI-FAMILY PROJECTS SHALL PROVIDE EITHER AT LEAST 10% OF THE MULTI-FAMILY RESIDENTIAL UNITS BUILT TO BE CERTIFIED AFFORDABLE HOUSING OR PAY A FEE IN LIEU OF THE REQUIREMENT INTO THE CITY'S AFFORDABLE HOUSING TRUST FUND AT \$0.50/SQUARE FOOT FOR THE MULTI-FAMILY SQUARE FOOTAGE OR TO A NON-PROFIT AFFORDABLE HOUSING ENTITY TO PROVIDE FOR USE WITHIN THE CITY, SUBJECT TO APPROVAL BY CITY STAFF.
- B. ASSISTED LIVING/MEMORY CARE FACILITIES ARE PERMITTED WITHIN THE ORANGE COUNTY PD COMMERCIAL/OFFICE LAND USES, AND DEVELOPER MAY UTILIZE OFFICE AND/OR COMMERCIAL ENTITLEMENTS FOR THIS USE.
- C. IF ANY INDIVIDUAL BLOCK LENGTH EXCEEDS 600 FEET, THE BLOCK SHALL INCORPORATE A 20 FOOT PEDESTRIAN WALKWAY THAT INCLUDES A 10 FOOT PAVED CROSSWALK, LANDSCAPING AND LIGHTING. A BLOCK'S OVERALL PERIMETER MAY NOT EXCEED 2,400 FEET, UNLESS INTERRUPTED BY PEDESTRIAN WALKWAYS, LANDSCAPING AND DRIVEWAYS.
- D. MAXIMUM RESIDENTIAL DENSITY IS 14.76 DU/ACRE (BASED ON ACERAGE INCLUDING RIGHT-OF-WAY VACATION) AND MINIMUM RESIDENTIAL FLOOR AREA PER UNIT IS 500 SQUARE FEET UNDER HEAT AND AIR.
- E. MAXIMUM HEIGHTS ARE DETERMINED BY THE MAXIMUM HEIGHT MAP INCLUDED WITHIN EXHIBIT "B".
- F. AS A CONDITION OF APPROVAL FOR ANY PROJECT BROUGHT TO DRC CONTAINING AFFORDABLE HOUSING UNITS, PRIOR TO ANY SITE OR BUILDING PERMITS FOR THE PROJECT BEING REQUESTED OR OBTAINED, THE APPLICANT (AND THE PROPERTY OWNER, IF DIFFERENT FROM THE APPLICANT) MUST EXECUTE AND HAVE RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AN AFFIDAVIT OF COMMITMENT AND RESTRICTIVE COVENANTS. SUCH AFFIDAVIT OF COMMITMENT AND RESTRICTIVE COVENANTS SHALL: (I) HAVE TERMS ACCEPTABLE TO THE CITY, (II) RUN WITH AND BE BINDING UPON THE LAND FOR NO LESS THAN THIRTY (30) YEARS FROM THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE LAST PRINCIPAL STRUCTURE OF THE PROJECT (III) BE ENFORCEABLE BY THE CITY; (IV) DETAIL THE AFFORDABLE HOUSING AND PROJECT CONDITIONS AND RESTRICTIONS REQUIRED BY THE DO AND CONDITIONED BY DRC; (V) PROVIDE FOR MONITORING, AND COMPLIANCE REQUIREMENTS; AND (VI) PROVIDE FOR THE CITY'S ENFORCEMENT REMEDIES.

MORTGAGE HOLDERS WILL BE REQUIRED TO EXECUTE AND RECORD A SUBORDINATION OF THEIR LIEN INTEREST TO SUCH AFFIDAVIT OF COMMITMENT AND RESTRICTIVE COVENANTS PRIOR TO OR SIMULTANEOUSLY WITH THE RECORDING OF THE AFFIDAVIT OF COMMITMENT AND RESTRICTIVE COVENANTS. THE CITY WILL PROVIDE THE MONITORING AND COMPLIANCE FORMS UPON SUBMITTAL OF THE APPLICATION, DEEMED COMPLETE AND SUFFICIENT.

G. HOTEL ROOMS TO RESIDENTIAL UNIT CONVERSIONS MAY BE GRANTED ADMINISTRATIVELY BY DRC USING THE EQUIVALENCY MATRIX. AT THE DISCRETION OF DRC, THESE CONVERSIONS MAY BE REQUIRED TO BE CONVERTED AT A 50/50 SPLIT INTO THE “RESIDENTIAL” AND “AFFORDABLE HOUSING UNITS” CATEGORIES OF THE PROJECT BUILDING PROGRAM TABLE. FOR EXAMPLE: IF 10 UNITS ARE REQUESTED TO BE CONVERTED AT 1.195 UNITS FOR EVERY HOTEL ROOM, THAT EQUATES TO 11 UNITS (FRACTIONAL UNITS DO NOT COUNT). THE “RESIDENTIAL” CATEGORY WOULD BE ALLOCATED FIRST WITH 6 UNITS, AND THE OTHER 5 UNITS WOULD GO TO THE “AFFORDABLE HOUSING UNITS” CATEGORY. IF DRC DECIDES NOT TO REQUIRE A 50/50 SPLIT, THESE 11 UNITS WOULD GO INTO THE “RESIDENTIAL” CATEGORY.

8. RESERVED.

9. THE FOLLOWING WAIVERS FROM THE BIG BOX DEVELOPMENT STANDARDS ARE GRANTED:

A. A WAIVER IS GRANTED FROM SECTION 38-1234(3) (F) (2) TO ALLOW BIG BOX DEVELOPMENT ONE (1) STORY AND LESS THAN 200,000 SF SHALL HAVE 5% OPEN SPACE (WITH RESTRICTIONS) WITHIN ITS LOT, IN LIEU OF 25% GIVEN THE URBAN VILLAGE LAYOUT OF THIS PLAN, BIG BOX DEVELOPMENT SHALL PROVIDE WITHIN ITS BUILDING LOT 5% OF THE GROSS AREA FOR OPEN SPACE USES (PLAZAS, POCKET PARKS, GREEN AREAS, ETC.).

B. A WAIVER IS GRANTED FROM SECTION 38-79 (153) (B) TO ALLOW BIG BOX DEVELOPMENTS TO HAVE MAXIMUM 1.00 FAR IN LIEU OF 0.23 FAR.

C. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(C) TO ALLOW A DETAILED TRAFFIC STUDY AT THE DEVELOPMENT PLAN STAGE IN LIEU OF PROPOSED BIG BOX DEVELOPMENT APPLICATION AT THE LAND USE PLAN STAGE.

D. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(E) TO ALLOW BIG BOX DEVELOPMENTS TO DESIGNATE AT LEAST TWO (2) VEHICLE PARKING SPACES FOR LOCAL LAW ENFORCEMENT WITHIN THE APPLICABLE PARKING STRUCTURES IN LIEU OF PROVIDING REFERENCED PARKING SPACES ADJACENT TO THE PRINCIPAL STRUCTURE.

E. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(G) TO ALLOW OFF- STREET STRUCTURED PARKING SERVICING THE BIG BOX NOT TO BE SUBDIVIDED INTO MULTIPLE “SUB-LOTS” WITH UNINTERRUPTED (EXCEPT AT CROSSWALKS) LANDSCAPED PEDESTRIAN SIDEWALK PATHWAYS IN LIEU OF OFF-STREET SERVICING THE PROJECT SHALL BE SUBDIVIDED INTO MULTIPLE “SUB-LOTS” WITH UNINTERRUPTED (EXCEPT AT CROSSWALKS) LANDSCAPED PEDESTRIAN PATHWAYS.

- F. A WAIVER IS GRANTED FROM SECTION 38-79 (153) (I) TO ALLOW BIG BOX USES WITH OFF-STREET STRUCTURED PARKING SHALL PROVIDE ZERO (0) ROADWAY “STACKING” BEFORE THE FIRST TURN WITHIN THE PARKING STRUCTURE IN LIEU OF 200’ OFF THE ROADWAY BEFORE THE FIRST TURN WITHIN THE PARKING LOT AS LONG AS ACCESS TO THE PARKING STRUCTURE IS FROM AN INTERNAL ROAD AND ACCESS TO THE PARKING STREET IS LOCATED A MINIMUM OF 200’ FROM US 17-92 AND/OR LEE ROAD.
- G. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(K) TO ALLOW NO PAVEMENT OR PART OF ANY VERTICAL STRUCTURE ASSOCIATED WITH THE REAR OR SIDE OF A BIG BOX DEVELOPMENT SHALL BE LOCATED CLOSER THAN 85’ IN LIEU OF 200’ FROM THE NEAREST PROPERTY LINE OF ANY ADJACENT SINGLE-FAMILY RESIDENTIALLY ZONED PROPERTY. ADDITIONALLY, ONE (1) LANDSCAPE SEPARATION BUFFERS SHALL BE PROVIDED WITHIN A 10’ PLANTING STRIP IN LIEU OF TWO (2) AND 200’. THIS WAIVER SHALL APPLY TO THE FOLLOWING PARCELS: 01-22-29-3712- 06-i 00 AND 01-22-29-3712-06-170 WHICH FRONT LEWIS DRIVE.
- H. A WAIVER IS GRANTED FROM SECTION 38-79 (153)(K) TO ALLOW NO PAVEMENT OR PART OF ANY VERTICAL STRUCTURE ASSOCIATED WITH THE REAR OR SIDE OF A BIG BOX DEVELOPMENT SHALL BE LOCATED CLOSER THAN 25’ IN LIEU OF 200’ FROM THE NEAREST PROPERTY LINE OF ANY ADJACENT SINGLE-FAMILY RESIDENTIALLY ZONED PROPERTY. ADDITIONALLY, ONE (1) LANDSCAPE SEPARATION BUFFERS SHALL BE PROVIDED IN LIEU OF TWO (2). A SETBACK OF ZERO (0) (NO BUFFER, WALL OR LANDSCAPE BUFFER) SHALL BE GRANTED WITH PROPERTY OWNER LETTER OF CONSENT. THIS WAIVER SHALL APPLY TO THE FOLLOWING PARCEL ONLY: 01-22-29-3712-06-010.

10. THE FOLLOWING WAIVERS FROM THE PD COMMERCIAL CODE ARE GRANTED:

- A. A WAIVER FROM SECTION 38-1272(A) (1) IS GRANTED TO ALLOW THE MAXIMUM IMPERVIOUS AREA FOR INDIVIDUAL LOTS / DEVELOPMENT PODS SHALL BE 85% IN LIEU OF 70%. THE OVERALL PROJECT SHALL PROVIDE FOR 15% OPEN SPACE (WITH RESTRICTIONS) AND A MASTER STORM WATER SYSTEM.
- B. A WAIVER FROM SECTION 38-1234(3) (C) IS GRANTED TO ALLOW OVERALL PROJECT OPEN SPACE TO BE 15% (WITH RESTRICTIONS) IN LIEU OF 25%, EXCEPT FOR A BIG BOX SITE.
- C. A WAIVER FROM SECTION 38-1272 (A) (3) IS GRANTED TO ALLOW INTERNAL REAR AND SIDE SETBACKS (NOT FRONTING ON RIGHT-OF-WAY) SHALL BE ZERO (0), IN LIEU OF 10’.

WHERE ADJACENT TO PROJECT RESIDENTIAL USES, THE SETBACK SHALL BE ZERO (0) IN LIEU OF 25’.

A MINIMUM 15’ BUILDING SETBACK SHALL BE MAINTAINED ALONG BENNETT AVENUE, IN LIEU OF 30’ (WITH A MAXIMUM SETBACK OF 25’), WITH THE EXCEPTION OF BLOCK E BETWEEN MORGAN STANLEY AVENUE AND GLENDON PARKWAY SHALL BE PERMITTED A 6’ BUILDING SET BACK SO LONG AS A MINIMUM OF A 10’ SIDEWALK EXISTS WITH ON STREET PARKING AND THE BUILDING IS LIMITED TO THREE-STORIES IN HEIGHT.

BUILDING SETBACKS FOR ALL INTERIOR/EXTERIOR STREETS SHALL BE A MAXIMUM OF 15’ IN LIEU OF 30’ WITH A MINIMUM OF ZERO (0’) FEET FROM BACK OF SIDEWALK. THIRD

AND FOURTH STORIES MUST BE SET BACK ON STREET FRONTAGES EQUAL TO THEIR HEIGHT OF A ONE FOOT SETBACK FOR EACH ONE FOOT HEIGHT OF THE RESPECTIVE THIRD AND FOURTH STORIES. ALL OTHER RIGHTS-OF-WAY SHALL HAVE A MAXIMUM SETBACK OF 10'. NO BUILDING SHALL ENCROACH INTO THE RIGHT-OF-WAY. THIS CONDITION APPLIES TO BUILDINGS WITH A MAXIMUM HEIGHT OF FOUR STORIES.

BUILDING SETBACKS ALONG ARTERIALS (LEE ROAD AND ORLANDO AVENUE - US 17/92) SHALL BE 15' IN LIEU OF 40' (WITH A MAXIMUM SETBACK OF 25'). PD PERIMETER SETBACK IS 15' UNLESS OTHERWISE WAIVED.

- D. A WAIVER FROM SECTION 38-1272 (A) (5) IS GRANTED TO ALLOW A MAXIMUM BUILDING HEIGHT UP TO EIGHT (8) STORIES, (100' PLUS 15' OF ARCHITECTURAL ENHANCEMENTS) AS DETAILED IN EXHIBITS FROM THE LAND USE PLAN LABELED: "SHEET A-2 MAXIMUM HEIGHT ZONES AND SHEET A-5 BUILDING SETBACKS," IN LIEU OF A MAXIMUM HEIGHT OF 50', 35' IF WITHIN 100' OF RESIDENTIAL.
- E. THE DEVELOPMENT SHALL RETAIN FLEXIBILITY TO ALLOW HEIGHT TRANSITIONS THROUGHOUT THE PROJECT TO BE DETERMINED ON THE INDIVIDUAL PROJECT BASIS. EXHIBIT B, AS MODIFIED SHALL BE USED TO ESTABLISH THE HEIGHTS AND NO BUILDING HEIGHT SHALL EXCEED EIGHT (8) STORIES.
- F. NO BUILDING SHALL EXCEED FOUR (4) STORIES IN HEIGHT WITHIN A 200' SETBACK ALONG ORLANDO AVENUE AND LEE ROAD.
- G. IF THE APPLICANT SEEKS TO INCREASE THE HEIGHT OF A BUILDING IN THE DEVELOPMENT, AS REFLECTED ON THE MAXIMUM HEIGHT MAP INCLUDED IN EXHIBIT B, THE APPLICANT MUST PROPOSE TO LOWER THE HEIGHT OF ANOTHER BUILDING IN THE DEVELOPMENT OF THE SAME SCALE AND TO THE SAME EXTENT AS THE BUILDING WITH THE HEIGHT INCREASE. ANY HEIGHT INCREASE MUST BE APPROVED BY THE CITY COMMISSION.

11. THE FOLLOWING WAIVERS FROM PD RESIDENTIAL CODE ARE GRANTED:

- A. A WAIVER IS GRANTED FROM SECTION 38-1254(1) IS GRANTED TO ALLOW BUILDING SETBACKS ALONG THE PD BOUNDARY TO BE A MINIMUM OF 15' IN LIEU OF 25' (WITH A MAXIMUM SETBACK OF 25'); WITH THE EXCEPTION THAT THE PD BOUNDARY BETWEEN THE MAITLAND AND WINTER PARK CITY LIMITS SHALL BE PERMITTED TO BE ZERO ALONG THE SOUTH SIDE OF MONROE AVE AND WITHIN BLOCK K.
- B. A WAIVER IS GRANTED FROM SECTION 38-1254 (2)(C) TO ALLOW BUILDING SETBACKS FROM LEE ROAD AND ORLANDO AVENUE (US 17/92) TO BE A MINIMUM OF 15' IN LIEU OF 50' (WITH A MAXIMUM SETBACK OF 25').
- C. A WAIVER IS GRANTED FROM SECTION 38-1254 (2) (E) TO ALLOW BUILDING SETBACKS FOR ALL INTERIOR/EXTERIOR (ALL OTHER R-O-W'S) STREETS TO BE A MINIMUM OF 0' IN LIEU OF 20' (WITH A MAXIMUM SETBACK OF 25'). THIRD AND FOURTH STORIES MUST BE SET BACK ON STREET FRONTAGES EQUAL TO THEIR HEIGHT OF A ONE FOOT SETBACK FOR EACH ONE FOOT HEIGHT OF THE RESPECTIVE THIRD AND FOURTH

STORIES. THE MINIMUM SETBACK OF 0' SHALL APPLY TO BACK OF SIDEWALK WITH A MINIMUM SIDEWALK WIDTH OF 10'. THIS CONDITION APPLIES TO BUILDINGS WITH A MAXIMUM HEIGHT OF FOUR STORIES.

- D. SUBJECT TO REVIEW AND APPROVAL BY THE DEVELOPMENT REVIEW COMMITTEE, ARCHITECTURAL FEATURES (E.G. LOGGIA, COLUMN, AWNING, ARCHES, OR SIMILAR IMPROVEMENTS) WHICH DO NOT IMPEDE VEHICULAR OR PEDESTRIAN TRAVEL, DO NOT CAUSE DANGEROUS CONDITIONS, DO NOT CAUSE UTILITY CONFLICTS OR INTERFERE WITH RIGHT-OF-WAY IMPROVEMENTS MAY BE PERMITTED. ANY PROPOSED RIGHT-OF-WAY ENCROACHMENTS SHALL ALSO BE REVIEWED AND COMMENTED ON BY THE PUBLIC WORKS AND UTILITY DEPARTMENTS AND SHALL BE CONDITIONED UPON THE CITY'S AND DEVELOPER'S (OR APPROPRIATE PROPERTY OWNER'S) EXECUTION OF A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH TERMS ACCEPTABLE TO THE CITY.

12. THE FOLLOWING WAIVERS FOR PARKING FACILITIES ARE GRANTED:

- A. A WAIVER FROM SECTION 38-1230(A) IS GRANTED TO ALLOW PARKING AREAS (STRUCTURED PARKING, AND SURFACE PARKING) MAY BE LOCATED UP TO 350' FROM THE USES THEY SERVE IN LIEU OF PARKING LOCATED WITHIN 150'.
- B. A WAIVER FROM SECTION 38-1477 IS GRANTED TO ALLOW PARKING AREAS (STRUCTURED AND/OR SURFACE PARKING) TO BE LOCATED UP TO 350' FROM THE PRINCIPAL USE ON A SEPARATE LOT IN LIEU OF PARKING PROVISION ON THE SAME LOT (PRINCIPAL USE) OR WITHIN 300' FROM THE PRINCIPAL ENTRANCE AS MEASURED ALONG THE MOST DIRECT PEDESTRIAN ROUTE.

13. THE FOLLOWING WAIVERS FROM SECTION 38-1258 (MULTI-FAMILY COMPATIBILITY) ARE GRANTED:

- A. A WAIVER FROM SECTION 38-1258(A) IS GRANTED TO ALLOW MULTIFAMILY BUILDINGS OF TWO (2) STORIES TO BE LOCATED WITHIN 5' TO 55'; FOUR (4) STORIES TO BE LOCATED BETWEEN 55' AND 80'; AND FIVE (5) TO EIGHT (8) STORY BUILDINGS TO BE LOCATED 80' IN LIEU OF 1 STORY LIMIT WITHIN 100' OF SINGLE-FAMILY ZONED PROPERTY.
- B. A WAIVER FROM SECTION 38-1258(B) IS GRANTED TO ALLOW MULTIFAMILY BUILDINGS OF EIGHT (8) STORIES TO BE LOCATED AT 80' FROM SINGLE-FAMILY ZONED PROPERTY, IN LIEU OF MULTI-FAMILY BUILDINGS LOCATED BETWEEN 100' AND 150' WITH A MAXIMUM OF 50% OF THE BUILDINGS BEING THREE (3) STORIES (NOT TO EXCEED 40') WITH THE REMAINING BUILDINGS BEING 1 OR 2 STORIES IN HEIGHT.
- C. A WAIVER FROM SECTION 38-1258(C) IS GRANTED TO ALLOW MULTIFAMILY BUILDINGS OF EIGHT (8) STORIES AND 100' IN HEIGHT (PLUS 15' FOR ARCHITECTURAL FEATURES, ELEVATOR TOWERS, AND COMMUNICATION ANTENNAE) AT 80' FROM PROPERTY LINE OF SINGLE FAMILY ZONED PROPERTY IN LIEU OF 3 STORIES AND 40' IN HEIGHT AND WITHIN 100' AND 150' OF SINGLE FAMILY-ZONED PROPERTY.
- D. A WAIVER FROM SECTION 38-1258(D) IS GRANTED TO ALLOW MULTIFAMILY BUILDINGS OF EIGHT (8) STORIES AND 100' IN HEIGHT (PLUS 15' FOR ARCHITECTURAL FEATURES, ELEVATOR TOWERS, AND COMMUNICATION ANTENNAE) IN LIEU OF BUILDINGS IN EXCESS OF 3 STORIES AND 40'.

- E. A WAIVER FROM SECTION 38-1258(E) IS GRANTED TO ALLOW PARKING AND OTHER PAVED AREAS OF MULTI-FAMILY DEVELOPMENT TO BE LOCATED 5' FROM ANY SINGLE FAMILY ZONED PROPERTY IN LIEU OF 25'. A 5' LANDSCAPE BUFFER SHALL BE PROVIDED IN LIEU OF 25'.
- F. A WAIVER FROM SECTION 38-1258 (F) IS GRANTED TO ALLOW NO MASONRY, BRICK OR BLOCK WALL TO BE CONSTRUCTED IN LIEU OF A 6' WALL WHENEVER A MULTI-FAMILY DEVELOPMENT IS LOCATED ADJACENT TO SINGLE FAMILY ZONED PROPERTY.
- G. A WAIVER FROM SECTION 38-1258(G) IS GRANTED TO ALLOW DIRECT MULTI-FAMILY ACCESS TO ANY RIGHT-OF-WAY SERVING PLATTED SINGLE FAMILY ZONED PROPERTY IN LIEU OF ACCESS TO ONLY COLLECTOR OR ARTERIAL ROADS.
- H. A WAIVER FROM SECTION 38-1258(I) IS GRANTED TO ALLOW URBAN/PEDESTRIAN FEATURES (SIDEWALKS, STREET FURNITURE, STREET TREES, ETC; REFER TO URBAN FORM: INTERNAL STREET DESIGN ELEMENTS) IN LIEU OF FENCING AND LANDSCAPE WHENEVER A SINGLE FAMILY ZONED PROPERTY IS LOCATED ACROSS THE RIGHT-OF-WAY.
- I. A WAIVER FROM SECTION 38-1258(J) IS GRANTED TO ALLOW A SEPARATION OF ZERO (0) BETWEEN MULTI-FAMILY, OFFICE, COMMERCIAL BUILDINGS (WITHOUT WINDOWS OR OTHER OPENINGS), IN LIEU OF 20' FOR FIRE PROTECTION PURPOSES; AND A SEPARATION OF 10' FOR BUILDINGS WHERE DOORS, WINDOWS AND OTHER OPENINGS IN THE WALL OF A LIVING UNIT BACK UP TO A WALL OF ANOTHER BUILDING WITH SIMILAR OPENINGS, IN LIEU OF A MINIMUM SEPARATION OF 30' FOR 2 STORY BUILDINGS AND 40' FOR 3 STORY BUILDINGS.
- J. A WAIVER FROM SECTION 38-1234(3) (A) (2) IS GRANTED TO ALLOW 15% (WITH RESTRICTIONS) OPEN SPACE IN LIEU OF 25% EXCEPT FOR BIG BOX AREA.

14. THE FOLLOWING WAIVERS FROM CH. 31.5 (SIGNAGE REGULATIONS) ARE GRANTED:

- A. A WAIVER FROM SECTION 31.5-126 (A) IS GRANTED TO ALLOW A NEW 14' X 48' BILLBOARD WITH (LIQUID CRYSTAL DISPLAY) LCD TECHNOLOGY IN A PD IN EXCHANGE FOR THE REMOVAL OF THREE (3) EXISTING 14' X48' BILLBOARDS. THE NEW STRUCTURE BILLBOARD SHALL BE PERMITTED TO BE CONSTRUCTED UPON THE REMOVAL OF EXISTING BILLBOARDS #1 AND #2. THE NEW BILLBOARD SHALL BE LOCATED ON LEE ROAD. BILLBOARD #3 SHALL BE REMOVED WITHIN TWO (3) YEARS OF APPROVAL OF THIS PD.
- B. A WAIVER IS GRANTED FROM SECTION 31.5-126(K)(1) TO ALLOW A BILLBOARD WITH A ZERO FOOT R-O-W SETBACK IN LIEU OF THE REQUIRED 15' FRONT PROPERTY LINE SETBACK.
- C. A WAIVER IS GRANTED FROM SECTION 31.5-126 (H) TO ALLOW 672 (14' X 48') SQUARE FOOT ALLOWABLE COPY AREA IN LIEU OF THE MAXIMUM 400 SQUARE FEET.

- D. A WAIVER IS GRANTED FROM SECTION 31.5-5 TO ALLOW THE BILLBOARD TO ADVERTISE RAVAUDAGE PROJECT DEVELOPMENT ADVERTISEMENTS AND MARKETING MATERIAL ON BILLBOARD #3 UNTIL IT IS REMOVED.

15. SECTION 4 OF THE ANNEXATION AGREEMENT ATTACHED HERETO AS EXHIBIT C SHALL GOVERN.

- A. THE INTERNAL STREET NETWORK SHALL CONSIST OF A STREET GRID SYSTEM THAT IS FLEXIBLE TO ACCOMMODATE AND SUPPORT A VARIETY OF URBAN LAND USES. THE GRID SYSTEM SHALL EMPHASIZE PEDESTRIAN USES AND ACTIVITIES, HUMAN-SCALE STREETS AND BUILDING FACADES.
- B. THE STREET GRID SYSTEM SHALL CONSIST (AT A MINIMUM) OF: TWO (2) NORTH-SOUTH CORRIDORS TO BE LOCATED FROM LEE ROAD TO MONROE AVENUE. BENNETT AVENUE IS TO REMAIN WITH AN ADDITIONAL STREET PARALLEL TO BENNETT AVENUE AND ORLANDO AVENUE AND TWO (2) EAST-WEST CORRIDORS CONNECTING ORLANDO AVENUE AND BENNETT AVENUE. ALL INTERNAL STREETS MAY BE RELOCATED AND RECONFIGURED.
- C. THE PROPOSED LAND USES ARE INTERCHANGEABLE ON ANY BLOCK DUE TO THE UNDERLYING URBAN DEVELOPMENT FRAMEWORK AND GRID SYSTEM.
- D. BENNETT AVENUE SHALL REMAIN A NORTH-SOUTH MAJOR MOBILITY CORRIDOR FROM LEE ROAD TO ITS TERMINUS AT MONROE AVENUE. WHERE BENNETT AVENUE MEETS LEE ROAD, THE DEVELOPER SHALL AT DEVELOPER'S EXPENSE CAUSE TO BE CONSTRUCTED, A T-INTERSECTION, AS DETERMINED TO BE THE PREFERRED INTERSECTION BY FDOT AND THE CITY TRAFFIC ENGINEER. THE INTERSECTION SHALL BE DESIGNED TO BE SIGNALIZED AT A TIME WHEN A WARRANT STUDY IS APPROVED BY FDOT, AND SHALL PROVIDE SAFE PEDESTRIAN CROSSING. BENNETT AVENUE MAY BE REALIGNED TO CONNECT WITH GEM LAKE DRIVE TO THE NORTH.

16. COORDINATION WITH (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX HAS LISTED AS A PRIORITY IN ITS 2010 TRANSIT DEVELOPMENT PLAN A TRANSFER STATION IN THIS GENERAL LOCATION. (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX ROUTES 1, 9, 14, 102 AND 443 ALL CURRENTLY COMPLETE TRANSFERS AT WEBSTER AVENUE AND DENNING DRIVE ON SURFACE STREETS. THEREFORE, (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX HAS EXPRESSED A DESIRE FOR A DEDICATED SUPER STOP OR TRANSFER FACILITY WITH EASY INGRESS AND EGRESS FOR (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX BUSES WITHIN THE PROJECT SITE. IN ADDITION, (CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY) LYNX IS CURRENTLY CONSIDERING PREMIUM TRANSIT SERVICE (BRT AND/OR EXPRESS BUS SERVICE) ALONG U.S.17/92 (ORLANDO AVENUE). THEREFORE, COORDINATION PRIOR TO APPROVAL OF THE MASTER TRANSPORTATION PLAN AND (PRELIMINARY SUBDIVISION PLAN) PSP OR (DEVELOPMENT PLAN) DP IS REQUIRED TO PROVIDE FOR THE NEEDED SUPER STOP OR TRANSFER STATION AND PEDESTRIAN CONNECTIVITY.

- A. COORDINATION WITH THE MASTER DEVELOPER IS ENCOURAGED TO PROVIDE A BUS TRANSFER STATION STOP WITH PEDESTRIAN ACTIVITY AT SUCH TIME THAT A SUNRAIL

STATION IS CONSIDERED AS PART OF THE OVERALL DEVELOPMENT PLAN.

- B. THE DEVELOPER HAS AGREED TO PROVIDE A BIKE SHARE LOCATION ON THE RAVAUDAGE SITE BY THE COMPLETION OF THE DEVELOPMENT'S SECOND RESIDENTIAL PROJECT.
- 17. THE SELLING OF ANY PARCEL OF LAND SHALL CARRY THE REQUIREMENT THAT ANY AND ALL REQUIRED IMPROVEMENTS AND ASSOCIATED MITIGATION AS IDENTIFIED FROM THE STUDIES DEFINED IN CONDITION 15 SHALL BE CARRIED FORWARD AS MITIGATION IN PROPORTION TO THE PARCEL(S) IMPACTS AS A PERCENTAGE OF THE TOTAL SITE IMPACTS IDENTIFIED IN THE STUDIES. THE SPECIFIC METHODOLOGY AND PROCEDURE TO CALCULATE THE PERCENTAGE OF PROPORTIONAL IMPACTS SHALL BE DEVELOPED AND AGREED UPON BY ALL PARTIES AS PART OF THE STUDIES CONDUCTED AS THE REQUIREMENTS OF CONDITION 15.
- 18. THE FOLLOWING EDUCATION CONDITION OF APPROVAL SHALL APPLY:
 - C. DEVELOPER SHALL COMPLY WITH ALL PROVISIONS OF THE CAPACITY ENHANCEMENT AGREEMENT ENTERED INTO WITH THE ORANGE COUNTY SCHOOL BOARD AS OF 1/25/2011.
 - D. UPON THE COUNTY'S AND CITY'S RECEIPT OF WRITTEN NOTICE FROM (ORANGE COUNTY PUBLIC SCHOOLS) OCPS THAT THE DEVELOPER IS IN DEFAULT OR BREACH OF THE CAPACITY ENHANCEMENT AGREEMENT, THE CITY SHALL IMMEDIATELY CEASE ISSUING BUILDING PERMITS FOR ANY RESIDENTIAL UNITS IN EXCESS OF THE 204 RESIDENTIAL UNITS ALLOWED PRIOR TO THE ZONING APPROVAL. THE CITY SHALL AGAIN BEGIN ISSUING BUILDING PERMITS UPON (ORANGE COUNTY PUBLIC SCHOOLS) OCPS'S WRITTEN NOTICE TO THE COUNTY AND CITY THAT THE DEVELOPER IS NO LONGER IN BREACH OR DEFAULT OF THE CAPACITY ENHANCEMENT AGREEMENT. THE DEVELOPER AND ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT SHALL INDEMNIFY AND HOLD THE COUNTY AND CITY HARMLESS FROM ANY THIRD PARTY CLAIMS, SUITS, OR ACTIONS ARISING AS A RESULT OF THE ACT OF CEASING THE CITY'S ISSUANCE OF RESIDENTIAL BUILDING PERMITS.
 - E. DEVELOPER, OR ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT, AGREES THAT IT SHALL NOT CLAIM IN ANY FUTURE LITIGATION THAT THE COUNTY'S AND CITY'S ENFORCEMENT OF ANY OF THESE CONDITIONS ARE ILLEGAL, IMPROPER, UNCONSTITUTIONAL, OR A VIOLATION OF DEVELOPER'S RIGHTS.
 - F. ORANGE COUNTY AND CITY SHALL BE HELD HARMLESS BY THE DEVELOPER AND ITS SUCCESSOR(S) AND/OR ASSIGN(S) UNDER THE CAPACITY ENHANCEMENT AGREEMENT, IN ANY DISPUTE BETWEEN THE DEVELOPER AND (ORANGE COUNTY PUBLIC SCHOOLS) OCPS OVER ANY INTERPRETATION OR PROVISION OF THE CAPACITY ENHANCEMENT AGREEMENT. AT THE TIME OF (DEVELOPMENT PLAN/PRELIMINARY SUBDIVISION PLAN) DP/PSP, DOCUMENTATION SHALL BE PROVIDED FROM (ORANGE COUNTY PUBLIC SCHOOLS) OCPS THAT THIS PROJECT IS IN COMPLIANCE WITH THE CAPACITY ENHANCEMENT AGREEMENT.

19. THE FOLLOWING CONDITIONS OF APPROVAL WERE COORDINATED WITH ADJACENT JURISDICTIONS:

- A. SEE EXHIBIT C FOR MODIFICATIONS REGARDING TRAFFIC FACILITIES. WHEN THE PROJECT REACHES OR EXCEEDS 151,000 SQUARE FEET, THE DEVELOPER SHALL AT THEIR EXPENSE, COMPLETE A TRAFFIC SIGNAL WARRANT STUDY WITHIN SIX MONTHS OF ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR SAID BUILDINGS AND SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL FOR THE FIRST TRAFFIC LIGHT. IF THE PROPOSED TRAFFIC SIGNAL MEETS THE WARRANTS AND IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE DEVELOPER SHALL, AT THEIR EXPENSE, INSTALL THE FIRST TRAFFIC LIGHT SUBJECT TO THE (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS, IF THE TRAFFIC VOLUMES OR OTHER CONDITIONS DO NOT WARRANT THE FIRST TRAFFIC LIGHT AND IT IS NOT APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE PROJECT MAY CONTINUE TO PROCEED WITH ADDITIONAL EXPANSIONS BUT THE TRAFFIC SIGNAL WARRANT STUDY SHALL BE UPDATED ANNUALLY, AT DEVELOPER EXPENSE AND DEVELOPER SHALL SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL. AT THE TIME THEN WHEN THE FIRST TRAFFIC SIGNAL IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THE DEVELOPER SHALL THEN, AT THEIR EXPENSE, INSTALL THE FIRST TRAFFIC LIGHT SUBJECT TO (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS. WHEN THE PROJECT REACHES OR EXCEEDS 490,000 SQUARE FEET, THE DEVELOPER SHALL AT THEIR EXPENSE, COMPLETE A TRAFFIC SIGNAL WARRANT STUDY WITHIN SIX MONTHS OF ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR SAID BUILDINGS AND SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL FOR THE SECOND TRAFFIC LIGHT. IF THE SECOND PROPOSED TRAFFIC SIGNAL MEETS THE WARRANTS AND IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE DEVELOPER SHALL, AT THEIR EXPENSE, INSTALL THE SECOND TRAFFIC LIGHT SUBJECT TO THE (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS. IF THE TRAFFIC VOLUMES OR OTHER CONDITIONS DO NOT WARRANT THE SECOND TRAFFIC LIGHT AND IT IS NOT APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THEN THE PROJECT MAY CONTINUE TO PROCEED WITH ADDITIONAL EXPANSIONS BUT THE TRAFFIC SIGNAL WARRANT STUDY SHALL BE UPDATED ANNUALLY FOR AT LEAST THREE CONSECUTIVE YEARS THEREAFTER, AT DEVELOPER EXPENSE AND DEVELOPER SHALL SEEK FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT APPROVAL FOR THE SECOND TRAFFIC LIGHT. AT THE TIME THE SECOND TRAFFIC SIGNAL IS APPROVED BY FLORIDA (DEPARTMENT OF TRANSPORTATION) DOT, THE DEVELOPER SHALL, AT THEIR EXPENSE INSTALL THE SECOND TRAFFIC LIGHT SUBJECT TO (DEPARTMENT OF TRANSPORTATION) DOT PERMIT AND CONDITIONS. FOR BOTH TRAFFIC LIGHTS, THE DEVELOPER, AT THEIR SOLE COST, SHALL BE RESPONSIBLE FOR THE INSTALLATION OF AN ENHANCED MAST ARM SIGNALIZED INTERCONNECTED INTERSECTION, AS WELL AS THE LANEAGE IMPROVEMENTS NECESSARY.
- B. FOR SITE ACCESS PURPOSES, THE INTERSECTION OF GLENDON PARKWAY AND US 17-92 MUST NOT DEAD END INTO A COMMERCIAL, RESIDENTIAL OR OFFICE DEVELOPMENT, AND MUST CONNECT, TO AN INTERNAL ROADWAY WHICH CONNECTS TO EITHER BENNETT AVENUE, MONROE AVENUE OR LEE ROAD. AT THE TIME OF THE TRAFFIC SIGNAL INSTALLATION AT GLENDON PARKWAY, THE DEVELOPER SHALL PAY FOR THE COST OF THE CLOSURE OF PERTINENT MEDIANS ON US 17-92, AS DETERMINED BY (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT.

- C. FOR SITE ACCESS PURPOSES, THE DEVELOPER SHALL, AT DEVELOPER'S EXPENSE, CAUSE THE DESIGN, PERMITTING AND CONSTRUCTION OF A MODIFIED T-INTERSECTION AT THE INTERSECTION OF BENNETT AVENUE AND LEE ROAD AS DETERMINED TO BE THE PREFERRED INTERSECTION BY FDOT AND THE CITY TRAFFIC ENGINEER ALONG WITH THE NEEDED UTILITY RELOCATIONS TO EFFECTUATE THE SAME ("INTERSECTION IMPROVEMENTS") AND CONVEYANCE TO THE CITY OF RIGHT-OF-WAY PROPERTY NEEDED FOR THE SAME. THE COMPLETION OF THE INTERSECTION IMPROVEMENTS SHALL OCCUR ON OR BEFORE AUGUST 31, 2022 REGARDLESS OF WHETHER A TRAFFIC SIGNAL IS WARRANTED BY FDOT AT THE BENNETT AVENUE/LEE ROAD INTERSECTION PRIOR TO THAT TIME. THE BENNETT AVENUE ROADWAY MUST NOT DEAD END INTO A COMMERCIAL, RESIDENTIAL OR OFFICE DEVELOPMENT, AND MUST CONNECT, TO AN INTERNAL ROADWAY WHICH CONNECTS TO MONROE AVENUE OR US 17-92.

ON OR BEFORE EARLIER OF ANY FURTHER SITE PLAN APPROVALS OR OTHER DEVELOPMENT ORDERS NOT ALREADY APPROVED BY THE CITY PRIOR TO DECEMBER 9, 2020 OR COMMENCEMENT OF PERMITTING AND CONSTRUCTION OF THE INTERSECTION IMPROVEMENTS, THE DEVELOPER SHALL ENTER INTO A ROAD CONSTRUCTION AGREEMENT WITH THE CITY OF WINTER PARK IN A FORM ACCEPTABLE TO THE CITY SETTING FORTH THE TERMS AND CONDITIONS FOR THE DESIGN, PERMITTING, CONSTRUCTION AND COMPLETION OF THE INTERSECTION IMPROVEMENTS, RELATED UTILITY RELOCATIONS AND RIGHT-OF-WAY CONVEYANCES, INCLUDING WITHOUT LIMITATION, SETTING FORTH DEADLINES CONCERNING THE SAME. THE DESIGN, PERMITTING, CONSTRUCTION AND COMPLETION OF THE INTERSECTION IMPROVEMENTS AND RIGHT-OF-WAY CONVEYANCES MUST BE PERFORMED IN COMPLIANCE WITH THE TERMS AND CONDITIONS OF SUCH ROAD CONSTRUCTION AGREEMENT, INCLUDING THE DEADLINES SET FORTH THEREIN.

THE DEVELOPER SHALL CAUSE, AT DEVELOPER'S EXPENSE AND AT NO CHARGE TO THE CITY, TO BE CONVEYED TO THE CITY OF WINTER PARK IN FEE SIMPLE, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPT FOR MATTERS ACCEPTABLE TO THE CITY, RIGHT-OF-WAY LANDS NEEDED FOR INTERSECTION IMPROVEMENTS IN ORDER TO CREATE THE T-INTERSECTION DESIGN FOR THE BENNETT AVENUE AND LEE ROAD INTERSECTION. THE CITY IS NOT OBLIGATED TO VACATE AND ABANDON ANY PORTION OF THE EXISTING BENNETT DRIVE RIGHTS-OF-WAY AS THE RESULT OF THE INTERSECTION IMPROVEMENTS AND RELATED RIGHT-OF-WAY CONVEYANCES.

THE DEVELOPER'S FAILURE TO MEET DEADLINES REQUIRED UNDER THIS SECTION OR IN THE ROAD CONSTRUCTION AGREEMENT MAY RESULT IN A HOLD ON PROCESSING AND APPROVAL OF ADDITIONAL DEVELOPMENT ORDERS AND PERMITS FOR THE RAVAUDAGE PROJECT.

- D. THE DEVELOPER MUST CLOSE THE 11 EXISTING PRIVATE PROPERTY CURB CUTS / DRIVEWAYS ON US 17-92 OR TRAFFIC SIGNAL WARRANT STUDY MUST ASSUME SUCH CLOSURE.
- E. BENJAMIN PARTNERS HAS OBTAINED OWNERSHIP OF THE SINGLE FAMILY PARCELS SOUTH OF MONROE AND THE LAND HAS BEEN CLEARED OF ALL STRUCTURES. THE CITY OF MAITLAND PROVIDED A LETTER DATED APRIL 30, 2018 STATING NO OBJECTION TO A NEW WAIVER MODIFICATION REQUEST TO ALLOW A ZERO FOOT SETBACK BETWEEN

THE MAITLAND AND WINTER PARK CITY LIMITS BOUNDARY ALONG THE SOUTH SIDE OF MONROE AVE AND WITHIN BLOCK K. FOR THOSE PROPERTIES LOCATED EAST OF BENNETT AVENUE, ADJACENT TO THE RESIDENTIAL PROPERTY WITHIN THE CITY OF WINTER PARK, A BUILDING SETBACK OF 15 FEET IS TO BE PROVIDED FROM THE EASTERN RIGHT-OF-WAY LINE OF BENNETT AVENUE, WITH THE EXCEPTION OF BLOCK E BETWEEN MORGAN STANLEY AVENUE AND GLENDON PARKWAY SHALL BE PERMITTED A 6' BUILDING SETBACK FROM THE BENNETT AVE EASTERN RIGHT OF WAY LINE SO LONG AS A MINIMUM OF A 10' SIDEWALK EXISTS WITH ON STREET PARKING.

20. ANY PETITION TO VACATE SHALL HAVE A CONDITION THAT WILL IDENTIFY THAT THE APPLICANT MAY PROVIDE A RIGHT-OF-WAY STRIP FOR LEE ROAD AND/OR ORLANDO AVENUE TO THE COUNTY OR (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT AT NO COST UPON REQUEST BY THE COUNTY OR (FLORIDA DEPARTMENT OF TRANSPORTATION) FDOT. A RIGHT-OF-WAY AGREEMENT MAY BE REQUIRED AS PART OF ANY FUTURE DEVELOPMENT PLAN OR PRELIMINARY SUBDIVISION PLAN.
21. INTERNAL TRAFFIC LANES SHALL BE 12 (TWELVE) FEET IN WIDTH WITH ON STREET PARKING AND THE PARKING LANES SHALL BE 8 ½ (EIGHT AND ONE-HALF) FEET IN WIDTH, OR AS APPROVED BY THE CITY OF WINTER PARK PUBLIC WORKS DEPARTMENT.
22. USE OF THE EQUIVALENCY MATRIX (SHOWN BELOW) THAT CHANGES ANY USE BY 10% OR GREATER (INDIVIDUALLY OR IN THE AGGREGATE) SHALL BE DEEMED A SUBSTANTIAL CHANGE TO THE PD. EQUIVALENCY MATRIX IS SHOWN BELOW. NOTE: PROJECT HAS UTILIZED THE 10 % USE INCREASE FOR RESIDENTIAL UNITS.

RAVAUDAGE PD
Equivalency Matrix

Change From:		Change to Land Use:				ITE Land Use	
Land Use	Size	Apartment	Hotel	General Office	Commercial	Trip Rate (1)	Code
Apartment	1 DU		0.837 Room	0.485 SF	0.136 SF	0.59 Trips/DU	220
Hotel	1 Room	1.195 DU		0.579 SF	0.162 SF	0.70 Trips/Room	310
Office	1,000 SF	2.061 DU	1.726 Room		0.280 SF	1.21 Trips/1,000 SF	710
Commercial	1,000 SF	7.372 DU	6.171 Room	3.576 SF		4.32 Trips/1,000 SF	820

(1) Conversion factors based on PM Peak Hour Peak Direction Trip Generation Rates from ITE 8th Edition Trip Generation Report, 2008.

Example: To convert 10,000 SF of Office space to equivalent Apartment, Hotel or Commercial:

To Apartment: $(10,000 / 1,000) \times 2.061 = 20.61$ DU. Use 21

To Hotel: $(10,000 / 1,000) \times 1.726 = 17.26$ Rooms. Use 17

To Shopping Center: $(10,000 / 1,000) \times 0.280 = 2.796$ KSF. Use 2,800 SF

To check if equivalent Land Use is the same:

10,000 SF Office = $(10,000 / 1,000) \times 1.21 = 12.08$ PM Peak Hour Trips. Use 12

Apartment: $21 \times 0.59 = 12.31$ PM Peak Hour Trips. Use 12

Hotel: $17 \times 0.70 = 11.90$ PM Peak Hour Trips. Use 12

Shopping Center: $(2,800 / 1,000) \times 4.32 = 12.10$ PM Peak Hour Trips. Use 12

RAVAUDAGE PD

Estimated Trip Generation for Representative Land Use (1)

Land Use	Size		ITE Land Use Code (2)	Trip Generation Rates			
				Daily	PM Peak Hour		
					Total	Enter	Exit
Apartment	489	DU	220/E	6.31	0.59	0.38	0.21
Hotel	320	Room	310/R	8.92	0.70	0.34	0.36
General Office	891,000	SF	710/E	8.07	1.21	0.21	1.00
Commercial	323,100	SF	820/E	45.05	4.32	2.12	2.20

(1) Trip Generation Rates from 8th Edition of ITE Trip Generation Report, 2008.

(2) E = Fitted Curve Equation, or R = Average Trip Rate

Note: Trip Generation rates in bold face used for calculating Equivalency matrix.

Luke Transportation Engineering Consultants, 2010

October 25, 2010

23. THE DEVELOPER WILL CONTRIBUTE A PROPORTIONATE SHARE OF THE COSTS FOR INTERSECTION TRAFFIC SIGNALIZATION TECHNOLOGY UPGRADES THROUGH THE PHASING OF THE PROJECT. THESE UPGRADES WILL APPLY TO SIGNIFICANTLY AFFECTED INTERSECTIONS BASED ON A MUTUAL DETERMINATION BY THE DEVELOPER'S TRAFFIC ENGINEER AND THE CITY'S TRANSPORTATION TRAFFIC ENGINEER AND A MAXIMUM WILL BE DETERMINED.

[SIGNATURE PAGES OF AMENDED AND RESTATED DEVELOPMENT ORDER NOT SHOWN]

EXHIBIT "A"

WINTER PARK AMENDED DEVELOPMENT ORDER LEGAL DESCRIPTION:

A PORTION HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND A PART OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; RUN SOUTH $01^{\circ}40'06''$ W 30.01 FEET TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF MONROE AVENUE AND THE CENTERLINE OF BENNETT AVENUE; SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE $S01^{\circ}40'06''$ W ALONG THE CENTERLINE OF AFORESAID BENNETT AVENUE A DISTANCE OF 100.96 FEET TO THE POINT OF INTERSECTION OF SAID CENTERLINE OF BENNETT AVENUE AND THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 2, BLOCK "O", HOME ACRES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK M, PAGE 97 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN $N90^{\circ}00'00''$ E A DISTANCE OF 143.71 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE $N00^{\circ}22'31''$ E ALONG THE EAST LINE OF SAID LOT 2 A DISTANCE OF 12.00 FEET TO THE NORTHWEST CORNER OF LOT 14, BLOCK "O", OF SAID HOME ACRES; THENCE $N90^{\circ}00'00''$ E ALONG THE NORTH LINE OF SAID LOT 14, THE NORTH LINE OF LOT 6, BLOCK "P", AND THE NORTH LINE OF LOT 11, BLOCK "P", SAID HOME ACRES, A DISTANCE OF 431.30 FEET TO THE NORTHEAST CORNER OF SAID LOT 11, BLOCK "P", SAID POINT LYING ON THE WEST LINE OF LEWIS DRIVE; THENCE $S00^{\circ}05'24''$ W ALONG SAID WEST LINE A DISTANCE OF 360.00 FEET TO THE INTERSECTION OF SAID WEST LINE OF LEWIS DRIVE WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 10, BLOCK "K", SAID HOME ACRES, THENCE, THENCE $N90^{\circ}00'00''$ E ALONG SAID WESTERLY EXTENSION A DISTANCE OF 70.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 10, BLOCK "K", SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF AFORESAID LEWIS DRIVE; THENCE $S00^{\circ}05'24''$ W ALONG THE EAST RIGHT OF WAY LINE OF LEWIS DRIVE A DISTANCE OF 200.00 FEET TO THE SOUTHWEST CORNER OF LOT 7, BLOCK K; THENCE $N90^{\circ}00'00''$ E ALONG THE SOUTH LINE OF SAID LOT 7 A DISTANCE OF 132.50 FEET TO THE NORTHWEST CORNER OF LOT 15, BLOCK K; THENCE $S00^{\circ}05'24''$ W ALONG THE WEST LINE OF SAID LOT 15 A DISTANCE OF 50.00 FEET; THENCE $N90^{\circ}00'00''$ E ALONG THE SOUTH LINE OF SAID LOT 15 AND EASTERLY EXTENSION THEREOF, A DISTANCE OF 182.50 FEET TO THE EAST RIGHT OF WAY LINE OF BENJAMIN AVENUE; THENCE $S00^{\circ}05'24''$ W ALONG SAID EAST RIGHT OF WAY LINE OF BENJAMIN AVENUE A DISTANCE OF 255.00 FEET TO A POINT ON THE NORTH LINE OF GLENDON PARKWAY AS IT NOW EXISTS; THENCE $N90^{\circ}00'00''$ E ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 187.50 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF ORLANDO AVENUE (STATE ROAD 15 & 600); SAID POINT BEING A POINT ON A CURVE HAVING A RADIUS OF 5676.65 FEET, A CENTRAL ANGLE OF $02^{\circ}43'16''$ AND A CHORD THAT BEARS $S01^{\circ}16'50''$ E; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 269.61 FEET TO THE POINT OF TANGENCY; THENCE RUN $S00^{\circ}04'48''$ W ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 803.10 FEET TO THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE WITH THE NORTHERLY RIGHT OF WAY LINE OF LEE ROAD; (STATE ROAD NO. 438); THENCE RUN ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES: $S67^{\circ}42'20''$ W, 36.68 FEET; $S89^{\circ}45'12''$ W, 124.55 FEET; $S81^{\circ}01'12''$ W, 34.71 FEET; $N00^{\circ}04'22''$ W, 11.27 FEET; $S89^{\circ}45'12''$ W, 385.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF LEWIS DRIVE; THENCE $N00^{\circ}04'22''$ W ALONG SAID RIGHT OF WAY OF LEWIS DRIVE A DISTANCE OF 213.88 FEET TO THE NORTHEAST CORNER OF LOT 7, BLOCK C, HOME ACRES; THENCE $S90^{\circ}00'00''$ W ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 132.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE $S00^{\circ}04'22''$ E ALONG THE EAST LINE OF SAID LOT 7, BLOCK C, A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE $S90^{\circ}00'00''$ W ALONG THE NORTH LINE OF LOT 19, BLOCK C, A DISTANCE OF 132.50 FEET TO THE EAST RIGHT OF WAY LINE OF LOREN AVENUE; THENCE $S00^{\circ}04'22''$ E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 165.02 FEET TO A POINT ON AFORESAID LEE ROAD; THENCE $S89^{\circ}45'12''$ W ALONG SAID EAST LINE A DISTANCE OF 50.00 FEET TO THE WEST RIGHT OF WAY LINE OF SAID LOREN AVENUE; THENCE $N00^{\circ}04'22''$ W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 115.23 FEET TO THE NORTHEAST CORNER OF LOT 5, BLOCK D, HOME ACRES; THENCE $S90^{\circ}00'00''$ W ALONG THE NORTH LINE OF LOT 5, BLOCK D, A DISTANCE OF 51.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE $S00^{\circ}04'22''$ E ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 115.45 FEET TO A POINT ON AFORESAID NORTH RIGHT OF WAY LINE OF LEE ROAD; THENCE $S89^{\circ}45'12''$ W, 257.52 FEET TO THE POINT OF INTERSECTION OF THE NORTH LINE OF LEE ROAD AND THE WEST RIGHT OF WAY LINE OF BENNETT AVENUE; THENCE NORTHERLY ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 1,434 FEET MORE OR LESS; TO THE NORTHEAST CORNER OF PARK GREEN; ACCORDING TO THE PLAT

THEREOF, RECORDED IN PLAT BOOK 10, PAGE 90, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N89°58'47"W A DISTANCE OF 491.91 FEET; THENCE N00°07'54"E A DISTANCE OF 186.84 FEET; THENCE S89°56'22"E A DISTANCE OF 191.75 FEET; THENCE N00°07'54"E A DISTANCE OF 320.55 FEET; THENCE N89°53'51"E A DISTANCE OF 49.46 FEET; THENCE N00°12'06"E A DISTANCE OF 103.89 FEET TO THE SOUTH RIGHT OF WAY LINE OF AFORESAID MONROE AVENUE; THENCE N90°00'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 295.57 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING:

LOTS 10, 11 AND 17, BLOCK "F", AND VACATED RIGHT OF WAY NORTH OF LOTS 10 AND 11, AND EAST OF LOT 11; HOME ACRES ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 97, IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LOT 1, BLOCK "H", HOME ACRES ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 97, IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

LOTS 11, 12 AND 16, BLOCK "L", AND VACATED RIGHT OF WAY EAST OF LOT 16, BLOCK "L"; AND THE NORTH 1/2 OF LOT 13, BLOCK "L", HOME ACRES ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 97, IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO LESS:

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

COMMENCE AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF BENJAMIN AVENUE, WITH THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 438 (LEE ROAD), AS SHOWN ON THE STATE OF FLORIDA, STATE ROAD DEPARTMENT RIGHT OF WAY MAP, SECTION 75190-2502, SHEET 34 OF 42; THENCE RUN N.00°04'22"W. ALONG SAID WEST RIGHT OF WAY LINE OF BENJAMIN AVENUE, A DISTANCE OF 21.00 FEET FOR A POINT OF BEGINNING; THENCE RUN N.00°04'22"W. DISTANCE OF 143.39 FEET; THENCE RUN N.89°45'12"E. A DISTANCE OF 137.00 FEET; THENCE S.00°04'22"E. A DISTANCE OF 143.39 FEET; THENCE RUN S.89°45'12"W. A DISTANCE OF 137.00 FEET TO THE POINT OF BEGINNING.

ALSO LESS:

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

COMMENCE AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 15 & 600, (ORLANDO AVENUE) PER STATE ROAD DEPARTMENT RIGHT OF WAY MAP, SECTION NO. 75030-2205 & 75030-2502, WITH THE SOUTH RIGHT OF WAY LINE OF KINDEL AVENUE, ACCORDING TO THE AFOREMENTIONED PLAT, THENCE RUN N89°50'56"W ALONG SAID SOUTH RIGHT OF WAY LINE OF KINDEL AVENUE A DISTANCE OF 6.00 FEET; THENCE RUN S00°04'04"W ALONG A LINE LYING 6.00 FEET WEST OF (BY PERPENDICULAR MEASUREMENT) AND PARALLEL WITH AFORESAID WEST RIGHT OF WAY LINE OF STATE ROAD NO. 15 AND 600, A DISTANCE OF 92.96 FEET; THENCE RUN N89°55'56"W A DISTANCE OF 15.58 FEET FOR A POINT OF BEGINNING; THENCE RUN S00°04'04"W A DISTANCE OF 178.00 FEET; THENCE N89°55'56"W A DISTANCE OF 78.09 FEET; THENCE N00°04'04"E A DISTANCE OF 178.00 FEET; THENCE S89°55'56"E A DISTANCE OF 78.09 FEET TO THE POINT OF BEGINNING.

ADDED LAND AREA – PER ORDINANCE NO: 2957-14
970 LOREN AVENUE

1000 LOREN AVENUE
1008 LOREN AVENUE
1306 LOREN AVENUE
1141 LOREN AVENUE
1313 LOREN AVENUE

ADDED LAND AREA – PER ORDINANCE NO: 3022-15
1531 LEE ROAD
1325 LEWIS DRIVE

ADDED LAND AREA – PER RESOLUTION NO: 2223-19
1308 LOREN AVE
1501 LEE ROAD

ADDED LAND AREA – PER RESOLUTION NO: 2237-20
(0.84 ACRES) OF THE LEWIS DRIVE AND BENNETT AVENUE PUBLIC RIGHTS-OF-WAY
/308/312/322 MONROE AVENUE
1396 BENNETT AVENUE

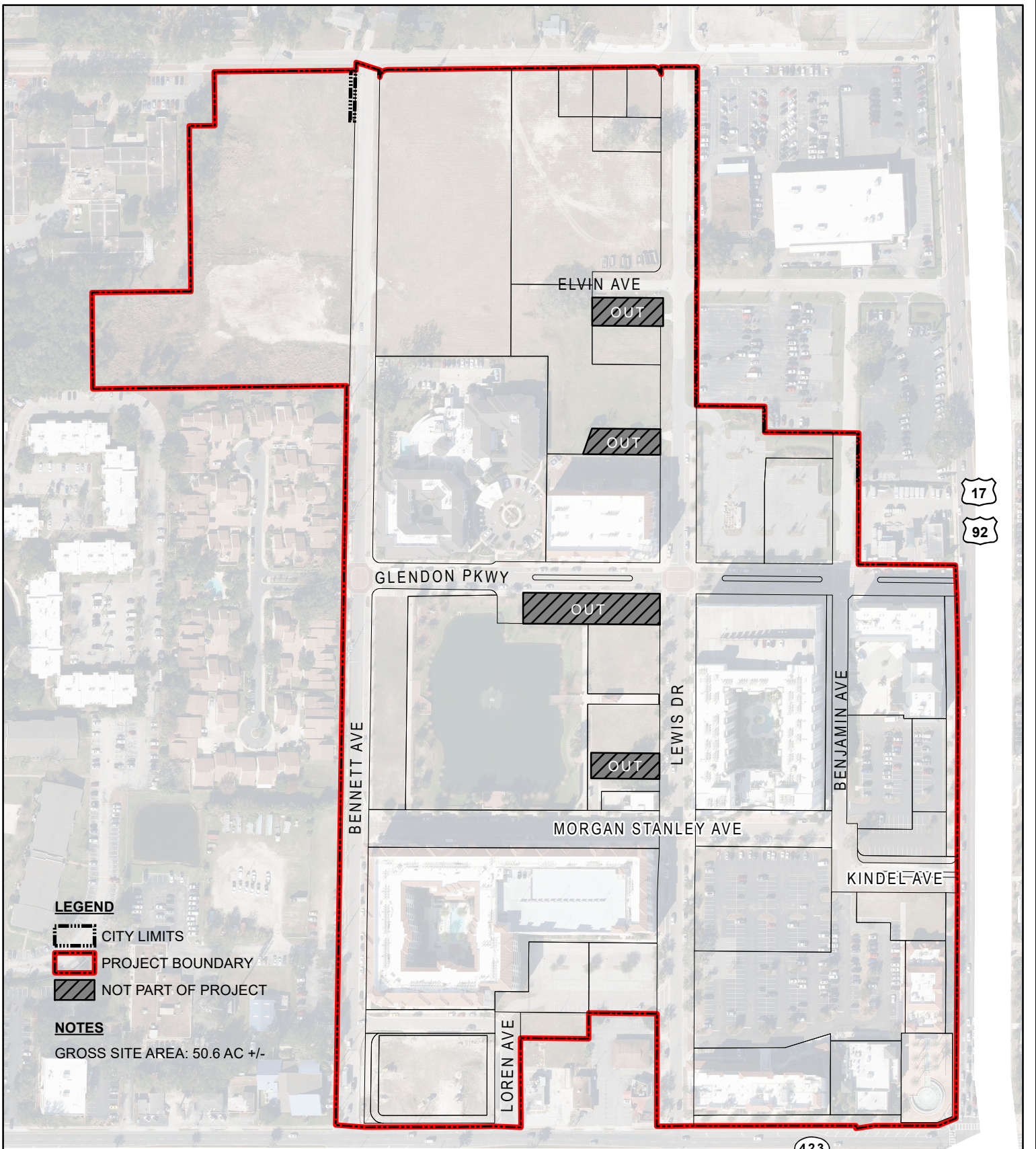
ALL OF THE ABOVE DESCRIBED PROPERTY CONTAINS 50.6 ACRES MORE OR LESS.

EXHIBIT “B”

RAVAUDAGE LAND USE PLAN

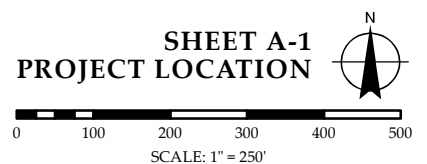
SEE ATTACHED MAP SERIES

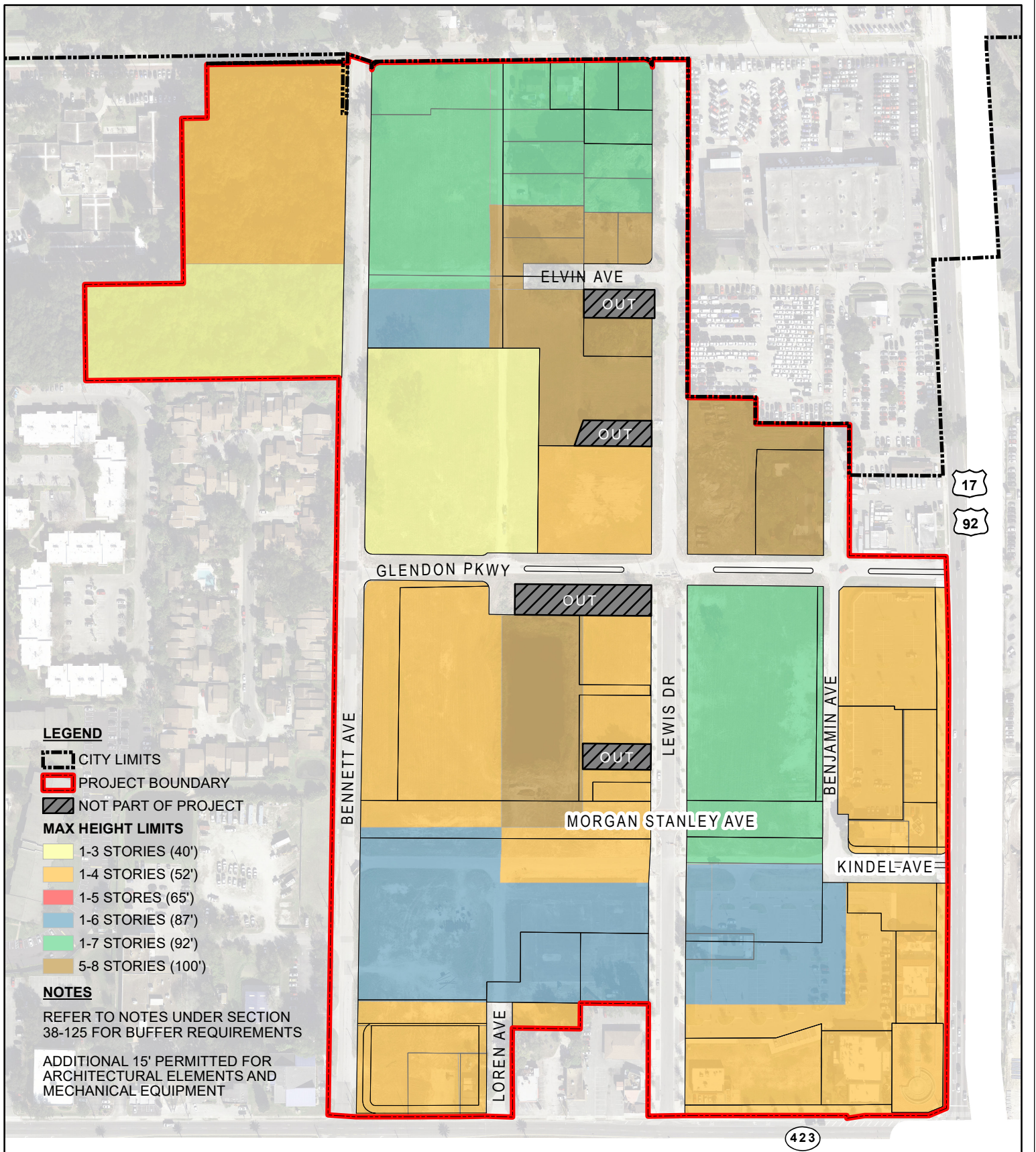
NOTE: IN CASES OF CONFLICT BETWEEN THE FOLLOWING LAND USE PLAN MAP SERIES AND
THE DEVELOPMENT ORDER, THE TEXT OF THE AMENDED AND RESTATED DEVELOPMENT
ORDER SHALL PREVAIL



RAVAUDAGE LAND USE PLAN WINTER PARK, FLORIDA

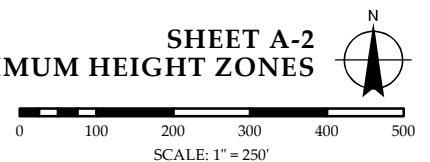
**SHEET A-1
PROJECT LOCATION**

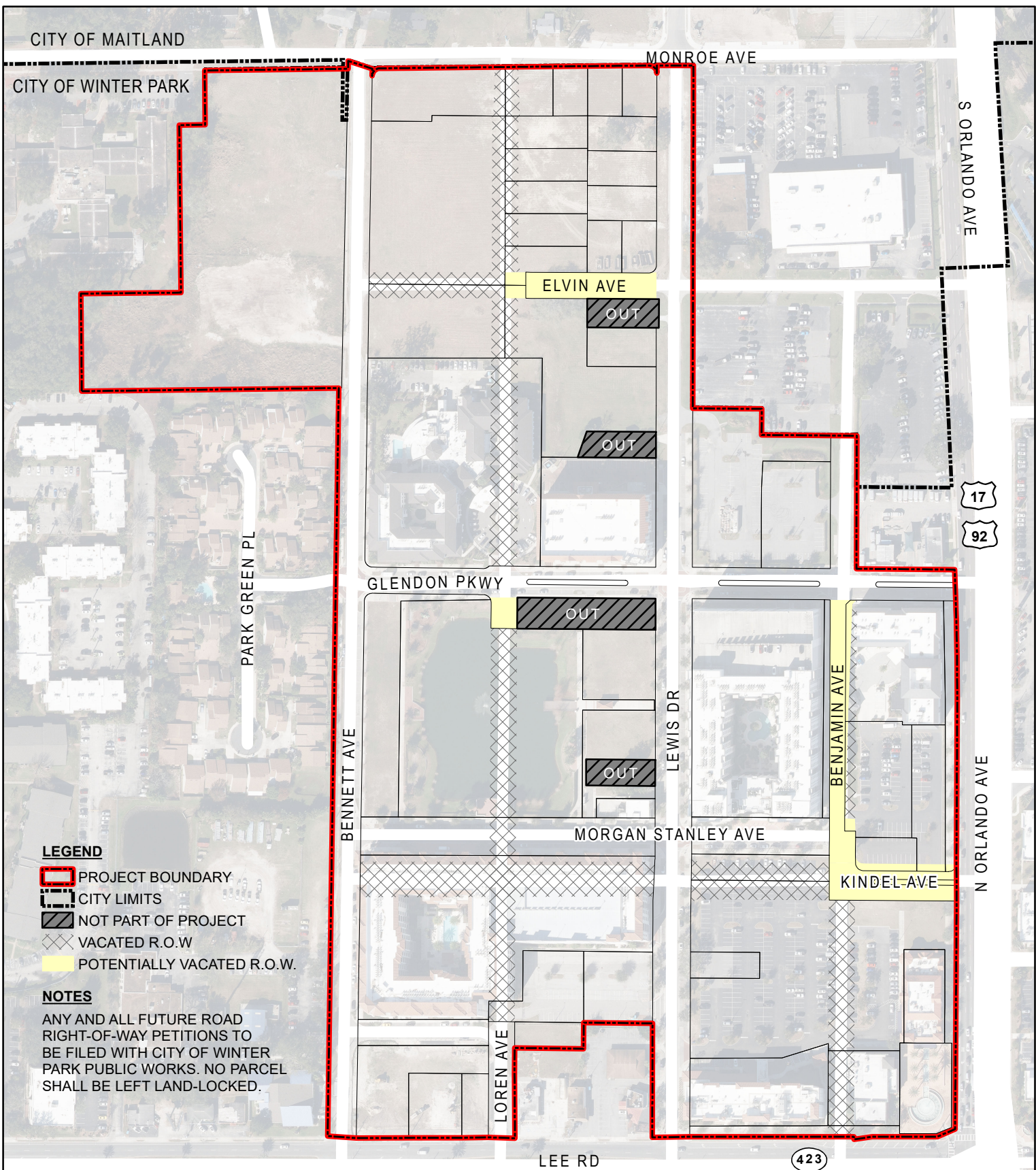




RAVAUDAGE LAND USE PLAN WINTER PARK, FLORIDA

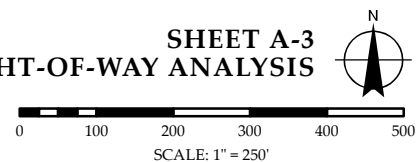
**SHEET A-2
MAXIMUM HEIGHT ZONES**





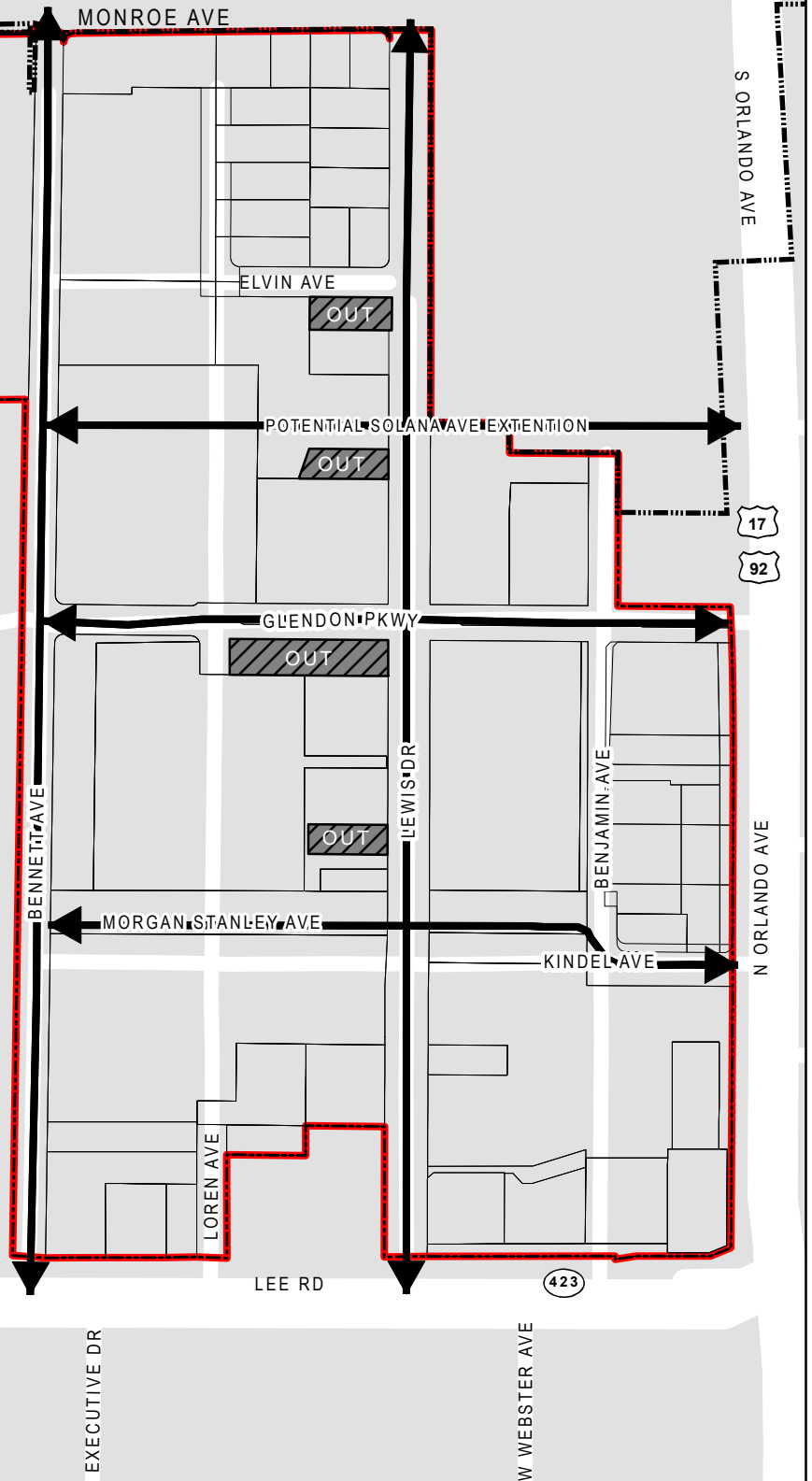
RAVAUDAGE LAND USE PLAN WINTER PARK, FLORIDA

**SHEET A-3
RIGHT-OF-WAY ANALYSIS**



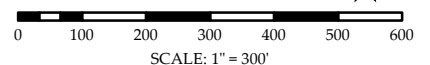
NOTES

1. THE INTERNAL STREET NETWORK SHALL CONSIST OF A STREET GRID SYSTEM THAT IS FLEXIBLE TO ACCOMMODATE AND SUPPORT A VARIETY OF URBAN LAND USES. THE GRID SYSTEM SHALL EMPHASIZE PEDESTRIAN USES AND ACTIVITIES, HUMAN-SCALE STREETS AND BUILDING FACADES.
2. THE STREET GRID SYSTEM SHALL CONSIST (AT A MINIMUM) OF: TWO (2) NORTH-SOUTH CORRIDORS TO BE LOCATED FROM LEE ROAD TO MONROE AVENUE. BENNETT ROAD IS TO REMAIN WITH AN ADDITIONAL STREET PARALLEL TO BENNETT AND ORLANDO AVE. TWO (2) EAST-WEST CORRIDORS CONNECTING ORLANDO AVENUE AND BENNETT ROAD. IN THE EVENT THAT THE SOLANA AVENUE EXTENSION IS COMPLETED, IT SHALL COUNT AS ONE OF THE REQUIRED EAST-WEST STREETS.
3. THE PROPOSED LAND USES ARE INTERCHANGEABLE ON ANY BLOCK DUE TO THE UNDERLYING URBAN DEVELOPMENT FRAMEWORK AND GRID SYSTEM. PEDESTRIAN USES AND ACTIVITIES, HUMAN-SCALE STREETS AND BUILDING FACADES.
4. BENNETT ROAD TO REMAIN A NORTH-SOUTH MAJOR MOBILITY CORRIDOR FROM LEE ROAD TO TERMINUS AT MONROE AVENUE.

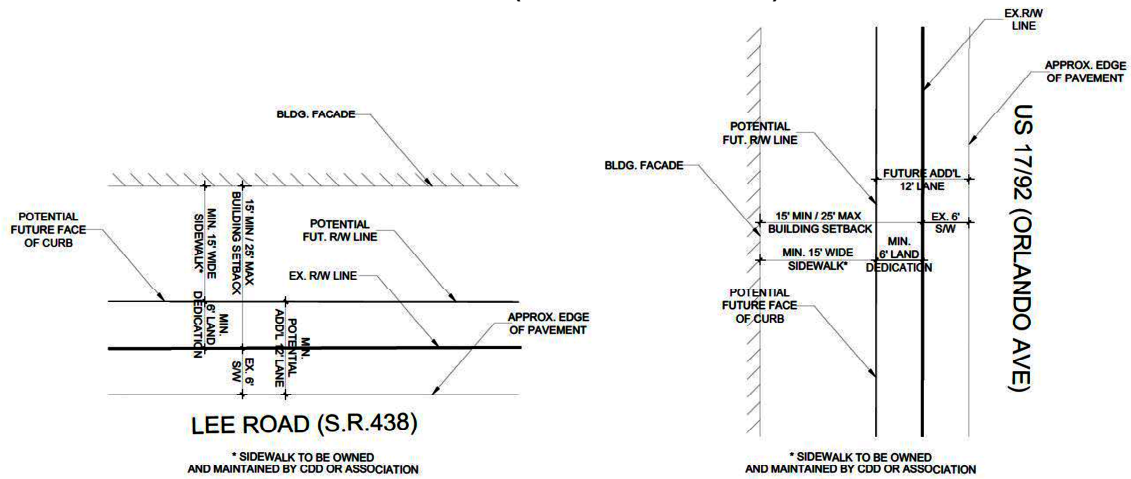


RAVAUDAGE LAND USE PLAN WINTER PARK, FLORIDA

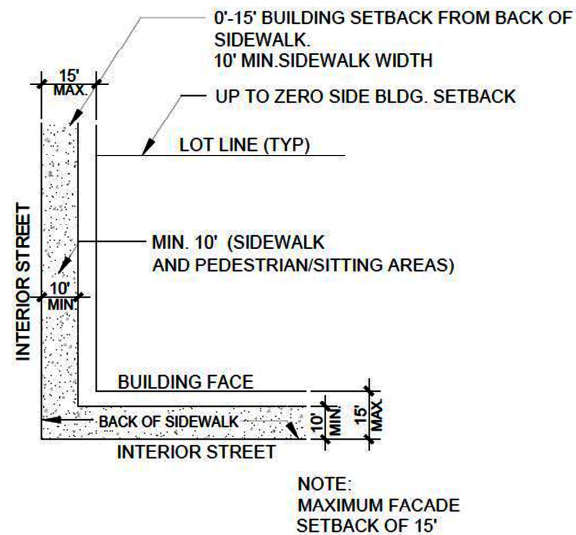
SHEET A-4
ULTIMATE STREET GRID



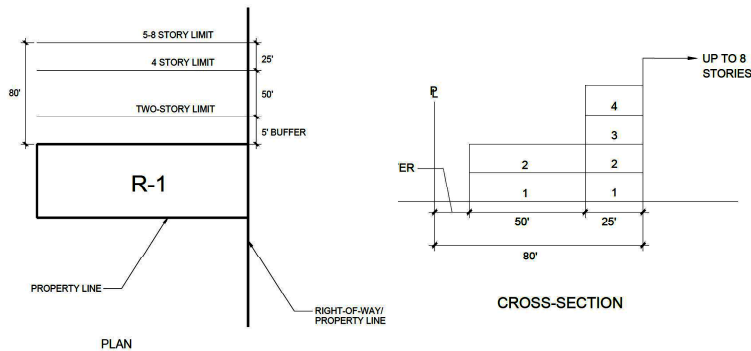
BUILDING SETBACKS FROM LEE ROAD AND U.S. 17/92 (ORLANDO AVENUE)



INTERIOR STREET SETBACKS

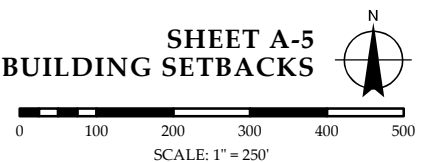


BUILDING SETBACKS ABUTTING SINGLE FAMILY RESIDENTIAL LOT NOT PART OF THE RAVAUDAGE PD

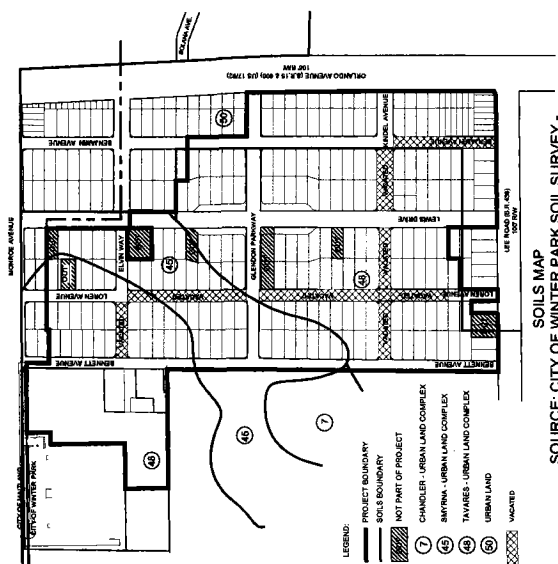


RAVAUDAGE LAND USE PLAN WINTER PARK, FLORIDA

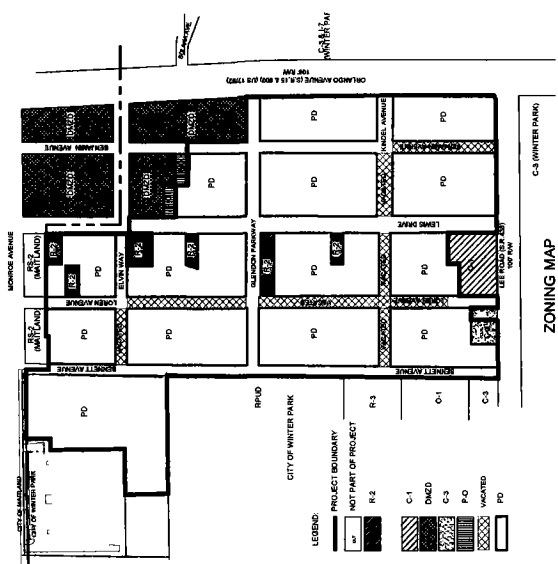
SHEET A-5 BUILDING SETBACKS



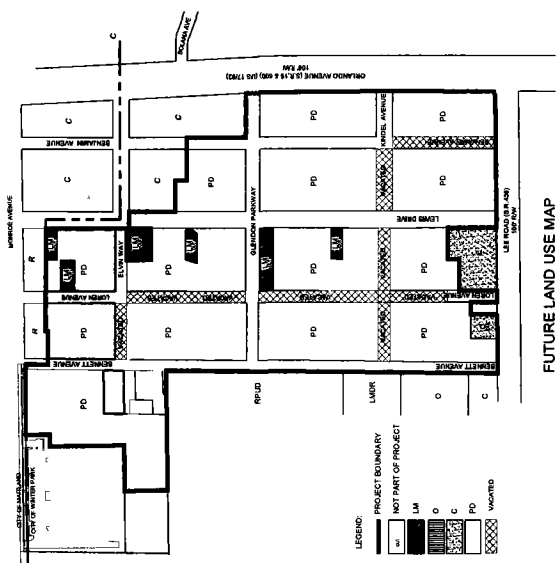
 SYDGAN CORPORATION APPLICANT/DEVELOPER 10000 N. 10TH AVE., SUITE 100 DENVER, CO 80231 TEL: 303.733.5885		SHEET C-2
LAND USE PLAN EXISTING CONDITIONS		SHEET TITLE:
1 3/8/11 REVISION 2 1/17/11 PER 1.01/14 & 12/14 CITY COMMISSION MEETING 3 4/27/11 PER 1.01/14 CITY COMMENTS 4 6/1/11 PER 1.01/14 CITY COMMENTS	DATE REVISION	PROJECT: Real Estate Management, Development & Brokerage



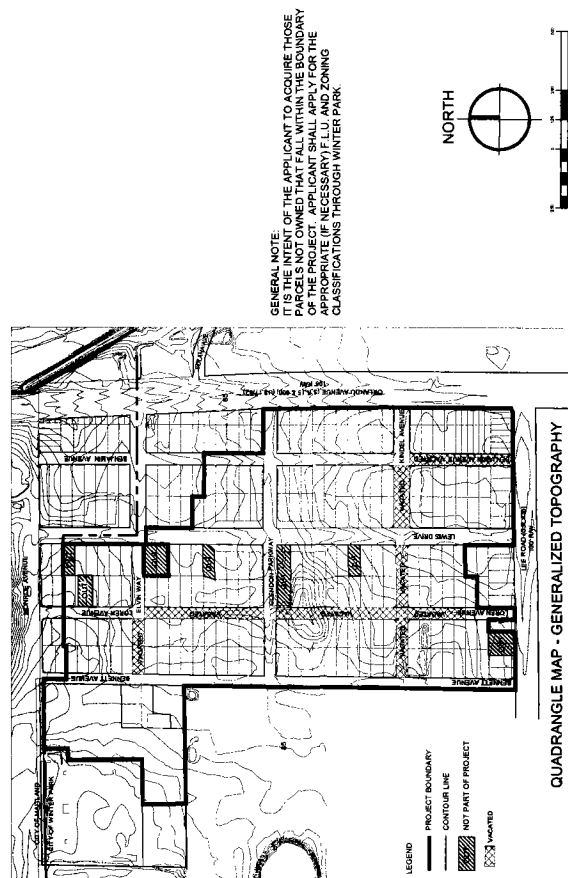
SOILS MAP
SOURCE: CITY OF WINTER PARK SOIL SURVEY -



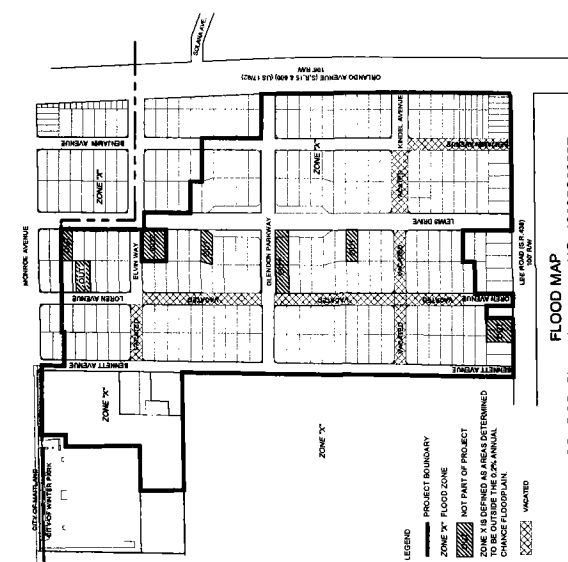
ZONING MAP



FUTURE LAND USE MAP



QUADRANGLE MAP - GENERALIZED TOPOGRAPHY
SOURCE: SJRWMD 1' TOPO

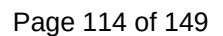


FLOOD MAP
SOURCE: FEMA FIRM MAP NO. 12095C0255F

GENERAL NOTE:
IT IS THE INTENT OF THE APPLICANT TO ACQUIRE THOSE PARCELS NOT OWNED THAT FALL WITHIN THE BOUNDARY OF THE PROJECT. APPLICANT SHALL APPLY FOR THE APPROPRIATE (IF NECESSARY) F.U. AND ZONING CLASSIFICATIONS THROUGH WINTER PARK.



SCALE: 1"=250'



12/2/2015 12:15:41 PM

[illegible]

11/2015 12:57:24 PM

EXHIBIT "C"
[Section 4 of the Annexation Agreement]

Section 4. Development Conditions Regarding Traffic Facilities.

- a. Project development shall require new traffic lights onto US 17-92 and Lee Road. It shall be at the option of the Developer or a Community Development District ("CDD") which may be formed, which traffic light to construct first. When the project reaches or exceeds 151,000 square feet, the Developer or CDD shall at their expense, complete a traffic signal warrant study within six months of issuance of certificates of occupancy for said buildings and seek Florida DOT approval for the first traffic light. If the proposed traffic signal meets the warrants and is approved by Florida DOT, then the, Developer or CDD shall, at their expense, install the first traffic light subject to the DOT permit and conditions. If the traffic volumes or other conditions do not warrant the first traffic light and it is not approved by Florida DOT, then the Project may continue to proceed with additional expansions but the traffic signal warrant study shall be updated annually, at Developer or CDD's expense, and Developer or CDD shall seek Florida DOT approval. At the time then when the first traffic signal is approved by Florida DOT, the Developer or CDD shall then, at their expense, install the first traffic light subject to DOT permit and conditions. When the Project reaches or exceeds 490,000 square feet, the Developer or CDD shall at their expense, complete a traffic signal warrant study within six months of issuance of certificates of occupancy for said

buildings and seek Florida DOT approval for the second traffic light. If the second proposed traffic signal meets the warrants and is approved by Florida DOT, then the Developer or CDD shall, at their expense, install the second traffic light subject to the DOT permit and conditions. If the traffic volumes or other conditions do not warrant the second traffic light and it is not approved by Florida DOT, then the Project may continue to proceed with additional expansions but the traffic signal warrant study shall be updated annually for at least three consecutive years thereafter, at Developer's or CDD's expense and Developer or CDD shall seek Florida DOT approval for the second traffic light. At the time the second traffic signal is approved by Florida DOT, the Owners, Developer, or CDD shall, at their expense, install the second traffic light subject to DOT permit and conditions. For both traffic lights, the Developer or CDD, at their sole cost, shall be responsible for the installation of an enhanced mast arm signalized interconnected intersection, as well as the laneage improvements necessary.

- b. For site access purposes at the proposed intersection of Solana Avenue and US 17-92 the western extension of Solana Avenue into the Project must not dead end into a commercial, residential or office development, and must connect, to an internal roadway which connects to either Bennett Avenue, Monroe Avenue or Lee Road. At the time of the traffic signal installation at Solana



Avenue, the Developer or CDD shall pay for the cost of the closure of all medians on US 17-92, with the exception of Dixon Avenue, from Park Avenue to Lee Road, subject only to FDOT approval for any median closure.

- c. For site access purposes at the proposed intersection of Bennett Avenue and Lee Road, the northern leg of this intersection must be realigned to connect and align with Executive Drive. The realigned roadway into the Project must not dead end into a commercial, residential or office development, and must connect, to an internal roadway which connects to Monroe Avenue or US 17-92.
- d. The Developer or CDD must close the 11 existing private property curb cuts/driveways on US 17-92 or traffic signal warrant study must assume such closure.

Section 5. Development Conditions Regarding Private Buildings and the Property.

- a. The City and Owners agree to accept and be governed by the Orange County PD and Commercial Future Land Use designation(s) on the Property and the Orange County PD zoning designations and all other applicable provisions of the Orange County Land Development Code. The City and Owners agree to accept and be governed by the specific approvals of PD future land use and PD zoning, as have been granted by Orange County, including all waivers and conditions thereto which are included as a part of this Agreement as **Exhibit "C"**.



**item type**

Public Hearings: Non Quasi-Judicial Matters

meeting date

October 23, 2024

prepared by

Peter Moore, Director of Office of Management and Budget

approved by

Randy Knight, City Manager

subject

Ordinance amending adopted FY 24 Budget

motion | recommendation

As required by statute, approve the ordinance adopting amendments made to the FY24 budget over the course of the last fiscal year (2023 - 2024).

background

The City Commission is required by Statute to approve any budget adjustments that alter the total amount budgeted in any fund or when funds are transferred between different fund types. The City has adopted the practice of bringing budget amendments to the City Commission as they arise and then bringing a year-end ordinance adopting all the amendments formally to comply with Statute. Through the receipt of grants or due to a need to revise original revenue estimates the city periodically needs to make changes to stated account revenues and expenditures. This is primarily a housekeeping process and it properly provides departments and divisions with an accurate picture of the funds available to undertake programs and projects. The following attachment highlights the budget amendments (Exhibit A of the Ordinance) that have already been approved by the Commission at prior meetings and now need to be formally adopted through public hearing.

alternatives | other considerations

Not approving this would require staff to remove the amendments in the accounting system. It would not affect actual revenues received or expenditures incurred.

fiscal impact

None. All the amendments have been previously approved by the Commission or are revenue neutral.

attachments

1. Budget_Amendment_Ord_FY24_year_end
2. Budget Amendments Sheet - FY24 YrEnd

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2023 – 2024 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 3216-21, the City of Winter Park, Florida has adopted the Budget and Capital Improvement Program for the fiscal year 2023 – 2024; and

WHEREAS, the City of Winter Park, Florida desires to amend the Budget and Capital Improvement Program for supplemental appropriations in the amounts identified in Exhibit A; and

WHEREAS, Section 166.241(4)(c) Florida Statutes require such a budget amendment be adopted in the same manner as the original budget.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA THAT:

SECTION 1. The Budget and Capital Improvement Program for fiscal year 2023 – 2024 is hereby amended by providing for changes identified in Exhibit A.

SECTION 2. If any section, subsection, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. In the event of any conflict between the provisions of this Ordinance and any other ordinance, resolution, or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 4. The provisions of this Ordinance shall become effective immediately upon passage.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, held in City Hall, Winter Park, Florida this 13th day of November, 2024.

Sheila DeCiccio, Mayor

Attest:

Rene S. Cranis, City Clerk

Exhibit A

Item	Amount	Source Account	Source Acct. Name	Exp. Account	Exp. Acct. Name	Note	Approval Date
Police Special Detail	\$ 364,000	0010342 342101	Police Special Detail - Rev	0014104 515020	PD Special Detail	Estimates are made to be a wash in the budget however revenues and expenses have exceeded estimates and are being accounted for here.	9/11/2024
Tennis Contracted Services	\$ 80,640	0010347 347306	Park- Tennis Contracted Svcs	0016201 534040 0016201 552014 0016201 541015 0016201 514010 0016201 552060	Other Services- Contractual Operating Supplies- Recreation Comm Services- Equipment Charges Overtime Wages Operating Supplies- Janitorial	Revenues and expenses at the courts are higher than originally estimated. This adjustment allocates the budget appropriately to account for revenues received.	9/11/2024
Fire Ambulance Transport Fees	\$ 303,000	0010342 342601 0010342 342602	Ambulance Transport Fees Ambulance Transport- PEMT	0015104 534040 0015103 515030 0015103 514010	Other Services- Contractual Special Pay- Transport Incentive Overtime Wages	Ambulance transports have been elevated in FY24 which has resulted in higher revenues and operating costs. 145K will be allocated to "Other Svcs- Contractual", 26K to "Special Pay- Transport Incentive" and the remaining 132K to "Overtime Wages"	9/11/2024
Fleet Charges	\$ 192,000	5010341 341200 5010341 341201 5013041 341202 5013041 341203 5010341 341204 5010341 341205 5010341 341206 5010341 341207	ISF Charges- Gen Govt ISF Charges- Public Works ISF Charges- PD ISF Charges- FD ISF Charges- Parks ISF Charges- Stormwater ISF Charges- Water ISF Charges- Electric	5013202 552010	Operating Supplies- General	Fleet Revenues will offset spending on Operating Supplies	9/11/2024
Stormwater Indirect Costs	\$ 107,750	1020329 329101 0010386 386102	License and permit fees Reimburse from Stormwater	1028502 591701 0013110 543030	Reimburse General Fund Stormwater Bills for City Property	Allocates indirect costs to Stormwater and adjusts budget to pay for stormwater assessments on city property now that the billing is handled through the tax rolls.	Approved as part of the FY24 Budget in the prior fiscal year 09/27/2023
Seven Oaks Park	\$ 250,000	0019200 599410	General Fund Contingency	1086101 565340	Seven Oaks Park	Funding from contingency used to support the GMP price of the Seven Oaks Park project.	1/10/2024



City Commission

agenda item 14.a

item type

Appeal of Denial of Tree Removal Permit

meeting date

October 23, 2024

prepared by

Jorden Hinrichsen, Parks Superintendent

approved by

Rene Cranis, City Clerk

subject

1780 Mizell Ave.

motion | recommendation

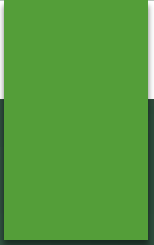
Urban Forestry staff recommends the Commission uphold the denial.

background

The application for removal of live oaks measuring 61" and 51" was originally denied in August 2024 by the City Arborist. The trees are in good health with good structure and ideally placed at the perimeter of the property. The applicants have requested to bring the appeal before the City Commission.

alternatives | other considerations**fiscal impact****attachments**

1. 1780 Mizell Ave TRP Appeal Presentation



Tree Removal Permit Appeal

JORDEN HINRICHSEN

SUPERINTENDENT – CITY OF WINTER PARK URBAN FORESTRY

Tree Removal Permit Appeal: Case # 24-0001

- ▶ 1780 Mizell Ave Winter Park, FL 32789
- ▶ Parcel ID # 08-22-30-8564-02-030
- ▶ Zone: R-1A
- ▶ Tree Removal Permit Appealed: TRP-2024-0133



1780 Mizell Ave

1780 Mizell Ave

OCPA

Parcel 08-22-30-8564-02-030 X

Print Date: 10/02/2024 System Refresh Date: 10/01/2024

Previous Next Print Map Street Birdseye Trim Port Estimate Taxes FEMA Plat Sketch Share Favorite

1780 Mizell Ave 08-22-30-8564-02-030

Name(s): UIO INVESTMENTS LLC	Physical Street Address: 1780 Mizell Ave	Property Use: 0100 - Single Family
Mailing Address On File: 706 E 6Th Ave Windermere, FL 34786-3522 Incorrect Mailing Address?	Postal City and Zip: Winter Park, FL 32789	Municipality: Winter Park

[View 2024 Property Record Card](#)

[PROPERTY FEATURES](#) [VALUES, EXEMPTIONS AND TAXES](#) [SALES](#) [MARKET STATS](#) [LOCATION](#)

Property Description
TANGERINE COURT R/125 LOT 3 BLK B
Total Land Area
7,559 sqft (+/-) | 0.17 acres (+/-)
Land

[GIS Calculated](#) [Notice](#)

[View Plat](#)

[Upload Photos](#)

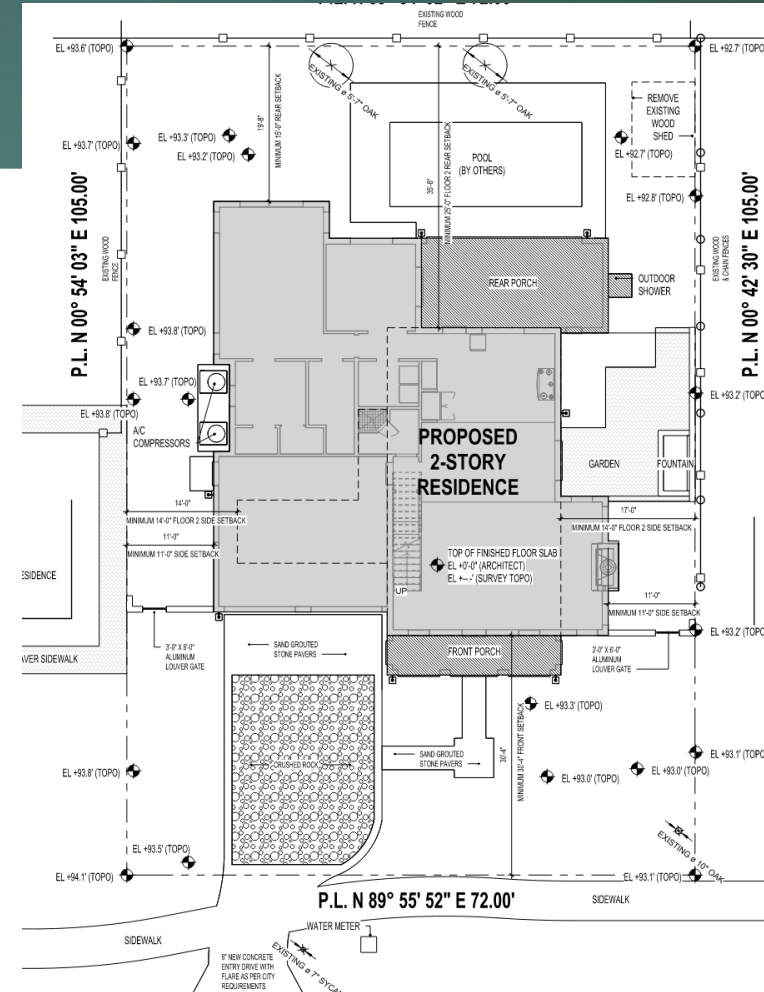


Recent history

- ▶ Purchased 02/2024
- ▶ House demolished by 08/2024
- ▶ Permit applied for home build 05/2024
 - ▶ Issued 07/2024
- ▶ Tree removal permit applied 08/2024
 - ▶ Denied 08/2024
 - ▶ TRP-2024-0133

1780 Mizell Ave

- **Approved Build**
 - **UF approval with conditions: SFR and driveway approved, pool will require further redesigns to allow at minimum 6ft distance from pool deck to base of protected trees. This can be addressed in pool permit. (JR 6/20/24)**
- **Trees do not interfere with home build.**





TRP-2024-0133

TRP-2024-0133

TRP-2024-0133 (1780 MIZELL AVE WINTER PARK, FL 32789-3826)

NEW PERMIT

Summary

Details

Location

Additional Info

Workflow

Linked Records

Holds

Contacts (2)

Fees (1)

Bonds

Activities

Files (3)

JH

TRP-2024-0133 • Tree Removal • Jorden Hinrichsen

Location	Project	Apply Date	Work Class	Permit Status
1780 MIZELL AVE WINTER PARK, FL 32789-3826		08/14/2024	Tree Removal	Denied

Recent Workflow Activity

Current Action: 50 days ago

Tree Removal Review (Receive Submittal)

Due: 08/29/2024

Next Action:

Assess Fees (Generic Action)

✓

⊗

Next Action:

Issue Permit (Generic Action)

✓

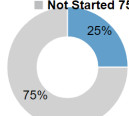
⊗

Workflow Completion Summary

Completed 0%

In Progress 25%

Not Started 75%



Permit Description

requesting to remove two oak trees in rear of property. On the main permit we designed the

\$ 0.00

PAY FEES

DS

Sharpe, Donn

Gold Standard Buil...

ID-000008686

Applicant

Phone

Tasks



TRP-2024-0133

Application

TRP-2024-0133 (1780 MIZELL AVE WINTER PARK, FL 32789-3826)

NEW PERMIT

- Summary
- Details
- Location
- Additional Info**
- Workflow
- Linked Records
- Holds
- Contacts (2)
- Fees (1)
- Bonds
- Activities
- Files (3)

Power Line?

Zone Clearance Needed?

Please Specify Property Use:

Tree(s) Information

Tree Species	oak
Estimated DBH	<input 67"="" and="" type="text" value="63"/>
Health	GOOD

Reason for removal

Staff Comments

TRP-2024-0133 (1780 MIZELL AVE WINTER PARK, FL 32789-3826)

NEW PERMIT

- Summary
- Details
- Location
- Additional Info**
- Workflow
- Linked Records
- Holds
- Contacts (2)
- Fees (1)
- Bonds
- Activities
- Files (2)

Tree(s) Denied

Requires replanting of X 3" minimum caliper Florida grade #1 approved shade trees or X 2" minimum caliper Florida grade #1 approved understory trees 30 days from removal.

A payment may be made into the Tree Trust Fund in LIEU of replanting.

in the amount of

Minimum Mandated Planting:

Zone Clearance:

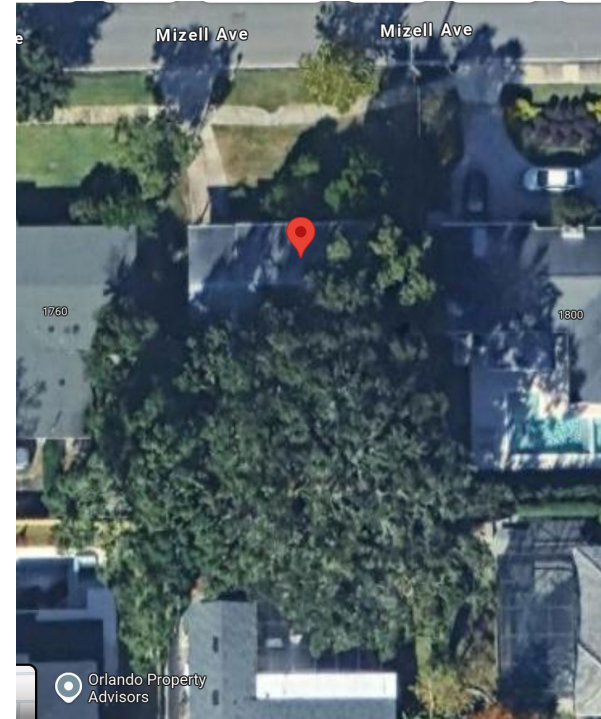
Criteria for removal

- ▶ City of Winter Park Tree Preservation and Protection Ordinance outlined in Sec. 58-285, considers:
 - ▶ Health of tree
 - ▶ Topography
 - ▶ Existing trees
 - ▶ Effort made to place structures away from protected trees
 - ▶ Hardship created by trees
 - ▶ Reasonable alternatives to removal

Existing trees



The requested trees



Notes by City Arborist

- ▶ Live oak 61" has defects including:
 - ▶ Low codominant stems with ferns present near junction and a sabal palm beginning to grow in one branch union, which may imply some measure of organic matter/detritus present
 - ▶ Some minor bark inclusions are present
 - ▶ Recent improper pruning
 - ▶ Interior branches have deadwood



Notes by City Arborist



- ▶ Live oak 51" has defects including:
 - ▶ Low codominant stems, with two leads that have briefly fused near base
 - ▶ Improper pruning
 - ▶ Some dead and some broken branches
- ▶ Both the stub and large cut have vigorous sprouting. Tree has average vigor and foliage.

Summary of notes

- ▶ Low codominant stems are relatively common in live oaks, and not majorly problematic for this species.
- ▶ Bark inclusions are not as significant in live oaks due to strong wood and branch attachment characteristic of the species.
- ▶ The dead wood is limited mainly to inner crown, which is expected due to shading.

The defects mentioned are not significant to live oaks, and may be mitigated without whole tree removal.

In summary:

- ▶ The trees are at the height of ecological benefit.
- ▶ The trees are located advantageously for preservation during lot development.
- ▶ The trees do not meet criteria for removal according to City of Winter Park Tree Preservation and Protection ordinance.
- ▶ **Urban Forestry recommends upholding the denial.**



TREE PROTECTION PLAN

1780 Mizell Avenue

Winter Park, FL 32789

Tree Assessment Observations:

- There are 2 large *Quercus virginiana* – Live Oaks located in the rear of the cleared lot. These trees have been in the space for several years with little to no maintenance over the years. I remeasured the trees at the proper height of 4.5' from grade. The tree measurements were tree number two 52" diameter and tree number one 62" diameter. The original survey diameters were listed on the plans as tree number two 63" diameter and tree number one 67" diameter. The canopy of the smaller diameter Live Oak tree in the southwest corner has been severely encroached by the larger diameter Live Oak tree. As a result, they have formed their canopy structures due to this encroachment.



- Tree # 1 - 62" diameter *Quercus virginiana* – Live Oak located at the rear southeast corner of the lot is in moderate condition. The tree has a tri-dominant trunk structure with multiple upright branches and 2 branch bark inclusions. I did not see any visible signs of advanced decay, disease, or insect infestations.
- The tree is located approximately 10'-12' from the southeast corner of the proposed pool deck. There is partial root impact on the north side of the tree's critical root system. According to the ISA Tree Preservation Standards the appropriate allowance for a preserved root zone is based on 9"-12" linear distance from the edge of trunk outward on all sides of the tree for each inch of trunk diameter.
- There are certain species that have a higher tolerance to construction impact and a Live Oak tree is one of those species. We are able to reduce this measurement down to 6" of linear distance due to this tolerance and the high success rate. Based on this 6" calculation we would require a linear distance of 31' from the edge of trunk for proper tree preservation standards. The measurement of 10'-12' is grossly under the recommendations for root preservation, however there is only one side of the tree that would need to be root pruned, reducing the overall impact. This would be the distance identified on the picture below.



- Tree #2 - 52" diameter *Quercus virginiana* – Live Oak is located in the rear southwest corner of the lot and is in moderate condition. The tree has a co-dominant trunk structure with a major branch bark inclusion present. The canopy is completely one-sided due to the encroachment of the large Live Oak to the east. The majority of the canopy spans over the neighboring properties to the west. I did not see any visible signs of advanced decay, disease, or insect infestations.
- The tree is located approximately 5'-6' from the southeast corner of the proposed pool deck. According to the ISA Tree Preservation Standards the appropriate allowance for a preserved root zone is based on 9"-12" linear distance from the edge of trunk outward on all sides of the tree for each inch of trunk diameter.
- There are certain species that have a higher tolerance to construction impact and a Live Oak tree is one of those species. We are able to reduce this measurement down to 6" of linear distance due to this tolerance and the high success rate. Based on this calculation we would require a linear distance of 26' from the edge of trunk for proper tree preservation standards. The measurement of 5'-6' is impacting a critical location from the edge of the trunk flare and is grossly under the recommendations for root preservation. In addition, the entire critical root space on the north side of this tree is impacted by the proposed pool construction.
- We do need to consider the total root loss to this tree. This type of root loss can potentially interfere with the overall sustainable of health and vigor long-term. Although these decline symptoms may take years to surface and show stress indicators, we cannot rule this out. We also need to make mention of the significant loss of the larger anchorage roots for this tree, these are responsible for the upright integrity of the tree. This too may give pause to preservation, especially with all of the canopy weight residing over the neighboring properties to the south and west.



Tree Protection Fencing Installation

Prior to any additional clearing, grubbing, trenching, grading, or any further land disturbances, tree protection fencing must be installed as follows:

Fencing shall be temporary, readily visible and a minimum of 4-feet. high. The fencing shall effectively 1) keep the foliage, crown, branch- structure, and trunk clear from damage by equipment, materials, or disturbances.

Preserve roots with loose non-compacted soil form the site. Identify the limits of preservation and install a 4' orange fencing with poles or stakes a maximum distance of 6' – 8' apart. (picture below)



During Construction

- a. Tree Protection Zone Restrictions (within fencing)
 - i No ground disturbance, grading, trenching, construction activities or structural development shall occur within the Tree Protection Zone (TPZ) except as specifically authorized by this TPP.
 - ii No equipment, soil or construction materials shall be placed within the TPZ. No oil, gasoline, chemicals, paints, solvents, or other damaging materials may be deposited within the TPZ or in swales or areas that may lead to the TPZ.

- iii Unless otherwise directed by the Project Consulting Arborist, all work done within the TPZ, including brush clearance, digging, and planting shall be done with hand tools or small handheld power tools that are of a depth and design that will not cause root damage.
- iv Grade changes outside the TPZ shall not significantly alter drainage to protected trees. When grading in close proximity to the TPZ, methods shall be used that minimize root damage and protect the original grade or otherwise stable soils.

Root Pruning Requirements

- Root pruning shall occur whenever a root 1" and greater is encountered specifically on impacted trees along property boundary and main entrance to development. The roots shall be isolated and severed with a sharp/clean root saw to ensure there is no back fracturing of the roots.

Specific Areas for Root Pruning

- 62" diameter *Quercus virginiana* – Live Oak – Root prune distance from edge of pool deck impact to the wooden fence on the east side of the property boundary. Install a root barrier within the root prune line, use a solid rigid plastic root barrier 24"-36" in depth. This will not stop the possibility of future root intrusion; however, it may slow down the opportunity for root intrusion in the immediate future.

Tree Pruning Requirements

All tree pruning shall be conducted or directed by a professional tree care company. Planned pruning of specific protected trees has been identified due to the potential construction impact and interference of construction equipment. This pruning shall only be executed prior to the installation of the permanent roadway material. Major pruning should not occur unless the project arborist determines that it is necessary for tree health.

- i Pruning shall be in accordance with the ANSI Z-133 American National Standards for Tree Care Operations and the ISA Pruning Guidelines. Climbing gaffs (spikes) shall not be used on live wood in accordance with the ANSI A-300 standards.
- ii No live tissue may be removed from protected trees solely for the purpose of altering the appearance of the tree.
- iii Hazard pruning to remove deadwood 2 inches and greater, disease, dying, broken, and hanging branches. End weight reduction shall accompany pruning specification to provide canopy clearance over roadways, structures, and walkways.



Options:

- A viable option for Tree #1 is tree preservation, this tree has utilized the growing space to its advantage in developing an upright structure. The health assessment rating is moderate and with proper tree preservation practices it has a greater chance for long-term sustainability, than Tree #2.
- Tree #2 will suffer greater root impact from the proposed pool construction. In addition, the tree canopy has developed a onesided structure over the neighboring properties to the south and west. As a result of this type of canopy growth, it is putting the weight and potential failure impacts over these locations. A viable option is to remove tree #2 to allow future canopy development for Tree #1.

Trees are dynamic, living organisms which change over time. The observations made herein will reflect the opinion of the Arborist at the time of inspection and do not guarantee the condition of the trees anytime in the future. Trees or parts can fail at any time; these failures cannot always be predicted. Inspection of this tree was based on a ground level visual observation only, I did not perform sound testing, advanced Arboricultural testing or gather any forensic samples for further examination. The assessment did not take into consideration any information unknown, not visible, or detectable at the time of the inspection. I could not properly view the south side of the canopy for either tree due to the existing neighboring properties.

Again Alfonso, thank you for the opportunity to submit this Tree Preservation Consulting Arborist Report. Please let me know if you have any questions regarding this information.

Sincerely,

Mary

Mary L. Edwards

Registered Consulting Arborist RCA #451

ISA Certified Arborist FL-0116

ISA Qualified Tree Risk Assessor

321-303-4714

mary@maryedwardsarborist.com