



city commission agenda

April 13, 2020
3:30 PM
Virtual meeting

mayor & commissioners				
seat 1 Marty Sullivan	seat 2 Sheila DeCiccio	Mayor Steve Leary	seat 3 Carolyn Cooper	seat 4 Todd Weaver

Virtual City Commission public comment procedures:

- The Public Comment Form located at cityofwinterpark.org/public-comment will be available during live meetings for members of the public to submit comments. These comments will be read into the official record during the City Commission Meeting.
- If you would like to provide comments prior to the meeting, please send them to MayorandCommissioners@cityofwinterpark.org. These comments will be received by the City Commissioners and staff, however, will not be read publicly into the record during the meeting. This is consistent with our normal procedures for emails received prior to a City Commission meeting.
- If you do not have the ability to submit comments online, the city will activate the public comment line 407-599-3410. This phone line will only be available during the live meeting. These calls will be answered by city staff and your verbal comments will be entered into the online system on your behalf. Phoned-in comments will be read during the meeting as part of the official record.
- All comments will be screened and not be read into the record if they violate our normal City Commission decorum procedures.

agenda

*times are projected and
subject to change

- 1. Meeting Called to Order**
- 2. Invocation**
Randy Knight, City Manager
Pledge of Allegiance
- 3. Election of Vice-Mayor**
- 4. Approval of Agenda**
- 5. Mayor's Report**
- 6. City Manager's Report**

- a. Capital Project Update** 1 minute
- b. City Manager's Report** 1 minute

7. City Attorney's Report

8. Non-Action Items

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

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

10. Consent Agenda

- a. Cancel City Commission meeting on Memorial Day, May 25, 2020.** 1 minute
- b. Approve the minutes of March 9, 2020** 1 minute
- c. Approve the minutes of March 30, 2020** 1 minute
- d. Approve the following piggyback agreements:** 1 minute
 - 1. Stuart C. Irby Co.: Orlando Utilities Commission contract #4670 OQ – Padmount Switchgears; Not to exceed \$250,000.
 - 2. Rainbow Distributors; Transportation Control Systems: Florida Department of Transportation contract #DOT-ITB-20-9034-GH – FDOT APL Traffic Equipment; Not to exceed \$75,000 per year per vendor.
 - 3. Rainbow Distributors: Seminole County contract #IFB-603660-19/BJC – Purchase of Signal Cable Wires and Hardware; Not to exceed \$75,000 per year.
 - 4. SiteSecure: Extension of Osceola County contract #RFP-16-4469-TP – Video Surveillance and Access Control Repair, Maintenance, Upgrades and New Installation; Not to exceed \$300,000.
 - 5. (After-the-Fact) Florida Catastrophe Corp.: Piggyback of Osceola County contract #RFP-1-9-10971-VJ - Indoor Air Quality Remediation Services; Not to exceed \$75,000 per year.
- e. Approve the following purchases:** 1 minute
 - 1. Service Electric Co.: Fairbanks Transmission & Distribution Wreck-Out Project; \$808,481.16.
 - 2. Sanders Co.: Installation of replacement lift station on Ranger Blvd; \$91,883.
- f. Approve the following contract items:** 1 minute
 - 1. GAI Consultants; Redevelopment Management

Associates: Amendment to renew RFP-3-2018 – General Planning Services; To be utilized on an as-needed basis.

2. (After-the-Fact) Brance Diversified: Increase allowable spend under IFB-7-2018 - Dredging Services for the clearing of the Mayflower canals; Not to exceed \$175,000.
3. (After-the-Fact) ICMA-RC: Administrative services agreement for the management of city employees' retirement plan; No fiscal impact to be incurred by the city.

11. Action Items Requiring Discussion

12. Public Hearings

- a. **Resolution Extending the Terms of Subsidiary Advisory Board Members** 5 minutes
- b. **Request of William Keegan for:** 20 minutes
Subdivision approval to split the properties at 1760 and 1780 Bryan Avenue into three single-family lots, zoned R-1A. Variances are requested from the R-1A lot dimension standards.
Applicant has requested this item be tabled until the Commission physically convenes when allowed under COVID-19 health crisis orders.
- c. **Ordinance: Rescinding/Repealing Orange Avenue Overlay** 45 minutes
An ordinance rescinding and repealing the amendments to the Comprehensive Plan and Zoning ordinances that established the Orange Avenue Overlay District. **Second Reading.**
- d. **Ordinance: Vacating a portion of Kindel Avenue right-of-way** 5 minutes
An ordinance vacating and abandoning a portion of the right-of-way of Kindel Avenue. **First Reading.**

13. City Commission Reports

Appeals and Assistance

"If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105)

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



city commission **agenda item**

item type	Invocation	meeting date	4/13/2020
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

Randy Knight, City Manager

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	City Manager's Report	meeting date	4/13/2020
prepared by	Budget and Performance Measurement	approved by	
board approval	final vote		
strategic objective			

subject

Capital Project Update

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Capital Project Update

Upload Date

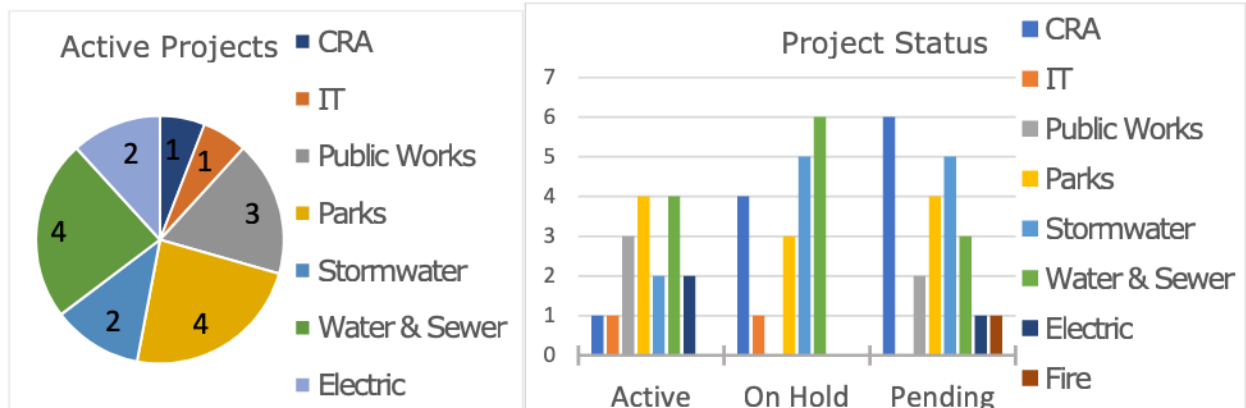
4/7/2020

Type

Cover Memo



This report is updated monthly to monitor active capital projects occurring throughout the city and to provide information about recently completed projects. These are aligned with the city's strategic objectives and covers any project where implementation is currently underway.



Active Projects with Tasks

Title 1: Exceptional Quality of Life Objective

Project	Project Tasks	Division
Bicycle & Pedestrian Improvement	Construction of sidewalk on Dundee is underway. Soliciting interest from property owners to install sidewalks on Garden Dr.	Public Works
Cady Way Pool Improvements	Fencing has been installed, installation of landscaping is set for late April dependent upon pandemic situation.	Parks
Field & Tennis Lighting	Replacement of field lighting at baseball fields 4&5 in Ward Park installed with lamps set for positioning mid-April. Replaced panel for field 8 lights to eliminate continued outages.	Parks
Library	Project is underway.	Public Works
Mini Park Restorations	Kraft Azalea lane Arch restoration underway.	Parks
Showalter Improvements	Improvements to sound quality is expected to be completed by end of May.	Parks

Title 2: Fiscal Stewardship Objective

Project	Project Tasks	Division
ERP Software Project	Last phase of system migration is underway.	IT

Title 3: Intelligent Growth & Development Objective

Project	Project Tasks	Division
CRA Small Projects	Parking sensors on the 4th floor of the Park Place Garage are deployed, digital signage is approved by the Morse Genius Foundation. Prototype in testing phase.	CRA
Lift Station R&R	Work underway; Equipment in fabrication by contractor, installation contractor under contract, and County ROW MOT permit application submitted.	Water & Sewer
Solar for Water Plant Rooftop	Solar panels on the Aloma Water Plant are installed, connection to the grid will take about 3 months according to Duke Energy.	Water & Sewer

Title 4: Investment in Public Assets & Infrastructure

Project	Project Tasks	Division
Alum Station Upgrades	Last phase of telemetry being installed at Lake Mizell.	Stormwater
Electric Undergrounding Project	Project G 85% complete, H complete, & I 12% complete.	Electric
Facility Capital Improvements	HVAC in Building 10 on hold for purchase of units in building 11 and 12. New roof for cemetery building is quoted and under review by Parks department.	Public Works
Fairbanks Underground Project	Distribution and transmission work being completed by Duke Energy. Project completion expected in June.	Electric
I-4 Ultimate Project	Force main extension and 4-inch empty fiber optic conduit along Kennedy Boulevard under I-4 complete; waiting final invoice from SG&L. No additional work anticipated.	Water & Sewer
Meter Data Management Upgrade	Implementation of new cloud-based software and integration with Tyler will take 8 to 12 months.	Water & Sewer
Sharon Place Drainage Improvements	Installation of inlets underway.	Stormwater

Major Non-City ROW Work

TECO Gas

The utility will be working in Winter Park for the next several months to locate, repair, and replace gas mains along Palmer Ave and side streets. Their work is estimated to complete this summer 2020.

Recently Completed Projects

Parks & Recreation

The Parks Department completed the Ward/Loch Lomond capital project this past October 2019. The project connected the Cady Way Trail to the St. Andrews Trail to promote connectivity and safety for bicycle and pedestrian trails. This project meets the city's Exceptional Quality of Life strategic objective.



The Parks Department completed the replanting of trees in the Mead Garden wetlands. The project serves the long-term growth and revitalization of the wetlands for the Investment in Public Assets and Infrastructure strategic objective.

The Parks Department completed the installation of upgraded LED lighting on Fields 4&5. To provide ample parks and recreation experiences for the field users serving the city's strategic objective to promote Exceptional Quality of Life.

Water & Sewer



The Water & Wastewater Department completed the water system upgrade at the Lakemont Heights subdivision. The project meets its strategic objective of Investment in Public Assets & Infrastructure.

The Water & Wastewater Department also completed installation of a force main at I4 and Kennedy as apart of the I4 Ultimate capital project. The project continues in cooperation with FDOT.

Public Works

The Public Works Department activated rail road Crossing Quite Zones. Safety improvements to crossing infrastructure and signage allows the trains to pass through the city without honking their horns. The project promotes the city's strategic objective by enhancing investment in public assets and improving quality of life.



Stormwater



The Stormwater Department completed Phase 1 of its Kings Way at Fawsett Rd. project which included the site survey and design. Phase Two will include a purchase and installation of the new CDS unit to improve stormwater drainage.

The Stormwater Department replaced the CDS at Highland Rd Outfall project to improve stormwater drainage. Additional improvements are being assessed to complete the project.

IT

The IT Department completed the hardware upgrade to its core routers and servers. The upgrade improves the safety, speed of computing, and increases storage to meet its strategic objective of Fiscal Stewardship for efficient and effective city services.

Fire

The Fire Department purchased a new Fire Engine to replace a unit that was 14 years old and was nearing the end of its front run life. Maintenance costs were becoming a concern and the new engine is much more efficient. Allowing the continuation of the Fire Department to provide exceptional fire service throughout the city serving the public health and safety strategic objective.

Community Redevelopment Agency

The CRA completed painting poles on Park Ave to refresh the aesthetics on the avenue. This is a downtown enhancement in the city's strategic plan for Exceptional Quality of Life to provide ample parks and recreation experiences.

Capital project delays due to COVID-19

Title 5: Projects Effected by COVID-19

Project	Project Tasks	Division
1792 Streetscape Imp.	Contract approved at CRA meeting 1/27. Design underway by FDOT. Meetings for on-site review of plans on hold due to COVID-19.	CRA
Arbor Park Drainage Imp	Phase one construction: drain work on Oneco Ave. underway placed on hold after COVID-19.	Stormwater
IT Site Securitization	City Hall & Farmers market cameras	IT
New York Streetscape	Road construction to begin over the next quarter after COVID-19	CRA
Park Surface and Feature Restorations	Design and equipment selection of Phelps playground. Quotes are received to be brought to PRAB delayed during COVID. Purchase was expected in May with install in August	Parks
Rehab Sewer Manhole	On going. On hold due to COVID-19.	Water & Sewer
Rehab Swr Main Short line	On going. On hold due to COVID-19.	Water & Sewer
Sewer Main Extensions	Contract negotiations. On hold due to COVID-19.	Water & Sewer
Sewer Mains R&R	little miscellaneous work, will notify of larger projects. On hold due to COVID-19.	Water & Sewer
Stormwater Rehab	Ward Park pond dredging. Improvements to the Mayflower ditch this March postponed to April due to COVID-19 request from contractor. Pending housing construction to begin Storm water improvements at Hillcrest and Virginia dr.	Stormwater
Upgrade Water Mains	little miscellaneous work, will notify of larger projects. On hold due to COVID-19.	Water & Sewer



city commission **agenda item**

item type	City Manager's Report	meeting date	4/13/2020
prepared by	Budget and Performance Measurement	approved by	
board approval	final vote		
strategic objective			

subject

City Manager's Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

City Manager's Report

Upload Date

4/7/2020

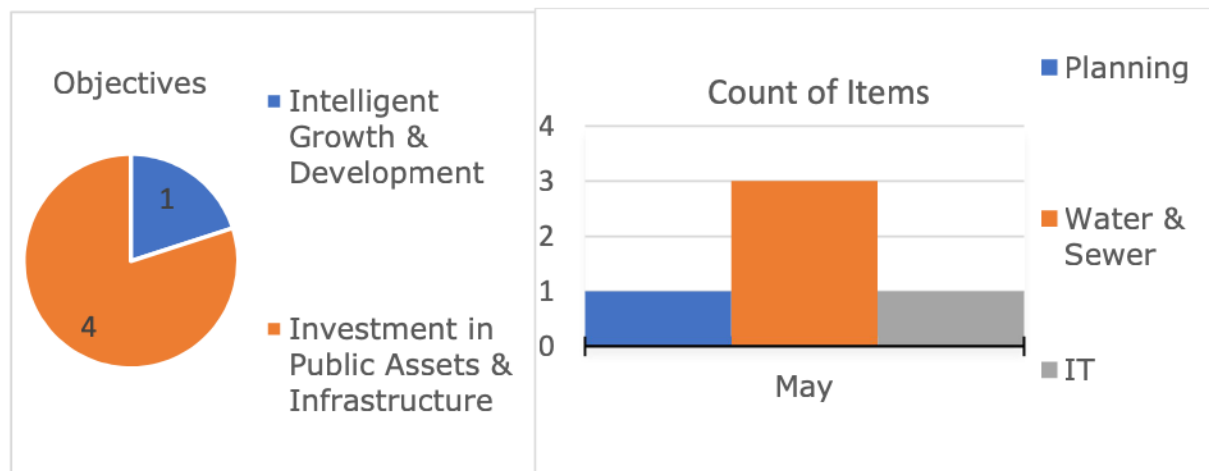
Type

Cover Memo



90-Day Report

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



Upcoming Commission Items

Title 1: Intelligent Growth & Development

Item	Description	Item Department	Item Date
Planning Public Hearings	Hotel at Penn. Project continued to April by applicant for full commission. Property 1390 Orange Ave current O-1 rezoning future land use to PR for open space and recreation.	Planning	May

Title 3: Investment in Public Assets & Infrastructure

Item	Description	Item Department	Item Date
Consumptive Use Permit	Request approval for a CUP 5 year analysis report.	Water & Sewer	May

Item	Description	Item Department	Item Date
Wastewater Interlocal Capital Contribution Payment	Finalize approval to the City of Orlando for waste water plant upgrades.	Water & Sewer	May
Wastewater Interlocal Contract	Renewal of Conserv II sewer treatment contract with Orlando.	Water & Sewer	May
City Fiber Network	Beginning construction of Central Park Wi-Fi early, to be completed in April. Contract for buildout of the City's private fiber network in response to ITN. Master design and inventory of existing assets is currently being finalized.	IT	May

Additional Items of City Interest

Title 4: Exceptional Quality of Life

Item	Description	Item Department
Agenda Management Program	In coordination with the Accessibility Requirements, the City is upgrading to an ADA compliant agenda management program. Staff is currently training on this software and hopes to go live with the Commission at the first meeting in June.	IT
Launch of redesigned cityofwinterpark.org	The Communications and IT departments presented a preview of the 2020 redesign of the city's website, cityofwinterpark.org at the end of February. The redesign is focused on meeting ADA compliance and enhanced user-experience. The launch of the new site is expected in May 2020.	Communication

Item	Description	Item Department
MLK Park Plan	City has contracted professional services through Dix-Hite to conduct review of MLK master plan, assessment of neighborhood connectivity with MLK Park and Library/Event Center, and provide suitable options for replacement of Shady Park spray feature. CRA has ability to address some improvements at this site with potential funding as part of the CRA CIP.	Parks
Post Office Acquisition	The City has received a revised LOI from the USPS which will be presented to the City Commission for consideration once meetings have returned to normal after the pandemic.	Public Works
Public Art for I-4	Design selection by the Public Art Advisory Board was approved by the City Commission and the winning company, RLF, will finalize construction costs and options to bring the project in at the \$150k budget. This public art project, paid for by FDOT, is planned to be installed at the NE corner of W. Fairbanks and I-4.	Administration

Title 5: Investment in Public Assets & Infrastructure

Item	Description	Item Department
17/92 Corridor	Staff is currently working with FDOT Arterial Team to assess needs and scope for model development and funding needs. CRA has reserved funds for this project. FDOT hopes to have 60% plans designed by Feb 2020. The city will work with FDOT on design and other associated improvements such as coordinating of utility undergrounding, landscaping, and water & sewer improvements, over the next couple months. The corridor traffic modeling effort is underway with data collection.	CRA
Electric Undergrounding	Miles of Undergrounding performed Project G: 4.1 miles 85% complete Project I: 6.9 miles 15% complete TOTAL so far for FY 2020: 2.9 miles	Electric

Item	Description	Item Department
Fairbanks Transmission	End of June 2020 is the estimated completion date for the Fairbanks project from Duke transmission contractors. Distribution and transmission work due to be complete by the end of March. Poles are scheduled to be removed 30 days after the completion by transmission contractors.	Electric
Lakemont Avenue	Scope to be determined. Work to be tentatively performed by new transportation planner position in conjunction with the Public Works and Planning Departments.	Public Works
Lakes Health Analysis	The Natural resources division of Parks (where lakes management now resides) along with Public Works, are preparing a presentation detailing historic and existing lake water quality along with previously implemented improvement projects and proposed future projects for information and discussion. It will illustrate excellent, good and impaired water quality criteria and where the City lakes rank accordingly.	Parks
Parks and Recreation Bike Path and Green Spaces Plan	Will be part of the overall Transportation Master Plan being performed by the Planning and Public Works Departments.	Public Works



city commission **agenda item**

item type	Consent Agenda	meeting date	4/13/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Cancel City Commission meeting on Memorial Day, May 25, 2020.

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	Consent Agenda	meeting date	4/13/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Approve the minutes of March 9, 2020

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Minutes of March 9, 2020

Upload Date

4/6/2020

Type

Backup Material



City Commission Regular Meeting Minutes

March 9, 2020 at 3:30 p.m.

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

Present

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

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

1. Meeting called to order

Mayor Leary called the meeting of the Winter Park City Commission to order at 3:32 p.m.

2. Invocation and Pledge of Allegiance

Pastor Ed Garvin, Calvary Assembly of God provided the invocation followed by the Pledge of Allegiance.

3. Approval of Agenda

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

4. Mayor's Report

Mayor Leary thanked Commissioners Seidel and Sprinkel for their service on the Commission.

Commissioner Sprinkel thanked the Commission, staff, city manager, city attorney, family and friends for their support and recognized her husband and son in the audience. She commented on her passion for learning and teaching and spoke on three points: dreams are more powerful than facts, myths are more potent than reality, and hope always triumphs over fear. She expressed her belief in this community and enjoyment for learning as a commissioner and participating in numerous celebrations. She thanked everyone for the privilege of serving.

Commissioner Seidel expressed his pleasure in serving and his pride in city staff. He summarized his vision when he was first elected. He spoke on the example that should be set for the community and future leaders to always try to do the right thing.

5. City Manager's Report

- Parks and Recreation Director Jason Seeley, showed the logo for the new Splash, Float Swim program which begins April 25. Mr. Seeley and Michael Dively, supporter of this initiative, presented each commissioner with a t-shirt. Mr. Dively thanked the commission for their support.
- Announced that the billboard at 2600 Lee Road has been removed and stated that almost ten have been removed.

- Stated that staff and the Sidewalk Art Festival Committee will be meeting tomorrow to discuss whether to move forward with the festival in light of the coronavirus. Extra hand washing stations will be provided and staff will continue to follow updates from health professionals.
- Thanked Commissioners Seidel and Sprinkel for their service.

6. City Attorney's Report

- Expressed his pleasure working with Commissioners Seidel and Sprinkel.

7. Non-Action Items

8. Citizen Comments

Heard after 5:00 p.m.

9. Consent Agenda

- a. Approve the minutes of February 24, 2020
- b. Appoint Leif Bouffard as alternate member on the South Seminole North Orange County Wastewater Transmission Authority.

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

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

10. Action items requiring discussion

11. Public Hearings

- a. Request of Sydgan Corp. for:
 - Ordinance to amend the Comprehensive Plan Future Land Use Element Policy Text within the Hannibal Square Neighborhood Planning Area. (1)
 - Ordinance to amend the Future Land Use Map from Single Family and Low Density Residential to Commercial on 0.97-acres of the combined subject property located southwest of the Pennsylvania and Symonds Avenue intersection. (1)
 - Ordinance to amend the Official Zoning Map from Single Family (R-1A) and Low Density Residential (R-2) to Commercial (C-3) on 0.97-acres of the combined subject property located southwest of the Pennsylvania and Symonds Avenue intersection. (1)
 - Conditional Use approval to construct a three-story hotel of 140 rooms with associated restaurant and ballroom/meeting space on properties at the southwest corner of Symonds and Pennsylvania Avenues including Developer's Agreement, 3rd Amendment

A simultaneous public hearing was held on these requests.

Attorney Ardaman explained there are two ordinances, one ordinance for comp plan amendments and the other for rezoning. He read the ordinances by title.

Planner Allison McGillis presented this request to build a hotel on approximately four acres at the corner of Pennsylvania and Symonds Avenues. Without the first request to amend the comp plan text policies, the three subsequent requests would not be possible. She provided the history of redevelopment in this area and previous conditional use approval for a 120-room hotel. Because construction never moved forward, the conditional use approval expired. This request is for additional hotel rooms (140 total) and requires new conditional use approval.

She explained the Comprehensive Plan policy that discourages non-residential encroachment into residential sections in this planning area and should not be approved unless otherwise provided for in the Comprehensive Plan. If non-residential zoning is approved, the applicant must provide affordable or workforce housing or pay fees in lieu of housing to the Affordable Workforce Housing Trust Fund. The Planning and Zoning Board recommended the following policy changes.

1. That Comprehensive Plan Policy 1-H-6 be modified to only say non-residential land uses and zoning on the north side of Symonds Avenue between Capen Avenue and Pennsylvania Avenue be deemed to be in conflict with the Comprehensive Plan.
2. That Comprehensive Plan Policy 1-H-7 be removed since it is a duplicate of Policy 1-H-6.

The applicant is further requesting a policy amendment to allow for compensation of loss of housing by providing substantial infrastructure improvements with regional benefit or by donating park land for the regional benefit to the planning area. Mrs. McGillis showed a rendering of the stormwater retention/open park space which will be dedicated to the city but constructed and maintained by the applicant in accordance with staff and other agency's regulations. Compensation toward affordable or workforce housing units would be \$400,000 for four units (\$100,000/unit). She reviewed the property acreage by current and requested land use and zoning, the proposed site plan and the floor area ratio (FAR) analysis and stated the applicant is not maximizing the FAR. She summarized the parking analysis and traffic analysis and showed building elevations.

The Planning and Zoning Board recommended approval of the conditional use request subject to a Development Agreement and the following conditions:

1. That any ground signage be limited to the same size (square footage) and height of the Alford Inn monument sign.
2. That the applicant work with Urban Forestry and Public Works to add additional on-street parking along Pennsylvania Avenue.
3. That the project provides required bike parking per code and add two electrical vehicle charging stations to either the existing parking garage or added surface parking spaces.
4. The dedication to the city of the 0.79-acre retention area/park, the stormwater capacity that the city is gaining, along with the landscaping/irrigation and maintenance by the applicant agreement.
5. Agreement that the parking garage shall be shared by the hotel and office users.

6. That four affordable or workforce housing units be constructed within City limits or pay fee-in-lieu in the amount of \$400,000.00 (\$100,000.00 per unit) to the Affordable and Workforce Housing Trust Fund, prior to the Certificate of Occupancy of the hotel project.

Mrs. McGillis responded to questions stating that setbacks are larger in some areas with articulation and that the applicant has worked with staff on the stormwater retention area which meets code requirements.

Commissioner Seidel disclosed that he spoke with the developers and others.

Commissioner Sprinkel stated she has spoken with applicant.

Commissioner Cooper said that she has met with developer, applicant and staff.

Commissioner Weaver stated he met with staff.

Mrs. McGillis responded to questions by Commissioner Cooper stating Amendment #3 to the Development Agreement in the agenda packet is the current development agreement. The site plan approval is both preliminary and final. The property was approved for three stories in 2016 and current existing codes and regulations would allow three stories. At the time of initial approval, the code did not require inclusion of the parking garage in the FAR calculation.

Commissioner Cooper asked for documentation that the parking garage was excluded from the FAR and what has already been approved. Mrs. McGillis stated that exclusion of the parking garage from the FAR was not spelled out in any of the previous development agreements, plans or staff report and that only the requirement of the compensation of four residential units would remain.

Commissioner Cooper asked whether there are any vested rights if all conditional uses were expired. Mrs. McGillis stated there are no rights as it relates to the hotel. Mr. Ardaman stated that there are rights to develop under existing codes but the project as proposed cannot move forward without approval of these requests.

Dan Bellows, Sydgan Corp, and other members of the project team were present to answer questions.

Commissioner Seidel asked for information regarding the pond/park space design.

Steve Sloan, Sloan Engineering Group, explained that they used the existing permitted data but are doing additional soil borings to confirm that data. Commissioner Seidel expressed his concern about ground level and that it functions adequately and remains dry. Mr. Bellows stated that they have met with staff and St. John's Stormwater Management who are in favor of proposed design. He added that they are willing to accommodate stormwater with a wet pond under the vault inside the garage in order to maintain the area as a dry pond.

Commissioner Weaver expressed his concern that run-off from the street will create an unsafe and unhealthy play area for children and would like the park removed from the project.

Motion made by Commissioner Sprinkel to approve the ordinances on first reading and the conditional use as presented; seconded by Mayor Leary.

The following spoke in opposition to these requests citing loss of residential use, traffic, noise, loss of privacy and safety of children.

- Rebecca Talbert, 2024 Northwood Blvd.
- Mary Daniels, 650 Canton Avenue (submitted a letter and signatures of those in opposition)
- Marty Sullivan, 901 Georgia Avenue
- Camille Reynolds Lewis, Hannibal Square Community Land Trust Inc.
- Linda Rambeau, 657 Symonds Avenue
- Sheila Reid, 780 Carver Street
- Kent Kersten, 654 Canton Avenue
- Maria Bryant, 450 S. Virginia Avenue
- Gary George, 265 N. Capen Avenue
- Phil Anderson, 1621 Roundelay Lane
- Linda Eriksson, 535 N. Interlachen Avenue
- Aubrey Reed, 731 DePugh Street

Mr. Bellows commented on the initial opposition to redevelopment of New England Avenue but he has received positive comments on the redevelopment. He stated he is a resident of this community and would like to work with community and commission. He agreed with Commissioner Weaver's concerns about stormwater run-off to the pond. He said he would support tabling this request to allow the engineers to address concerns and to review the original development agreement. He pointed out that the current zoning is commercial and that this hotel would generate less trips than office/retail use.

Motion made by Commissioner Seidel to table these requests; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote. (Previous motions for approval were not voted upon.)

Mayor Leary called for a recess from 5:08 to 5:22 p.m.

8. Citizen Comments

Clark Sprinkel, son of Commissioner Sprinkel, thanked his mother for her commitment to the residents and city and shared accomplishments of the city during her terms that have impacted him and his family including the new library and events center and swimming program. He expressed his pride in her dedication to the city.

Will Graves, Founder of Friends of Winter Park, spoke in opposition to redevelopment and suggested a moratorium to stop over-development, particularly in west Winter Park.

Mayor Leary advised that Public Hearing e will be heard before Item b and c.

11. Public Hearings - continued

- b. RESOLUTION 2228-20 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ISSUANCE IN AN AGGREGATE PRINCIPAL AMOUNT OF A NOT TO EXCEED \$2,095,000 GENERAL OBLIGATION BOND, SERIES 2020 FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF THE ACQUISITION AND

CONSTRUCTION OF THE WINTER PARK LIBRARY AND EVENTS CENTER AND RELATED IMPROVEMENTS IN THE CITY; PROVIDING THAT SUCH BONDS SHALL BE PAYABLE FROM AD VALOREM TAXATION; PROVIDING FOR THE LEVY OF NECESSARY AD VALOREM TAXES; PROVIDING FOR THE TERMS AND DETAILS OF SAID BOND; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING A NEGOTIATED SALE OF SUCH BOND; AND PROVIDING AN EFFECTIVE DATE.

Attorney Ardaman read the resolution by title and stated the resolution reflects the reduced interest rate of 1.88%.

Motion made by Commissioner Sprinkel to approve the resolution with the revised interest rate; seconded by Mayor Leary. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

e. Request of Hill/Grey Seven LLC for:

- ORDINANCE 3170-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" TO AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM AN MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO A PARKING LOT FUTURE LAND USE DESIGNATION ON THE PROPERTY AT 472 BROADVIEW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. (Second Reading)
- ORDINANCE 3171-20 - AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" TO AMEND THE "OFFICIAL ZONING MAP" TO CHANGE FROM MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO PARKING LOT (PL) DISTRICT ZONING ON THE PROPERTY AT 472 BROADVIEW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. (Second Reading)
- Conditional Use approval to construct 24,000 square feet of two-story commercial buildings on the properties at 415 S. Orlando Avenue and 336 and 434 Grove Avenue.

A simultaneous public hearing was held on these requests. Attorney Ardaman read the ordinances by title.

Principal Planner Jeff Briggs stated the Conditional Use was approved at first reading of the ordinances on February 24, 2020.

Motion made by Commissioner Cooper to adopt the comp plan and zoning ordinances on second reading; seconded by Commissioner Sprinkel.

Motion made by Commissioner Seidel to amend the main motion to direct staff to investigate swapping right-of-way from Grove Avenue for Orlando Avenue right-of-way to provide for future southbound turn lanes on Fairbanks Avenue; seconded by Commissioner Weaver. (Withdrawn)

Commissioner Seidel explained his intent is have right-of-way available along Orlando Avenue to provide for a future turn lane which would start just south of the entrance and shift the rear parking back toward Grove Avenue. This would be an opportunity to receive right-of-way

from the developer for future intersection improvements. Discussion ensued on options and impact to project and neighborhood.

Rebecca Wilson, attorney representing the applicant, said she understands the request would be to dedicate land to FDOT, since Orlando Avenue is a state road, in exchange for city right-of-way. However, FDOT currently has program for Orlando Avenue. Commissioner Seidel pointed out that FDOT is not intending to add turn lanes and feels that this proposal will benefit everyone with no impact to developer. Mrs. Wilson stated they would need relief on the landscape buffer and possibly other portions of plan. She questioned their obligation to investigate and to what extent. She said she would investigate in good faith but could not agree if there is a cost involved.

Mayor Leary offered Mrs. Wilson the opportunity to discuss this with her client and bring the item back up for discussion later in the meeting.

After discussion, Commissioner Seidel withdrew his motion.

Mary Black, area resident, expressed her concern that the suggested amendment will affect the landscape barrier and the quality of life.

Motion made by Commission Cooper that any reconsideration of the site layout come to the Commission for approval; seconded by Commissioner Seidel.

Upon questioning, Mr. Ardaman stated that this motion would apply to both the comprehensive plan amendment and rezoning. Mrs. Wilson stated Commissioner Seidel's suggestion to investigate does not impact the parklet or barrier. She said they will work with staff to ensure there will be no impact to what was approved in the previous meeting if they give some of the right-of-way on Orlando Avenue. She added that the Commission would also have to approve the vacation of any portion of Grove.

Mr. Stephenson advised that all of the improvements of concern to the neighbors are within private property site and modification of the grass area that may be modified would not affect any of the conditions in place to protect the neighborhood.

After additional discussion, Commissioner Cooper withdrew her motion.

Upon a roll call vote to adopt the Comp Plan amendment ordinance, Mayor Leary and Commissioners Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

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

c. Request of the City of Winter Park for:

- ORDINANCE 3166-20 -AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT NEW GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE ELEMENT TO ESTABLISH THE ORANGE AVENUE OVERLAY DISTRICT; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE. (Second Reading)

- ORDINANCE 3167-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO ADOPT A NEW ZONING DISTRICT SECTION 58-83 OVERLAY DISTRICT (OD); PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE. (Second Reading)

A simultaneous public hearing was held on these ordinances. Attorney Ardaman read the ordinances by title.

Mr. Stephenson gave a presentation on the overlay including the impact of amendments made at first reading such as reduction of FAR which limits opportunities for use of development enhancement menu and reduces the potential of Progress Point. He reviewed the requirements of properties upon adoption of the ordinance and stated State of Florida agencies reviewed the Overlay with positive or no comments.

He explained that only Subareas D and J start with a higher floor area ratio (FAR) than currently permitted which is needed to allow properties to develop and create parking solutions. Traffic studies performed by the traffic consultant included modeling and solutions which are currently underway or in the design phase. FDOT reviewed the Overlay and the entitlements and determined that it will not have a significant adverse impact and did not have any technical assistance comments.

Mr. Stephenson reviewed the purpose of density transfers. He stated no new residential units are created over what is currently entitled. Current density allowances are significantly lower than comparable communities. Mixed uses must have a residential component which will create a day and nighttime sense of community. He explained density transfers - what it does, what it will not allow, and the impact. He showed area maps indicating maximum height and changes in maximum height which show no changes in 49% of the overlay, a decrease in 32% and an increase in 19% (if Progress Point is developed increased height).

Commissioner Seidel asked whether amendments on second reading are permissible. Attorney Ardaman explained that the Charter states if there is a substantive change to the text of the ordinance then the reading at the time of the change would be deemed first reading. He reviewed State law and attorney general opinions and opined that a change to the general purpose of the ordinance would be considered substantive change. He added that the amendments made today will determine whether the changes are substantive. For example, expanding the area of the Overlay would be a substantive change; however, changes to the FAR, in his opinion, are not substantive changes and would not require another public hearing. He cited previous commission actions/decisions on substantive changes where the city attorney made the determination at the time as to whether the changes were substantive.

Commissioner Seidel addressed Subarea C, Progress Point, and suggested allowing 40,000 square feet of regular uses and make any cultural use exempt from FAR which allows extra FAR to allow for uses wanted by the residents. Mr. Stephenson stated the requirements need to be addressed with a maximum FAR but an exemption to the FAR for cultural uses would accomplish the city's goal for placemaking on this property.

Commissioner Seidel stated his conclusion that large properties with higher FAR and residential component would increase daily trips but produce less peak hour trips. Mr. Stephenson stated

it would depend on the number of units and mixture of uses but based on square footage, residential use creates significantly less trips.

Commissioner Sprinkel expressed her appreciation for staff's work to clarify some of the concerns and questions. She feels this works because it is a community effort.

Commissioner Cooper addressed Policy 1-8.1.6 and asked whether added the changes to allow ground floor and top floor conflicts with policy as it relates to Subarea E. Mr. Stephenson stated language from the land development code ordinance would be reflected in this policy as well. Commissioner Cooper suggested adding an exception where special provisions were allowed for Subarea E.

Commissioner Seidel commented on the benefits of this overlay stating it is not entirely about FAR - it is a way to incentivize development to help pay for traffic improvements and provide meaningful open space. He stated that within six months a traffic study will be completed with a plan for improvements and anticipated cost to the city and developers. He pointed out that the incentive menu allows the city to receive property voluntarily from developers for right-of-way improvements in exchange for enhancements for their projects.

Mr. Stephenson showed the 15 intersections being studied including numerous intersections on 17-92, Clay Avenue, Lee Road, and Denning Drive.

Main Motion: Motion made by Commissioner Seidel to adopt the Comp Plan and Zoning ordinances as presented on second reading; seconded by Commissioner Sprinkel.

Amendment #1: Motion made by Commissioner Seidel to amend the motion to establish a base FAR of 25% in Subarea C and a maximum achievable FAR of 60% for non-profit arts and cultural uses with a 501C3 status; seconded by Commissioner Sprinkel.

Amendment #2: Motion made by Commissioner Seidel to amend the main motion to change the maximum achievable FAR to 200% in Subareas D and J providing 40% is for residential use; seconded by Commissioner Sprinkel.

Commissioner Seidel commented on breweries and distilleries and the ability to serve food as a permitted versus a conditional use. Discussion ensued on the ability of a brewery/distillery to serve food whether as a permitted or conditional use.

Amendment #3: Motion made by Commissioner Sprinkel to amend the main motion to add breweries/distilleries without food sale as a permitted use; seconded by Mayor Leary.

Commissioner Cooper expressed her concern about the intensity of land use and density transfers. She spoke about traffic issues and said that improvements can still be made without the Overlay but it may cost more and take longer. She sees value in many aspects of the overlay but she does not view density transfers as a tool to make traffic improvements.

Amendment #4: Motion made by Commissioner Cooper to amend the main motion to delete all density transfers from the Overlay and allow residential development based on the existing Comp Plan of 17 density units per acre; seconded by Commissioner Weaver.

Amendment #5: Motion made by Commissioner Cooper to amend the main motion to add language to Policies 1-8.1.4 and 1-8.15 to allow transfer of residential entitlements only

to the extent that the sending properties are not already developed and at the rate of 1,000 square feet per unit; seconded by Commissioner Weaver.

Amendment #6: Motion made by Commissioner Cooper to amend the main motion to establish a maximum density with density transfers equal to 1.5 times the density allowance of the current underlying zoning; seconded by Commissioner Weaver.

Amendment #7: Motion made by Commissioner Cooper to amend the main motion to add to Comp Plan Policy 1-8.1.6 the zoning language stating parking structures west of Orlando Avenue shall include the FAR for structures greater than two levels (ground +1); seconded by Commissioner Weaver.

Amendment #8: Motion made by Commissioner Cooper to amend the main motion to modify Enhancement Menu Items OS.4 (Mead Garden) and OS.6 (MLK Park) to grant 1 square foot of additional building space for each \$10 donation; seconded by Commissioner Weaver.

Amendment #9: Motion made by Commissioner Cooper to amend the main motion to lower the base FAR in Subareas D and J to the current maximum FAR allowed by Comp Plan; seconded by Commissioner Weaver.

Commissioner Weaver thanked staff, committee and others for their work and input on the Overlay. He expressed his pleasure that amendments at first reading resulted in increased in greenspace, sidewalks for trail, 1.5 acres of parkland on Progress Point, and larger property owners contributing to transportation improvements. He shared his concerns about traffic, density and intensity, and granting residential entitlements without getting something back for the residents.

Amendment #10: Motion made by Commissioner Weaver to amend the main motion to remove Enhancement CT.7 and add for Subarea D properties: property owner(s) of Subarea D must provide a City easement and a 24-foot wide city-owned roadway connecting the current western terminus of Palmetto Avenue to Orlando Avenue with a right in, right out configuration at Orlando Avenue per FDOT standards. The easement must provide sufficient right-of-way to accommodate landscaping, sidewalks and parallel parking along 50% of the length of the new section or not less than existing parking on adoption of this ordinance. The easement shall have an unobstructed vertical clearance which meets or exceeds National Fire Protection codes. The above easement must be granted prior to any entitlements over and above the current base zoning. Motion seconded by Commissioner Cooper.

Discussion ensued on the intent and impact and legal implications. Commissioner Weaver provided further information on the intent to provide a parallel route for local traffic. He states his intent is to remove this as an enhancement and make it a requirement.

Mayor Leary called for recess from 7:28 to 8:00 p.m.

Amendment #11: Motion made by Commissioner Weaver to amend the main motion to remove Enhancement CT.7 and add for Subarea J properties: property owners of Subarea J must provide a City easement to accommodate a 12-foot wide FDOT standard roadway parallel to West Fairbanks and north of West Fairbanks between Denning Drive and

extending east along the entire length of those Subarea B properties in common ownership with Subarea J. The easement must provide sufficient right-of-way to accommodate landscaping and sidewalks on adoption of this ordinance. The above easement must be granted prior to any entitlements over and above the current zoning; seconded by Commissioner Cooper.

Amendment #12: Motion made by Commissioner Seidel to amend the main motion to require that road widths be a minimum of 24 feet; seconded by Commissioner Cooper.

Amendment #13: Motion made by Commissioner Weaver to amend the main motion to change Subarea C (Progress Point) to a base and maximum FAR of 25%; seconded by Commissioner Cooper.

Amendment #14: Motion made by Commissioner Weaver to amend the main motion to limit the parking garage height in Subarea C to 2 stories/3 parking levels; seconded by Commissioner Cooper.

Amendment #15: Motion made by Commissioner Weaver to amend the main motion to limit the maximum FAR to 125% if parking garages are excluded from FAR calculations; seconded by Commissioner Cooper.

Amendment #16: Motion made by Commissioner Weaver to amend the main motion to limit the maximum FAR to 150% if parking garages are included in FAR calculations; seconded by Commissioner Cooper.

Amendment #17: Motion made by Commissioner Cooper to amend the main motion to add to the general statement "protection of onsite parking and maximizing ease of traffic flow where Palmetto Avenue westerly of Cypress Avenue shall be matters of priority, concern and permitting; seconded by Commissioner Weaver.

Amendment #18: Motion made by Commissioner Cooper to amend the main motion to limit the height of any structures in Subarea C fronting on Orange Avenue to no more than two stories consistent with the rest of Subarea A and anything above two stories must be located back 50 feet; seconded by Commissioner Weaver.

Amendment #19: Motion made by Commissioner Cooper to amend the main motion to limit all development fronting on Orange Avenue to two stories and a maximum height of 33 feet and anything taller must be set located 50 feet back; seconded by Commissioner Weaver.

Commissioner Seidel asked what requests require city-wide notices. Mrs. McGillis stated any building over 35,000 square feet, residential projects with over 25 units, and rezoning or any project that involves more than 80,000 square feet require city-wide notice. Two public hearings are required on conditional use requests and those that require city-wide notice.

Discussion followed on the city-wide notice and necessity of public hearings on projects.

Amendment #20: Motion made by Commissioner Seidel amend the main motion to change the meaningful open space requirement to 50% of hardscape; seconded by Commissioner Sprinkel.

The following spoke in opposition to the Overlay due to high density, increased traffic, lack of consideration for residential neighborhoods, high FAR, impact on small businesses.

- Ann Higbie, 190 Ward Drive
- Marty Sullivan, 980 Georgia Avenue (gave presentation on traffic impacts and density)
- Kay Carpenter, Norfolk Avenue
- Terry Roen, 2209 Hawick Lane
- Jack Rogers, 311 E. Morse Blvd. (gave presentation on height in other communities, FAR impact)
- Bonnie Ferguson, 700 Melrose Avenue
- Jeff Williams, 1152 Harmon Avenue
- Judy Maynard, 1531 Berkshire Avenue
- Randy Vance, 2111 Oakhurst Avenue
- Carol Rosenfelt, 1642 Lookout Landing Circle
- Charley Williams, 757 Antonette Avenue

The following spoke in favor of the Overlay

- Dykes Everett, 341 E. Webster
- Jim Lee, 2200 Via Luna, owner of office building on Palmetto Avenue
- Robin Swann, 281 Salvador Square
- Michelle Heatherly, 940 W. Canton Avenue
- Edward Wood, 2973 Sanbina Street
- Larry Adams, 955 N. Pennsylvania Avenue, architect for Demetree Global
- Christopher Hughes, Track Shack,
- Julie Von Weller, 641 Williams Avenue
- Quentin Green, 2661 Queen Mary Place, Maitland
- Carl Creasman, 2013 Kimbrace Place
- Betsy Gardner Eckbert, President and CEO of Winter Park Chamber of Commerce

Scott Peelen, 1555 Lakehurst Avenue, expressed his concern that the amendments have angered the public and urged caution moving forward.

Phillip Anderson, 1621 Roundelay Lane, commented on the public's perception that the city was not forthcoming in providing visual images showing density. He feels it is a great beginning to a plan.

Steve Goldman, 2009 Venetian Way, spoke in support of a park on Progress Point and connectivity to Mead Garden but opposed high density and trading FAR in the overlay.

Frank Hamner, Balmoral Road, pointed out that any plans must come back to the commission for approval and said he feels there is misinformation and misrepresentation of the facts. He supported going back to the original proposal for public notice, allowing four-stories with required setbacks, and open space requirement.

Micky Grindstaff, 1900 W. Fawsett Road, resident and attorney representing Demetree Global, spoke in favor of the amendments to the FAR in areas D and J but only if the mixed used project contains at least 40% residential, density transfers, and reduction in meaningful open

space, but opposed every other amendment. He pointed out that visual images cannot be provided until the regulations are known.

Rick Baldocchi, 2301 Forrest Road, commented on FAR and showed a comparison of trip generation based on FAR and mixed-use components and said cross-access is needed to relieve traffic.

Maggie DeVane, 460 Fairfax Avenue, asked for consideration of the neighbors bordering the city off Fairbanks who will be impacted by cut-through traffic.

The Public Hearing was closed.

In response to questions by Mayor Leary on the setbacks on Fairbanks (Subarea J), Mr. Stephenson stated the setback for the first two stories is ten feet, with an additional 10-foot setback for each additional story. However, with amendments, the fourth story the setback would be 100 feet. Mayor Leary said he feels the 100 feet setback is drastic. Commissioner Cooper pointed out that currently only three-story buildings are allowed. Discussion followed setbacks fronting on Fairbanks.

Amendment #21: Motion made by Commissioner Seidel to amend the main motion to modify Subarea J to allow three stories fronting on Fairbanks Avenue and four stories with a 50-foot setback from Fairbanks Avenue; seconded by Mayor Leary.

Commissioner Weaver addressed the need for an easement to allow for a right-turn lane eastbound on Fairbanks to access the parking garage. Mr. Stephenson stated that right-of-way for the turn lane is required before using the enhancement menu.

Motion made by Cooper to amend the main motion to consider lowering the FAR in Subareas J & D to 125% excluding parking garages consistent with Subarea I; seconded by Commissioner Weaver. (duplicate of Amendment #15)

Vote on Amendments

Amendment #1:

Mr. Stephenson stated that requiring organizations to have 501C3 status may exclude some organizations from the Progress Point development. After discussion, Commissioner Seidel and Commissioner Sprinkel agreed to removing 501C3 organizations from the original motion.

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

Amendment #2:

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

Amendment #3:

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

Amendment #4:

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

Amendment #5:

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

Amendment #6:

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

Amendment #7:

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

Amendment #8:

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted no. Motion failed with a 0-5 vote.

Amendment #9:

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

Amendment #10:

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

Amendment #11:

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

Amendment #12:

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

Amendment #13:

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

Amendment #14:

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

Amendment #15:

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

Amendment #16:

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

Amendment #17:

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

Amendment #18:

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

Amendment #19:

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

Amendment #20:

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

Amendment #21:

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

Main Motion as Amended (Comprehensive Plan):

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

Main Motion as Amended (Zoning):

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

Mayor Leary declared a short break.

d. Request of Rollins College for:

- ORDINANCE 3168-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" TO AMEND THE "COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE FROM AN OFFICE FUTURE LAND USE DESIGNATION TO AN INSTITUTIONAL FUTURE LAND USE DESIGNATION ON THE PROPERTIES AT 200 E. NEW ENGLAND AVENUE AND 203 E. LYMAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. (Second Reading)
- ORDINANCE 3169-20 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" TO AMEND THE "OFFICIAL ZONING MAP" TO CHANGE FROM OFFICE (O-1) DISTRICT ZONING TO PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ZONING ON THE PROPERTIES AT

200 E. NEW ENGLAND AVENUE AND 203 E. LYMAN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. (Second Reading)

- Conditional Use approval to maintain the existing 4-story Lawrence Center office building and to build a new 3-story, 31,000 square foot Rollins Museum and a new 2-story, 44,500 square foot Crummer Graduate School of Business building, on the properties at 200 E. New England and 203 E. Lyman Avenues including a Community Benefit Agreement.

A simultaneous public hearing was held on these requests. Attorney Ardaman read the ordinances by title.

Principal Planner Jeff Briggs stated the applicant has revised the preliminary site plan in response to comments made in the previous meeting. Crummer Graduate School has been reduced to two stories and 44,500 square feet with increased setbacks to 25 feet on Lyman and 80 feet on Interlachen. The setback on New England Avenue has been increased to 25 feet. The overall FAR for the site has been reduced to 127%. He showed the preliminary floor plans with final approval of site plan coming at a later date. In response to a question by Commissioner Cooper, Mr. Briggs stated that the development agreement does not set a maximum FAR.

Commissioner Seidel disclosed that he spoke with Rollins staff and representatives. He expressed his appreciation for the applicant's compromise to address concerns raised.

Grant Cornwell, President of Rollins College, stated this project is key to their strategy. They have addressed the concerns with increased setbacks and lowering the FAR to 127% from 166%. He pointed out that Crummer is a school for business professionals and graduate students. With these accommodations, he requested approval.

Rebecca Wilson, attorney representing the applicant, responded to questions. She stated that the conditional use permit will allow a maximum FAR of 127%. She stated that she is not aware of any plans to rebuild Lawrence Center in the future that may require additional FAR.

Commissioner Sprinkel expressed her support citing the economic boon due to education being the fourth largest economy in the world, graduate starting salaries in excess of \$100,000, and the caliber of students that will be attending Crummer Graduate School of Business.

Commissioner Cooper said she is concerned about using properties in the Central Business District for educational purposes in the long-term. She commented on the terms of the development agreement that there will no instructional or dormitory uses for 20 years, which she feels should be longer. She thanked the applicant for responding to the Commission's concerns.

Commissioner Seidel questioned whether the FAR should be slightly higher than 127% but less than the 166% as originally proposed.

Motion made by Mayor Leary to adopt the ordinances on second reading, to approve the Conditional Use as revised and presented (which includes the Community Benefit Agreement); seconded by Commissioner Sprinkel.

Commissioner Weaver thanked the applicant for addressing concerns and supports the revised plans.

Motion made by Commissioner Seidel to increase and limit the FAR on the property from 127% as presented to 150%; seconded by Commissioner Cooper.

Commissioner Cooper disclosed that she spoke with Sam Stark and others.

Mayor Leary disclosed that he spoke with Sam Stark.

Randy Robertson, 1350 College Point, past Board chair of Rollins Museum and CEO of Gladdening Light in partnership with Rollins College, 1350 College Point, spoke in support of these requests as it will be an excellent addition to the city and benefit to the citizens.

Cecelia Bonifay, attorney representing The Residences of Winter Park Condominium Association, stated that Rollins has an existing agreement with her client to provide ten parking spaces for use by condominium. She asked that a condition be placed on the conditional use recognizing the agreement and that the terms of the agreement be enforced.

Jim Barnes, 7 Isle of Sicily, expressed his support for this project.

John Race, DePrince, Race and Zollo, 250 S. Park Avenue, introduced doctorate student Robert Ronska, executive director at Advent Health. Mr. Ronska explained the benefits he has received as a Crummer graduate and thanked the city for their support.

Carl Creasman, 2013 Kimbrace Place, spoke in support of these requests.

Patricia Lancaster, 2827 Lake Baldwin Lane, Rollins faculty member, spoke in support.

Commissioner Cooper asked whether the city would incur liability by adding a condition recognizing the rights of Residences of Winter Park. Attorney Ardaman said that he has reviewed the agreement which requires the parking spaces to be relocated in the future at the reasonable discretion of Rollins but the city is not a party and should not be involved in that agreement and assume liability if the parties enter a dispute. He suggested language to minimize the city's liability.

Mrs. Wilson said there is a recorded parking easement that explicitly states the agreement between the parties, which does allow relocation under certain circumstances and to the Alford Inn property or Lawrence Center property. Rollins will continue to abide by the agreement and urged the city not to get involved in the private agreement.

Mr. Ardaman stated that the city becomes involved in the dispute if the city approves something that interferes with the parking spaces and it is not relocated.

In response to questions by Commissioner Seidel, Mrs. Wilson stated the preliminary site plan would be approved tonight with final site plan approval at a later date. She stated they understand they need to abide by the agreement. They are looking for some flexibility since the timeline for construction of the buildings is unknown. She restated her position that it is not the city's business to insert itself in the enforcement of a private parking agreement and where those parking spaces would be relocated.

Commissioner Seidel questioned whether this can be addressed at the time final site plan approval. Mr. Ardaman stated this should be addressed now, not at a later date. Giving

approval of the comp plan, rezoning and conditional use with the agreement allows the project to move forward. He recommended language stating the applicant and the property owner are responsible for obtaining approvals as may be necessary to comply with the terms of the parking agreement.

Mrs. Wilson stated there is a problem if the city intervenes as the mechanism for enforcement. Mayor Leary said he feels the city should not be involved. Commissioner Sprinkel agreed.

Commissioner Cooper said she is comfortable with Mr. Ardaman's recommendation.

Discussion followed on the city's involvement and potential liability.

Motion made by Commissioner Weaver to table the conditional use approval until the applicant and other party sort this out. Motion failed for lack of second.

Mrs. Wilson restated that the agreement allows Rollins to relocate the parking spaces on-site or at the Alford Inn and that they intend to work with the condominium association as the project progresses. Their preliminary site plan meets the requirement under the parking easement; however, she understands that is not acceptable to the condominium association/residents. If the city intervenes, then the city will be placed in the position to determine whether the Rollins is using its reasonable discretion in the relocation, which is a position she feels the city would want to avoid.

Orlando Evora, trustee for Rollins College, stated their intent is to possibly relocate ten spaces to the southwest corner of the project; however, The Residences do not appear to agree to that. He questioned how the city would resolve that issue.

Ms. Bonifay, stated if approved and if there is a dispute that revolves around the approved site plan, then the city is going to be involved. She expressed a preference to address the parking now rather than at final site plan approval.

Mrs. Wilson stated that if liability and the possibility of going to court is the primary concern of the city, then they would be willing to add to the agreement an indemnification clause releasing the city of liability. Mr. Ardaman said that an indemnification clause that releases the city from costs and fees would be acceptable. Mrs. Wilson expressed a willingness to work with the city attorney on drafting that clause.

Motion made by Commissioner Cooper to amend the motion to authorize the City Attorney to work with the applicant to develop indemnification/hold harmless agreement relative to any outside lawsuits; seconded by Mayor Leary.

Upon a roll call vote to increase and limit the FAR on the property to 150%, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote to include the condition requiring an indemnification/hold harmless agreement, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote to adopt the comp plan amendment ordinance on second reading, Mayor Leary and Commissioners Seidel, Sprinkel and Weaver voted yes and Commissioner Cooper voted no. Motion carried with a 4-1 vote.

Upon a roll call vote to adopt the rezoning ordinance on second reading, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote to approve the conditional use request as amended, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

12. City Commission Reports:

Commissioner Seidel

- Thanked city staff for their support during his tenure on the commission.

Commissioner Sprinkel

- Expressed her pride in the city.

Commissioner Cooper

- Expressed her pleasure in working with Commissioner Sprinkel and Commissioner Seidel and her appreciation for the expertise they brought to the commission.

Commissioner Weaver

- Thanked Commissioners Sprinkel and Commissioner Seidel.

Mayor Leary

- Thanked Commissioners Sprinkel for bring her enthusiasm and heart.
- Expressed his appreciation to Commissioner Seidel for his steady and calming influence.
- Thanked staff for their work on the Overlay.
- Commented on need to respect the board members, neighbors and residents.

The meeting adjourned at 11:30 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis, CMC



city commission **agenda item**

item type	Consent Agenda	meeting date	4/13/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Approve the minutes of March 30, 2020

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Minutes of March 30, 2020

Upload Date

4/6/2020

Type

Backup Material



City Commission Special Meeting Minutes

March 30, 2020 at 5:00 p.m.

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

Present

Mayor Steve Leary
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Carolyn Cooper
Commissioner Todd Weaver

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

1. Meeting called to order

The meeting was conducted via GoToWebinar.

Mayor Leary called the special meeting of the City Commission to order at 5:00 p.m.

Mayor Leary reviewed the executive order by Governor DeSantis regarding public meetings and standards for agencies to conduct meetings during the COVID-19 pandemic. He advised that the technology was tested in a work session held on Thursday, March 26th. He reviewed the protocol for panel participants and receiving public input under normal rules of decorum. Public input will be taken via a link on the city's website and a dedicated phone line with comments being read during the appropriate agenda item.

He stated he is opposed to this meeting due to the COVID-19 pandemic and realigning any resources from the current health crisis. He spoke in support of the Orange Avenue Overlay which he feels was a thorough, open and inclusive process through months of meetings and work by staff, professionals, business and property owners. He said that he will make a motion to table this item.

2. Items for Discussion

- a. Commissioner Weaver request to follow-up from March 26, 2020 work session testing virtual meeting technology and discussion of COVID-19
 1. Status update of city response to COVID-19
 2. Follow-up on March 26, 2020 work session relating to COVID-19

Mr. Knight gave an update on staffing for essential functions. He stated that the State Department of Emergency Services provides information on number of cases but not specific to the city limits. He advised that the Fire Department transported one city resident who tested positive. Orlando Mayor Jerry Demings issued a revised Executive Order stating that golf is an acceptable means of exercise although the city closed its golf course and boat ramps.

Commissioner Cooper asked that staff provide a six-month pro forma for the CRA and general fund which considers reduced revenue. Mr. Knight stated that staff will provide the pro forma with different scenarios.

Commissioner DeCiccio asked whether the CRA can make loans to small businesses in Winter Park. Mr. Knight stated staff is looking at the rules surrounding micro loans similar to what existed many years ago. The program and funding will require approval of CRA Agency. Consensus was to have staff provide the pro forma analysis by the end of the week for consideration when opening the micro loan program.

Commissioner DeCiccio commented on the closure of the golf course and boat ramps and questioned whether the city should open these for small groups. Members of the Commission expressed concern that this violates rules of social distancing and sends the wrong message. Consensus was that the golf course and boat ramps remain closed.

Commissioner Sullivan asked for information on the coordination of efforts with Chamber of Commerce. Mr. Knight advised they have not received an update but Kyle Dudgeon, Assistant Division Director of Economic Development/CRA, is the city's liaison with the Chamber to provide assistance to businesses in need of support and sharing information and data. He will provide an update this week of their efforts.

3. Citizen Comments

Assistant City Manager Michelle Neuner advised that no citizen comments were received via the website at this time that were unrelated to agenda items.

4. Public Hearings

- a. RESOLUTION NO. 2229-20 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, WAIVING PHYSICAL QUORUM REQUIREMENTS FOR CITY COMMISSION AND OTHER BOARD MEETINGS; ESTABLISHING PROCEDURES FOR PUBLIC MEETINGS CONDUCTED VIA COMMUNICATIONS MEETING TECHNOLOGY ("CMT"); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Ardaman suggested that speakers be identified so attendees listening via telephone know who is speaking. He introduced Giffin Chumley, an attorney in their firm, who assisted in preparing this resolution which relates to physical quorum requirements and establishing procedures for public meetings through Communications Meeting Technology (CMT). He reviewed the executive orders of the Governor to allow public meetings and the provisions of the resolution. This resolution follows the language of the Charter amendment that was passed relating to video conferencing.

Attorney Chumley explained that the executive order gives the city the authority to waive the formalities and procedures required by law. This resolution confirms the city's waiver of those procedures and outlines procedures for conduct of meetings.

Commissioner Cooper asked for clarification that in Section 2, the waiver for purchasing matters only applies to the purchase and testing of CMT resources. Attorney Ardaman confirmed and stated that, if desired, any waiver of the City Manager's purchasing authority above \$75,000 should be included.

Motion made by Commissioner Cooper to adopt the resolution subject to the \$75,000 purchasing limitation applicable to the City Manager in the purchasing policy; seconded by Commissioner Weaver.

There were no public comments.

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

b. Ordinance repealing adoption of Orange Avenue Overlay

Ordinance rescinding and repealing the amendments to the Comprehensive Plan and Zoning ordinances that established the Orange Avenue Overlay District.

Mayor Leary suggested that attendees begin submitting comments on this item.

Attorney Ardaman read the ordinance by title.

Motion made by Mayor Leary to table this ordinance. Motion failed for lack of second

Commissioner DeCiccio said she is supportive of the Overlay but one that beneficial. She acknowledged concerns about the timing of this matter, but the timing is critical due to State Statutes. She explained that action must be taken by April 15th or the Overlay becomes effective. She asked that the Overlay be reintroduced that reflects the desires of residents and ensures a fair resolution to property owners. The proposed ordinance provides for completion of a revised Overlay for submittal to the State by July 31st. She stated her main concern is the density of development of Progress Point and feels the only way to remove Progress Point from Overlay is to rescind the ordinance. This repeal will provide the opportunity to avoid the same mistakes made on 17-92, Fairbanks and Aloma Avenues and gives the city the chance to create turn lanes, bike paths and green space. She urged staff to deliver traffic and proposed modeling of what the Overlay could look like to make sure the plan meets the goals and visioning statement.

Mayor Leary said he does not feel it is necessary to remove the Progress Point property from Overlay since the commission will determine the development. He asked whether the Progress Point property can be removed or identified separately.

Attorney Ardaman said the Overlay could be adopted and then amended; however, the problem is the impact not only to the city property but to all properties in the Overlay. Once the comp plan amendment becomes effective, the zoning amendments become effective and property owners will rely on the ordinances to develop their properties. He added that an amendment is necessary to change the boundaries if the primary intent is to remove Progress Point. However, as he understands it, Progress Point is not the only issue with the Overlay. He advised that the problem is allowing the two ordinances to become effective as it puts the city in difficult and tenuous legal position. If changes are made affecting properties other than city-owned property, then the ordinances should be rescinded and the process started again. How this is handled depends on the objectives and reasons for rescinding. If this ordinance is adopted, then he has modifications to the moratorium ordinance. If the ordinance is not adopted, then the moratorium can be considered without much change, if any.

Mayor Leary said that he understands traffic modeling is most effective when the type and size development is known and asked Commissioner DeCiccio what type of modeling she is requesting. Commissioner DeCiccio stated that traffic modeling will help determine what will or will not work and may alleviate or confirm fears of increased traffic. She said no one is asking for an exact replica but people need to see what it may look like. She said she does not

want to put this off indefinitely as it will delay any redevelopment that may be beneficial to the city, particularly with parking garages. As it relates to Progress Point, she feels it should be removed from the Overlay and the city should retain ownership but would like the site to include space for Winter Park Playhouse, a 1.5-acre park along Denning, drainage and parking.

Commissioner Sullivan spoke in opposition to the first draft of this ordinance as it holds city staff and commission to a tight schedule and because staff direction should not be by ordinance. He supported directing staff to reinitiate the OAO process that includes negotiations with property owners, which cannot happen under the first draft.

Commissioner Cooper said she would like to focus on the second draft provided by Commissioner DeCiccio and she will propose amendments in the form of motions.

Commissioner DeCiccio stated the deadline for resubmittal of the OAO to the state in this ordinance is July 31, 2020 except for special circumstances, i.e. the pandemic.

Commissioner Weaver suggested excluding a date for completion but including a provision to recommence discussion of the Overlay after social distancing and quarantines are lifted.

Commissioner Cooper said she is in favor implementing the Orange Avenue Overlay. She said she will present language that will tie the completion of the Overlay to the end of the pandemic. She reiterated that adoption of this ordinance must be completed by April 15th, which is why this special meeting was called, so second reading can be held on April 13th.

Mayor Leary suggested a work session to address and present ideas rather than going directly to repeal, which erases the extensive work put into this document. He opposed considering a repeal under a special meeting during a pandemic by teleconference with limited access for public participation.

Commissioner Weaver expressed concern regarding the city's liability under the Bert Harris act which gives property owners the ability to sue the city if their rights are diminished under an ordinance. He supported repeal of the ordinances and initiating conversations with property owners.

Commissioner Cooper stated her only reason for this repeal is to continue conversations without starting at the beginning and expressed her commitment to adopt an Overlay.

Commissioner Cooper said that he feels the commission's role is to educate the public and show that this can be accomplished by working together and finding a compromise.

Commissioner Sullivan stated the majority of e-mails he received were in support of repeal of the Overlay and said his goal is to fix the Overlay.

Mayor Leary suggested Commissioner DeCiccio lead this process since she was on the Overlay Committee with several professional planners, engineers and other professionals.

Motion made by Commissioner DeCiccio to approve the ordinance on first reading; seconded by Commissioner Sullivan.

Amendment 1

Motion made by Commissioner Cooper; seconded by Commissioner Weaver to amend the ordinance by revising the 2nd Whereas paragraph to read:

WHEREAS, the City Commission has reconsidered its votes on Ordinances 3166-20 and 3167-20 and now repeals those ordinances before they become effective to avoid causing prejudice to any of the landowners in the Overlay area; and to begin the process anew to consider adoption of an Orange Avenue Overlay District; and

Amendment 2

Motion made by Commissioner Cooper; seconded by Commissioner Weaver to amend the ordinance by revising the 3rd Whereas paragraph to read:

WHEREAS, the City Commission directs City staff to provide necessary data and analysis, as delineated by the City Commission, within 30 days following the expiration of any state or federal Executive Orders (EO) allowing public meeting by communications media technology; and within 30 days following the presentation to and acceptance by the City Commission of such data and analysis, re-initiate the process and schedule public hearings to consider amendments to the Comprehensive Plan and the Zoning Code to create the Orange Avenue Overlay District in accordance with F.S. Chapter 163, pt. II and Land Development Code Section 58-6; and

Commissioner Cooper suggested a work session to define the parameters of the data needed.

Amendment 3

Motion made by Commissioner Cooper; seconded by Mayor Leary to amend the ordinance by adding a new Section 1, Recitals, to read:

SECTION 1. Recitals. The above recitals are hereby adopted as the legislative findings of the City Commission.

Amendment 4

Motion made by Commissioner Cooper; seconded by Weaver to amend the ordinance by adding two additional Whereas paragraphs:

WHEREAS, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Commission has reconsidered its votes on Ordinance 3166-20, establishing the Orange Avenue Overlay, and Ordinance 3167-20, the associated land development code amendment, (referred to collectively as the Orange Avenue Overlay), and hereby repeals those ordinances before the ordinances become effective, to avoid causing prejudice to any of the landowners in the Overlay area; and

Amendment 5

Commissioner Cooper commented on the City Charter and State Statutes relating to substantive changes to ordinances made at second reading. She feels that it is important to acknowledge that substantive changes were made at second reading relating to density, intensity and uses as defined in the Comprehensive Plan.

Mayor Leary stated that the city attorney offered a legal opinion that the changes were not substantive and that no vote was taken to increase density or anything above what was adopted at first reading.

Motion made by Commissioner Cooper; seconded by Commissioner Weaver to amend the ordinance adding an additional Whereas paragraph:

WHEREAS, the City Commission is repealing the Orange Avenue Overlay to allow more time for Staff to provide analysis and data, and to offer the public additional information and opportunity for public comment, and since many changes in substance were made at the second reading of the ordinances. Chapter 163.3181(1) of Florida Statute expresses the intent of the Legislature that the public participate in the comprehensive planning process to the fullest extent possible. There were public hearings on prior versions of the Orange Avenue Overlay, however at the second reading of the ordinances many changes in substance were made to the Overlay, preventing full opportunity for public understanding and informed comment on the final version; and

Commissioner Weaver stated that although the title of the ordinance was not changed, the increase in density was a substantive change and there should have been another reading.

Mr. Ardaman reviewed the State's general purpose rule which states if the ordinance title remains the same from first reading to second reading, there is no need to have a third reading. He urged caution as there may be a question for all second readings of ordinances.

Commissioner Cooper stated she feels the Charter refers to change in substance in the text, not the title.

Motion made by Commissioner Cooper to amend the ordinance adding an additional Whereas paragraph:

WHEREAS, the Orange Avenue Overlay, were it allowed to become effective, creates the potential for developments that are incompatible and of scale and size that are unprecedented in this City. Many citizens have asked for more time to study and to understand the Overlay, and to obtain expanded traffic analysis and graphic examples in order to better evaluate the potential outcome of these development standards within the Orange Avenue Overlay, and

Motion failed for lack of second.

Amendment 6

Motion made by Commissioner Cooper; seconded by Commissioner Weaver to amend the ordinance by adding an additional Whereas paragraph:

WHEREAS, it is the intention of the City Commission to further study and potentially amend proposed Orange Avenue Overlay policies and regulations; specifically, to examine the value to the City from the transfer of residential development rights; intensities of land use; the regulations pertaining to parking garages; the use of existing public right of ways; the economic value of incentives, and

Amendment 7

Motion made by Commissioner Cooper; seconded by Commissioner Weaver to amend the ordinance by adding an additional Whereas paragraph:

WHEREAS, Ordinance 3166-20 was not to become effective until April 16, 2020. By repealing Ordinance 3166-20 and Ordinance 3167-20 before April 16, 2020, the City Commission is providing ample notice to the property owners in the Orange Avenue Overlay that they should make no investment backed decisions based on Ordinances 3166-20 or 3167-20. Further that a copy of this Ordinance shall be mailed to all property owners within the geographic area referred to as Orange Avenue Overlay to ensure all owners are aware of this repeal of the Orange Avenue Overlay.

Public comments received via the Citizen Comment page on the website were read into the record by Assistant City Manager Michelle Neuner and Director of Communications Clarissa Howard.

The following submitted comments in support of the ordinance/opposition to the Overlay citing lack of traffic modeling, density and increased traffic.

- Charley Williams, 757 Antonette Lane (also supports moratorium)
- Paul Lynn, 697 Minnesota Avenue
- Kathryn Campbell, 1351 Richmond Road
- Pamela Peters, 467 Lakewood Drive
- Beth Hall, 516 Sylvan Drive
- Charles Hamilton, 450 Clarendon Avenue
- Jennifer Lyons, 936 Garden Drive
- Ruth Heine, 2358 Summerfield Road
- Jeannie Wall, 2110 Lake Drive
- Michael Spencer, 1509 Orange Avenue
- Bonnie Ferguson, 700 Melrose Avenue
- Sally Flynn, 1400 Highland Road
- Charles Hall, 515 Sylvan Drive
- Richard Tharp, 1255 Indiana Avenue

The following submitted comments in opposition to the ordinance/support of the Overlay. In addition to opposition to the ordinance, many opposed taking any actions during the COVID-19 health crisis. Others cited improper notice, inefficient public forum.,

- Rusty Stoeckel, 1026 Lake Davis Drive, Orlando
- Amy Calandrino, 807 Hamilton Place
- Laura Walda, 1791 Shiloh Lane
- Patrick Brazil, 2005 Lake Baldwin Lane, Orlando
- Thomas Stephens, 2218 Venetian Way
- Phil Calandrino, 807 Hamilton Place
- Richard Swann, 281 Salvador Square
- David Meek, 1791 Shiloh Lane

- Maddie Sue Swann, 281 Salvador Square
- Bebe Gardner, 250 Stirling Avenue
- Beverly Waugh, 1200 Via Salerno
- Jennifer Adams, 383 Sylvan Drive, requested removing these items from agendas until health emergency is over.
- David Odahowski, 199 Welbourne Avenue
- Ben Ellis, 1906 Whitehall Drive
- Michelle Heatherly, 940 W. Canton Avenue
- Daniel McIntosh, 981 Mayfield Avenue
- Kate Fontneau, 1853 Willow Lane
- Mickey Grindstaff, Shutts and Bowen, Fawsett Avenue, resident and attorney representing Demetree Glo
- Edward Wood, 2973 Sanbina Street
- Christopher Hughes, Track Shack, 1101 N. Mills Avenue
- Karen Robertson, 159 Burke Circle
- Jay Adams, 838 Sylvan Drive
- Julie Von Weller, 641 Williams Drive
- John Riley, 145 Lincoln Avenue, Suite B
- Greg Seidel, 1251 Lakeview Drive
- Frank Hamner, 405 Balmoral Road
- Mike Carolan, 2312 Randall Road
- Anonymous concerned citizen
- Lucy Eckbert, 541 Fairfax Avenue
- Hayden Eckbert, 541 Fairfax Avenue
- Betsy Gardner Eckbert, Winter Park Chamber of Commerce,
- Jana Ricci, 502 Darcey Drive
- Daniel Butts, 120 Reading Way
- Rick Baldocchi, 2301 Forrest Road
- Laura Turner, 1646 Berkshire Avenue
- Lambrine Macejewski, 210 Dana Way

Mayor Leary called for a recess from 7:50 to 8:05 during which time final comments will be received and read after the recess.

Public comments (continued)

The following spoke in favor of this ordinance/opposition to Overlay

1. Yvonne Rausch, property owner, 1355 Orange Avenue
2. Garrick Spears, 1565 Orange Avenue
3. Deb Kalish, 1701 Pine Avenue
4. Mary Black, 1334 Dallas Avenue
5. Michael Harrell, 475 Lakeview Avenue
6. Roger Wall, 2110 Lake Drive
7. Carol Rosenfelt, 1642 Lookout Landing Circle

The following spoke in opposition to the ordinance/support of Overlay

1. Tom McMacken, 1821 Shiloh Lane
2. Lashanda Lovette 718 Margaret Square
3. Bipartisan resident
4. William Sullivan, 1362 Richmond Road, requested this be tabled.
5. Jacob Kuzman, 3001 Aloma Avenue
6. Kelly McCoy, 2611 Mandan Trail
7. Forest Michael, 358 W Comstock Avenue
8. Rebecca Humphries, 940 W. Canton Avenue
9. Darrell Devaney, 1861 Blue Ridge Road, requested this be tabled.
10. Alex Rosario, 662 Granville Drive

Public comment closed.

Commissioner Cooper stressed that it is not her intent to rush things through out of the public eye. She would like another option other than it becoming effective as currently written. She explained that if no action is taken to rescind, the Overlay will become effective with increased entitlements. She feels 3-D drawings and intersection evaluations in and around the Overlay are needed. She has no intention to abandon the Overlay and stressed her commitment to making it work. She stated that this is hard to do this during this time of a health crisis but there is no other way if the ordinance is not adopted on first reading tonight the Overlay becomes effective on April 16th. She spoke on the pandemic and need to support the businesses and residents.

Commissioner DeCiccio stated she would have preferred that this be delayed to another time but she has no choice due to time constraints of State Statute as stated by Commissioner Cooper. She said she supports an Overlay that reflects the desire of residents and businesses and with fair resolution to the property owners who have worked on the Overlay. She is doing this because she cares about the city and the Overlay as written is not in best interest of the city.

Commissioner Sullivan expressed empathy with persons affected by pandemic. He agreed with Commissioner DeCiccio that there is no choice to move forward at this time and this is right for the city. He stated that the approximately 200 persons that listened to this meeting and the comments received during this meeting are evidence that this virtual meeting worked.

Commissioner Weaver stated that the pandemic was discussed in a work session and in this meeting and he feels confident that city staff is effectively handling the pandemic and supporting residents and business owners. He stated his goal is to consider residents by minimizing the impact of the Overlay. He expressed his concern with lack of parking and the potential development of larger properties and encouraged repurposing buildings rather than building new buildings.

Mayor Leary stated approving this Overlay will diversify the economy and allow for redevelopment and activity in that corridor. He stated the process was not rushed and took more time and meetings than revising the comprehensive plan and that it was not a developer-led process. He feels it is inappropriate to be having this meeting at this time and that there are other ways to deal with concerns, especially those regarding Progress Point.

Vote on amendments

Motion made by Mayor Leary to deny this ordinance. Motion failed for lack of second.

Amendment 1 - Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

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

Amendment 3 - Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Amendment 4 - Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

Amendment 5 - Upon a roll call vote, Commissioners Sullivan, Cooper and Weaver voted yes and Mayor Leary and Commissioner DeCiccio voted no. Motion carried with a 3-2 vote.

Amendment 6 - Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

Amendment 7 - Upon a roll call vote, Mayor Leary and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Main motion as amended - Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes and Mayor Leary voted no. Motion carried with a 4-1 vote.

c. Ordinance declaring moratorium on applications in the Orange Avenue Overlay District

Ordinance placing a temporary moratorium (suspension) on the acceptance, processing, and consideration of all development orders, conditional use applications, site plans, building permits or other development applications that would utilize the Orange Avenue Overlay District regulations and codes.

Motion made by Mayor Leary to deny the ordinance; seconded by Commissioner Sullivan.

Mayor Leary stated he feels this is not necessary given the vote on the ordinance to repeal the Overlay and because developers have no rights to build under the Overlay.

Commissioner Weaver spoke in opposition as he feels it would prevent development in the Overlay under current rules.

Commissioner Cooper spoke in opposition because she feels it acknowledges the existence of the Overlay.

Attorney Ardaman said he feels this ordinance was more effective than rescission ordinance. The original draft of this ordinance contemplated the denial of the rescission ordinance. He reviewed changes to the ordinance in the second and forth Whereas paragraphs and Section 2. He added that this moratorium does not take away any existing rights to develop under current comp plan and zoning code.

Commissioner DeCiccio said she does not see the necessity for this ordinance.

Commissioner Sullivan expressed his concern that a moratorium may present procedural, financial and legal risks to the city through lowering of values of potential development under the suspended Overlay.

Motion made by Commissioner Cooper to approve the ordinance as advised by the City Attorney. Motion failed for lack of second.

Mayor Leary opened the meeting to public input. (Note: These comments were submitted prior to adoption of the rescission ordinance.)

The following submitted comments in support of the ordinance:

1. Charles Williams, 757 Antonette Avenue
2. Fred Wallace, 1565 Orange Avenue

The following submitted comments in opposition to the moratorium:

1. Patrick Brazil, 2005 Lake Baldwin Lane, Orlando
2. Edward Wood, 2973 Sanbina Street
3. Jay Adams, 383 Sylvan Drive
4. Lashanda Lovette, 718 Margaret Square
5. Jacob Kuzman, 3011 Aloma Avenue

Frank Hamner, 405 Balmoral Road, requested a list of people texting Commissioners during this meeting.

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

Mayor Leary suggested that anyone needing assistance with utility expenses at this time reach out to customer service. The city is working with customers on a case by case basis. He stated Senator Scott has offered his support and urged anyone needing assistance to contact him and he will bring it to the attention of Senator Scott. He advised that information on the microloan program should be available by the end of this week.

12. City Commission Reports:

Commissioner Sullivan

- Said he is honored to serve the citizens of Winter Park.
- Outlined a task list for consideration including accelerated street sweeping, undergrounding acceleration due to reduced traffic, drafting of board appointment procedures.
- Urged more cooperation between city staff and Chamber on the pandemic.

Mayor Leary said it may be challenging to accelerate undergrounding due to decreased revenue during this health crisis. He suggested that staff draft a board appointment process (Approved by consensus). He asked for a report on street sweeping. Mr. Knight stated resources are already in place due to increased leaves on the ground. Mayor Leary opposed delegating additional resources due to decreased revenue.

Commissioner DeCiccio

- Expressed her appreciation for being on the Commission.
- Requested the that discussion of Progress Point be on the next agenda for reinstatement of 1.5 acres of open space on the property, elimination from the Overlay, and to begin negotiations with Winter Park Playhouse to relocate to this site, drainage and parking.
- Agreed with Commissioner Sullivan of the need to work jointly with the Chamber to provide assistance.

Mayor Leary stated he believes there should not any action on Progress Point during rescission process. Commissioner DeCiccio said she would like to move forward with the meeting to put back the 1.5-acre park and begin discussions with Winter Park Playhouse so they can move forward with their application for funding from the state to build on city-owned property.

Mayor said he feels that any development of Progress Point should be done through an RFP process and opposed carving out a piece for a private organization without seeing other development proposals. He said he feels the city owes it the citizens to go through the process and invite public input.

Commissioner Cooper asked Commissioner DeCiccio to develop a plan and timeline for discussion in a work session after the ordinance is rescinded.

Commissioner Cooper

- Thanked staff and residents for participating.
- Requested reinstatement of a periodic resident survey.
- Asked that staff identify items that need to be addressed as a result of Charter amendment and suggested that commission send their ideas regarding board appointments to Mr. Knight.
- Spoke on the need to develop ways to help the community in a fair and equitable manner.
- Requested a strategic planning session.
- Welcomed Commissioners Sullivan and DeCiccio.

Commissioner Weaver

- Congratulated Commissioners Sullivan and DeCiccio.
- Asked about the time constraints for second reading of the rescission ordinance. Mr. Knight advised that notice was published today for second reading on April 13th. Commissioner Cooper requested a copy of the notice.
- Commented on the notice of the electric bill insert stating it needs to change due to cancellation of events.
- Said he observed contractors on the Library and Event Center project not practicing social distancing and working without masks. Mr. Knight stated that he would contact the contractor.

- Asked Chief Hagedorn about staff's ability to evaluate a home's interior temperature. Chief Hagedorn stated thermal guns are in every emergency vehicle.

Mayor Leary

- Welcomed Commissioners Sullivan and DeCiccio.
- Asked for light agenda on April 13th due to the likelihood of being under quarantine.

Mr. Knight advised that a decision is needed on whether to sign the Letter of Interest to purchase the post office property but said he will contact them to see if it can be delayed. He will provide an update and share the letter of interest with the Commission.

Commissioner DeCiccio asked whether the CRA Agency needs to take action to implement the micro loan program prior to the April 13th regular meeting. Mr. Knight said a CRA Agency meeting may be needed in order to get the program in place before the April 13th meeting.

The meeting adjourned at 9:35 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis, CMC



city commission agenda item

item type	Consent Agenda	meeting date	4/13/2020
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following piggyback agreements:

1. Stuart C. Irby Co.: Orlando Utilities Commission contract #4670 OQ – Padmount Switchgears; Not to exceed \$250,000.
2. Rainbow Distributors; Transportation Control Systems: Florida Department of Transportation contract #DOT-ITB-20-9034-GH – FDOT APL Traffic Equipment; Not to exceed \$75,000 per year per vendor.
3. Rainbow Distributors: Seminole County contract #IFB-603660-19/BJC – Purchase of Signal Cable Wires and Hardware; Not to exceed \$75,000 per year.
4. SiteSecure: Extension of Osceola County contract #RFP-16-4469-TP – Video Surveillance and Access Control Repair, Maintenance, Upgrades and New Installation; Not to exceed \$300,000.
5. (After-the-Fact) Florida Catastrophe Corp.: Piggyback of Osceola County contract #RFP-1-9-10971-VJ - Indoor Air Quality Remediation Services; Not to exceed \$75,000 per year.

motion / recommendation

Commission approve items as presented.

background

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

Item 1: The initial term of the contract shall be in effect through 12/31/2024.

Item 2: The initial term of the contracts shall be in effect through 11/3/2022.

Item 3: The initial term of the contract shall be in effect through 2/26/2023.

Item 5: The initial term of the contract shall be in effect through 7/31/2022.

alternatives / other considerations

N/A

fiscal impact

Item 1: Total FY20 expenditure under the contract not to exceed \$250,000.

Item 2: Total expenditure under the contract not to exceed \$75,000 per vendor per year.

Item 3: Total expenditure under the contract not to exceed \$75,000 per year.

Item 4: Total expenditure under the renewal term not to exceed \$300,000.

Item 5: Total expenditure not to exceed \$75,000 per year.



city commission agenda item

item type	Consent Agenda	meeting date	4/13/2020
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following purchases:

1. Service Electric Co.: Fairbanks Transmission & Distribution Wreck-Out Project; \$808,481.16.
2. Sanders Co.: Installation of replacement lift station on Ranger Blvd; \$91,883.

motion / recommendation

Commission approve items as presented.

background

Item 1: Under Duke Energy ownership, the wreck-out of the transmission and distribution poles included in the scope of the joint participation agreement was to be performed by Service Electric Co. (Contractor) and required an up-front expenditure of approximately \$1.6 million on behalf of the city. To minimize the up-front as well as overall project cost, the city took ownership of the specified poles and negotiated a revised proposal with the Contractor for \$808,481.16. As a result, staff requests that Commission waive the formal solicitation process and approve the project award.

Item 2: Due to the specialized nature of the lift station to be replaced (it is the only one of its kind throughout the city's utility system), staff requests that Commission waive the formal solicitation process and approve the award to Sanders Co. to ensure project success with minimal inconvenience to the city's nearby residents.

alternatives / other considerations

N/A

fiscal impact

Item 1: Total expenditure to be reimbursed as part of the city's joint participation agreement with FDOT and Duke Energy.

Item 2: Total expenditure included in approved budget.



city commission agenda item

item type	Consent Agenda	meeting date	4/13/2020
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following contract items:

1. GAI Consultants; Redevelopment Management Associates: Amendment to renew RFP-3-2018 – General Planning Services; To be utilized on an as-needed basis.
2. (After-the-Fact) Brance Diversified: Increase allowable spend under IFB-7-2018 - Dredging Services for the clearing of the Mayflower canals; Not to exceed \$175,000.
3. (After-the-Fact) ICMA-RC: Administrative services agreement for the management of city employees' retirement plan; No fiscal impact to be incurred by the city.

motion / recommendation

Commission approve items as presented.

background

Item 1: A formal solicitation was issue to award the contracts.

Item 2: A formal solicitation was issued to award the contract. City had to expedite the services due to the Mayflower's limited window of availability.

Item 3: Services shall be in effect for 3 years from the date of execution (3/20/2020).

alternatives / other considerations

N/A

fiscal impact

Item 1: Total expenditure under the contract not to exceed approved budgeted amount. Contract shall be utilized on an as-needed basis.

Item 2: Total expenditure under the contract term not to exceed \$175,000.

Item 3: No fiscal impact to be incurred by the city. Plan management is funded solely by employee contributions.



city commission agenda item

item type	Public Hearings	meeting date	4/13/2020
prepared by	Assistant City Manager	approved by	City Manager, City Attorney
board approval	final vote		
strategic objective			

subject

Resolution Extending the Terms of Subsidiary Advisory Board Members

motion / recommendation

Recommend adoption of the resolution.

background

On March 17th, a charter amendment passed modifying the process for selection of advisory board members. The amendment further called for city commission to adopt an ordinance establishing rules and procedures for the transition.

At the special commission meeting of March 30th, the Commission requested that staff develop draft procedures for transitioning to a new appointment system. That procedure as well as a draft ordinance amending Chapter 2, Article III. - Subsidiary Board of the City of Winter Park, will be presented at the April 27th commission meeting and potentially adopted on May 11th.

This resolution allows the existing board members to remain in place through July, 2020 to allow for an application, appointment and transition process to take place.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Resolution

Upload Date

4/7/2020

Type

Backup Material

RESOLUTION 2230-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, EXTENDING THE TERMS OF SUBSIDIARY BOARD MEMBERS WHOSE TERMS OF OFFICE EXPIRE IN MAY 2020; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on March 17th, a referendum was held with regard to several proposed amendments to the City of Winter Park's Charter; and

WHEREAS, as a result of that referendum, Winter Park electors opted to adopt proposed Charter Amendment No. 7, which sets the size of all city boards at 7 members, removes the Mayor's lone authority to appoint board members, and reassigns such authority so that the Mayor has the authority to adopt 3 board members on each such board with one appointment each to be made by the remaining 4 City Commission members; and;

WHEREAS, the text of Charter Amendment No. 7 states that newly created § 2.19 will not become effective until the City Commission adopts an ordinance implementing such section; and

WHEREAS a respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in China and has spread outside of China, impacting many countries, including the United States; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order No. 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared that a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order No. 20-52 declaring a state of emergency within the State of Florida in response to the COVID-19 Public Health Emergency and authorizing local governments to waive the procedures and formalities otherwise required of them by law as they pertain to (i) performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community; (ii) entering into contracts; (iii) incurring obligations; (iv) employing permanent and temporary workers; (v) utilizing volunteer workers; (vi) renting equipment; (vii) acquiring and distributing, with or without compensation, of supplies, materials, and facilities; and (viii) appropriation and expenditure of public funds; and

WHEREAS, on April 1, 2020, Governor Ron DeSantis issued Executive Order 20-91 limiting all persons in the State to only travel for essential services; and

WHEREAS, in monitoring and coordinating a response to the COVID-19 crisis, the City Commission has not had nor will it have the requisite or appropriate time prior to May of 2020 to devote significant discussion and consideration to the development and adoption of an ordinance implementing recently adopted Charter Amendment No. 7; and

WHEREAS, the term of office for the City's appointed subsidiary board members is three years; and

WHEREAS, several subsidiary board member terms are set to expire in May of this year; and

WHEREAS, absent an ordinance implementing recently adopted Charter Amendment No. 7, the Mayor will continue to have the sole authority to appoint board members to the City's subsidiary boards as set forth in § 2-48(a) of the City of Winter Park's Code of Ordinances; and

WHEREAS, it is the intent of the City Commission for Winter Park, Florida, to allow the current sitting City Commissioners to be able to exercise their authority under newly adopted § 2.19(a) of the City Charter (part of Charter Amendment No. 7) concerning board appointments made in 2020; and

WHEREAS, the purpose of this Resolution is to extend the terms of office for all members of subsidiary boards (those boards identified in § 2-47, Winter Park City Code) whose terms will expire in May of this year until July 31, 2020, to afford the City Commission additional time to consider and adopt an ordinance implementing recently adopted § 2.19 of the City's Charter; and

WHEREAS, this Resolution does not affect the terms of office for any subsidiary board members whose terms do not expire in May 2020; and

WHEREAS, this Resolution is authorized by Executive Orders No. 20-52; § 252.38, Florida Statutes; the City's home rule authority; and any other applicable provisions of law.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and accurate and are incorporated herein.

SECTION 2. Extension of Terms for Subsidiary Board Members. For the reasons set forth herein, the City Commission hereby extends the terms of office for all subsidiary board members whose terms would ordinarily expire in May of this year through and until July 31, 2020. Thus, the Mayor will not make board appointments in May of this year.

SECTION 3. Severability. If any portion of this Resolution is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of this Resolution will continue in full force and effect.

SECTION 4. Effective Date. This Resolution will become effective immediately upon its adoption.

READ AND ADOPTED this 13th day of April, 2020

CITY OF WINTER PARK, FLORIDA

Steve Leary, Mayor

ATTEST:

Rene Cranis, City Clerk



city commission agenda item

item type	Public Hearings	meeting date	4/13/2020
prepared by	City Clerk	approved by	City Manager, City Attorney
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Request of William Keegan for:

Subdivision approval to split the properties at 1760 and 1780 Bryan Avenue into three single-family lots, zoned R-1A. Variances are requested from the R-1A lot dimension standards.

Applicant has requested this item be tabled until the Commission physically convenes when allowed under COVID-19 health crisis orders.

motion / recommendation

The P&Z Board recommendation is for approval with the following conditions:

1. That the final front elevations of the homes be of varied architectural styles to each other to provide diversity to the neighborhood.
2. That a new uniform six-foot vinyl privacy fence be installed along the rear of all three homes matching the existing color of the existing vinyl fence at 1781 Edwin Blvd.
3. That invasive landscape species along the rear property lines be removed and privacy landscaping be installed.
4. That ornamental trees be planted along the rear of the property to mitigate the fence.

background

This item was continued at the February 24th Commission meeting due to the 2-2 vote.

William Keegan (property owner) is requesting subdivision or lot split approval to divide the properties at 1760 and 1780 Bryan Avenue into three single-family lots. The zoning of this property is R-1A. Each proposed lot would have 66.8 feet of lot width and 8,466 square feet of lot area. The property is currently developed with two single-family homes that will be demolished.

During the City's review process of subdivisions or lot split requests, there are two

criteria that are reviewed. First is the 'Zoning Test' as to conformance with the zoning criteria. The next is the 'Subdivision Code Test' which is conformance to the neighborhood character.

Zoning Test

As indicated above, each lot is proposed to be 66.8 feet wide and 8,466 square feet in size. The R-1A zoning requires a minimum lot size of 75 feet of lot width and 8,500 square feet of lot area. Thus, variances are requested from the R-1A lot dimension standards.

Lot Conformance to Subdivision Code Test

There are 117 homes within this neighborhood with the same R-1A zoning (see attached map). The average lot width is 71.5 feet, and the median lot width is 75 feet. The median lot area from this 117 home survey is 9,496 square feet. The proposed lot widths are slightly less than the averages and median sizes in this neighborhood. However, on Bryan Avenue there are 10 homes with 75 feet or greater width and 10 homes with 50-64 feet of lot width. Thus the request is more in keeping with the average lot size on Bryan Avenue than with the greater neighborhood average size.

Impact Upon Neighbors

As it exists now, each of these two existing properties of 12,700 square feet in size can be redeveloped with a new home of a maximum 5,200 square feet under the applicable maximum floor area ratio (FAR). As three lots of 8,466 square feet each, the maximum size of each home could be 3,640 square feet respectively under the applicable maximum 43% FAR. Currently a total of 10,400 square feet of home structures can be built on the two existing lots. With the proposed split, a total of 10,920 square feet of home structures can be built on the three proposed lots.

The lot split would alter the side setbacks to the two adjacent neighbors. As 100 foot wide lots, the first floor side setback is 13-15 feet and as 66.8 foot lots, the new first floor side setbacks would be 9-11 feet. However, the two adjacent homes at 1740 and 1790 Bryan Avenue are 50 feet and 62.5 feet wide so their respective side setbacks are the same or slightly smaller than what would be allowed in this case.

Development Plans

The applicant has provided a generalized front elevation for the type of homes that they plan to build, and general site plans for the layout of the proposed new homes. The applicants will comply with the normal single-family development standards, setbacks, etc.

Summary

At the P&Z Board meeting on February 4th, the Board felt that the variances were not significant and recommended approval of the request with the condition that the homes be of varied architecture. No neighbors spoke or have emailed in opposition. The one adjacent neighbor who spoke at P&Z supported the request.

Planning & Zoning Board Minutes from February 4, 2020:

- SUB #20-03 Request of William Keegan Homes for: Subdivision approval to split the properties at 1760 and 1780 Bryan Avenue into three single-family

lots, zoned R-1A. Variances are requested from the R-1A dimension standards. Principal Planner Jeff Briggs explained that the request was subdivision approval to split the lots at 1760 and 1780 Bryan Avenue, zoned R-1A, into three lots. Aerial views of the location were presented for reference. Both lots are 100 feet wide and the applicant proposes three lots, each with 67 feet of lot width and 8,466 square feet of lot area. Mr. Briggs explained that the neighborhood is zoned R-1A and the minimum lot size for the area was 75 feet of lot width and 8,500 square feet of lot area. Thus, variances were requested.

Mr. Briggs presented a graphic outlining homes within a 500-foot radius, a total of 117 homes, and the average lot width in the collective area was 71.5-feet making the proposed home 4-feet shorter than the average in the neighborhood and only 34 square feet short of what would be a conforming lot in R-1A. He stated that if the property were to stay together, two homes could be built at 11,000 square feet on each 100-foot lot, but when divided into three homes, had a more comparable number and more compatible with the neighborhood.

Mr. Briggs stated that in the past it has been the position of the Planning and Zoning Board that when applicants are not asking for large numbers in terms of variances, that rather than have homes that are oversized in the neighborhood, smaller more comparable homes have been favored. He also explained that it has been Staff's practice to recommend denial when variances are requested and added that he had also provided a number of reasons the project was compatible with the neighborhood. He stated that should the Board recommend approval, Staff would suggest the normal condition that the homes be a varied architecture to provide diversity to the neighborhood. He stated that in talks with neighbors who live behind the lots, there was concern of what type of fencing would be constructed for the new homes. He stated that in order to provide uniformity, Staff proposed a condition that the each of the homes have a similar six-foot vinyl privacy and match the color of the adjacent existing fence of one of the neighbors. He also noted that there was concern regarding overgrown vegetation and staff recommended the applicant provide landscape screening along the fence wall to provide privacy in the rear of the property.

Staff recommendation was for denial due to the variance, but if approved, staff suggested the following conditions:

1. That the final front elevations of the homes be of varied architectural styles to each other to provide diversity to the neighborhood.
2. That a new uniform six-foot vinyl privacy fence be installed along the rear of all three homes matching the existing color of the existing vinyl fence at 1781 Edwin Blvd.
3. That invasive landscape species along the rear property lines be removed and privacy landscaping being installed.

Applicant Steve Cyr, 8172 Via Rosa, Winter Park, FL addressed the Board. Mr. Cyr stated that he would like to split the properties into three homes and added that he did speak with the neighbors who expressed positive opinions about the project. He added that he would comply with the conditions recommended by staff. He answered questions from the Board regarding the designs for each of the homes and there was additional discussion regarding reducing the square footage requirements to comply with code as the Board proposed to Staff. The applicant stated that he would not be opposed to adjusting the square footage for the lots. He answered questions related to landscaping and tree preservation and the varied architecture conditions

recommended by Staff.

The Board heard public comment from Laura Laboda 1765 Edwin Boulevard, Winter Park, FL and Barry Laboda, 1765 Edwin Boulevard, Winter Park, FL, who spoke in favor of the request. No one else wished to speak. The public hearing was closed.

The Board discussed the possibility of a reduction of the square footage of the homes to remain in compliance with the existing FAR yield. The Board decided not to add that condition but agreed with the other conditions and acknowledged that the neighbors seem okay with the variances and happy to see redevelopment of these two rental properties.

Motion made by Chuck Bell, seconded by Christian Swann, for Subdivision approval to split the combined properties at 1760 and 1780 Bryan Avenue into three single-family lots, zoned R-1A including the variances being requested in R1A lot dimensions and with the following conditions:

1. That the final front elevations of the homes be of varied architectural styles to each other to provide diversity to the neighborhood.

2. That a new uniform six-foot vinyl privacy fence be installed along the rear of all three homes matching the existing color of the existing vinyl fence at 1781 Edwin Blvd.

3. That invasive landscape species along the rear property lines be removed and privacy landscaping be installed.

4. That ornamental trees be planted along the rear of the property to mitigate the fence.

Motion carried with a 6-0 vote.

[alternatives / other considerations](#)

N/A

[fiscal impact](#)

N/A

ATTACHMENTS:

Description

Backup Material

Upload Date

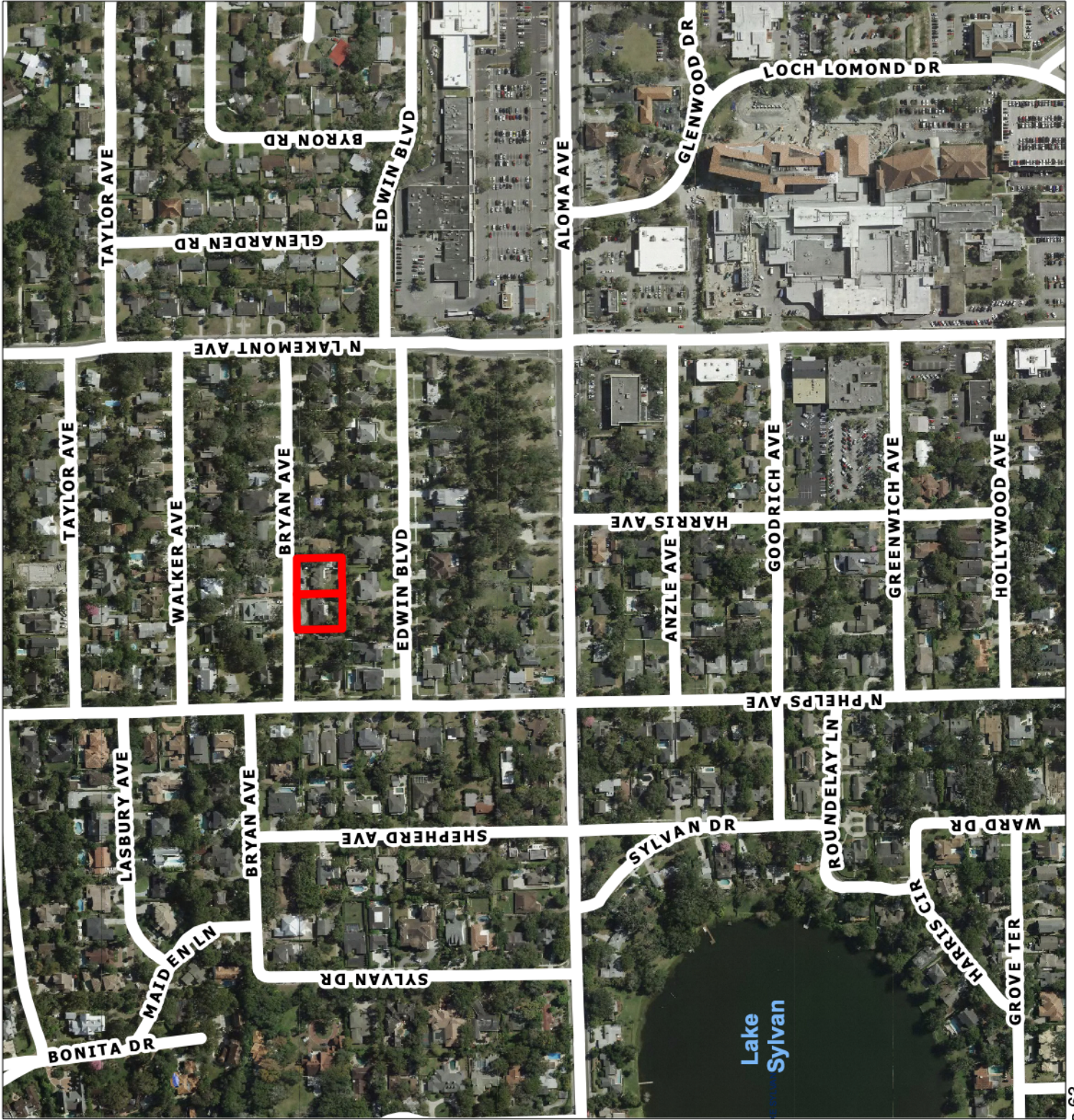
2/12/2020

Type

Backup Material



LOCATION MAP
1760 & 1780 Bryan Ave
 City of Winter Park
 Florida





LOCATION MAP
1760 & 1780 Bryan Ave
 City of Winter Park
 Florida





LOT CONFORMANCE TO SUBDIVISION CODE TEST

1760 & 1780 Bryan Ave

City of Winter Park
Florida

LEGEND

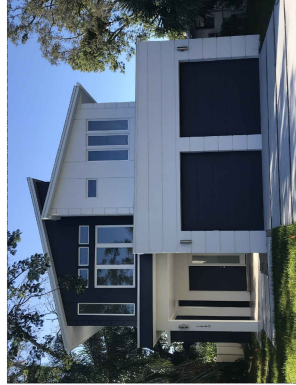
- Subject Site
- Single-Family Lots
Within 500' of Site
(117 total)

NOTES

Average Lot Width = 71.54 ft
Median Lot Width = 75 ft
Average Lot Size = 10129.01 sq ft
Median Lot Size = 9496.08 sq ft



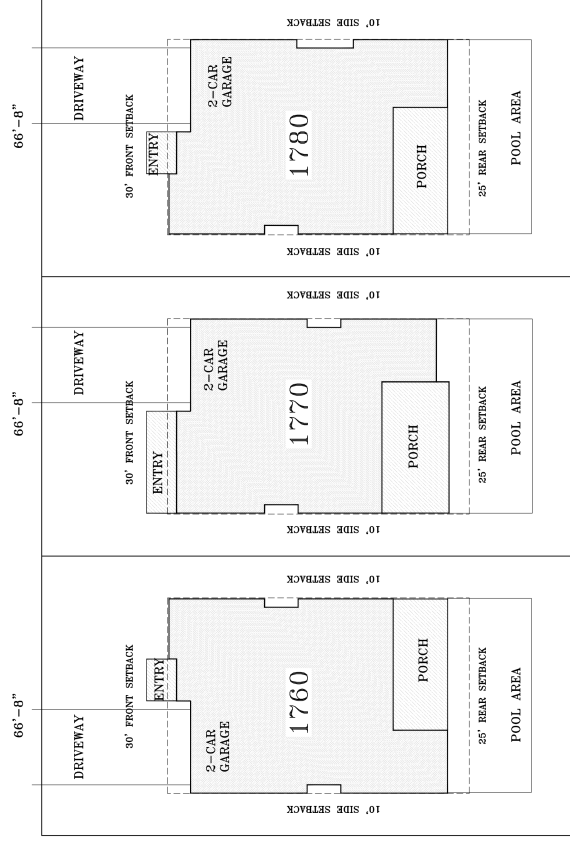
1760, 1770, 1780
BRYAN AVENUE



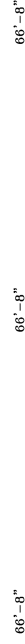
LOT DIMENSIONS: 127' X 66'-8"
LOT AREA: 8,466 SQ. FT
FAR (MAX): 3,640 SQ.FT
IMPERVIOUS (MAX): 4,233 SQ.FT.



NTS



—SIN—



REVISIONS :

CUSTOM HOMES
1760, 1770, 1780 BRYAN AVE.

ARACE DESIGNS
3563 TERRA OAKS CT.
LONGWOOD, FLORIDA 32779
(407) 774-2468
www.aracedesigns.com



JOB NUMBER	DATE 1/1/20	DRAWN D.A.A.	SHEET 1	OF 2 SHEETS
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SITE PLAN



city commission **agenda item**

item type	Public Hearings	meeting date	4/13/2020
prepared by	Assistant City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Ordinance: Rescinding/Repealing Orange Avenue Overlay

An ordinance rescinding and repealing the amendments to the Comprehensive Plan and Zoning ordinances that established the Orange Avenue Overlay District. **Second Reading.**

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Revised Ordinance - red line from 1st reading

Revised Ordinance - final

Upload Date

4/6/2020

4/6/2020

Type

Backup Material

Backup Material

ORDINANCE 3172-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RESCINDING ORDINANCE 3166-20 AND ORDINANCE 3167-20, WHICH RESPECTIVELY AMENDED THE COMPREHENSIVE PLAN AND ZONING CODE TO ESTABLISH THE ORANGE AVENUE OVERLAY DISTRICT AND GOVERNING POLICIES AND LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Ordinance 3166-20 (Comprehensive Plan Amendment) and Ordinance 3167-20 (Land Development Code amendment) concerning the establishment of the Orange Avenue Overlay District and related policies and land development regulations on March 9, 2020; and

WHEREAS, the City Commission ~~wishes to rescind~~ has reconsidered its votes on Ordinances 3166-20 and 3167-20 and now repeals those ordinances before they become effective to avoid causing prejudice to any of the landowners in the Overlay area; and to begin the process anew to consider adoption ~~adopt the~~ of an Orange Avenue Overlay District; and

WHEREAS, the City Commission directs City staff to provide necessary data and analysis, as delineated by the City Commission, within 30 days following the expiration of any state or federal Executive Orders (EO) allowing public meeting by communications media technology; and within 30 days following the presentation to and acceptance by the City Commission of such data and analysis, re-initiate the process ~~to amend~~ and schedule public hearings to consider amendments to the Comprehensive Plan and the Zoning Code to create the Orange Avenue Overlay District in accordance with F.S. Chapter 163, pt. II and Land Development Code Section 58-6. ~~with the updates as directed by the Local Planning Agency and the City Commission to be completed for transmittal to the State review agencies by July 31, 2020 with such extensions as may be needed due to unforeseen circumstances;~~ and

WHEREAS, since Ordinance 3166-20 and Ordinance 3167-20 are not yet effective, they are not currently part of the Comprehensive Plan or Land Development Regulations of the City of Winter Park; and

WHEREAS, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Commission has reconsidered its votes on Ordinance 3166-20, establishing the Orange Avenue Overlay, and Ordinance 3167-20, the associated land development code amendment, (referred to collectively as the Orange Avenue Overlay), and hereby repeals those ordinances before the ordinances become effective, to avoid causing prejudice to any of the landowners in the Overlay area; and

WHEREAS, the City Commission is repealing the Orange Avenue Overlay to allow more time for Staff to provide analysis and data, and to offer the public additional information and opportunity for public comment, and since many changes in substance were made at the

second reading of the ordinances. Chapter 163.3181(1) of Florida Statute expresses the intent of the Legislature that the public participate in the comprehensive planning process to the fullest extent possible. There were public hearings on prior versions of the Orange Avenue Overlay, however at the second reading of the ordinances many changes in substance were made to the Overlay, preventing full opportunity for public understanding and informed comment on the final version; and

WHEREAS, it is the intention of the City Commission to further study and potentially amend proposed Orange Avenue Overlay policies and regulations; specifically, to examine the value to the City from the transfer of residential development rights; intensities of land use; the regulations pertaining to parking garages; the use of existing public right of ways; the economic value of incentives, and

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

WHEREAS, Ordinance 3166-20 was not to become effective until April 16, 2020. By repealing Ordinance 3166-20 and Ordinance 3167-20 before April 16, 2020, the City Commission is providing ample notice to the property owners in the Orange Avenue Overlay that they should make no investment backed decisions based on Ordinances 3166-20 or 3167-20. Further that a copy of this Ordinance shall be mailed to all property owners within the geographic area referred to as Orange Avenue Overlay to ensure all owners are aware of this repeal of the Orange Avenue Overlay.

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

SECTION 1. Recitals. The above recitals are hereby adopted as the legislative findings of the City Commission.

SECTION 2. Rescind. That Ordinances 3166-20 and 3167-20 adopted on March 9, 2020 are hereby rescinded (repealed) and are null and void.

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

SECTION 4. Conflicts. To the extent any provision or provisions of this Ordinance conflict with the provision or provisions of other Ordinances, the provisions of this Ordinance control.

SECTION 5. Effective Date. This Ordinance shall become effective immediately following approval of the 2nd Reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 13th day of April, 2020.

Mayor Steve Leary

Attest:

Rene Cranis, City Clerk

ORDINANCE 3172-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RESCINDING ORDINANCE 3166-20 AND ORDINANCE 3167-20, WHICH RESPECTIVELY AMENDED THE COMPREHENSIVE PLAN AND ZONING CODE TO ESTABLISH THE ORANGE AVENUE OVERLAY DISTRICT AND GOVERNING POLICIES AND LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Ordinance 3166-20 (Comprehensive Plan Amendment) and Ordinance 3167-20 (Land Development Code amendment) concerning the establishment of the Orange Avenue Overlay District and related policies and land development regulations on March 9, 2020; and

WHEREAS, the City Commission has reconsidered its votes on Ordinances 3166-20 and 3167-20 and now repeals those ordinances before they become effective to avoid causing prejudice to any of the landowners in the Overlay area; and to begin the process anew to consider adoption of an Orange Avenue Overlay District; and

WHEREAS, the City Commission directs City staff to provide necessary data and analysis, as delineated by the City Commission, within 30 days following the expiration of any state or federal Executive Orders (EO) allowing public meeting by communications media technology; and within 30 days following the presentation to and acceptance by the City Commission of such data and analysis, re-initiate the process and schedule public hearings to consider amendments to the Comprehensive Plan and the Zoning Code to create the Orange Avenue Overlay District in accordance with F.S. Chapter 163, pt. II and Land Development Code Section 58-6; and

WHEREAS, since Ordinance 3166-20 and Ordinance 3167-20 are not yet effective, they are not currently part of the Comprehensive Plan or Land Development Regulations of the City of Winter Park; and

WHEREAS, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Commission has reconsidered its votes on Ordinance 3166-20, establishing the Orange Avenue Overlay, and Ordinance 3167-20, the associated land development code amendment, (referred to collectively as the Orange Avenue Overlay), and hereby repeals those ordinances before the ordinances become effective, to avoid causing prejudice to any of the landowners in the Overlay area; and

WHEREAS, the City Commission is repealing the Orange Avenue Overlay to allow more time for Staff to provide analysis and data, and to offer the public additional information and opportunity for public comment, and since many changes in substance were made at the second reading of the ordinances. Chapter 163.3181(1) of Florida Statute expresses the intent of the Legislature that the public participate in the comprehensive planning process to the fullest extent possible. There were public hearings on prior versions of the Orange Avenue Overlay, however at the second reading of the ordinances many changes in substance were

made to the Overlay, preventing full opportunity for public understanding and informed comment on the final version; and

WHEREAS, it is the intention of the City Commission to further study and potentially amend proposed Orange Avenue Overlay policies and regulations; specifically, to examine the value to the City from the transfer of residential development rights; intensities of land use; the regulations pertaining to parking garages; the use of existing public right of ways; the economic value of incentives, and

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

WHEREAS, Ordinance 3166-20 was not to become effective until April 16, 2020. By repealing Ordinance 3166-20 and Ordinance 3167-20 before April 16, 2020, the City Commission is providing ample notice to the property owners in the Orange Avenue Overlay that they should make no investment backed decisions based on Ordinances 3166-20 or 3167-20. Further that a copy of this Ordinance shall be mailed to all property owners within the geographic area referred to as Orange Avenue Overlay to ensure all owners are aware of this repeal of the Orange Avenue Overlay.

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

SECTION 1. Recitals. The above recitals are hereby adopted as the legislative findings of the City Commission.

SECTION 2. Rescind. That Ordinances 3166-20 and 3167-20 adopted on March 9, 2020 are hereby rescinded (repealed) and are null and void.

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

SECTION 4. Conflicts. To the extent any provision or provisions of this Ordinance conflict with the provision or provisions of other Ordinances, the provisions of this Ordinance control.

SECTION 5. Effective Date. This Ordinance shall become effective immediately following approval of the 2nd Reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 13th day of April 2020.

Mayor Steve Leary

Attest:

Rene Cranis, City Clerk



city commission agenda item

item type	Public Hearings	meeting date	4/13/2020
prepared by	Public Works	approved by	
board approval	final vote		
strategic objective	Intelligent Growth and Development		

subject

Ordinance: Vacating a portion of Kindel Avenue right-of-way

An ordinance vacating and abandoning a portion of the right-of-way of Kindel Avenue. **First Reading.**

motion / recommendation

Approve Request to Vacate

background

The City received a request from the Ravaudage master developer to vacate the northern 13.7 feet of the unusually wide Kindel Avenue Right-of-way from Benjamin Avenue east to 17-92 approximately 193.67 feet long. The developer has plans underway to develop the adjacent lot and reconstruct the 2 lane road with wide sidewalks, tree wells, and proper curbing and drainage. There still remains room in the remaining right-of-way totaling 57' for 2 way traffic and wide sidewalks. As can be seen on the attached Exhibit B, the current right-of-way is very close to the existing building and what appears to be private perpendicular parking along Kindel is actually all within the road right-of-way. Given the original extra wide platted right-of-way width, the vacation of the northern 13.7' will not impact the use of the remaining right-of-way for roadway and sidewalk purposes. The proposed street redevelopment plan from the developer is attached as Exhibit C. There is no loss of public access to any properties as a result of this partial vacation.

alternatives / other considerations

Do not approve request

fiscal impact

None

ATTACHMENTS:

Description	Upload Date	Type
Ordinance	4/6/2020	Cover Memo
Exhibit A	4/8/2020	Backup Material
Exhibit B	4/6/2020	Cover Memo

After Recording Return To:
City of Winter Park, City Clerk's Office
401 Park Avenue South
Winter Park, Florida 32789

ORDINANCE _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING A PORTION OF THE RIGHT OF WAY OF KINDEL AVENUE, TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park has authority to adopt this Ordinance by virtue of its home rule powers and Charter with respect to abandoning and vacating rights of way no longer needed for public purposes, and the City Commission has made such a determination.

BE IT ENACTED by the People of the City of Winter Park, Florida as follows:

Section 1. The City Commission of the City of Winter Park, Florida hereby vacates and abandons that certain portion of the Kindel Avenue right of way legally described in that certain legal description and sketch of description attached hereto as **Exhibit "A"**.

Section 2. In the event of any conflict between this Ordinance and any other ordinance or portions of ordinances, this Ordinance controls

Section 3. After adoption, this Ordinance shall be recorded in the public records of Orange County, Florida.

Section 4. This ordinance shall take effect immediately upon its passage and adoption.

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

Mayor Steven Leary

ATTEST:

City Clerk Rene Cranis

SKETCH OF DESCRIPTION

(THIS IS NOT A SURVEY)

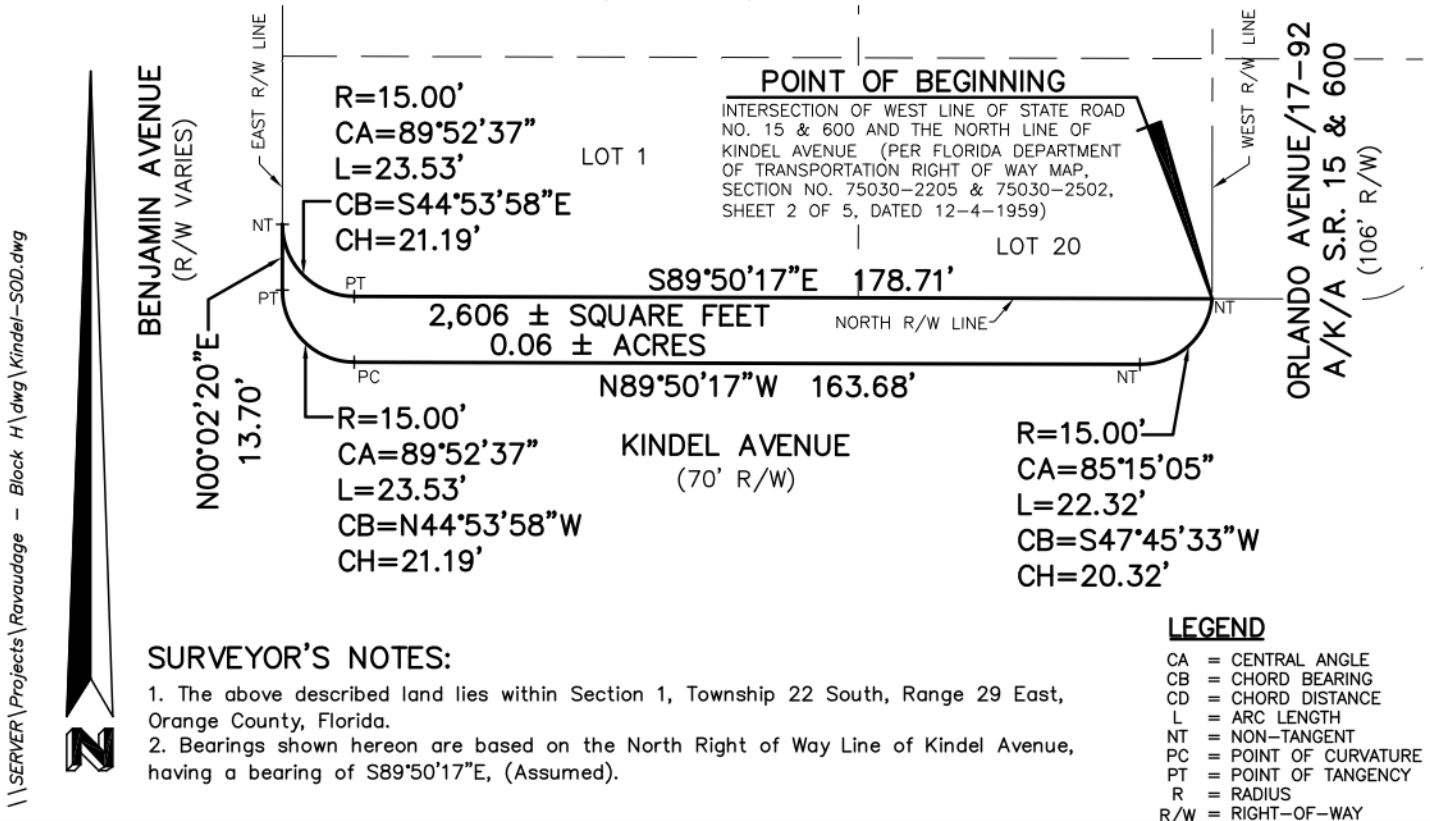
"EXHIBIT A"

DESCRIPTION:

THAT PORTION OF KINDEL AVENUE LYING EAST OF BENJAMIN AVENUE AND WEST OF STATE ROAD NO 15 & 600, 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:

BEGIN AT THE INTERSECTION OF WEST LINE OF STATE ROAD NO. 15 & 600, A 106 FOOT RIGHT-OF-WAY AND THE NORTH LINE OF KINDEL AVENUE, A 70 FOOT RIGHT-OF-WAY; SAID POINT BEING A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 85°15'05", CHORD BEARING OF S47°45'33"W AND A CHORD DISTANCE OF 20.32 FEET; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 22.32 FEET TO A POINT OF NON TANGENCY; THENCE N89°50'17"W, A DISTANCE OF 163.68 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°52'37", CHORD BEARING OF N44°53'58"W AND A CHORD DISTANCE OF 21.19 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 23.53 FEET TO THE POINT OF TANGENCY AND A POINT ON THE PROLONGATED EAST RIGHT-OF-WAY LINE OF BENJAMIN AVENUE, A VARIABLE WIDTH RIGHT-OF-WAY; THENCE, ALONG SAID EAST RIGHT-OF-WAY, N00°02'20"E, A DISTANCE OF 13.70 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°52'37", CHORD BEARING OF S44°53'58"E AND A CHORD DISTANCE OF 21.19 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 23.53 FEET TO THE POINT OF TANGENCY; SAID POINT ALSO BEING A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID KINDEL AVENUE; THENCE S89°50'17"E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 178.71 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 2,606 SQUARE FEET, (0.06 ACRES), MORE OR LESS.



HLSM, LLC

Henrich-Luke-Swaggerty-Menard
Professional Surveyors & Mappers

Licensed Business No. 7276

302 Live Oaks Boulevard
Casselberry, Florida 32707
P. (407) 647-7346

Survey@HLSM.US

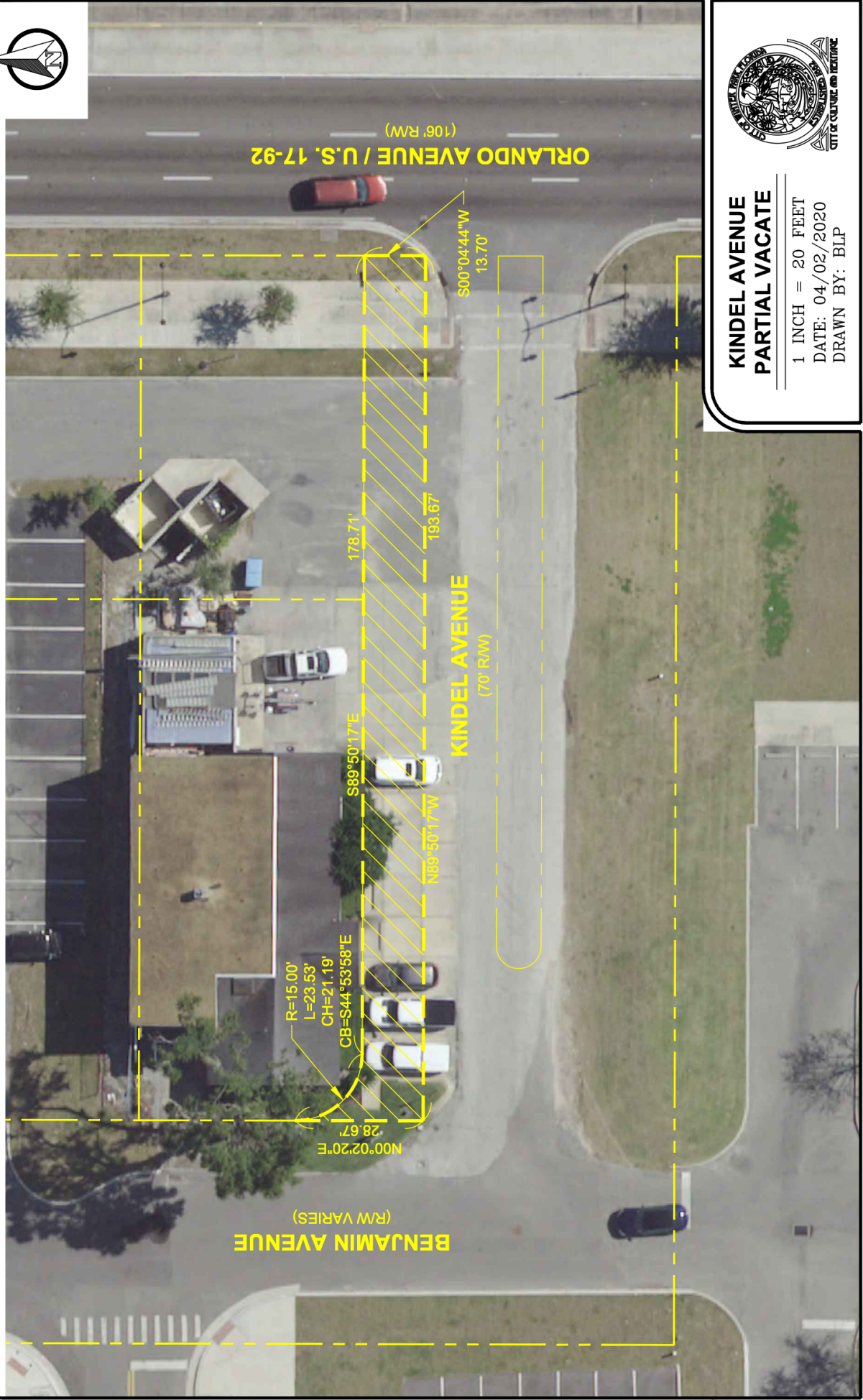
www.hlsm.us

Revision: 04/07/20
Job No: K-205
Date: 03/01/20
Drawn By: JJR
Scale: 1"=40'

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

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

EXHIBIT B



KINCHEL AVENUE PARTIAL VACATE

1 INCH = 20 FEET
 DATE: 04/02/2020
 DRAWN BY: BLP

