



City Commission Regular Meeting

Agenda

March 22, 2023 @ 3:30 pm

City Hall - Commission Chambers
401 S. Park Avenue

welcome

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

assistance & appeals

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

please note

Times are projected and subject to change.

Reception for Commissioners Sullivan and DeCiccio will be held in the Chapman Room from 2:30 p.m. to 3:15 p.m.

1. Meeting Called to Order

2. Invocation

- a. [Pastor Shawn Garvey, First Congregational Church of Winter Park](#) 1 minute

Pledge of Allegiance

3. Oaths of Office

- **Commissioner Marty Sullivan**
- **Commissioner Sheila DeCiccio**

4. Approval of Agenda

5. Mayor Report

6. City Manager Report

- a. [FY 2023 Third Quarter Work Session Schedule](#) 10 minutes

7. City Attorney Report

8. Non-Action Items

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

(If the meeting ends earlier than 5:00 p.m., public comments will be at the end of the meeting)

(Three minutes are allowed for each speaker)

10. Consent Agenda

- a. [Approve the minutes of the regular meeting, March 8, 2023](#) 1 minute
- b. [Approve the minutes of the work session, March 9, 2023](#) 1 minute
- c. [Approve the following piggyback contracts:](#) 1 minute
- 1. ACF Standby Systems, LLC - Sourcewell Contract #092222 - Electrical Energy Power Generation Equipment; For goods on an as-needed basis during the remainder of the current term of the Agreement through November 22, 2026; Amount: \$750,000.
 - 2. Siteone Landscape Supply, LLC - Orange County Public Schools Contract #ITB2202048 - Ant Bait & Herbicides

Products; For goods on an as-needed basis during the term of the Agreement through April 26, 2024; Amount: \$125,000.

- d. [Approve the following contract:](#) 1 minute
 - 1. Ceres Environmental Services, Inc. - RFP5-18 - Emergency Debris Management Services; Amount: \$75,000 for services on an as needed basis for the remainder of the current term through May 25, 2023.

11. Action Items Requiring Discussion

- a. [Solid Waste Services - Contract extension with Waste Pro](#) 20 minutes
- b. [Naming park at former Progress Point site.](#) 10 minutes
- c. [City Banner Policy Update](#) 20 minutes

12. Public Hearings: Quasi-Judicial Matters

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

- a. [Resolution 2270-23: Request of Thomas Grinder and James Warner to designate the property at 1424 Cavendish Road, built in 1949, to the Winter Park Register of Historic Places.](#) 10 minutes
- b. [Request by Winter Park National Bank to re-establish and extend the Conditional Use approval for a three-story building with one drive-in teller at 345 Carolina Avenue.](#) 10 minutes
- c. [Request of R. B. Equities, Inc.: for Conditional Use approval to allow for the development of four two-story townhouses at 730 Minnesota Avenue, zoned R-3.](#) 20 minutes
- d. [Ordinance 3268-23: Vacating the western 15 feet of Via Tuscany right-of-way located at 2433 Via Tuscany \(2nd reading\)](#) 5 minutes

13. Public Hearings: Non-Quasi Judicial Matters

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

- a. [Request of the City of Winter Park for: An Ordinance to extend the expiration of conditional use and variance approvals. **REQUEST BY STAFF TO TABLE.**](#) 10 minutes

14. City Commission Reports

15. Summary of Meeting Actions

16. Adjournment



City Commission

agenda item

item type	Invocation	meeting date	March 22, 2023
prepared by	Kim Breland	approved by	
board approval			
strategic objective			

subject

Pastor Shawn Garvey, First Congregational Church of Winter Park

motion / recommendation

background

alternatives / other considerations

fiscal impact



City Commission **agenda item**

item type City Manager Report	meeting date March 22, 2023
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

FY 2023 Third Quarter Work Session Schedule

motion / recommendation

background

Discuss and approve FY 2023 Third Quarter Work Session topics and schedule.

alternatives / other considerations

Commission may add/delete/modify topics and timeline.

fiscal impact

ATTACHMENTS:

[FY 23 Q3 Meeting Schedule.docx](#)

FY 23 Q3 Commission Meetings and Work Sessions, April - June 2023

Date	Meeting/Activity
Wednesday, April 12, 2023; 3:30 p.m.	Regular Commission Meeting
Thursday, April 13, 2023; 1-3 p.m.	Old Library Reuse/RFP Progress Point WP Playhouse
Wednesday, April 26, 2023; 3:30 p.m.	Regular Commission Meeting
Thursday, April 27, 2023; 1-3 p.m.	Transportation Master Plan Update 2
Wednesday, May 10, 2023; 3:30 p.m.	Regular Commission Meeting
Thursday, May 11, 2023; 1-3 p.m.	Annexation
Wednesday May 24, 2023; 3:30 p.m.	Regular Commission Meeting
Thursday, May 25, 2023; 1-3 p.m.	TBD
Wednesday, June 14, 2023	Regular Commission Meeting
Thursday, June 15, 2023; 1-3 p.m.	CRA Extension
Wednesday, June 28, 2023	Regular Commission Meeting
Thursday, June 29, 2023; 1-3 p.m.	Stormwater Update/Hurricane Prep

Potential future work sessions topics:

- Budget Work Sessions (July)
- Creation of guidebook for Winter Park Vision Statement
- Continuation of discussion on affordable/workforce/attainable housing.



City Commission **agenda item**

item type Consent Agenda	meeting date March 22, 2023
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the regular meeting, March 8, 2023

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[CC-min-2023-03-08.pdf](#)



City Commission Regular Meeting Minutes

March 8, 2023 at 3:30 p.m.

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

Present

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

1) Meeting Called to Order

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

2) Invocation

The invocation was given by Suhayb Shamsi, American Muslim Community Center, followed by the Pledge of Allegiance.

3) Approval of Agenda

Motion made by Commissioner DeCiccio to approve the agenda; seconded by Commissioner Cruzada. Motion carried unanimously with a 5-0 vote.

4) Mayor Report

a. Proclamation for Irish-American Heritage Month

Mayor Anderson read the proclamation designating March 2023 as Irish-American Heritage Month and presented it to Florida State Secretary Greg Canning. Mr. Canning thanked the city for the proclamation and provided information the worldwide recognition of St. Patrick's Day and contributions of Irish.

b. Proclamation for Education & Sharing Day

Mayor Anderson welcomed members of the Shabbat and read a proclamation declaring April 2, 2023 as Education Sharing Day. Rabbi Shalom Dubov spoke about the importance of education and values recognizing their responsibility for educating children in preparing for future leadership.

c. Green Business Award: Climate First Bank

Mia Brady, Sustainability Specialist, presented Climate First Bank with Green Business Platinum Certification and reviewed their sustainability initiatives.

5) City Manager Report

Mr. Knight announced that as a result of staff's hard work and tours of storm damages with state representatives, the city was awarded \$3.3m for repairs and improvements. He listed some of the projects and noted that this grant requires a \$1m match by the city. These funds will be used for debris removal, Lake Bell weir replacement, Ninth Grade Center pond erosion repair, drain well repairs, Howell Creek bank stabilization and sediment removal.

6) City Attorney Report

7) Non-Action Items

- a. Board Appointments:

Mayor Anderson reported the appointment of Betsy Gwinn to Public Art Advisory Board, Craig Russell to Parks and Recreation Advisory Board; Tonya Mellon to the OAO Architectural Review Board; and Lucy Boudet to Historic Preservation Board.

8) Public Comments | 5 p.m. or soon thereafter (heard after Item 10c)

9) Consent Agenda

- a. Approve the minutes of the special meeting, February 15, 2023.
- b. Approve the minutes of the regular meeting, February 22, 2023
- c. Approve the minutes of the work session, February 23, 2023
- d. Approve the following piggyback contract:
 - 1. Verizon Wireless - State of Florida Contract #DMS-10/11-008C - Mobile Communication Services; For services on an as-needed basis during the remainder of the current term of the Agreement through August 24, 2026; Amount: \$500,000.
- e. Approve the following contracts:
 - 1. Ovation Construction Co., Inc. - RFQ11-18D - Repair & Construction Services (< \$200k/project); Amount: \$600,000 for services on an as needed basis for the remainder of the current term through May 30, 2023.
 - 2. Foundation Risk Partners Corp. - RFP2-23 - Liability Insurance Agent / Broker of Record; Amount \$65,000 for City insurance services on an as-needed basis.
- f. Approve ARPA Funding Allocations - Emergency Stormwater Infrastructure and Fire Training Facility.

Motion made by Commissioner Weaver to approve the Consent Agenda; seconded by Commissioner DeCiccio.

Mayor Anderson asked whether ARPA allocations have to change in light of the grant funding. Division Director of Office of Management and Budget stated \$400k allocated for stormwater emergency infrastructure could be used for the city's matching funds.

There were no public comments. **Motion carried unanimously with a 5-0 vote.**

10) Action Items Requiring Discussion

a. City Banner Program

Mr. Knight stated staff is recommending going back to prior program to allow banners only for city-related and city-sponsored events, removing banners that may be considered controversial.

Mayor Anderson said he feels the provision that requires non-profits to own property should be broader to allow non-profits that may be tenants (Library or Morse Museum).

Commissioner Sullivan noted that staff would decide what banners are permitted and feels staff should not be burdened to determine if a banner is political, which becomes broader every year. He believes the city should not allow any banners that make a political statement. He recommended the policy state staff would review the request and if staff feels it may be political, it would be referred to the Commission who would deny the banner if it is deemed to be a political statement.

Commissioner DeCiccio said as she understands it, no political banners would be allowed, only banners for city events, so political banners should not come to the commission. She feels this should be left up to staff.

Attorney Ardaman said Commissioner Sullivan's concerns are addressed under Eligible Activities which states "limited banners related to city use, city-sponsored or promoted events or non-profit organizations with a physical presence within the city. Non-profits posters must own the property and banners must promote events that are open to the public and promote the city's history or artistic or educational commemorations or events within the city." So, there is no opportunity for a political or ideological banner

Discussion followed on eligible banners and parameters for staff decisions and options for language to address political banners.

Commissioner Sullivan said he is looking for a safety valve where city staff is not bound to make that determination and the decision is deferred to the commission.

Mr. Moore said staff would not have an issue enforcing the policy as it is extremely limited on what is allowed and who can apply; however, the policy could state that anything that hints of politics would be brought to the commission.

Mr. Ardaman said language could be added which states in the event staff has any question as to whether the application meets criteria, the applicant or staff could bring it to the commission. He reviewed the supreme court case and rationale for the city to be

cautious. This policy essentially states that banners allowed under this policy are city speech, not private speech. He opined the best approach from a defense and practical standpoint is to have eligibility criteria without identifying prohibitions.

Discussion followed on impact of commission making decision - challenges, lawsuits, changing commissions, and the supreme court decision.

Mr. Knight said this could be simplified to allow only city banners which would remove the concerns for political banners.

Mr. Moore said under this policy, banners would only be allowed in three instances: city events, city-sponsored events, and non-profits under certain criteria. Staff could designate a list of city-sponsored events like Bach Festival, Art Festival, for commission approval.

Commissioner Cruzada supported banners as outlined by Mr. Moore.

Mayor Anderson summarized three potential amendments: the "tenancy" clause allowing owners and tenants, "staff escape clause" defining and prohibiting political statements, and allowing only city or city-sponsored events.

Motion made by Mayor Anderson to approve the policy understanding that there will be amendments.

Motion made by Commissioner Weaver to table for 60 days for further review. Withdrawn.

Commissioner Weaver seconded motion by Mayor Anderson.

Hattie Bryant, 1240 S. Pennsylvania Avenue, said she feels the description of eligible banners is too broad, the policy is full of loopholes and the word "educational" is an issue because anything could be perceived as educational.

Gigi Papa, 1440 Hibiscus Avenue, said she feels changing the banner policy in light of the pending request is dishonest. She supported the policy to allow banners for sponsored events and feels city staff can make determination.

Stephanie Breski, 640 Berwick Drive, said she feels this policy, on the surface, seems to allow one banner but prohibits another and is viewpoint discrimination.

Sandy Dwyer, 739 Plaza Court, opposed banners that do not promote events and cited such examples. She asked for a schedule of holiday banners to be displayed.

Thor Faulk, founder and President of Winter Park Pride Project, stated his organization was established to encourage inclusiveness. He supported non-profit banners and suggested that somebody should be pursuing banners that matter.

Bonnie Jackson, 3009 Temple Trail, displayed a proposed banner "Choose Life Celebrate Family" which she has requested to display and expressed her frustration that the city has not acted on her banner request. She opposed the policy as she feels it is too broad.

Mayor Anderson rephrased his motion to approve for discussion; accepted by Commissioner Weaver.

Amendment 1: Motion made by Commissioner Sullivan to amend the motion to add language that if staff denies a banner, the applicant may appeal to the commission; seconded by Commissioner Weaver.

Commissioner Weaver asked whether the appeal process should be defined. Mr. Ardaman replied yes, in the policy with a deadline to request an appeal. Staff would then place the appeal on a commission agenda.

Amendment 2: Motion made by Commissioner Weaver to amend the motion to add appeal process language; seconded by Mayor Anderson.

It was agreed that amendments be incorporated in the policy and brought back to the commission for approval.

Mayor Anderson suggested leaving the language as is and decide in the next meeting whether to amend the language and create a list of non-profits which can be revised as needed. Commissioner Cruzada questioned whether it would be appropriate to require that non-profits must have been established for at least 75 years.

Motion made by Mayor Anderson to amend the motion to add language that that non-profits be local and could be a tenant; seconded by Commissioner DeCiccio. (Not voted on – alternate motion passed.)

Mayor Anderson referred to non-profit eligibility and asked the intent to allow non-profits to apply in compliance with the criteria or strike the ability for non-profits to apply. (To be addressed when this comes back to the commission.)

Motion made by Mayor Anderson to amend the motion that, subject to refinement, non-profits must be local but may be a tenant and, in the next meeting, consider other language on how to make that tighter; seconded by Commissioner DeCiccio. (Not voted on – alternate motion passed.)

Mayor Anderson suggested an alternative could be to create a list of eligible non-profits which can be revised as needed.

Amendment 3: Motion made by Mayor Anderson to amend the motion to state non-profits shall not be a tenant unless it is on the list (Exhibit A); seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

Upon a voice vote, Amendment 2 carried unanimously with a 5-0 vote.

Upon a voice vote, Amendment 1 carried unanimously with a 5-0 vote.

Upon a voice vote, the main motion as amended carried unanimously with 5-0 vote.

8) Public Comments | 5 p.m. or soon thereafter

Corbin Johnson, 201 N. Phelps Avenue, expressed his concern about the health of city lakes resulting in ongoing closure of Dinky Dock. He spoke about the impact on the lakes and force main break from the hurricanes, particularly Lake Rowena. He said the issues are the result of something else and needs to be addressed quickly. Mayor Anderson asked that staff provide an update on its efforts.

CJ Williams, 2021 Temple Drive, spoke about boat traffic safety challenges in the canals and encouraged the city to create bump-outs using its properties along the Venetian Canal.

Katrina Knight, 7496 Hunters Green Circle, sister of Daniel Knight who was killed last year in an officer-involved shooting expressed her disappointment in the commission and staff's inhumane and unjust treatment of their family and lack of compassion.

A recess was held from 5:26 to 5:42

10) Action Items Requiring Discussion (continued)

b. Discussion of Solicitation for Activation Space at Progress Point Park.

Mayor Anderson reviewed the history of discussions on the development of Progress Point. He suggested having a discussion and adding to the April 13th work session on the old library.

Commissioner Weaver said he is concerned about parking and accommodating existing users of the parking area during construction. He suggested that curbing and paving the current parking lot with access from Cypress before removing the lot currently being used.

Commissioner DeCiccio said the question is what is ultimate goal - activate, leave it green space, issue an RFP? She noted that the Winter Park Playhouse lost their lease and this could be a location for a theater as has been previously discussed, but there are time constraints and the commission must decide if this would be an appropriate use.

Commissioner Cruzada said he is intrigued by idea of a playhouse but would like it to remain greenspace. He expressed concern about the expense and the current economy. Commissioner DeCiccio said the Playhouse would have a land lease and be responsible for maintenance.

Commissioner Sullivan said the key question for him is, if the park is activated, is it going to be a land lease or a city facility to be leased.

Mayor Anderson said originally, he was in favor of an RFP including an all-green space. He feels there is some wisdom in getting the greenspace established and see what happens and is reluctant to move rapidly since we haven't seen what the park might look like. He feels this RFP process will be more difficult than the old library RFP.

Michael Perelman, 1010 Greentree Drive, commended the development of another park. He suggested completing the park and then determine the need for activation and buildings in this space which will worsen the parking situation.

Fred Thimm, owner of Reel Fish Coastal Kitchen on Orange Avenue, supported activation of the park including the Playhouse. He spoke about the growth and benefit of having the Playhouse on Orange Avenue and said it would be detrimental to Orange Avenue businesses if it had to relocate off Orange Avenue or possibly out of Winter Park.

Robert Bendick, Vice-President of Winter Park Land Trust, supported the park with connections to Mead Garden and MLK Park. The Land Trust recommendation has not changed - the city should designate as much area as possible as greenspace.

Sally Flynn, 1400 Highland Road, said she would like Progress Point to be greenspace and although she supports the Playhouse she wishes they could find location other than Progress Point.

CJ Williams, 2021 Temple Drive, supported keeping the Playhouse in Winter Park. He spoke about potential changes in the area and the city needs to consider the vision of OAO and green space becomes more important to area. He would like for the Playhouse to find a location in the retail section of Orange Avenue.

Judith Marlow, President of WP Playhouse, expressed her concern that the Playhouse is going to disappear unless a solution is found. She spoke about the benefits and impact of a theater which is a professional theater with community outreach programs. She asked the city to consider allowing the Playhouse to locate in Progress Point.

Heather Alexander, Executive Director of Winter Park Playhouse, provided information on Playhouse and impact of the playhouse on the local economy. Because patrons of the Playhouse are bussed in, the park would be activated in a responsible, community-oriented way with little impact on parking. She asked the commission to consider a home for the Playhouse, preferably in Progress Point.

Commissioner DeCiccio said the questions are whether this is a desire use for Progress Point, whether there is another location, i.e. old Library or if the commission is willing to lose the Playhouse. **Motion made by Commissioner DeCiccio to place on the April 13 work session to discuss further; seconded by Commissioner Sullivan. Motion carried unanimously with a 5-0 vote.**

c. Solid Waste Services - Contract Renewal with Waste Pro

Director of Natural Resources and Sustainability Gloria Eby gave a presentation on the current contract terms, rates, allowed adjustments, and rate comparison with other agencies. Under the proposal, rates would increase 20% in 2023 and again in October 2024 resulting an overall increase of approximately \$7/month. She reviewed proposed commitments by Waste Pro: competitive rates, change trucks to video recording technology, double financial contribution toward sustainable efforts, contribute 20 trees annually, reduce emissions, convert to natural gas vehicles if contract is renewed for seven years instead of three. She spoke about plans to improve Center Street and Waste Pro's commitment to provide \$50k annually to support city employee-related costs to maintain Center Street and CRA, replacing shared compactors and cardboard containers, adding compactor at West Meadow. She reviewed service challenges and improvements and said staff is recommending three-year renewal with amendments. She responded to questions stating that seven years is needed to transition to natural gas vehicles.

Mrs. Eby explained the progress on potential conversion to underground disposal on Center Street which is still be reviewed and will be presented at a later date. She stated the time frame is rather large and more research is needed before putting it in this contract. Mayor Anderson stressed the importance of including it in the contract. Discussion followed on the cost which is estimated between \$12-20k per unit but is dependent on the location of underground infrastructure. Mr. Knight added that staff is looking at other approximately 30 other locations in the Hannibal Square and entire downtown commercial district.

Tim Dolan, Waste Pro VP of Governmental Affairs, said the term of conversion to natural gas is negotiable but will be more difficult with a shorter term. In response to questions, he explained the difficulty in getting vehicles; however, they order vehicles two years in advance of the end of the 10-year life span of trucks.

Staff clarified that customer rates are approximately \$3 higher than noted.

Motion made by Mayor Anderson to approve the contract for discussion; seconded by Commissioner Weaver.

Motion made by Commissioner Weaver to amend the motion to renew for a seven-year term with rate increases as shown; seconded by Commissioner Sullivan for discussion.

Ms. Eby and Mr. Dolan responded to questions on leakage from garbage. Infractions and fees are built into the contract. Mayor Anderson suggested publishing the phone number to report leakage.

Mayor Anderson asked whether a corral could be created to hide small trash cans at MLK Park. Commissioner DeCiccio pointed out a similar situation behind Central Park

stage. Director of Parks and Recreation explained that the trash cans are collected after events and placed in a specific location until the first scheduled pickup after the event. Mayor Anderson said he would like a provision for special event pickup or a corral to hide trash cans. Mr. Seeley stated staff is planning for corrals at some locations.

Responding to comments and questions, Mr. Dolan said he will provide timeline for vehicle conversion said and do an analysis on cost to convert to a six-year contract. He said the city owns the residential carts and it may be an unnecessary expense to replace if they are not damaged.

Motion made by Commissioner Weaver to table to next meeting; seconded by Commissioner DeCiccio.

Mr. Knight summarized the questions for next meeting: timeline for compressed natural gas trucks, rates for a three and seven-year terms, cart replacement costs, Center Street costs and special event pickup and process.

Motion carried with a 4-1 vote. Commissioner Cruzada voted note.

A recess was held from 7:08 to 7:13 p.m.

11) Public Hearings: Quasi-Judicial Matters

- a. Ordinance - Vacating the western 15 feet of Via Tuscany right-of-way located at 2433 Via Tuscany (1st reading)

Mr. Knight read the ordinance by title.

Assistant Director of Public Works Don Marcotte provided details on this vacation and surrounding rights-of-way.

Motion made by Commissioner DeCiccio to approve the ordinance; seconded by Commissioner Sullivan. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

12) Public Hearings: Non-Quasi-Judicial Matters

- a. ORDINANCE 3261-23: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING REGULATIONS" SECTION 58-87 "LAKEFRONT LOTS, CANALFRONT LOTS, STREAMFRONT LOTS, BOATHOUSES AND DOCKS" PROVIDING FOR UPDATES AND MODERNIZATION TO THE CURRENT REGULATIONS, AND AMENDING CHAPTER 114 "WATERWAYS" TO INCORPORATE THE REGULATIONS CONCERNING DOCKS AND BOATHOUSES, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (2nd reading)

Mr. Ardaman read the ordinance by title.

Motion made by Commissioner Sullivan to adopt the ordinance; seconded by Commissioner DeCiccio.

Sally Flynn, 1400 Highland Road, asked how this prevents what she experienced. Assistant Director of Planning and Community Development Alison McGillis stated this ordinance addresses development of lakefront lots, not boat houses (as she experienced) which will be considered next month.

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

- b. ORDINANCE 3267-23: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-95 "DEFINITIONS" AND ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS" DIVISION 1, "STORMWATER MANAGEMENT" ADDING REGULATIONS GOVERNING ARTIFICIAL TURF INSTALLATIONS AND MAINTENANCE OF ARTIFICIAL TURF, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (2nd reading)

Mr. Ardaman read the ordinance by title.

Mrs. McGillis outlined the revisions made from first reading: removed prohibition of turf in the front yard, added front and side yard setbacks, removed prohibition in historic districts.

Mayor Anderson questioned the need to define the color of turf and discussion followed on possible language to require green turf. Mayor Anderson suggested "a natural green grass color for the area."

Motion made by Mayor Anderson to approve the ordinance adding requirement that turf be a natural green grass color for the area; seconded by Commissioner Cruzada. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

13) City Commission Reports

Commissioner Sullivan

- Commended the Planning and Zoning Board with their attention to detail when considering plans.

Commissioner DeCiccio

- Asked for the status of window tinting at the Library. Mr. Knight advised that the estimate was approximately \$30k with both buildings and staff is now looking for a funding source.

Commissioner Cruzada

- Asked for an update on the new lighting Casa Feliz. Mr. Seeley said the lighting should be installed by June 1st.

Commissioner Weaver - no report.

Mayor Anderson

- Asked that staff look at treatment for Lake Rowena as requested by Mr. Johnson. Mr. Knight said he will provide a report looking possibility of lowering the weir.

14) Summary of Meeting Actions

- Issued proclamations for Irish-American Heritage Month and for Education and Sharing Day.
- Awarded Climate Green Bank Certificate of Green Business
- Reported receipt of \$3.3M in hurricane recovery funds.
- Provide information on Lake Rowena.
- Approve Consent Agenda.
- Bring back final edits to banner program to include appeal process and list of eligible non-profits.
- Add discussion of Progress Point and WP Playhouse to April 13 work session.
- Tabled Waste Pro contract renewal with identified items to be addressed.
- Approved ordinance vacating portion of Via Tuscany on first reading.
- Adopted ordinances revising lakefront zoning regulations.
- Adopted ordinance regulating artificial turf adding requirement for natural grass color.

15) Adjournment

The meeting adjourned at 7:33 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date March 22, 2023
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Approve the minutes of the work session, March 9, 2023

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[CC-min-2023-03-09ws Draft.pdf](#)



City Commission Work Session Minutes

March 9, 2023 at 1:00 p.m.

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

Present

Mayor Phil Anderson, Commissioners Marty Sullivan, Sheila DeCiccio, Kris Cruzada, and Todd Weaver (arrived at 1:20 p.m.); City Manager Randy Knight; City Attorney Kurt Ardaman and City Clerk Rene Cranis.

1) Call to Order

Mayor Anderson called the meeting to order at 1:03 p.m.

2) Discussion Item(s)

a. Discussion on Comprehensive Plan Updates

Assistant Director of Planning and Community Development Allison McGillis gave a presentation on the purpose for updating the Comprehensive Plan. She reviewed the ten elements of the Plan including the recently added Property Rights Element and other components. She reviewed the adoption process which must be completed by February 1, 2024. The only new policy relates to the West Fairbanks area south of Fairbanks between I-4 and Nicolet. She reviewed the results of the analysis of existing conditions, challenges and proposed policies needed to guide the redevelopment of the area. She stressed the need to partner with redevelopment to improve infrastructure and outlined the next steps in formulating policy. She summarized existing development and entitlement scenarios.

Commissioner Weaver arrived at 1:20 p.m.

In response to Commissioner Sullivan, Mr. Knight stated the consultant is looking at this area as well as Orange Avenue and Monroe to be included in the CRA expansion.

Commissioner DeCiccio said the city may have to consider higher entitlements to encourage affordable housing. Mayor Anderson suggested adding something about neighborhoods to the vision plan. He spoke about the West Fairbank area and reasons for pursuing redevelopment in the city to gain property tax revenue and have some control of redevelopment. He would like to work with Mrs. McGillis to develop a spreadsheet of entitlements in preparation for a joint work session with Planning and Zoning Board.

Commissioner Sullivan supported the inclusion of the West Fairbanks area in the vision plan and it is in the City's best interest to control the area. He feels annexation would be a partial solution toward more affordable and workforce housing. He said the city's

workforce should be able to reside in the city and feels urban village does not preclude a higher residential density if done properly. He questioned how the city can maintain an urban village, increase density and maintain existing residential value. He suggested reaching out to citizens for consideration on adding these topics to the visioning plan. He addressed the transportation plan and feels the city needs to reinforce transportation priorities and have a steering plan toward a transportation system that enhances quality of life.

Commissioner DeCiccio said the city will need to provide more incentive for developers to build affordable housing and provide green space for this area that may not have been done before.

Commissioner Cruzada asked about Orange County's visioning plan in progress. Mrs. McGillis showed the density of properties in Orlando as compared to Paseo and Ravaudage in Winter Park. Discussion followed on the need to incentivize developers to provide affordable and workforce housing.

Commissioner Weaver said he feels one reason not much has happened with the OAO is that affordable housing was not made compulsory. He favored the city's affordable housing being more compulsory than just an incentive.

Mayor Anderson referenced state law that prohibits mandating developers to build workforce housing. He spoke about attainable housing and possibly incentivizing differently from affordable and workforce housing in that it would be under ownership rather than rental in the West Fairbanks area. Discussion followed on options to provide attainable/affordable or workforce housing in other areas of the city including planned development and auxiliary dwelling units on existing properties. Commissioner Sullivan suggested creating mixed use development in a residential neighborhood. Mayor Anderson agreed and suggested looking at density on New England Avenue in Hannibal Square area as a potential mixed-use model.

Commissioner Sullivan asked for a status of the CRA expansion CRA RFP. Mr. Knight said a preliminary report from the consult is expected in approximately two months.

3) Adjournment

The meeting was adjourned 1:59 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis



City Commission **agenda item**

item type Consent Agenda	meeting date March 22, 2023
prepared by Michael Hall	approved by Jennifer Maier, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following piggyback contracts:

item list

1. ACF Standby Systems, LLC - Sourcewell Contract #092222 - Electrical Energy Power Generation Equipment; For goods on an as-needed basis during the remainder of the current term of the Agreement through November 22, 2026; Amount: \$750,000.
2. Siteone Landscape Supply, LLC - Orange County Public Schools Contract #ITB2202048 - Ant Bait & Herbicides Products; For goods on an as-needed basis during the term of the Agreement through April 26, 2024; Amount: \$125,000.

motion / recommendation

Commission approve item as presented and authorize the Mayor to execute the Agreements.

background

1-2: The originating agency conducted a formal solicitation process to award this contract.

alternatives / other considerations

N/A

fiscal impact

Total expenditures included in approved budgets.



City Commission **agenda item**

item type Consent Agenda	meeting date March 22, 2023
prepared by Michael Hall	approved by Jennifer Maier, Michelle del Valle, Randy Knight
board approval Completed	
strategic objective Fiscal Stewardship	

subject

Approve the following contract:

item list

1. Ceres Environmental Services, Inc. - RFP5-18 - Emergency Debris Management Services; Amount: \$75,000 for services on an as needed basis for the remainder of the current term through May 25, 2023.

motion / recommendation

1. Commission approve item as presented and authorize the Mayor to execute the Agreement.

background

1. A formal solicitation was issued to award this contract.

alternatives / other considerations

N/A

fiscal impact

Total expenditure included in approved budget.



City Commission agenda item

item type Action Items Requiring Discussion	meeting date March 22, 2023
prepared by Michelle del Valle	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Solid Waste Services - Contract extension with Waste Pro

motion / recommendation

Extend the existing franchise agreement, with agreed upon modifications, three years.

background

Waste Pro has provided solid waste services to the City of Winter Park under the existing contract for seven years (contract attached). Their contract was structured as a seven-year term with an additional option of 3 years for renewal. In the last couple of years, the global economy has seen significant changes in cost structure, and the solid waste services industry has been hit with higher labor costs, labor availability, vehicle costs, and fuel inflation. Waste Pro has asked the city to activate the 3-year extension on the contract but with amendments to the rate paid by the city. Solid waste services are a pass-through cost, so these cost increases would be borne by the end consumer. Over the last seven years, solid waste customers in Winter Park have benefited from a cost inflation structure that contractually limited increases in cost to 75% of the change in CPI with a cap of 3%. With record low inflation over the last decade and the 25% discount, rates have only risen by about 1 - 2% annually. With record-high inflation, cost increases have been capped but the ability to provide services over a long period will not be possible without a rate increase.

The City Commission discussed the modifications requested by Waste Pro to the three-year extension and also discussed the opportunity to revise the contract to a seven-year extension with the addition of CNG (natural gas) trucks during the March 8th Commission Meeting. Staff was asked to compare the three- and seven-year scenarios and has provided the following table.

	Three (3) Year Extension of Franchise	Seven (7) Year New Franchise Agreement
Service	2-1-1 2 garbage, 1 recycling, 1 yard waste	2-1-1 - standard May want to consider 1-1-1
Equipment	Existing trucks will remain available and be supplemented with Natural Gas trucks as available through the life of the contract. Carts are currently under a 10-year warranty, owned by the city and replaced by Waste Pro as necessary.	All trucks will be replaced with Natural Gas trucks by January 2024 Existing carts would remain and be replaced as necessary by Waste Pro. The warranty would run out during this period but would not have a direct impact on City.
Technology	Third Eye photo documentation	Third Eye photo documentation; Year 4 review and discussion of possible new technology
Sustainability Efforts	Annual Contribution of \$50K 20 trees planted annually.	Annual Contribution of \$50K 20 trees planted annually.
Center Street/Downtown Corridor Clean up assistance	Financial assistance, replace or refurbish compactors, cardboard containers.	Financial assistance, REPLACE compactors and cardboard containers.
Special Events	Next day collection service	Next day collection service
Pricing	Most favored competitive rates guarantee. Year 1 – \$17.99 Year 2 – \$21.59 Subsequent years annual adjustment based on CPI-U index # CUUR0000SEHG02	Most favored competitive rates guarantee. Year 1 – \$18.36 Year 2 – \$22.49 Subsequent years annual adjustment based on CPI-U index # CUUR0000SEHG02
Term	October 1, 2023 through September 30, 2026	October 1, 2023 through September 30, 2030

alternatives / other considerations

fiscal impact



City Commission agenda item

item type Action Items Requiring Discussion	meeting date March 22, 2023
prepared by Clarissa Howard	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Naming park at former Progress Point site.

motion / recommendation

Accept Parks & Recreation Advisory Board recommendation of the park name as Seven Oaks Park.

background

TIMELINE:

January 18 - Parks & Recreation Advisory Board (PRAB) proposed the following names for the city-owned property at the former Progress Point site:

- Progress Point Park
- Park at Progress Point
- Canopy Park
- Gateway Park
- The Oaks at Progress Point.

February 15 - PRAB narrowed the name selections to the following three suggestions and directed staff to conduct a public process in the form of an online survey asking city residents and businesses to vote for their favorite name:

- Progress Point Park
- Gateway Park
- Seven Oaks Park

February 24 - Online survey launched with a press release, emails and social media posts.

March 8 at noon - Survey ended and 702 votes were submitted:

- 485 votes for Seven Oaks Park
- 114 votes for Progress Point Park

- 89 votes for Gateway Park
- 14 votes from invalid addresses

March 15 - PRAB voted in approval of recommending Seven Oaks Park

April 13 - Groundbreaking event scheduled.

alternatives / other considerations

Do not accept the recommendation of PRAB and pursue another park naming process.

fiscal impact



City Commission **agenda item**

item type Action Items Requiring Discussion	meeting date March 22, 2023
prepared by Peter Moore	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

City Banner Policy Update

motion / recommendation

Approve as requested.

background

Since 2010, the city's banner program has provided opportunities for the city and nonprofits to showcase event functions pursuant to the city's banner policy. Provisions for banners are included by reference in the City's Code of Ordinances Section 58-135 (4).

The program stipulates a policy for eligible events which states they must promote the culture, history, health, safety, or general welfare of the City of Winter Park. While this language has provided general guidance in administration of the program, it does not provide consistent direction with reference to what objectively meets these criteria and leaves staff with the subjective responsibility of having to determine what may or may not constitute city speech. In addition, outsourcing a majority of the installation has limited the program's overall net revenue, and the year-over-year interest in the program has begun to wane. Average annual applications received have dropped to less than half since the program began.

Modifications are recommended to create clear consensus on how to administer the program, as well as provide easier administration of ongoing maintenance. Eligible uses are City use, City sponsored events, or must be an art, history, or educational non-profit applicant with banner poles physically in front of the property space. The policy also provides a list of eligible organizations as well as an appeals process. This will allow staff to clearly administer program eligibility, and clearly identifies the City as the primary user of the banner locations in which to showcase specialty focused or generic city banners intended on enhancing the City's visual appearance and sense of vitality. Samples of generic banner types are attached as well as program guidelines and application.

alternatives / other considerations

fiscal impact

The program accrued \$6,225 in FY22. This would be largely reduced.

ATTACHMENTS:

[Special Event Banner Policy - Proposed.pdf](#)

ATTACHMENTS:

[Special Event Banner Guidelines and Application_Existing.pdf](#)

ATTACHMENTS:

[City Banner Examples 2022.pdf](#)



Special Event Banner Policy

Economic Development & CRA Department
401 Park Avenue South Winter Park, FL 32789

(P) 407-599-3225
www.cityofwinterpark.org

The City of Winter Park established the Special Event Banner Program to enhance the city's visual appearance and sense of vitality through the use of specially located banner poles. Banner poles are exclusively for city use but there are limited exceptions for outside non-profit organizations to utilize poles near their respective property for the purpose of creating a sense of place and awareness about planned events that are of particular or general interest to the city or as otherwise provided herein. The city will utilize banner poles throughout the city for decorative purposes and for promoting official city events and events otherwise approved of or sponsored by the city, but will allow non-profit applicants to apply for the use of certain poles. The city's Special Event Banner Program is not intended to serve as a forum for free expression by the public, but is intended to beautify and build awareness for city messages, events sponsored or promoted by the city, and arts and education within the city.

ELIGIBLE ACTIVITIES

Participation in the program is subject to availability and limited to banners related to city use, city sponsored or promoted events, or non-profit organizations with a physical presence within the city. Non-profits wishing to display banners meeting the criteria herein may apply to utilize any decorative banner pole that is within the frontage of their parcel property. The non-profit must own the property ~~and not be a tenant unless~~ or, if leased, be one of the entities listed on the attached Exhibit "1". Non-profits may only apply for banners to be placed that promote events that are open to the public and promote the city's history or artistic or educational commemorations or events occurring within the City of Winter Park. If an application for a banner policy is denied by City Staff, the applicant may appeal the decision to the City Commission. An appeal of the denial must be filed by the applicant on or before ten (10) days after the date of the City's issuance of a written denial. The appeal shall be heard by the City Commission and shall be limited to the application and matters submitted with the application to the Economic Development/ CRA Department related to the application. In the event of an appeal, the Commission shall make the final determination as to whether the application and matters submitted with the application meet the criteria of this Special Event Banner Policy.

APPLICATION PROCESS

All applications must be submitted to the Economic Development/CRA Department for approval. The department will reserve dates only after an **application** has been accepted. Applications must be submitted at least 45 days in advance of the requested installation date and must be accompanied by a full detail of the proposed display, including a drawing of each separate banner design. **To avoid unnecessary costs, the applicant should NOT commence banner creation until receiving design approval from the Economic Development/CRA Department.** Banners may not be displayed for more than 30 days at a time and must be removed within 5 business days after the approved display end date. If approved, applicant must deliver banners to the City Hall main lobby no later than one week prior to install date. Applicants must retrieve their banners within 5 business days after removal.

DESIGN GUIDELINES

Banners must be made from non-combustible material that will not shred and that is weatherproof. We recommend strong colorful graphics and concise wording that can be easily read by motorists and pedestrians. All banner designs must be approved by the city prior to production. An event logo may be posted on the banners; however, additional logos are subject to approval. Banners may not contain any commercial or outside sponsorships, election advertising, tobacco or alcohol advertising, or material that is not suitable or appropriate for all ages. City will not install banners that fail to comply with the design guidelines set forth in this policy or that have not been made in accordance with the approved design specifications.

FEES & POLE LOCATIONS

Fee is \$35.00 per pole and banners are limited to placement for a single calendar month. Applicant's total payment will be based according to the selected pole locations in front of the applicant's primary parcel frontage as determined by City staff. Non-profit owned parcels that are not primarily used for the non-profit's charitable use will not be eligible locations for banner

placement. Banner locations across the street will not be considered eligible. Fees are based on the City's cost for installation and removal of banners. Banner locations are divided by streets and area. All fees are due with submittal of the application. Dates will be booked at the time application and fees are received by the City. No dates will be reserved in advance of payment. Eligible locations that the city has banner arms available include:

N Park Avenue (Morse Blvd. to Webster Ave.,)

E Morse Boulevard (Pennsylvania Ave. to Interlachen Ave., double-sided)

New England Avenue (New York Ave. to Hannibal Square West,)

N Orange Avenue (Fairbanks Ave. to Minnesota Ave.,)

E Fairbanks (Pennsylvania Ave. to Ollie Ave.,)

S Park Avenue (Fairbanks Ave. to Morse Blvd,)

W Morse Boulevard (US 17-92 to Pennsylvania Ave., double-sided)

Pennsylvania Avenue (Lyman Ave. to Israel Simpson Court)

South Orange Avenue (Denning Dr. to US 17-92,)

W Fairbanks (US 17-92. to I-4,,)

BANNER POLE LOCATIONS AND SPECIFICATIONS

The City has permanent street banner pole hardware available at the following locations. **Please refer to the "Banner Pole Sizes" for complete measurements:**

East Morse Boulevard West Morse Boulevard

Total flat banner size: 23 1/8" x 51"

Image area: 23 1/8" x 44.5"

North Park Avenue South Park Avenue

Total flat banner size: 20" x 38"

Image area: 20" x 32.5"

New England Avenue

Total flat banner size: 20" x 38"

Image area: 20" x 32.5"

Pennsylvania Avenue

Total flat banner size: 20" x 38"

Image area: 20" x 32.5"

North Orange Avenue South Orange Avenue

Total flat banner size: 20" x 38"

Image area: 20" x 32.5"

Fairbanks Avenue

Total flat banner size: 23 1/8" x 51"

Image area: 23 1/8" x 44.5"

AVAILABILITY

The Economic Development Department is the initial contact for Special Event Banner Policy. The department will keep a calendar of scheduled installations and their locations. The Department will review banner applications when submitted. Banner applicants will be approved on a "first come, first serve" basis. Banners for city use and events will have first priority.

LIABILITY

The applicant must acknowledge and accept full responsibility for public risk. The City, or any division of the City, shall not be held responsible for any damage to the banners due to installation, removal, storage, or wear and tear through the duration of the applicants requested window.

Guidelines and application are available online at cityofwinterpark.org > Departments > Economic Development/CRA Department or by calling 407-599-3225

Submit applications to:

Economic Development/CRA Department
Attention: Special Event Banner Program

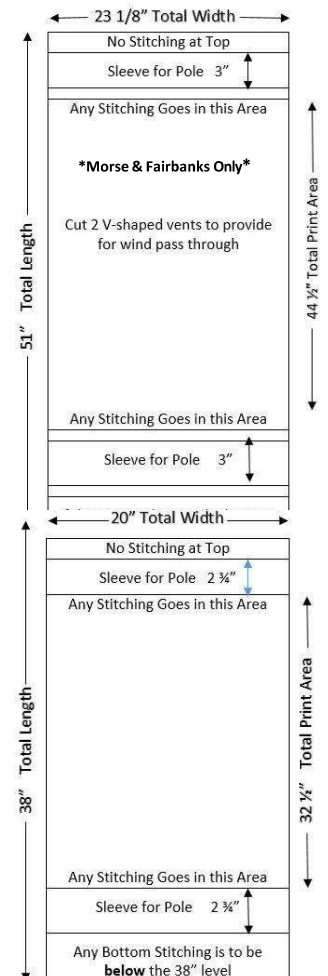


EXHIBIT 1

1. Colleges and Universities – may only display logo banners or anniversary celebration banners
 - a. Rollins
 - b. Valencia
2. Museums and Cultural Partners – may only display current exhibit banners, logo banners or anniversary celebration banners
 - a. Rollins Museum of Art
 - b. Albin Polasek Museum
 - c. Morse Museum
 - d. Winter Park Historical Society
 - e. Casa Feliz Historic Home Museum
 - f. Heritage Center
 - g. Crealde
 - h. Winter Park Playhouse
 - i. Winter Park Chamber of Commerce
 - j. Winter Park Library



Economic Development Department
401 Park Avenue South
Winter Park, FL 32789
Phone: 407-599-3225
www.cityofwinterpark.org

Special Event Banner Application

Organization Name:

Contact Person:

Address:

City, State, Zip Code:

Phone:

Fax:

Email:

Event Name:

Parcel ID #*:

Dates Requested for Banners:

to

Describe the type of event and date:

Banner Location:

- ☐ North Park Avenue
☐ South Park Avenue
☐ East Morse Boulevard
☐ West Morse Boulevard
☐ East Fairbanks Avenue #1
☐ West Fairbanks Avenue #2

- ☐ New England Avenue
☐ Pennsylvania Avenue
☐ Orange Avenue
☐ Denning Drive
☐ East Fairbanks Avenue #2

*Please include a map of the proposed location

Total Amount Due \$

On behalf of the organization listed above, I, as applicant, hereby acknowledge that I have read and understand the Banner Policy Guidelines. The applicant/organization agrees to indemnify and hold harmless the City of Winter Park, its agents, officers, and employees from and against all loss, costs, expenses arising from the display of the banners referenced herein, including any suits, demands, rejections, claims, judgments, liens, and attorney's fees in connection with injury to or death of any person or persons or loss of or damage to property resulting from any and all operations performed by or through this duration of the application and installation process.

The City of Winter Park reserves the right to deny banner placement for any organization or event. Once approved, applicant must schedule a drop date with the Economic Development Department. Applicant understands that banners must be picked up within five (5) business days after removal. The City, or any division of the City, shall not be held responsible for any damage to the banners due to installation, removal, storage, or normal wear and tear as a result of a hung banner. The City has the right to dispose of the banners after the set deadline at no cost to the City.

Organization Representative Signature

Date

City Use Only

Date Received: _____

Dates Available: ☐ Yes ☐ No

Design Approved: ☐ Yes ☐ No

Payment Received: ☐ Yes ☐ No

Amount: \$ _____

Location: _____

Notes: _____



Special Event Banner Program

Economic Development & CRA Department 401 Park Avenue South Winter Park, FL 32789

(P) 407-599-3225

www.cityofwinterpark.org

The City of Winter Park established the Special Event Banner Program to enhance the City's visual appearance and sense of vitality through the use of specially located banner poles. These banners may be used by organizations and groups wishing to publicize community event and activities deemed appropriate by the City. The City's Special Event Banner Program is not intended to serve as a forum for free expression by the public, but is instead intended to encourage the public to work with the City to assist in the promotion of events and occasions that the City deems significant to the culture, history, health, safety, or general welfare of the City of Winter Park.

ELIGIBLE ACTIVITIES

Applications will be allowed only for City events and occasions, not-for-profit community events and occasions, and significant events. A significant event is defined as any event that may bring more than 2,000 individuals to the area. Eligible events must promote the culture, history, health, safety, or general welfare of the City of Winter Park. For Profit businesses that are at least 75 years in age and have demonstrated community value may also participate in the program.

APPLICATION PROCESS

All applications must be submitted to the Economic Development/CRA Department for approval. The department will reserve the dates only after an **application** has been accepted. Applications shall be submitted at least 45 days in advance of the requested installation date and must be accompanied by a full detail of the proposed display, including a drawing of each separate banner design. **The applicant should NOT commence banner creation until receiving design approval from the Economic Development/CRA Department.** Banners will not be permitted for more than 30 days and will be removed within 5 business days after approved display end date. If approved, applicant must deliver banners to the City Hall main lobby no later than one week prior to install date. Applicants must retrieve their banners within 5 business days after removal.

DESIGN GUIDELINES

Banners must be made from non-combustible material that will not shred and that is weatherproof. We recommend strong colorful graphics, concise wording that can be easily read by motorists and pedestrians. All banner designs are to be approved prior to production by the City's Economic Development/CRA Director or their designee. Event logo may be posted on the banners. Additional logos are subject to approval. Banners may not contain any commercial or outside sponsorships, election advertising, or tobacco or alcohol advertising. City will not install banners which fail to comply with the design guidelines or which have not been made in accordance with design specifications.

FEES

Applicant's total payment will be based according to the selected pole locations. Fees are based on the City's cost for installation and removal of banners. Banner locations are divided by streets and area. All fees are due with submittal of the application. Dates will be booked at the time application and fees are received by the City. No dates will be reserved in advance of payment. For Profit banners installed in celebration of 75+ years in business can be funded through this program

North Park Avenue.....	\$510.00	(Morse Blvd. to Webster Ave., 17 poles)
South Park Avenue... ..	\$480.00	(Fairbanks Ave. to Morse Blvd, 16 poles)
East Morse Boulevard... ..	\$600.00	(Pennsylvania Ave. to Interlachen Ave., 10 double-sided poles)
West Morse Boulevard.....	\$660.00	(US 17-92 to Pennsylvania Ave., 11 double-sided poles)
New England Avenue... ..	\$480.00	(New York Ave. to Hannibal Square West, 16 poles)
Pennsylvania Avenue... ..	\$780.00	(Lyman Ave. to Israel Simpson Court, 26 poles)
North Orange Avenue... ..	\$600.00	(Fairbanks Ave. to Minnesota Ave, 21 poles)
South Orange Avenue... ..	\$600.00	(Denning Dr. to US 17-92, 21 poles)
Denning Drive	\$960.00	(Webster Ave. to Fairbanks Ave, 32 poles)
East Fairbanks #1... ..	\$690.00	(Pennsylvania Ave. to Park Ave., 23 poles)

East Fairbanks #2.....\$510.00 (Park Ave. to Ollie Ave., 17 poles)

West Fairbanks #1..... \$1350.00 (US 17-92. to Clay St., 45 poles)

West Fairbanks #2... ..\$1350.00 (Clay St. to I-4., 45 poles)

BANNER POLE LOCATIONS AND SPECIFICATIONS

The City has permanent street banner pole hardware available at the following locations. **Please refer to the “Banner Pole Sizes” for complete measurements:**

East Morse Boulevard 10 double-arm poles (20 banners total)

West Morse Boulevard 11 double-arm poles (22 banners total)

Total flat banner size: 23 1/8" x 51"

Image area: 23 1/8" x 44.5"

North Park Avenue 17 single-arm poles

South Park Avenue 16 single-arm poles

Total flat banner size: 20" x 38"

Image area: 20" x 32.5"

New England Avenue 16 single-arm poles

Total flat banner size: 20" x 38"

Image area: 20" x 32.5"

Denning Drive 32 single-arm poles

Total flat banner size: 20" x 38"

Image area: 20" x 32.5"

Pennsylvania Avenue 26 single-arm poles

Total flat banner size: 20" x 38"

Image area: 20" x 32.5"

North Orange Avenue 20 single-arm poles

South Orange Avenue 20 single-arm poles

Total flat banner size: 20" x 38"

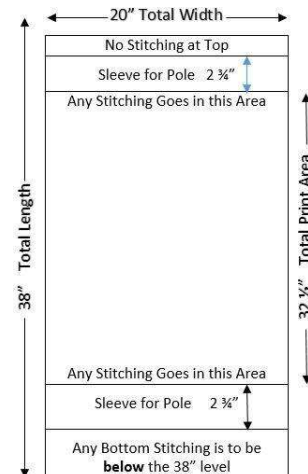
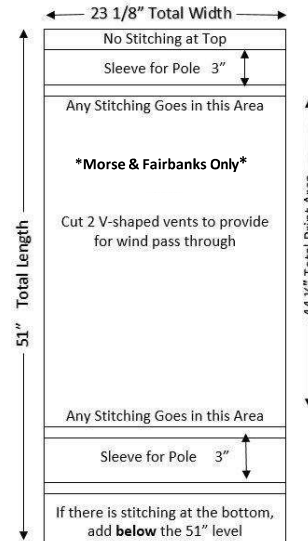
Image area: 20" x 32.5"

Fairbanks Avenue #1 23 single-arm poles (**West:** 45 single-arm poles)

Fairbanks Avenue #2 17 single-arm poles (**West:** 45 single-arm poles)

Total flat banner size: 23 1/8" x 51"

Image area: 23 1/8" x 44.5"



AVAILABILITY

The Economic Development Department is the initial contact for Special Event Banner Policy. The department will keep a calendar of scheduled installations and their locations. The Economic Development Department Manager will review banner applications when submitted. Banner applicants will be approved on a “first come, first serve” basis. City events and applicants submitting for regularly scheduled annual events will have first priority.

LIABILITY

The applicant must acknowledge and accept full responsibility for public risk. The City, or any division of the City, shall not be held responsible for any damage to the banners due to installation, removal, or storage.

Guidelines and application are available online at cityofwinterpark.org > Departments > Economic Development/CRA Department or by calling 407-599-3225

Submit applications to: Economic Development/CRA Department
Attention: Special Event Banner Program
401 S. Park Avenue
Winter Park, FL 32789



Economic Development Department
401 Park Avenue South
Winter Park, FL 32789
Phone: 407-599-3225
www.cityofwinterpark.org

Special Event Banner Application

Organization Name:

Contact Person:

Address:

City, State, Zip Code:

Phone:

Fax:

Email:

Event Name:

Event Date(s):

Dates Requested for Banners:

to

Describe the type of event:

Banner Location:

- | | | | |
|--|------------|--|------------------------------|
| ☐ North Park Avenue | \$ 510.00 | ☐ New England Avenue | \$ 480.00 |
| ☐ South Park Avenue | \$ 480.00 | ☐ Pennsylvania Avenue | \$ 780.00 |
| ☐ East Morse Boulevard | \$ 600.00 | ☐ Orange Avenue | \$ 600.00 (\$ 1200 for both) |
| ☐ West Morse Boulevard | \$ 660.00 | ☐ Denning Drive | \$ 960.00 |
| ☐ East Fairbanks Avenue #1 | \$ 690.00 | ☐ East Fairbanks Avenue #2 | \$ 510.00 |
| ☐ West Fairbanks Avenue #2 | \$ 1350.00 | ☐ West Fairbanks Avenue #2 | \$ 1350.00 |

Total Amount Due \$

On behalf of the organization listed above, I, as applicant, hereby acknowledge that I have read and understand the Banner Policy Guidelines. The applicant/organization agrees to indemnify and hold harmless the City of Winter Park, its agents, officers, and employees from and against all loss, costs, expenses including suits, demands, claims, judgements, liens, attorney's fees in connection with injury to or death of any person or persons or loss of or damage to property resulting from any and all operations performed by or through this application.

The City of Winter Park reserves the right to deny banner placement for any organization or event. Once approved, applicant must schedule a drop date with the Economic Development Department. Applicant understand that banners must be picked up within five (5) business days after removal. The City, or any division of the City, shall not be held responsible for any damage to the banners due to installation, removal, or storage. The City has the right to dispose of the banners after the set deadline at no cost to the City.

Organization Representative Signature

Date

City Use Only

Date Received: _____

Dates Available: ☐ Yes ☐ No

Design Approved: ☐ Yes ☐ No

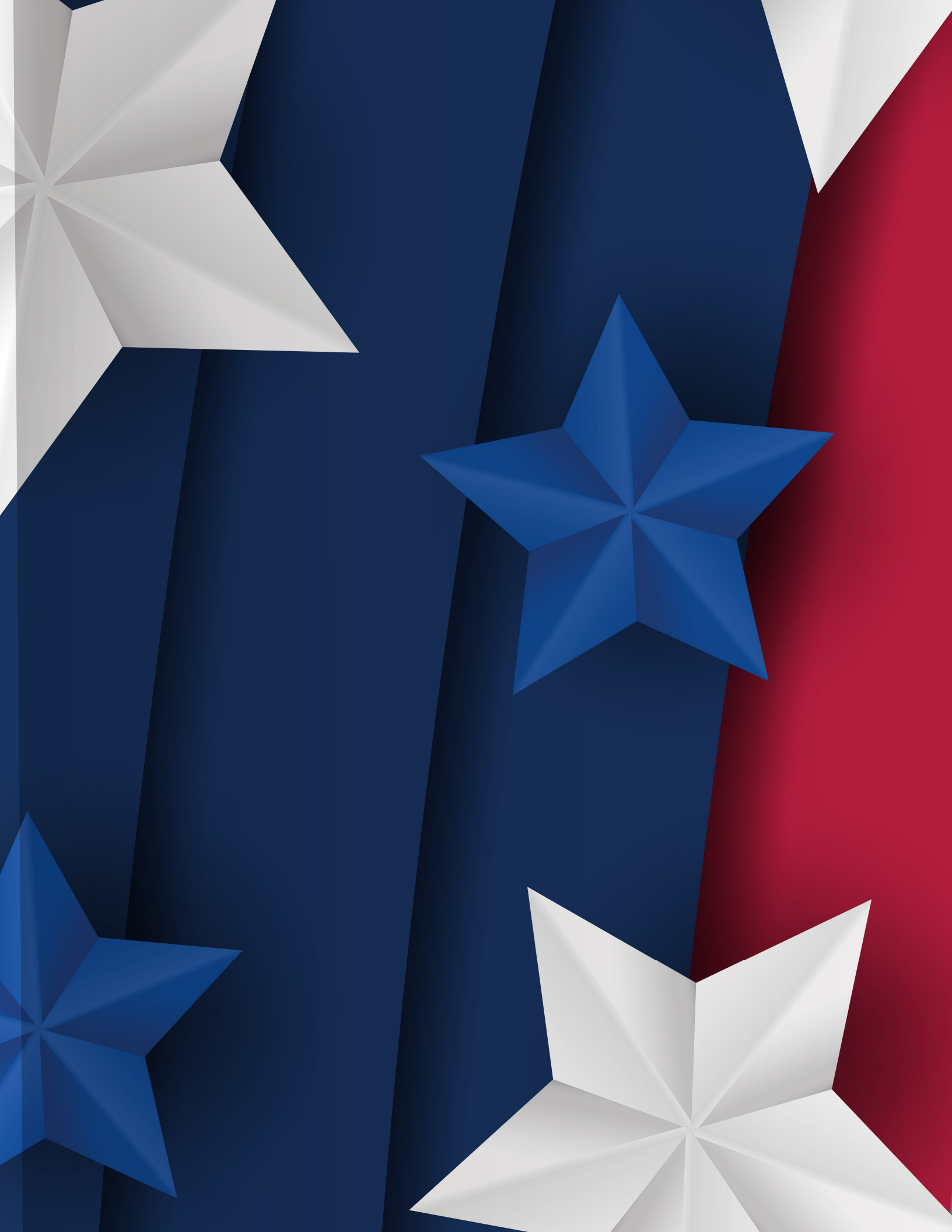
Payment Received: ☐ Yes ☐ No

Amount: \$ _____

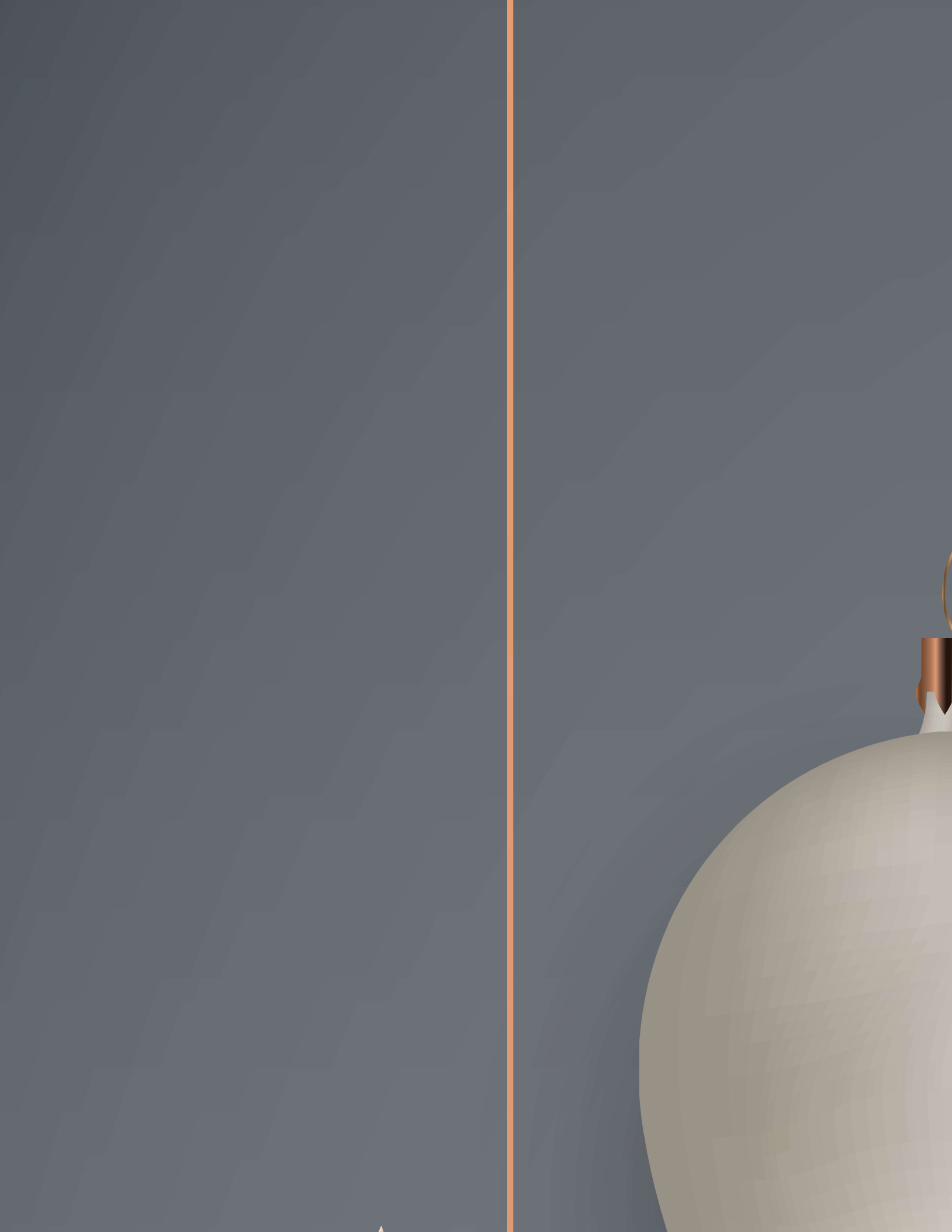
Location: _____

Notes: _____













City Commission **agenda item**

item type Public Hearings: Quasi-Judicial Matters (Public participation and comment on these matters must be in-person.)	meeting date March 22, 2023
prepared by Jeffrey Briggs	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Resolution 2270-23: Request of Thomas Grinder and James Warner to designate the property at 1424 Cavendish Road, built in 1949, to the Winter Park Register of Historic Places.

motion / recommendation

The Historic Preservation Board has recommended approval.

background

Thomas Grinder and James Warner have voluntarily agreed to designate the home at 1424 Cavendish Road, built in 1949, to the Winter Park Register of Historic Places. This home at 1424 Cavendish Road is an example of the Minimal Traditional architectural style that is a development style popular in the Orwin Manor neighborhood during the 1940's. The one-story stucco sided dwelling still has period metal casement windows and some of the architectural detailing from the original construction.

The Historic Preservation Board has talked about the reasons for qualification for historic designation. One is being an example of an architectural style that preserves some of the City's architectural heritage. Another is to maintain the size and scale of homes versus the current trend of demolitions and rebuilds with two-story modern boxes.

The home is a two-bedroom, one bath of 1,036 sq. ft. living area and a one-car garage for a total size of 1,303 sq. ft.

The Walter Rose Company of Orlando developed Orwin Manor as a subdivision in the 1920s. Many of the original houses in the subdivision are from the 1920's–1940's. This home retains some of its original architectural integrity and is the size and scale of the earlier homes in Orwin Manor and thus qualified for listing on the Winter Park Register of

Historic Places.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

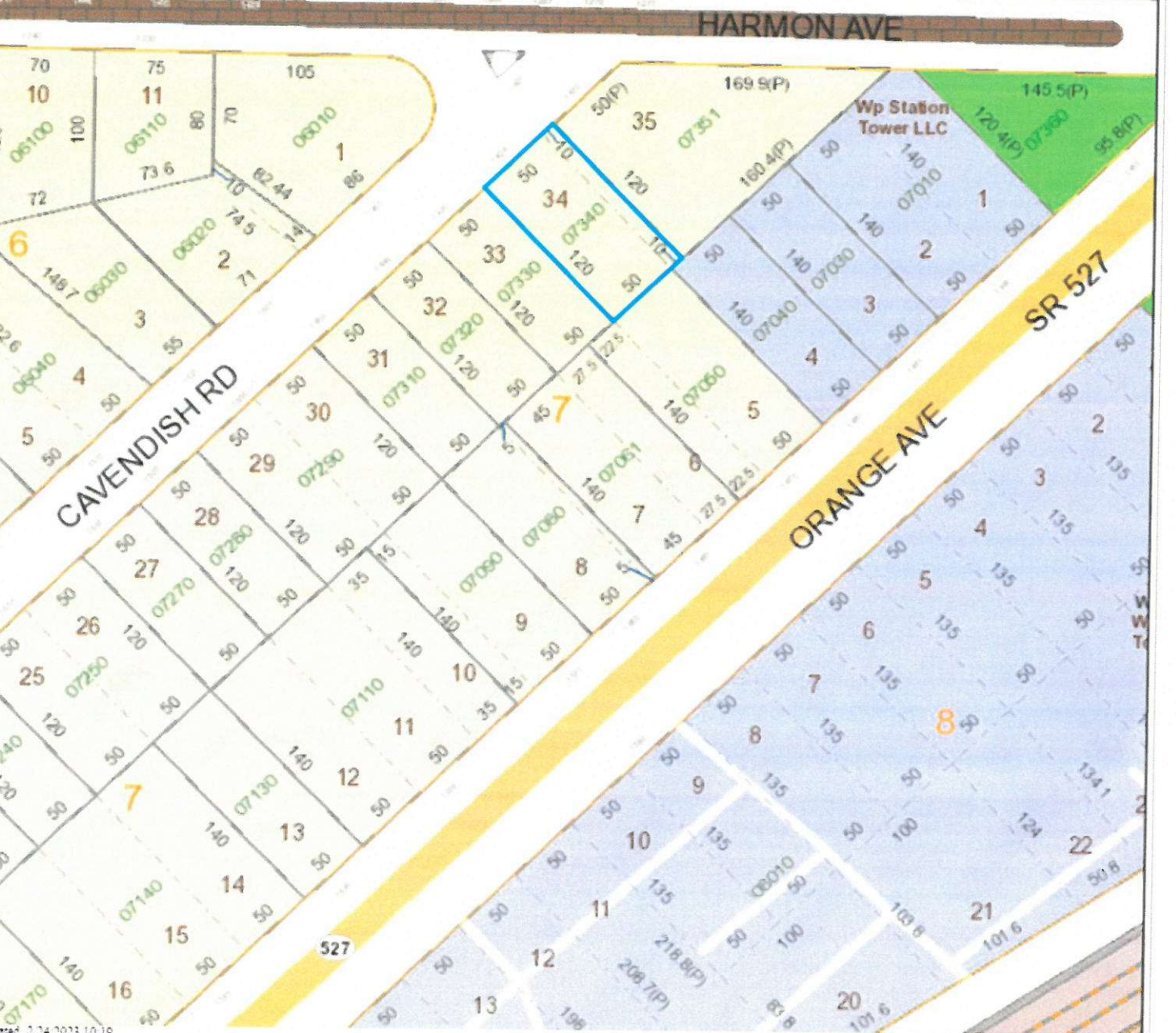
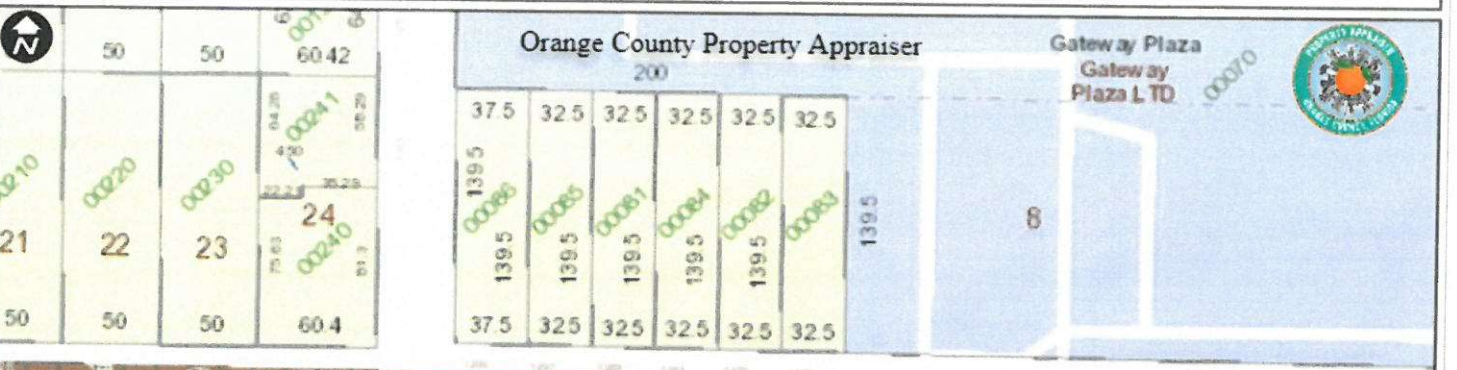
[Map and pictures.pdf](#)

ATTACHMENTS:

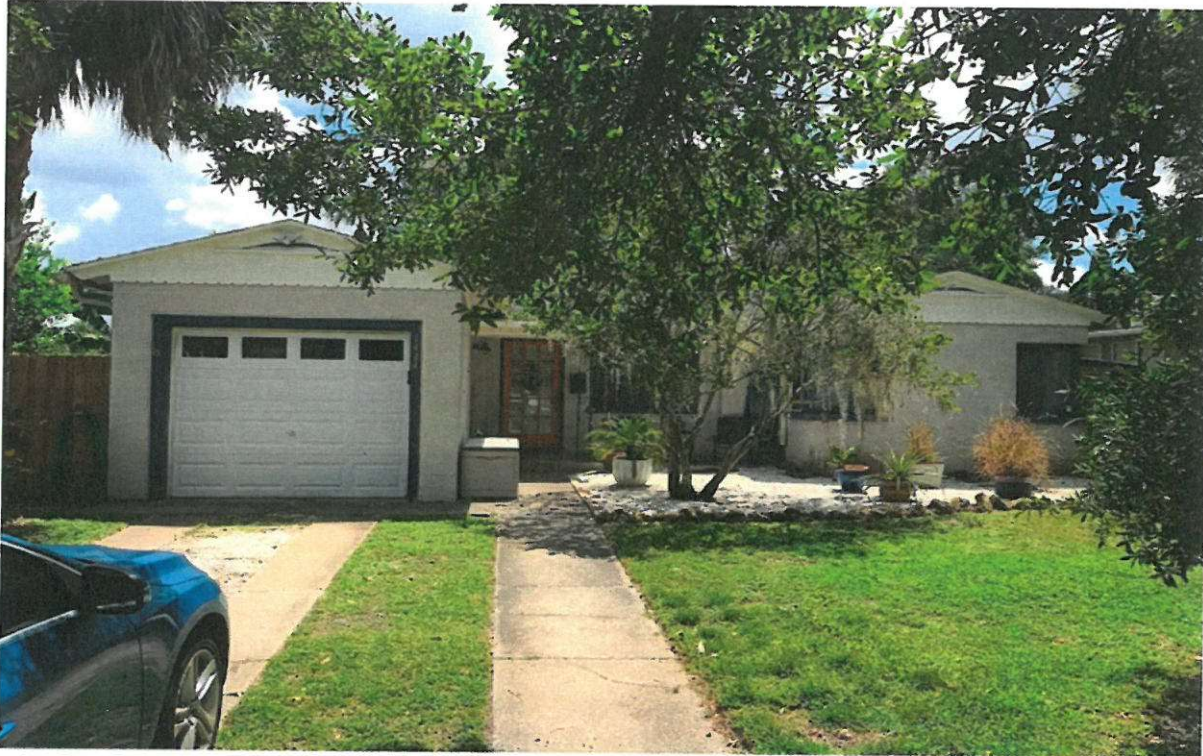
[Resolution_1424_Cavendish.doc](#)

OCA Web Map

	Florida Turnpike		Proposed Road		Residential		Commercial/Industrial Vacant Land		Parks		6 Lot Number
	Interstate 4		Public Roads		Agriculture		Agricultural Curtilage		Lakes and Rivers		06060 Parcel Number
	Toll Road		Gated Roads		Commercial/Institutional		Hydro		Building		3106 Parcel Address
	Road Under Construction		Block Line		Governmental/Institutional/Misc		Waste Land		E Block Number		111.9 Parcel Dimension
	Brick Road		Lot Line								



1424 Cavendish Street Views



1424 CAVENDISH RD, WINTER PARK, FL 32789 9/2/2020 12:49 PM



1424 Cavendish Road - Aerial View



RESOLUTION 2270-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1424 CAVENDISH ROAD, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

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

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

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

WHEREAS, the Winter Park Historic Preservation Board has determined and recommended that the property at 1424 Cavendish Road with the existing home built in 1949 is an example of the Minimal Traditional style architecture popular during that period.

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

SECTION 1. That the City Commission of the City of Winter Park hereby designates 1424 Cavendish Road as a historic resource on the Winter Park Register of Historic Places.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 22nd day of March, 2023.

Phillip Anderson, Mayor

ATTEST:

Rene Cranis, City Clerk



City Commission agenda item

item type Public Hearings: Quasi-Judicial Matters (Public participation and comment on these matters must be in-person.)	meeting date March 22, 2023
prepared by Jeffrey Briggs	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Request by Winter Park National Bank to re-establish and extend the Conditional Use approval for a three-story building with one drive-in teller at 345 Carolina Avenue.

motion / recommendation

Staff recommendation is for approval.

background

On August 28, 2017 the City Commission approved a conditional use to build a three-story, 9,926 sq. ft. office building with one drive-in teller on the property at 345 Carolina Avenue. That project was to remove the existing former SunTrust five-lane drive-in tellers with this new building. Reducing the number of bank drive-in teller lanes and replacing with office space was deemed beneficial for the downtown. There were no variances required and parking on-site is adequate for both buildings. The one teller lane was to be used by Winter Park National Bank, which is a tenant on the first floor of the adjacent office building at 201 N. New York Avenue, owned by the Albertson-Williams partnership.

When Winter Park National Bank decided to buy this office/teller building project (including construction plans) from the Albertson-Williams partnership, they were concerned about the expiration of the conditional use approval. Conditional use approvals expire after two years unless extended by the City Commission. Thus, on November 26, 2018 the Winter Park National Bank was approved by the City Commission to extend the conditional use for an additional three years after the date it would have expired on August 28, 2019 until August 28, 2022.

The Zoning Code anticipating situations just like this one, where a project would neglect to recall when the conditional use expires, allows for both the re-establishment and extension of conditional uses. This is especially true in situations like this where nothing

has changed about the project, and nothing has changed in the Land Development Code to affect this project.

At this time, the Winter Park National Bank believes that they are ready to construct this project and has submitted for building permit. However, as the conditional use has expired, they need re-establishment and are requesting another three-year extension from the previous expiration on August 28, 2022 until August 28, 2025.

Conditional uses for three story buildings in the Central Business District require two public hearings. So, when we are done, there will have been six city commission public hearings on this project.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Extend CU Letter for 345 Carolina.pdf](#)

ATTACHMENTS:

[Backup minutes and plans.pdf](#)

ATTACHMENTS:

[345 Carolina Ave._Extend CU display ad.doc](#)

GODBOLD, DOWNING, BILL & RENTZ

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

TELEPHONE (407) 647-4418

222 WEST COMSTOCK AVENUE
SUITE 101
WINTER PARK, FLORIDA 32789

FACSIMILE (407) 647-2089

February 13, 2023

VIA EMAIL jbriggs@cityofwinterpark.org
AND U.S. MAIL

Mr. Jeffrey Briggs, Planning & Transportation Director
City of Winter Park
401 Park Avenue, South
Winter Park, Florida 32789

Re: Conditional Use Approval to redevelop the former SunTrust drive in teller location at 345 Carolina Avenue with a new three story office building of 9,926 square feet and including one bank drive through teller (the "Conditional Use")

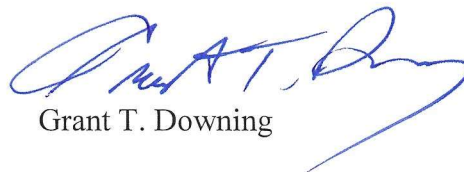
Dear Jeff:

As we discussed, my client, Winter Park National Bank, the owner of the property at 349 Carolina Avenue would like to request an extension of the Conditional Use approval for the former SunTrust drive in teller location at 345 Carolina Avenue through the date which is three (3) years after we receive our requested extension.

We would like to proceed with this extension as soon as possible. Please let me know what, if any, additional items you need in order to process this request and the amount of funds necessary to reimburse the City for advertising and mailing costs. I will have those items and a check delivered to you as soon as possible.

As always, thank you for your assistance.

Sincerely yours,



Grant T. Downing

GTD/klh

cc: Sid Cash (via email)
David Dotherow (via email)

November 26, 2018 minutes

Motion made by Commissioner Sprinkel to adopt the comprehensive plan ordinance; seconded by Commissioner Weldon. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Motion made by Commissioner Sprinkel to adopt the zoning ordinance; seconded by Commissioner Weldon. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

d. Request for an extension of the Conditional Use approval at 345 Carolina Avenue

Planning Manager Jeff Briggs explained the request was made because the project is not ready to begin and are asking for three additional years after the expiration of the current approval of August 2019.

Attorney Grant Downing, representing the applicant Sid Cash who was present, spoke in support of the request.

Motion made by Commissioner Sprinkel to approve the extension, seconded by Commissioner Cooper. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

- e. AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS TO CHANGE THE MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO OPEN SPACE AND RECREATION WITH A CONSERVATION OVERLAY FUTURE LAND USE DESIGNATION ON THE 3.12 ACRES OF PROPERTY LOCATED AT 2899 TEMPLE TRAIL, ON THE EAST SIDE OF TEMPLE TRAIL ADJACENT TO HOWELL CREEK, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO PARKS AND RECREATION (PR) DISTRICT ZONING ON THE 3.12 ACRES OF PROPERTY LOCATED AT 2899 TEMPLE TRAIL, ON THE EAST SIDE OF TEMPLE TRAIL ADJACENT TO HOWELL CREEK, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read both ordinances by title. Planning Manager Jeff Briggs explained this one parcel purchased to the wetlands was not zoned parks and

*City Commission Minutes
August 28th CV Approval
Original Approval*

LIMITATION, PLACEMENT, MAINTENANCE, AND REPLACEMENT OF WIRELESS AND OTHER COMMUNICATIONS FACILITIES IN THE CITY'S RIGHTS-OF-WAY, COLLOCATION OF SMALL WIRELESS FACILITIES ON EXISTING UTILITY POLES, PLACEMENT OF NEW UTILITY POLES, INSURANCE AND SURETY BOND REQUIREMENTS, PERMITTING PROCEDURES AND REQUIREMENTS, APPEALS, SAFETY REQUIREMENTS, WAIVERS, REVIEW DEADLINES, DEFINITIONS, REGISTRATION OF COMMUNICATIONS SERVICE PROVIDERS, AND FEES; PROVIDING OBJECTIVE DESIGN STANDARDS; PROVIDING AND INCORPORATING EXHIBITS; PROVIDING FOR CITY COMMISSION AUTHORITY, CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Sprinkel to adopt the ordinance; seconded by Mayor Leary. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, and Cooper voted yes. The motion carried unanimously with a 4-0 vote (Commissioner Weldon was absent).**

- b. RESOLUTION NO. 2192-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING 1167 LAKEVIEW DRIVE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES

Attorney Ardaman read the resolution by title. Brooks Weiss, City Architect, explained the delay with this because of waiting to resolve the purchase of the property.

Motion made by Commissioner Cooper to adopt the resolution; seconded by Commissioner Sprinkel. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, and Cooper voted yes. The motion carried unanimously with a 4-0 vote. (Commissioner Weldon was absent).**

- c. Request of the Albertson-Williams Partnership II: Conditional Use Approval to redevelop the former Sun Trust drive-in teller location at 345 Carolina Avenue with a new Three-Story Office Building of 9,926-Square-Feet and including one bank Drive-Thru Teller Lane, Zoned Office (O-1)

City Planner Jeff Briggs explained the location, the building size, complies with the FAR, the parking spaces needed, variances for the height because of the roof slope, other building heights surrounding this building, the elevation, and the positive recommendation from the Planning and Zoning Board.

Motion made by Commissioner Cooper to approve the request with the comments incorporated by the Planning and Zoning Board (that the project be restricted to a non-interior illuminated monument sign and non-interior illuminated wall signage in conformance with the CBD façade design

guidelines); seconded by Commissioner Seidel. No public comments were made.

Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, and Cooper voted yes. The motion carried unanimously with a 4-0 vote. (Commissioner Weldon was absent).

- d. Request of the City of Winter Park to Amend the "Comprehensive Plan" Future Land Use Map to change from Institutional to Open Space and Recreation Future Land Use Designation, and to Amend the Official Zoning Map from Public, Quasi-Public (PQP) to Parks and Recreation (PR) District Zoning on the Property Located Between 652 and 700 West Morse Boulevard

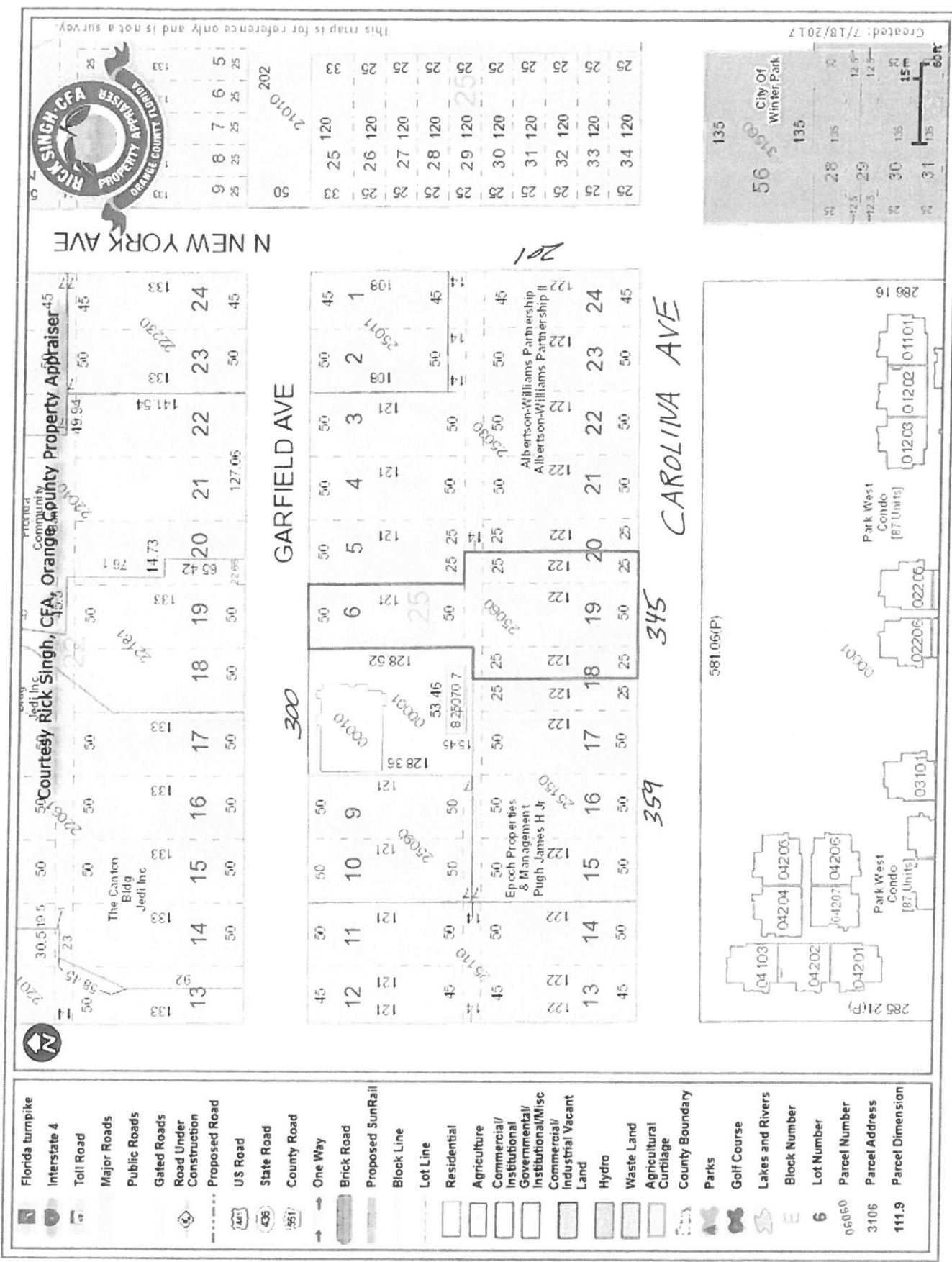
AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF INSTITUTIONAL TO OPEN SPACE AND RECREATION ON THE PROPERTY LOCATED BETWEEN 652 AND 700 WEST MORSE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE First Reading

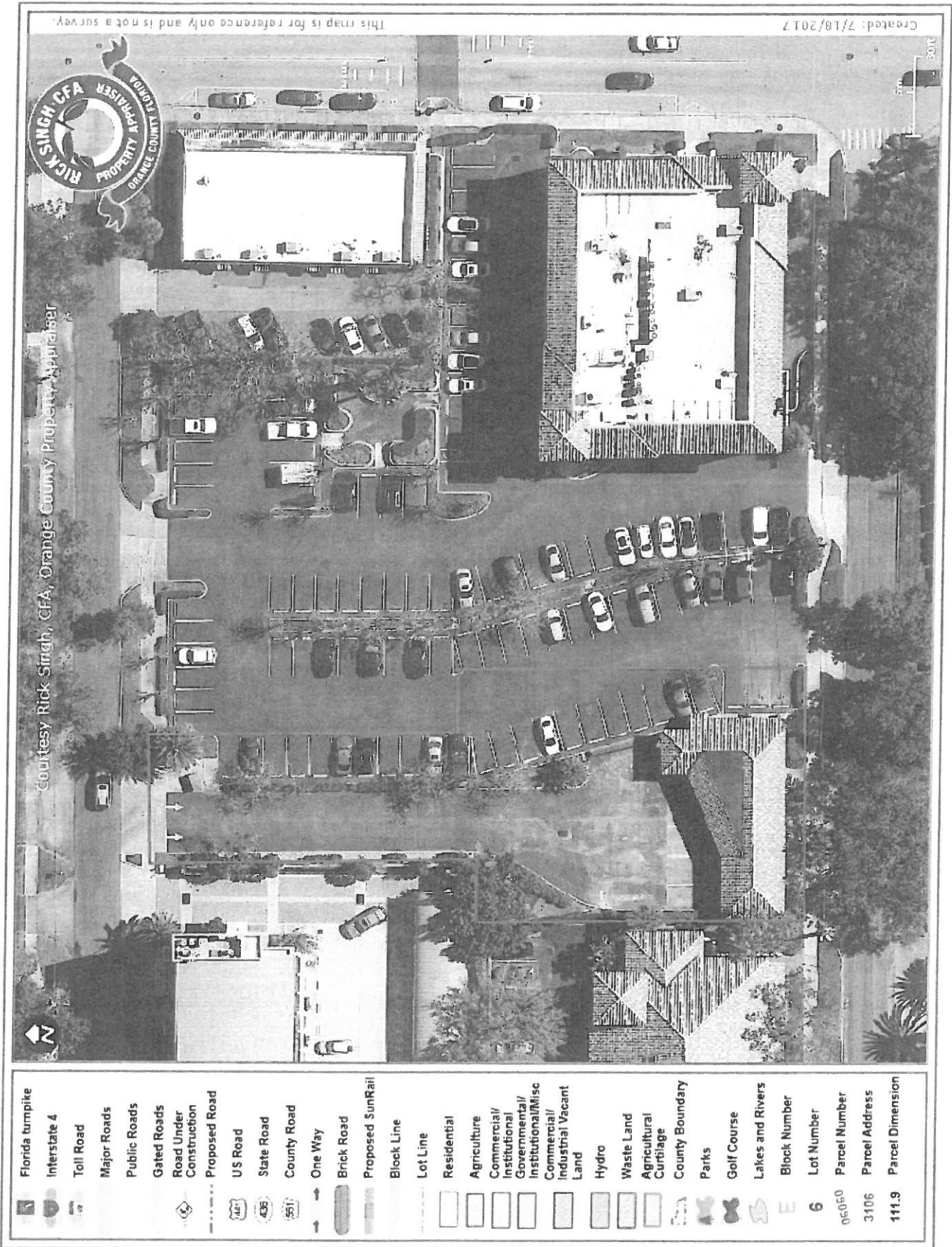
AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE PUBLIC, QUASI-PUBLIC (PQP) DISTRICT ZONING TO PARKS AND RECREATION (PR) DISTRICT ZONING ON THE PROPERTY LOCATED BETWEEN 652 AND 700 WEST MORSE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE First Reading

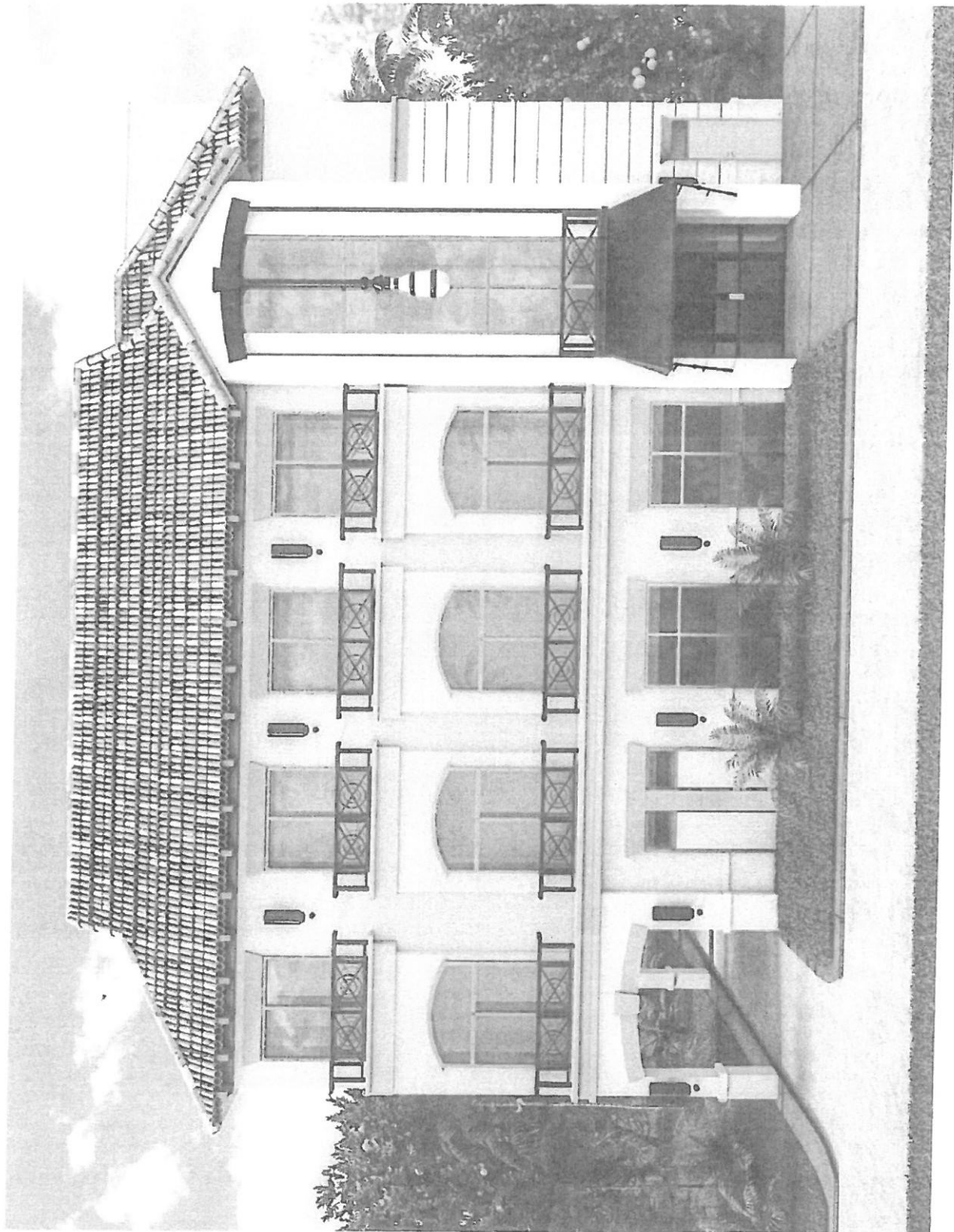
Attorney Ardaman read both ordinances by title. Planning Manager Jeff Briggs explained the intent and the sale conditioned was on this becoming Parks and Recreation zoning. No public comments were made.

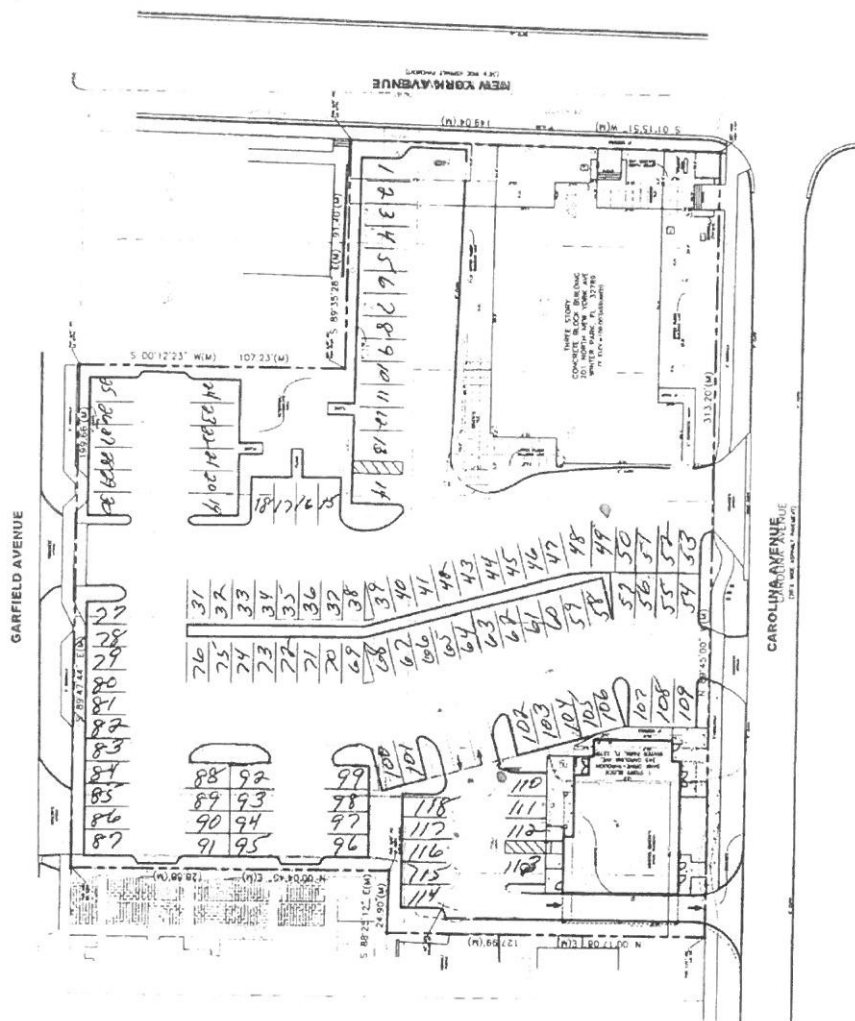
Motion made by Commissioner Sprinkel to accept the first ordinance on first reading; seconded by Mayor Leary. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, and Cooper voted yes. The motion carried unanimously with a 4-0 vote. (Commissioner Weldon was absent).

Motion made by Commissioner Sprinkel to accept the second ordinance on first reading; seconded by Commissioner Cooper. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, and Cooper voted yes. The motion carried unanimously with a 4-0 vote. (Commissioner Weldon was absent).











Public Hearing

NOTICE OF REQUEST TO EXTEND AND RE-ESTABLISH A CONDITIONAL USE APPROVAL AT 345 CAROLINA AVENUE

NOTICE IS HEREBY GIVEN BY THE CITY OF WINTER PARK, FLORIDA, that public hearings will be held by the **City Commission on Wednesday, March 22, 2023, at 3:30 p.m.** and on **Wednesday, April 12, 2023 at 3:30 pm** in the Commission Chambers of City Hall at 401 S. Park Ave., Winter Park, Florida, 32789, to consider a request to re-establish and extend the conditional use approval previously granted for 345 Carolina Ave. for a three-story office building with one bank drive-in teller, zoned C-3.

Copies of the proposed development plans are available now for inspection in the Planning Department in City Hall, Monday through Friday, from 8 a.m. to 5 p.m., and beginning Thursday, March 16, 2023, on the city's website at cityofwinterpark.org.



All interested parties are invited to attend and be heard with respect to the adoption of the proposed amendments. Additional information is available in the Planning Department so that citizens may acquaint themselves with each issue and receive answers to any questions they may have prior to the hearing.

Pursuant to the provisions of the Americans with Disabilities Act: any person requiring special accommodation to participate in this meeting, because of disability or physical impairment, should contact the Planning & Community Development Department at 407-599-3453, at least 48 hours in advance of this hearing.

Pursuant to §286.0105 of the Florida Statutes: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.



City Commission agenda item

item type Public Hearings: Quasi-Judicial Matters (Public participation and comment on these matters must be in-person.)	meeting date March 22, 2023
prepared by Jeffrey Briggs	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Request of R. B. Equities, Inc.: for Conditional Use approval to allow for the development of four two-story townhouses at 730 Minnesota Avenue, zoned R-3.

motion / recommendation

The Planning and Zoning Board has recommended approval subject to the following three conditions:

1. That the demolition contractor meet with urban forestry staff on-site prior to permit issue and prior to the start of demolition to outline the procedures for protection of the trees and operating standards during demolition.
2. That the foundation design and implementation for the building sides closest to the trees be comprised of a pier and lentil system/grade beam spanning from pier footing to pier footing at the base of the wall to minimize impact upon the tree root systems.
3. That a waiver on complete compliance with storm water retention may be provided if deemed in the best interests to preserve tree root systems.

background

R. B. Equities, Inc. (contract holder) is requesting Conditional Use approval to build four (4) two-story townhouses at 730 Minnesota Avenue, zoned R-3. This approval also permits the subsequent fee simple sale of those units, subject to platting of the property.

Background:

This property at 730 Minnesota Avenue, on the southeast corner with Azalea Lane is 22,734 square feet in size (0.52 acres), zoned R-3 and holds two residential structures built in 1907 and 1920. The applicant plans to demolish those two structures and build four new two-story townhouses. Under the R-3 zoning, this site potentially could yield eight residential units versus the four units requested. The limiting factor to the building size is the 75% maximum floor area ratio which this project is fully utilizing at 17,049

square feet of total building area. This averages to 4,262 square feet per unit. Total impervious coverage is 55% versus the maximum permitted of 60%. There are three major live oak trees and one pine tree that have shaped the site plan for their preservation.

Proposed Townhouse Project:

The site plan shows the 4 townhomes arranged with two buildings of one unit separated along Minnesota Avenue and two units within a duplex building along Azalea Lane. This orientation of the buildings and composition was solely intended to shape the site plan to save these major trees.

This project conforms to the R-3 zoning regulations but is requesting street front variances due to the location of the existing trees. Residence One has a 15-foot front setback for a portion of the building and 20-foot setback to the garage from Minnesota Avenue in lieu of the required 25-foot setback. Residence Two also has a 15-foot front setback for a portion of the building and 20-foot setback to the garage from Minnesota Avenue in lieu of the required 25-foot setback, as well as a 15-foot setback to Azalea Lane in lieu of the required 20-foot setback. Residences Three and Four have a similar 15-foot front setback for a portion of the building and 20-foot setback to the garage from Azalea Lane. The required setbacks to the adjacent neighboring properties would be 20 feet versus the 10 feet shown since as a four-unit townhouse project, the multi-family setbacks standards apply. However, if it were viewed as just a single unit or duplex then the 10-foot side setbacks would apply.

Staff is in support of these setback variances for these buildings to be closer to the two streets. The planning and urban forestry staff have worked with the applicant to devise a site plan and floor plan layout that does not deprive the applicant of the square footage allowable under the R-3 zoning while accomplishing the preservation of the four major trees on-site.

Tree Preservation:

As described, the property owner and buyer can redevelop this site to the intensity permitted by the R-3 zoning. The staff goal has been to protect the trees. One important consideration is to avoid trenching the footers for the townhouses on the sides closest to the tree to minimize damage to the root system. The pier and lentil system with a beam on grade on those sides will accomplish that goal. It is also critically important during the demolition phase to protect these trees that are within just a few feet of the buildings to be demolished.

Summary and Recommendation:

This project meets the R-3 regulations with the exception of the variances outlined which are requested at the urging of city staff in order to preserve the existing live oak trees and

pine tree.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

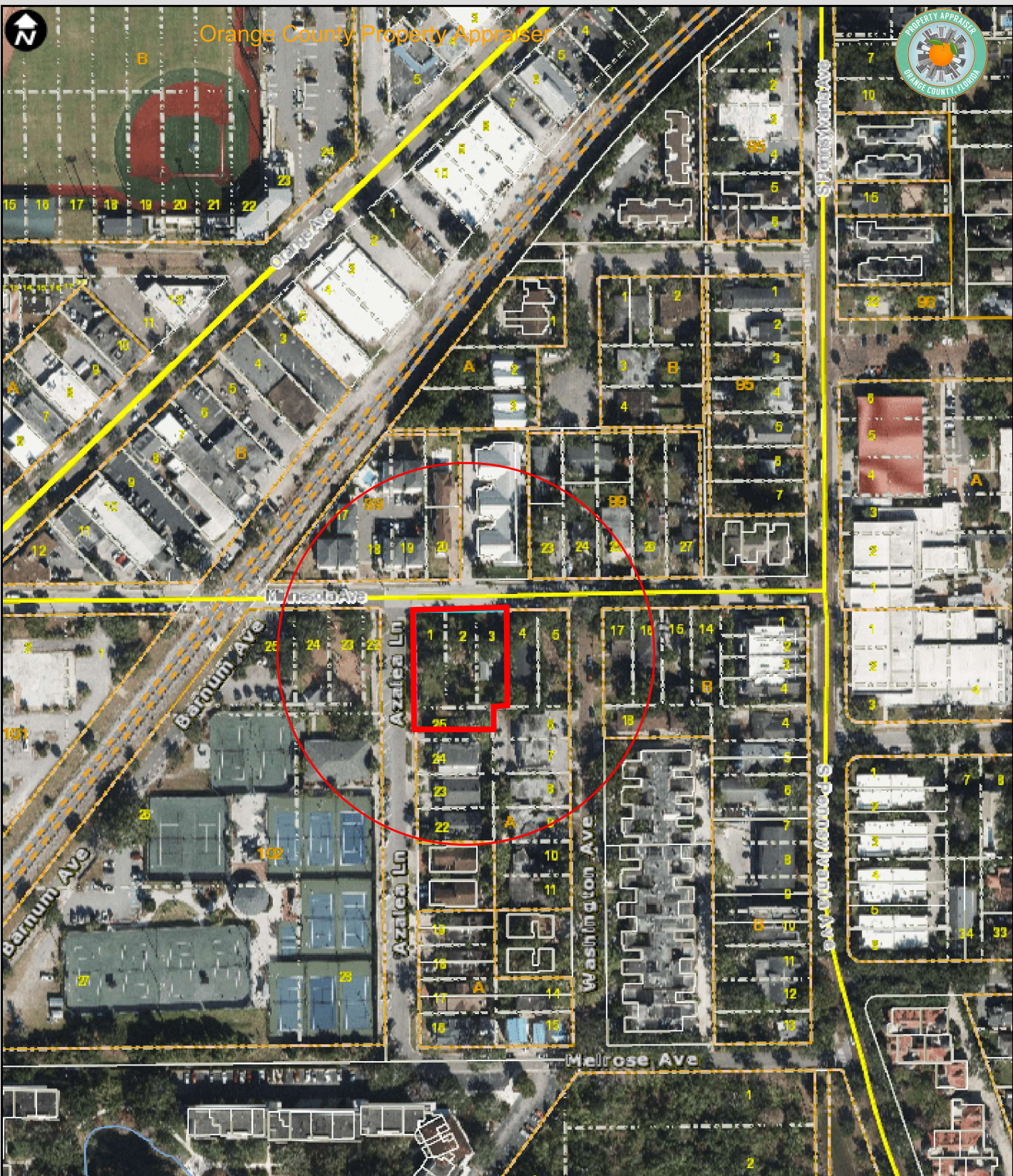
[Aerial Vicinity Map.pdf](#)

ATTACHMENTS:

[2302 PRELIMINARY CONDITIONAL USE PLAN.pdf](#)

OCA Web Map

Florida Turnpike	Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Interstate 4	Public Roads	Brick Road	Lot Line	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Toll Road	Gated Roads	Rail Road	Residential	Commercial/Industrial/Vacant Land	County Boundary	Building
Road Under Construction	Proposed SunRail	Agriculture	Agricultural Curtilage	Parks	Hospital	



Created: 1/31/2023 14:20 Aerial 2022

This map is for reference only and is not a survey

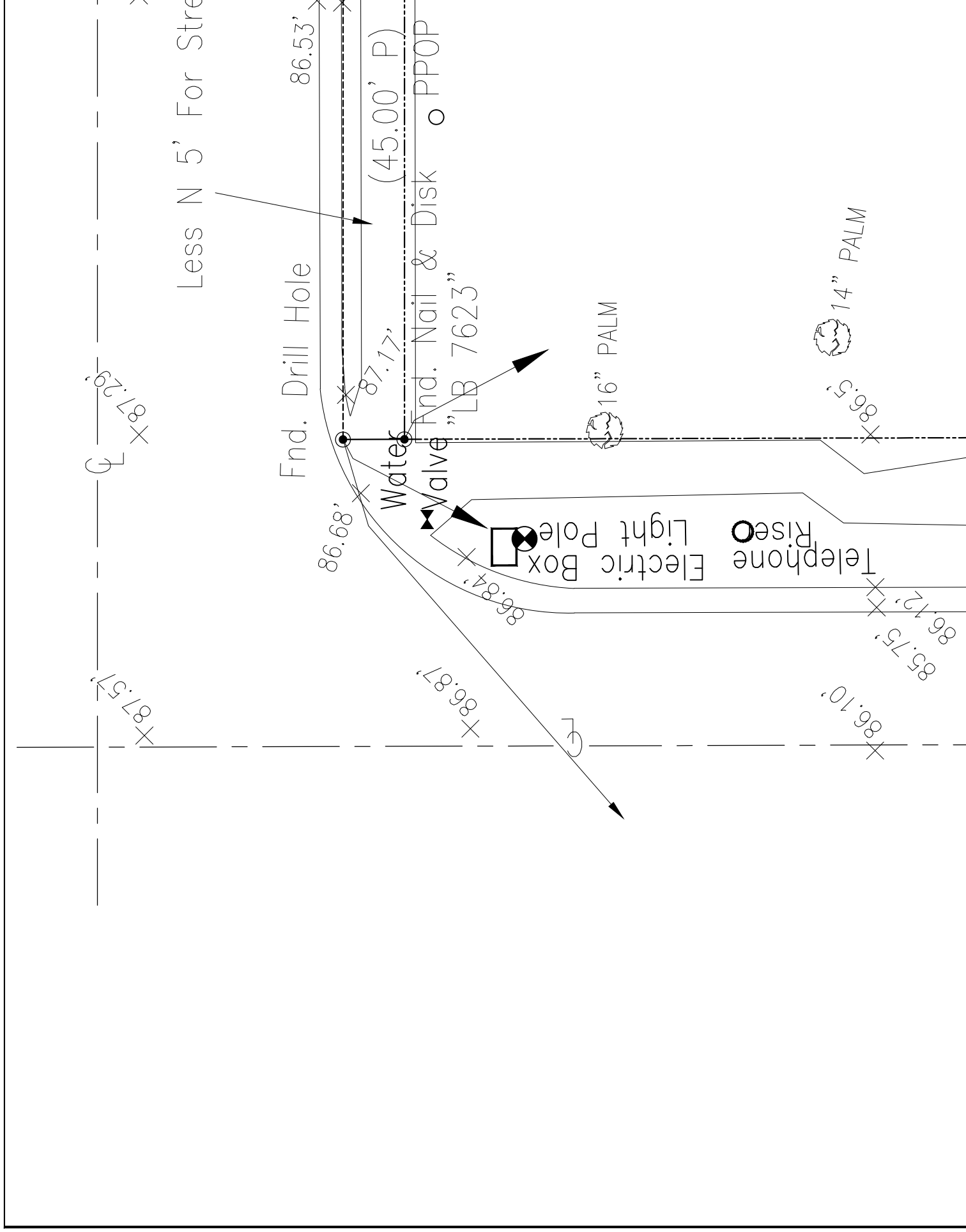
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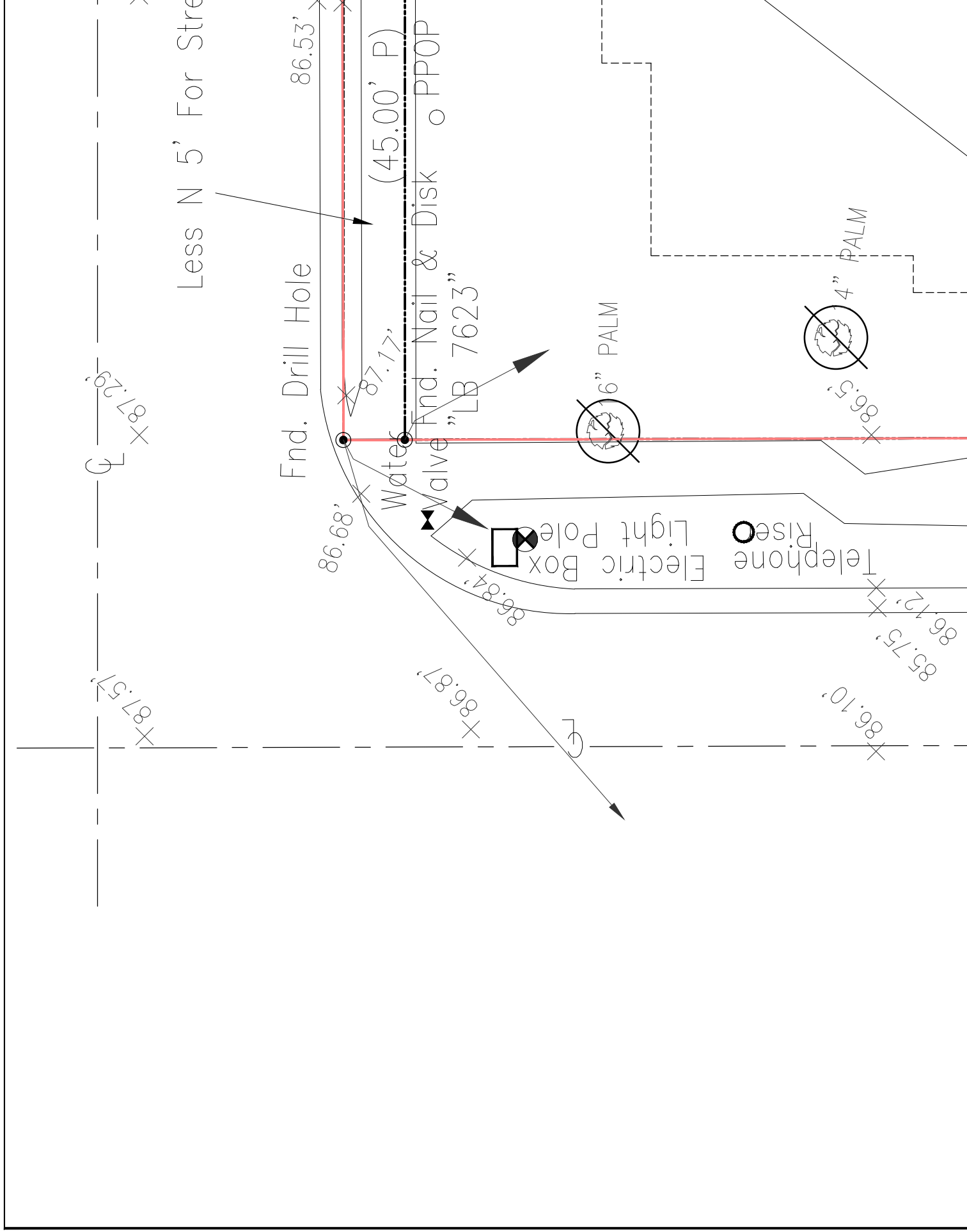
LOTS 1,2 AND 3 (LESS N 5 FEET FOR STREET) AND LOT 25 (LESS SOUTH 15 FEET),
BLOCK A, CHEROKEE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK L, PAGE 137, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

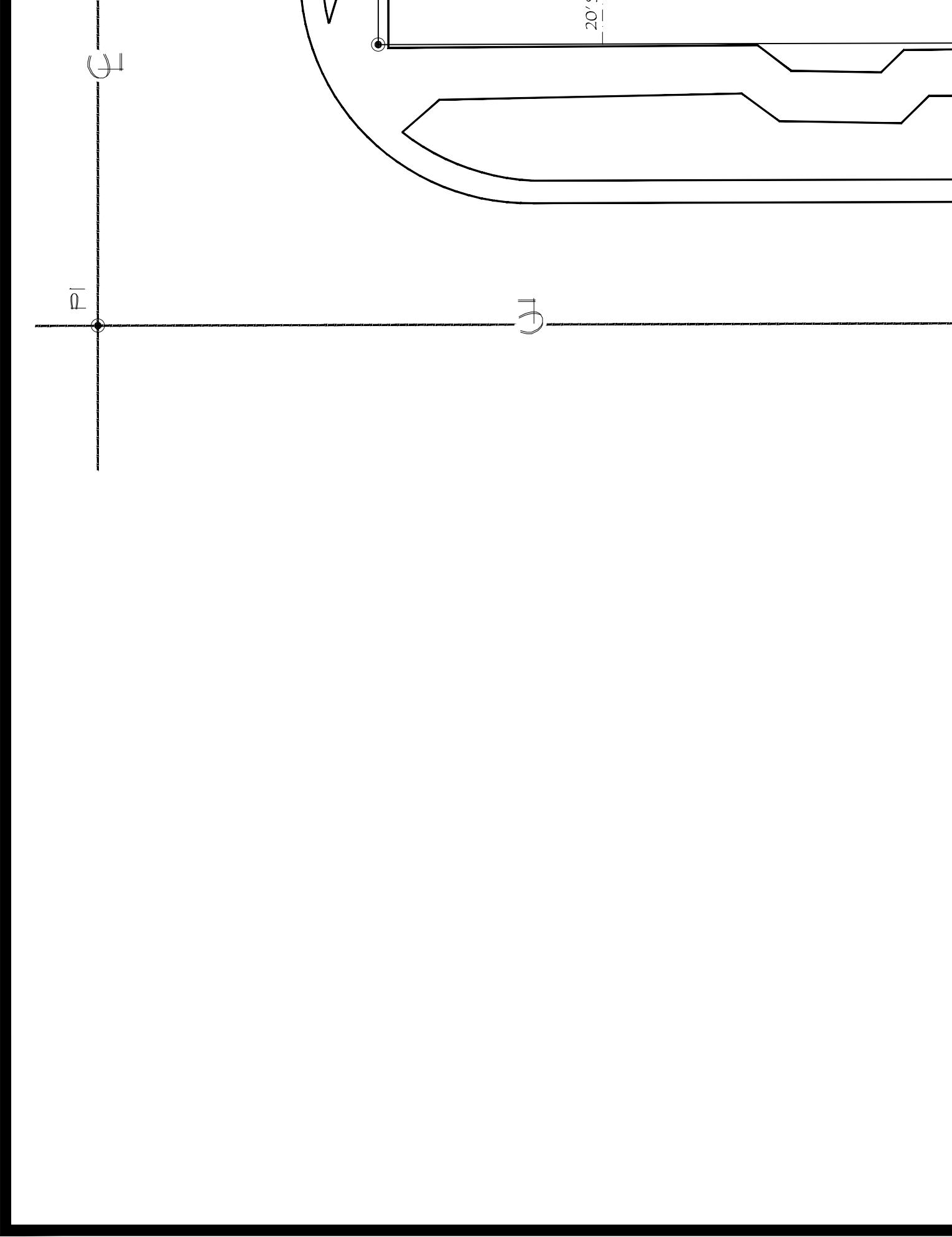
UTILLITY PURVEYORS:

ELECTRIC: WINTER PARK

WATER: WINTER PARK







(4

MINNESOTA

87.29' X

87.57' X

N 89°59' 2"

86.53' X
86.97' X

(45.00' P)

86.68' X

Water Valve

Telephone Electric Box
Rise Light Pole

86.84' X

86.87' X

86.10' X

85.75' X
86.12' X

15' SETBACK LINE

20' SETBACK LINE

86.25

85.0

86.75

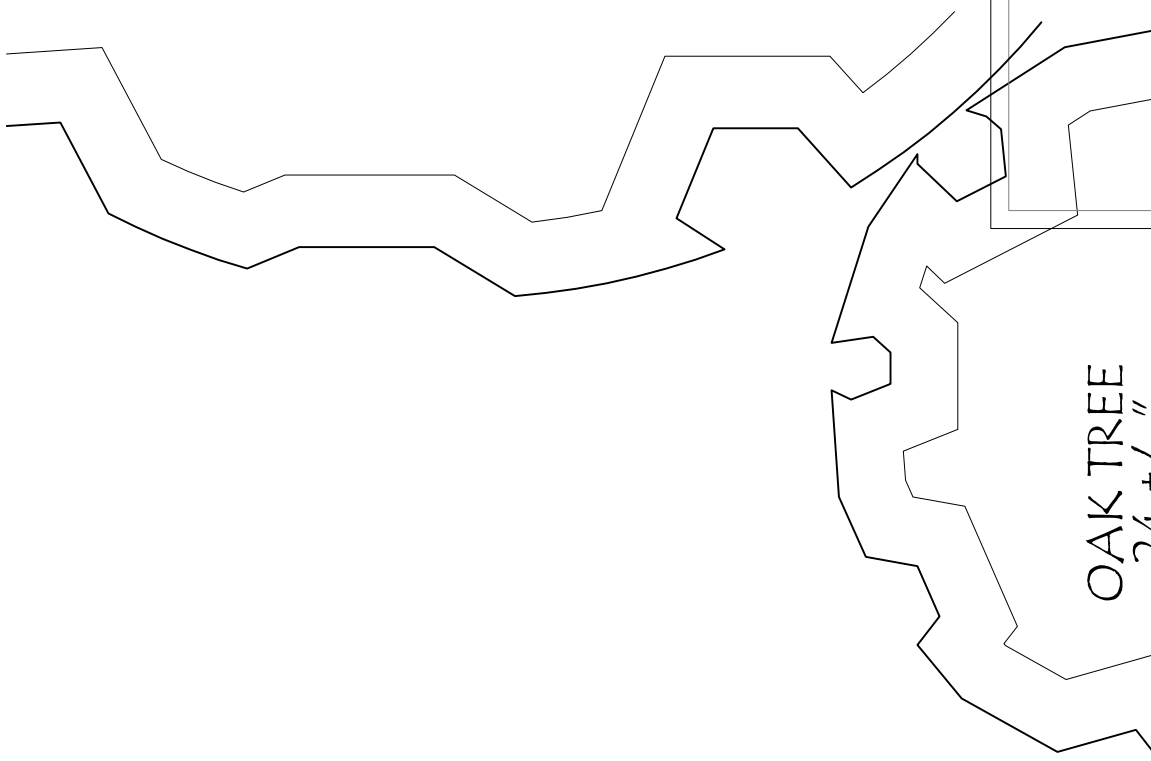
86.25

NEW DRY RETENTION
4:1 MAX. SIDE SLOPE

FINISH FLOOR 87.25

86.97' X

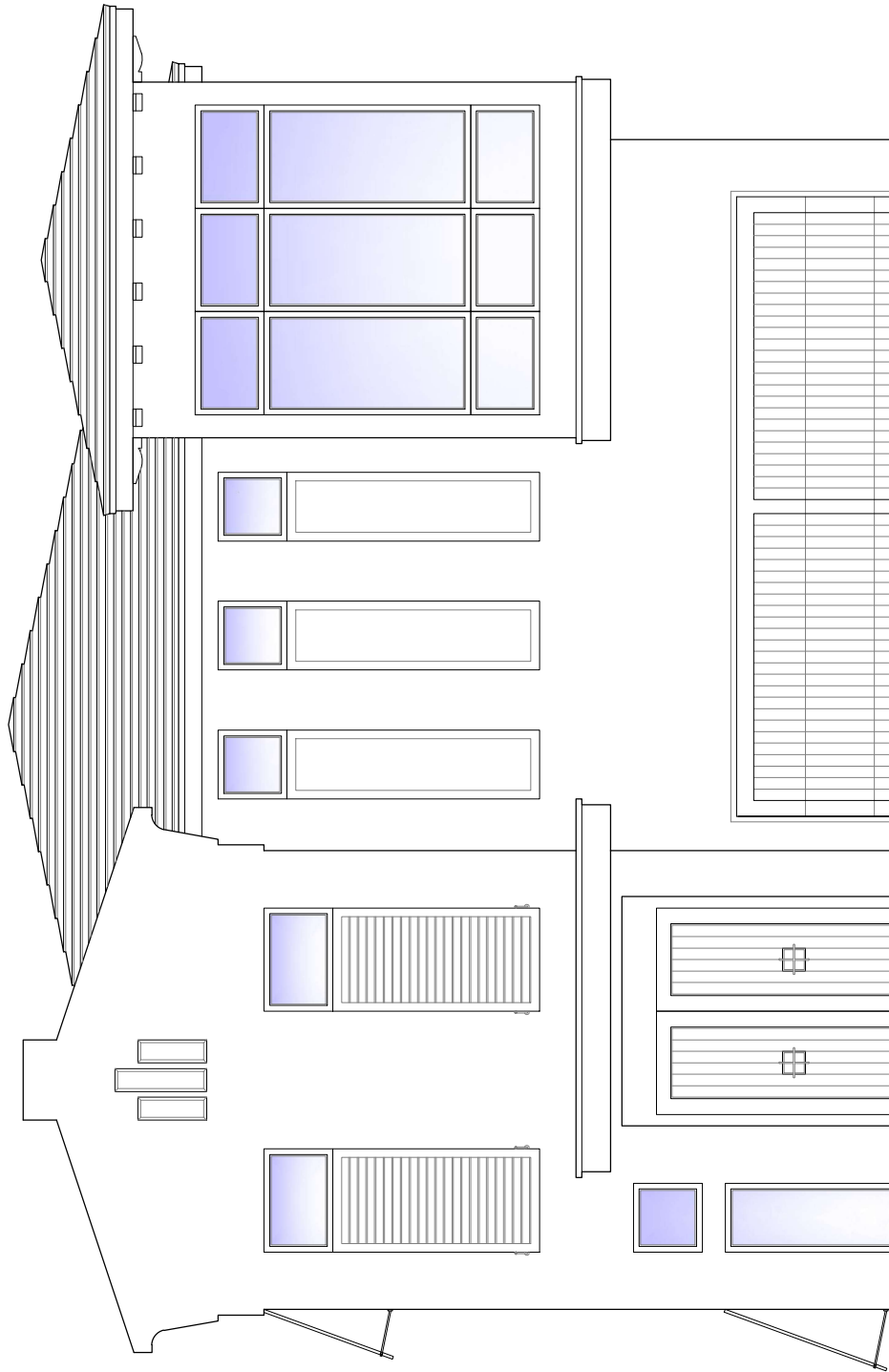


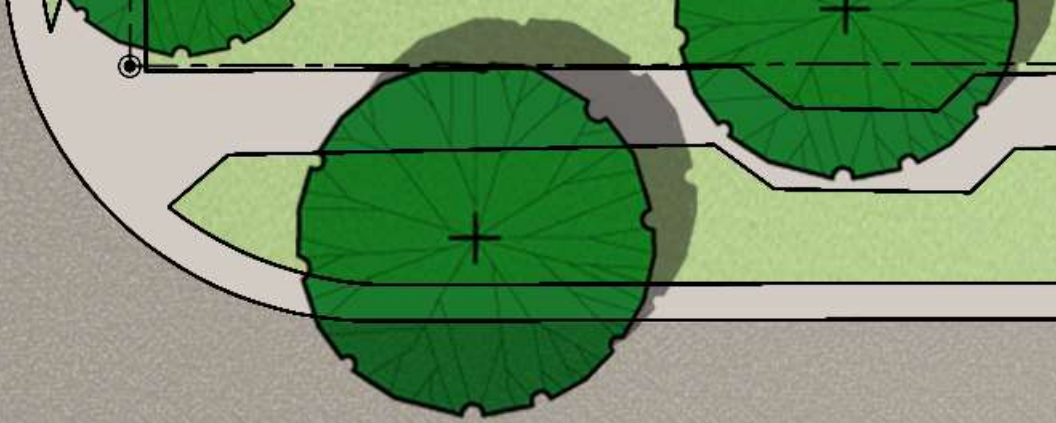


OAK TREE
2 1/4"

GUEST

OF PROPERTY







City Commission **agenda item**

item type Public Hearings: Quasi-Judicial Matters (Public participation and comment on these matters must be in-person.)	meeting date March 22, 2023
prepared by Rene Cranis	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Ordinance 3268-23: Vacating the western 15 feet of Via Tuscany right-of-way located at 2433 Via Tuscany (2nd reading)

motion / recommendation

Approve vacation of western 15 feet of Via Tuscany right-of-way in front of 2433 Via Tuscany.

background

The city received a request to vacate the western 15 feet of Via Tuscany right-of-way in front of 2433 Via Tuscany. On the basis of precedent with respect to the two properties located immediately to the north along Via Tuscany, specifically:

Ordinance 2602-04: Abandoning a portion of the western 15' of the right-of-way of Via Tuscany, 2499 Via Tuscany, September 13, 2004; and

Ordinance 2864-11: Vacating and abandoning the easement located at 2525 Via Tuscany Lane, December 12, 2011.

Staff agrees this right-of-way section is appropriate to vacate. All pertinent utility signoff's have been reviewed.

alternatives / other considerations

Not approve request to vacate.

fiscal impact

No direct fiscal impact as part of this action

ATTACHMENTS:

[Letter re Release of W15 ROW at 2433 Via Tuscany.pdf](#)

ATTACHMENTS:

[Ordinance 3268-23 Vacating_Portion_of_Via_Tuscany_ROW.doc](#)

Brandon K. Hueber
2433 Via Tuscany
Winter Park, FL 32789

February 8, 2023

VIA EMAIL (dmarcotte@cityofwinterpark.org)

Don Marcotte, City Engineer
City of Winter Park
500 N. Virginia Avenue
Winter Park, FL 32789

**Re: Letter of Request for Release of the Western 15 feet of Right of Way of Via Tuscany
Located at 2433 Via Tuscany, Winter Park, FL 32789**

Dear Don:

The purpose of this letter is to request that the City of Winter Park release the western 15 feet of right of way in front of my residence at 2433 Via Tuscany on the basis of precedent with respect to the two properties located immediately to the north along Via Tuscany, specifically:

Ordinance 2602-04: Abandoning a portion of the western 15' of the right-of-way of Via Tuscany, 2499 Via Tuscany, September 13, 2004; and

Ordinance 2864-11: Vacating and abandoning the easement located at 2525 Via Tuscany Lane, December 12, 2011.

The right of way at issue was dedicated by record plat, therefore, upon your confirmation that the City is amenable to this request, I will comply with the requirements of §177.101, Florida Statutes, with respect to such release and provide evidence thereof to you.

Please note that a survey of the right of way (with legal description) and all required utility approvals with respect to this request are attached to this letter. Please contact me if you would like to discuss this letter or the request herein. I can be reached by email at bhueber@csere.com or by phone at (407) 446-2625.

Sincerely,



Brandon K. Hueber

cc: Thomas Conner, City Surveyor
encl: Survey; Utility Approval Letters

Brandon K. Hueber
2433 Via Tuscany
Winter Park, FL 32789

January 24, 2023

RE: UTILITY COMPANY APPROVAL OF RIGHT OF WAY RELEASE

City of Winter Park

Attn: Jason Riegler, Water/Wastewater Asst. Utility Director (jriegler@cityofwinterpark.org)

Dear Jason:

I am in the process of requesting the City of Winter Park vacate a portion of the right of way as shown on the copy of the enclosed tax map. The site is located at 2433 Via Tuscany, Winter Park, FL. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me by email at bhueber@csere.com. If you have any questions, please contact me at the same email or by phone at (407) 446-2625.

Sincerely,



Brandon K. Hueber

☐ The subject parcel is not within our service area.

☒ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.

☐ The subject parcel is within our service area. We object to the vacation.

Additional comments: No facilities within requested right-of-way to be vacated.

Signature: 

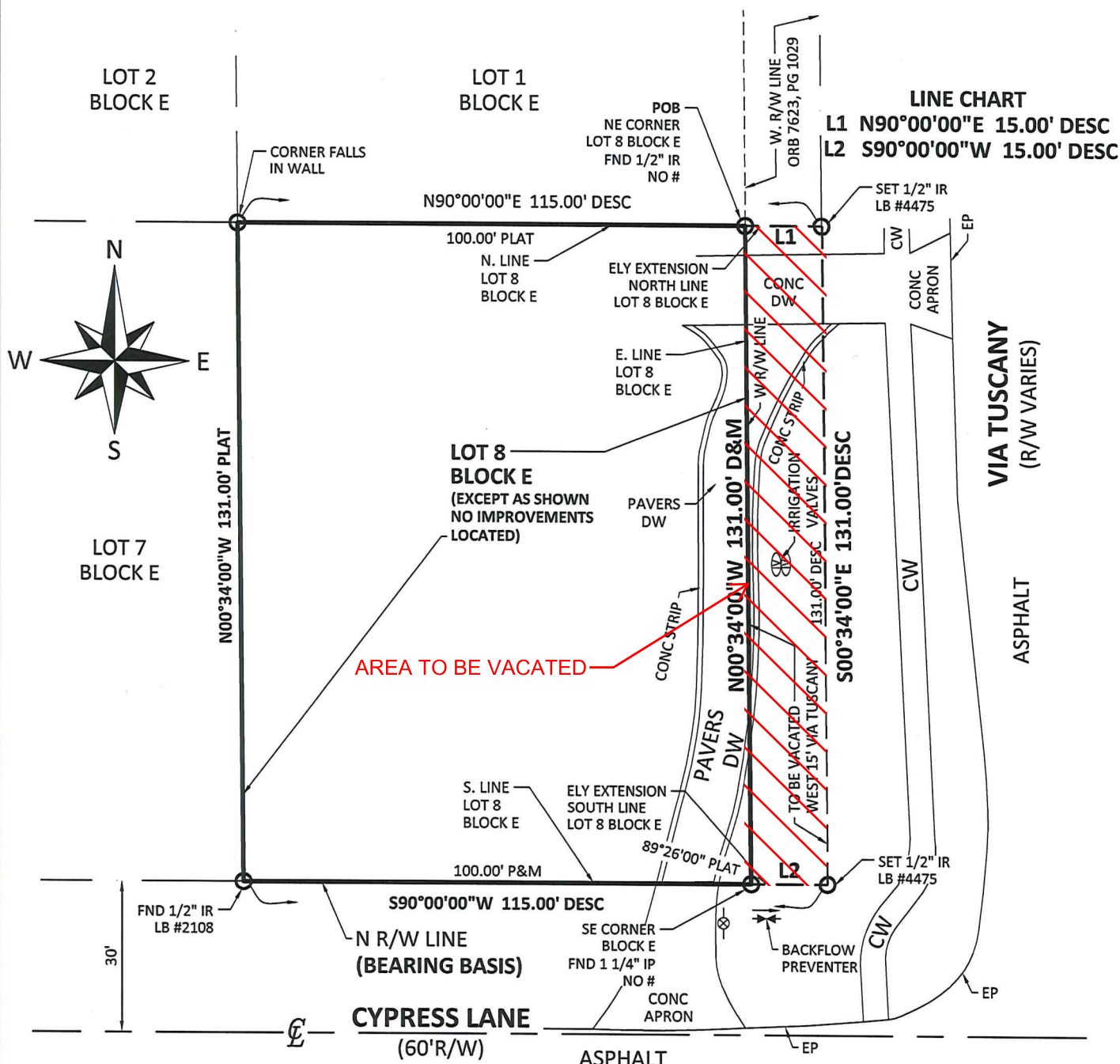
Print Name: Jason Riegler, P.E.

Title: Assistant Director
Water and Wastewater Department

Date: January 25, 2023

TOGETHER WITH THE WEST 15.00 FEET OF VIA TUSCANY LYING EAST OF LOT 8, BLOCK E, MAITLAND SHORES FIRST ADDITION, AS RECORDED IN PLAT BOOK S, PAGE 68, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBES AS:

BEGIN AT THE NORTHEAST CORNER OF LOT 8, BLOCK E, MAITLAND SHORES FIRST ADDITION, AS RECORDED IN PLAT BOOK S, PAGE 68, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING ON THE WEST RIGHT-OF-WAY LINE OF VIA TUSCANY AS RECORDED IN SAID MAITLAND SHORES FIRST ADDITION; RUN THENCE N90°00'00"E ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 15.00 FEET; THENCE S00°34'00"E A DISTANCE OF 131.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 8; THENCE S90°00'00"W A DISTANCE OF 15.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE N00°34'00"W ALONG THE EAST LINE OF SAID LOT 8 A DISTANCE OF 131.00 FEET TO THE POINT OF BEGINNING.



JOB #56482	REVISIONS	BOUNDARY SURVEY CERTIFIED TO: BRANDON HUEBER
CF# OCS-68 LOT 8 BLOCK E	56593 1/24/23 ADDED DESCRIPTION FOR R/W SNH	
SURVEY DATE: 12/21/22		
SCALE: 1" = 20'		
DRAWN BY: RAC		

Brandon K. Hueber
2433 Via Tuscany
Winter Park, FL 32789

January 25, 2023

RE: UTILITY COMPANY APPROVAL OF RIGHT OF WAY RELEASE

City of Winter Park
Attn: Mo Belfakih (mbelfakih@cityofwinterpark.org)

Dear Mo:

I am in the process of requesting the City of Winter Park vacate a portion of the right of way as shown on the copy of the enclosed tax map. The site is located at 2433 Via Tuscany, Winter Park, FL. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me by email at bhueber@csere.com. If you have any questions, please contact me at the same email or by phone at (407) 446-2625.

Sincerely,



Brandon K. Hueber

_____ The subject parcel is not within our service area.

X_____ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.

_____ The subject parcel is within our service area. We object to the vacation.

Additional comments:

Signature: Mourad Belfakih

Print Name: Mourad Belfakih

Title: Electrical Utility Engineer Manager

Date: 2/06/2023

2/6/2023



Mr. Brandon Hueber

P845075
No Reservations/No Objection

SUBJECT: vacation request for a portion of Via Tuscany road right-of-way as shown in Maitland Shores First Addition, as recorded in Plat Book S, Page 68 in Orange County, Florida.

Mr. Hueber:

CenturyLink of Florida, Inc. has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

If you have any questions please contact Jerry Peacock at 850-933-8440 or jerry.a.peacock@lumen.com.

Sincerely yours,

Victoria S. Bucher, SR/WA, R/W-NAC, R/W-AMC
Network Real Estate- ROWA
33 North Main Street
Winter Garden, FL 34787
Victoria.bucher@lumen.com

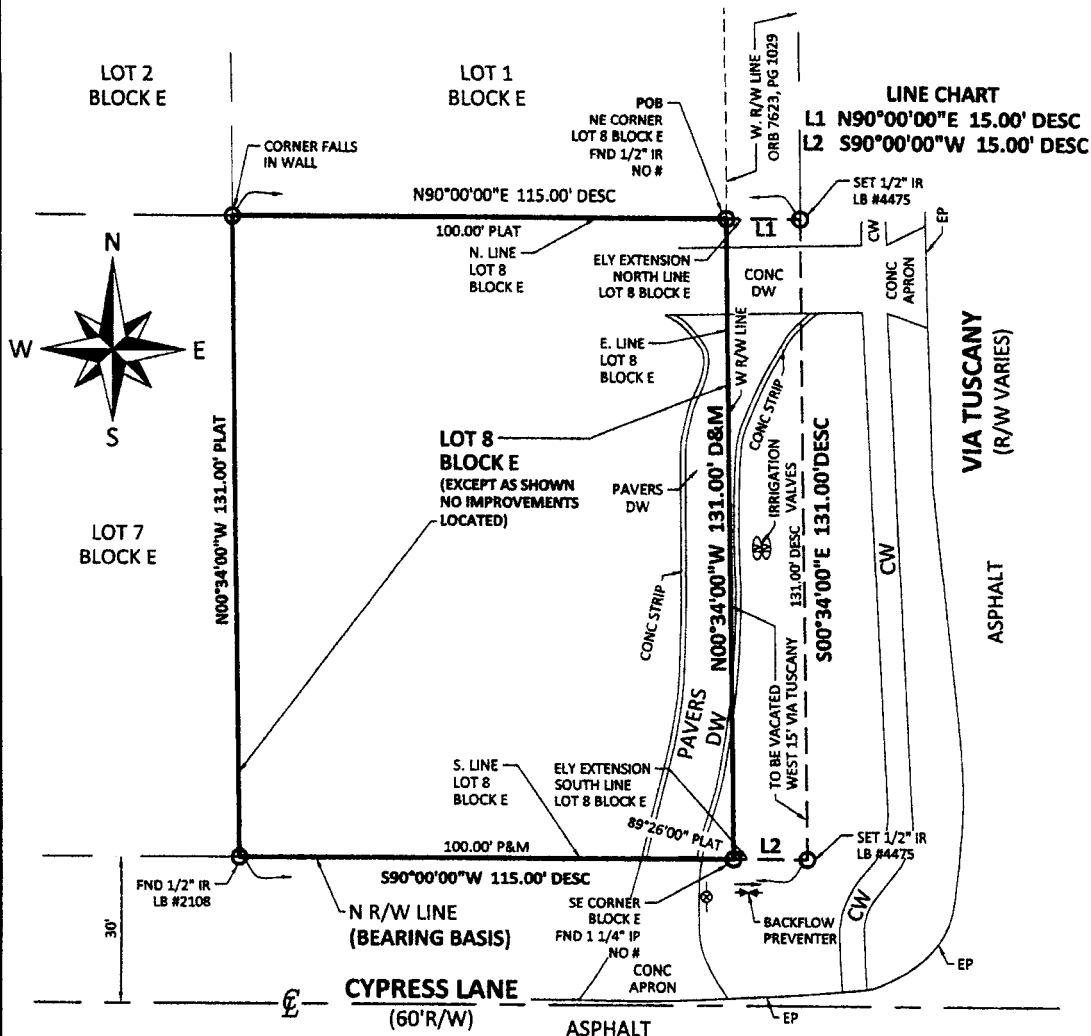
MAP OF SURVEY

DESCRIPTION

LOT 8, BLOCK E, MAITLAND SHORES FIRST ADDITION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK S, PAGE 68, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

TOGETHER WITH THE WEST 15.00 FEET OF VIA TUSCANY LYING EAST OF LOT 8, BLOCK E, MAITLAND SHORES FIRST ADDITION, AS RECORDED IN PLAT BOOK S, PAGE 68, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBES AS:

BEGIN AT THE NORTHEAST CORNER OF LOT 8, BLOCK E, MAITLAND SHORES FIRST ADDITION, AS RECORDED IN PLAT BOOK S, PAGE 68, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING ON THE WEST RIGHT-OF-WAY LINE OF VIA TUSCANY AS RECORDED IN SAID MAITLAND SHORES FIRST ADDITION; RUN THENCE N90°00'00"E ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 15.00 FEET; THENCE S00°34'00"E A DISTANCE OF 131.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 8; THENCE S90°00'00"W A DISTANCE OF 15.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE N00°34'00"W ALONG THE EAST LINE OF SAID LOT 8 A DISTANCE OF 131.00 FEET TO THE POINT OF BEGINNING.



JOB #56482
 CFS# OCS-68 LOT 8 BLOCK E
 SURVEY DATE: 12/21/22
 SCALE: 1" = 20'
 DRAWN BY: RAC

REVISIONS
 56593 1/24/23 ADDED DESCRIPTION FOR R/W SHH

BOUNDARY SURVEY CERTIFIED TO: BRANDON HUEBER



ACCURIGHT SURVEYS OF ORLANDO INC., LB 4475
 2012 E. Robinson Street Orlando, Florida 32803
 www.AccurightSurveys.net | ACCU@AccurightSurveys.net
 PHONE: (407) 894-6314

RONALD K. SMITH, PSM 5797

"THE DATE OF SIGNATURE DOES NOT REVISE OR SUPERSEDE THE BOUNDARY SURVEY DATE OR REVISION DATE."

"NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER." OR THE DIGITAL SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY RONALD K. SMITH, PSM 5797.

NOTES:

1. BEARING STRUCTURE IS ASSUMED AND BASED ON THE NORTH RIGHT-OF-WAY LINE OF CYPRESS LANE BEING S90°00'00"W.
2. THIS SUBJECT PROPERTY LIES IN ZONE "X", BASED ON FLOOD INSURANCE RATE MAP NO. 12095C025SF, COMMUNITY NO. 120188, CITY OF WINTER PARK, ORANGE COUNTY, FLORIDA, EFFECTIVE SEPTEMBER 25, 2009.
3. THIS SURVEY REFLECTS ONLY MATTERS OF RECORD AS PROVIDED BY CLIENT.
4. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED.
5. BUILDING TIES SHOWN ON THIS SURVEY SHOULD NOT BE USED TO RECONSTRUCT PROPERTY LINES.
6. THIS SURVEY IS VALID ONLY FOR THE PARTIES TO WHOM IT IS CERTIFIED TO. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.
7. THIS SURVEY EXCEEDS THE ACCURACY REQUIREMENTS SET FORTH IN FLORIDA STATUTES.

LEGEND
 LB - LICENSED BUSINESS
 LP - LICENSED SURVEYOR
 LSA - LANDSCAPE AREA
 MEAS - MEASURED
 MF - METAL FENCE
 NAVD - NORTH AMERICAN
 NGVD - NATIONAL GEODETIC
 VERTICAL DATUM
 NSD - NAIL & DISK
 OW - OVERHEAD WIRE
 ORS - OFFICIAL RECORDS BOOK
 PEM - PLAT & MEASURED
 PB - PLAT BOOK
 PC - POINT OF CURVATURE
 PG - PAGE
 PF - PLASTIC FENCE
 POB - POINT OF BEGINNING
 POC - POINT OF COMMENCEMENT
 R - RADII
 R/W - RIGHT OF WAY
 TR - TELEPHONE RISER
 TRF - TRANSFORMER
 TYP - TYPICAL
 UE - UTILITY EASEMENT
 UP - UTILITY POLE
 WM - WATER METER
 WV - WATER VALVE
 WF - WOOD FENCE
 WS - WOOD SHED



Feb. 8, 2023

Via email: bhueber@csere.com

Mr. Brandon K. Hueber
VP, Florida Division
Crosland Southeast
250 South Park Avenue
Suite 360
Winter Park, Florida 32789

**RE: Vacation of a portion of Via Tuscany
2433 Via Tuscany, Winter Park
Orange County, Florida**

Dear Mr. Hueber:

Please be advised that Duke Energy has “**no objection**” since we do not serve Lot 8, Block E, MAITLAND SHORES FIRST ADDITION, as recorded in Plat Book S, Page 68, of the Public Records of Orange County, Florida.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Irma Cuadra

Irma Cuadra
Senior Research Specialist

Brandon K. Hueber
2433 Via Tuscany
Winter Park, FL 32789

January 24, 2023

RE: UTILITY COMPANY APPROVAL OF RIGHT OF WAY RELEASE

TECO/Peoples Gas

Attn: Shawn Winsor, Gas Design/Project Manager (swinsor@tecoenergy.com)

Dear Shawn:

I am in the process of requesting the City of Winter Park vacate a portion of the right of way as shown on the copy of the enclosed tax map. The site is located at 2433 Via Tuscany, Winter Park, FL. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me by email at bhueber@csere.com. If you have any questions, please contact me at the same email or by phone at (407) 446-2625.

Sincerely,



Brandon K. Hueber

_____ The subject parcel is not within our service area.

☒ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.

_____ The subject parcel is within our service area. We object to the vacation.

Additional comments:

Signature: _____

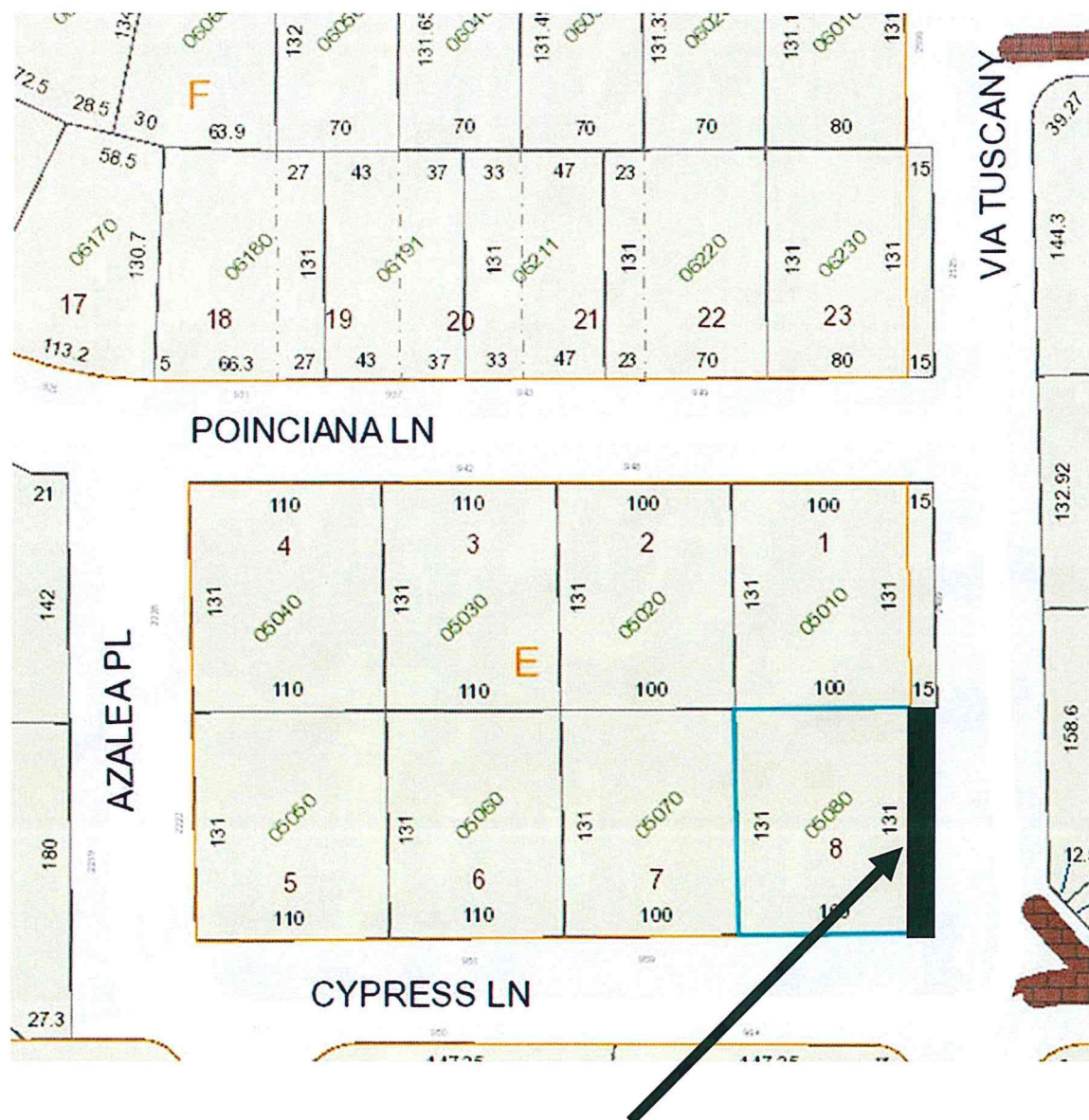
Print Name: _____

Title: _____

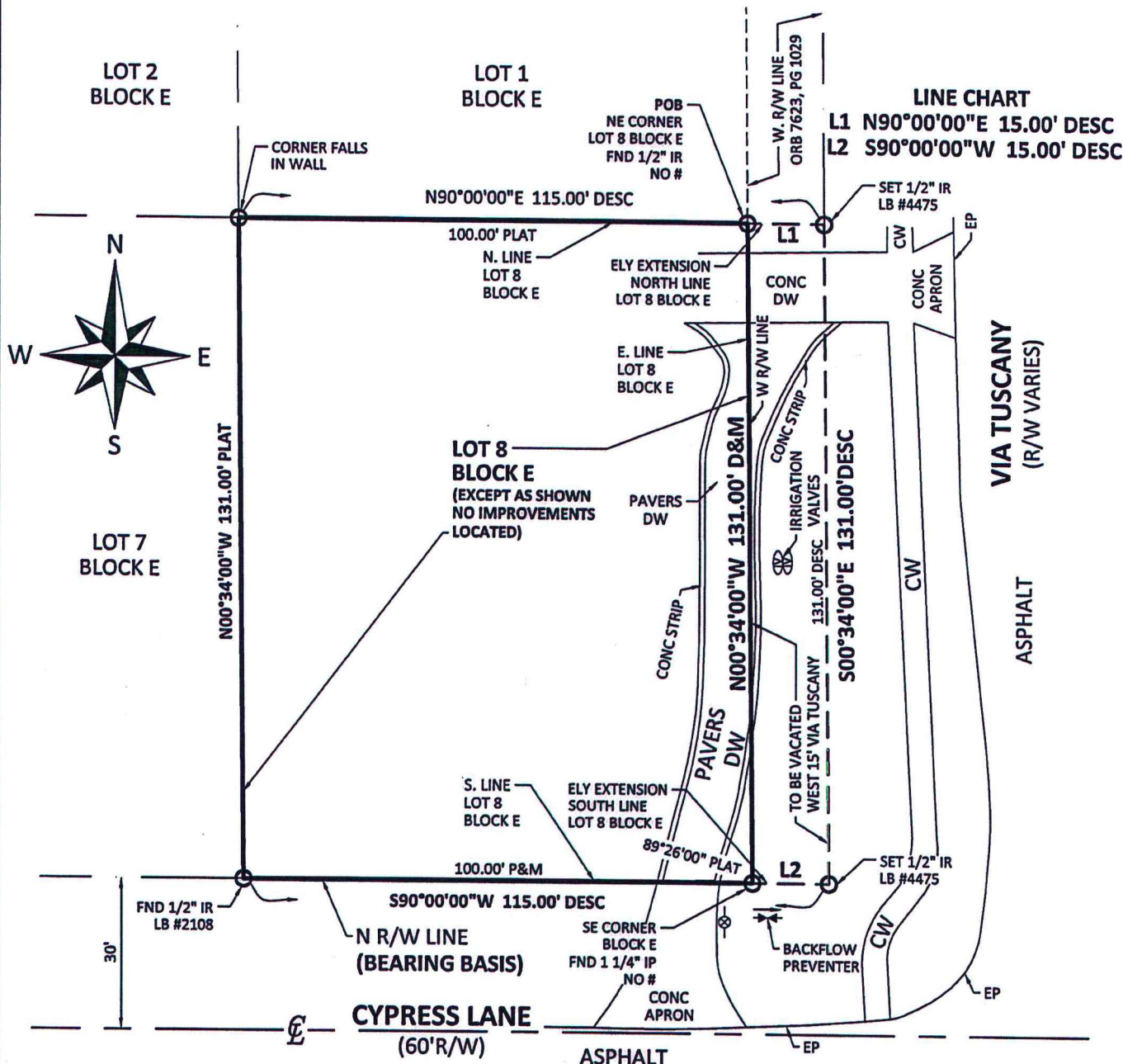
Date: _____

Shawn Winsor
Shawn Winsor
Gas Design Project Manager
1-25-2023

LOCATION OF 15' ROW STRIP TO BE VACATED
AT 2433 VIA TUSCANY, WINTER PARK, FL 32789



15' ROW strip in front of 2433 Via Tuscany to be vacated (see attached survey)



Brandon K. Hueber
2433 Via Tuscany
Winter Park, FL 32789

January 24, 2023

RE: UTILITY COMPANY APPROVAL OF RIGHT OF WAY RELEASE

Spectrum

Attn: Edward B. Williams (Edward.Williams@charter.com)

Dear Edward:

I am in the process of requesting the City of Winter Park vacate a portion of the right of way as shown on the copy of the enclosed tax map. The site is located at 2433 Via Tuscany, Winter Park, FL. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me by email at bhueber@csere.com. If you have any questions, please contact me at the same email or by phone at (407) 446-2625.

Sincerely,



Brandon K. Hueber

_____ The subject parcel is not within our service area.

 x The subject parcel is within our service area. We do not have any facilities within the 15' area being requested to vacate highlighted yellow below. We have no objection to your request.

_____ The subject parcel is within our service area. We object to the vacation.

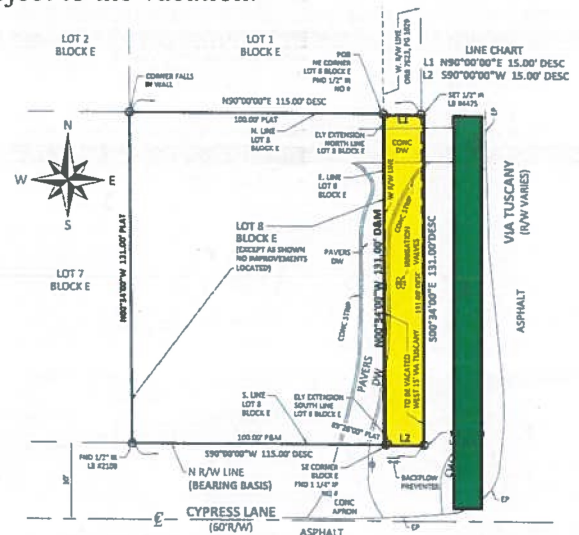
Additional comments:

Signature: R. W. Anderson

Print Name: Rex W. Anderson

Title: Construction Sup, Spectrum

Date: 2/6/2023



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

ORDINANCE 3268-23

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND ABANDONING A 15 FOOT-WIDE PORTION OF THE VIA TUSCANY RIGHT-OF-WAY DEDICATED BY MAITLAND SHORES FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "S", PAGE 68, OF THE PUBLIC RECORDS OF ORANGE COUNTY, LYING EAST OF THE RESIDENTIAL LOT LOCATED AT 2433 VIA TUSCANY, WINTER PARK, FLORIDA, HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBER 32-31-30-5478-05-080 AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE.

WHEREAS, Brandon K. Heuber and Rebecca M. Heuber ("Applicants") are fee simple owners of the residential lot located at 2433 Via Tuscany, Winter Park, Florida, having Orange County Tax Parcel Identification #32-31-30-5478-05-080 (Lot 8, Block E, PB S, PG 68); and

WHEREAS, the Applicants have petitioned the City of Winter Park ("City") for the partial vacation and abandonment of the Via Tuscany right-of-way as set forth herein; and

WHEREAS, the Via Tuscany right-of-way was dedicated to the public by Maitland Shores First Addition, as recorded in Plat Book S, Page 68, Public Records of Orange County, Florida; and

WHEREAS, it has been determined that Applicants have caused the publication of the required notice of intent to vacate pursuant to general law and have paid all outstanding ad valorem taxes for 2433 Via Tuscany, Winter Park, Florida; and

WHEREAS, the City has the 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

WHEREAS, the City has determined that portion of Via Tuscany right-of-way being vacated and abandoned by this Ordinance is no longer needed by the City of Winter Park or for any public purpose.

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 Via Tuscany right-of-way legally described to wit:

The West 15.00 Feet of Via Tuscany Lying East of Lot 8, Block E, Maitland Shores First Addition, as recorded in Plat Book S, Page 68, Public Records of Orange County, Florida, being more particularly described as:

Begin at the northeast corner of Lot 8, Block E, Maitland Shores First Addition, as recorded in Plat Book S, Page 68, Public Records of Orange County, Florida, being on the west right-of-way line of Via Tuscany as recorded in said Maitland Shores First Addition; run thence N90°00'00"E along the easterly extension of the north line of said Lot 8, a distance of 15.00 feet; thence S00°34'00"E a distance of 131.00 feet to the easterly extension of the south line of said Lot 8; thence S90°00'00"W a distance of 15.00 feet to the southeast corner of said Lot 8; thence N00°34'00"W along the east line of said Lot 8 a distance of 131.00 feet to the point of beginning.

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 22nd day of March, 2023.

Phillip M. Anderson, Mayor

ATTEST:

Rene Cranis, City Clerk



City Commission agenda item

item type Public Hearings: Non-Quasi Judicial Matters (Public participation and comment on these matters may be virtual or in-person.)	meeting date March 22, 2023
prepared by Jeffrey Briggs	approved by Michelle del Valle, Randy Knight
board approval Completed	
strategic objective	

subject

Request of the City of Winter Park for: An Ordinance to extend the expiration of conditional use and variance approvals. **REQUEST BY STAFF TO TABLE.**

motion / recommendation

Table.

background

The Zoning Code now provides that variances approved by the Board of Adjustments (BOA) expire after one year and conditional uses approved by the City Commission expire after two years. This has resulted in many instances in which applications need to be renewed by the BOA or City Commission which involves the same time and labor-intensive process of advertising, mailing notices, placard in the yard, public hearing, minutes, etc.

Staff does not recall any instance when the time limit for variances or conditional uses has not been extended. There are no time limits for approvals to expire for lot splits, subdivisions, lakefront approvals by P&Z or boathouse approvals by the respective lake boards.

There are many factors that can cause delays for projects beyond one year for variances such as architect, engineer or contractor delays. Often it is just personal issues with the applicants. There are many reasons why conditional uses are delayed including the architect, engineer plan delays, plus the need to pre-sell or pre-lease space for financing.

Every time the Governor issues an emergency declaration for a hurricane or as with Covid, the deadlines for the expiration of "development orders" are extended also creating confusion as this applies to variance and conditional use approvals. In order to

lessen the burden on city staff and on the property owners, the staff is suggesting extending the deadlines for such expirations by one year for each. Again, there has never been a case where a variance has expired or a conditional use has expired or was requested for extension, that it was not approved.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Extend Expirations Ordinance.docx](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING", SECTION 58-90 "CONDITIONAL USES" AND SECTION 58-92 "BOARD OF ADJUSTMENT – POWERS AND DUTIES" TO EXTEND THE EXPIRATION OF CONDITIONAL USE AND VARIANCE APPROVALS FROM TWO YEARS AND ONE YEAR RESPECTIVELY TO THREE YEARS AND TWO YEARS, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park deems it necessary for the general welfare of the City to amend the City of Winter Park Land Development Code as set forth in this Ordinance;

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

WHEREAS, the City Commission hereby finds that the land development regulations adopted herein are consistent with the Comprehensive Plan;

NOW THEREFORE, BE IT ENACTED by the City Commission of the City of Winter Park, Florida, after due notice and public hearing, that:

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" of the Code of Ordinances, Section 58-90 "Conditional Uses." is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-90. – Conditional uses.

(d) *Expiration and re-establishment of conditional uses.*

(1) Conditional uses involving the use of land or buildings for a particular type of business or business activity determined to be a conditional use, such as, but not limited to, motor vehicle sales, live amplified musical entertainment, day care, alcoholic beverage licenses, etc., shall expire either one year from the date of the approval by the city commission if such use or business type has not yet been commenced or such conditional use shall expire 90 days from the time the business ceases to operate from the property or building. This shall apply if the business is closed for 90 consecutive days regardless of whether a business certificate continues to exist. Conditional uses involving approvals for the construction of buildings over 10,000 square feet or for three stories within the central business district geographical area shall expire after ~~one~~ two (2) years from the date of a preliminary approval by the city commission if a final

development plan approval is not granted or such conditional uses shall expire after ~~two~~ three (3) years from the approval by the city commission from the date of the final development plan approval by the city commission unless a complete and sufficient building permit application and construction plans are submitted or construction is underway or as may otherwise be specifically set forth in the conditional use approval or in the accompanying development agreement. Pursuant to such submittal of building permit application and construction plans, construction must commence no later than six (6) months from the date the building permit is issued. For phased projects without timetables specified in the conditional use approval or in the accompanying development agreement, all phases must be under construction within five (5) years from the date construction commences on the first phase.

SECTION 2. That Chapter 58 "Land Development Code", Article III, "Zoning" of the Code of Ordinances, Section 58-90 "Board of Adjustment – Powers and duties." Subsection (e) is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; subsections not included are not being modified):

Sec. 58-92 Same – Powers and duties.

(e) Upon the granting of a variance as provided for in the preceding paragraphs, the person receiving such a variance shall exercise the same within a period of ~~one~~ two (2) years from such grant; and all such variances granted and not exercised within ~~one~~ two (2) years shall expire and be no further in force and effect.

SECTION 3. CODIFICATION. Section 1 and 2 of this Ordinance shall be incorporated into the City of Winter Park Code of Ordinances.

SECTION 4. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 5. CONFLICTS. In the event of a conflict between this Ordinance and any other ordinance of the City of Winter Park, this Ordinance shall control to the extent of such conflict.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and in accordance with Florida law.

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

By: _____
Mayor Phil Anderson

ATTEST:

By: _____
Rene Cranis, City Clerk