



city commission agenda

February 24,
2020
3:30 PM
Commission
Chambers

mayor & commissioners

seat 1
Gregory Seidel

seat 2
Sarah Sprinkel

Mayor
Steve Leary

seat 3
Carolyn Cooper

seat 4
Todd Weaver

welcome

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

meeting procedures

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

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

agenda

*times are projected and
subject to change

1. Meeting Called to Order

2. Invocation

**George Wiggins, Director of Building and
Permitting Services**

Pledge of Allegiance

3. Approval of Agenda

4. Mayor's Report

5. City Manager's Report

- a. City Manager's Report** 5 minutes

6. City Attorney's Report

7. Non-Action Items

- a. Discuss Micromobility Requests** 15 minutes

Discussion of growing interest of Micromobility users and companies wanting to expand into Winter Park.

- b. Preview: Re-design of the city's official website, cityofwinterpark.org** 5 minutes

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

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

9. Consent Agenda

- a. Approve the minutes of February 10, 2020** 1 minute

- b. Approve the following piggyback agreements:** 1 minute

1. CFE Corp.: Extension of Seminole County contract #CC-0559-15/RTB – Minor Construction Projects Less Than \$2,000,000; Not to exceed \$750,000.
2. Electric Supply of Tampa: Extension of Gainesville Regional Utilities contract #2015-002-A – Wire & Cable; Not to exceed \$675,000.
3. Flowers Chemical Laboratories: City of Naples contract #RFP 18-026 – Lab Testing Services; Not to exceed \$120,000.
4. Mechanical Services of Central Florida: Seminole County contract #RFP-603619-19/TLR – HVAC Repairs, Maintenance & Replacement Services; Not to exceed \$100,000 (FY20).

- c. Approve the following contract items:** 1 minute

1. Geosyntec Consultants; Singhofen & Associates: Amendment to renew RFQ-4-2017 – Continuing Professional Stormwater Management & Design Services; As-needed basis.
2. Comprehensive Engineering Services: Amendment to renew RFQ-6-2017 – Continuing Professional Transportation Planning & Engineering Services; As-needed basis.

3. Universal Engineering Sciences; Terracon Consultants: Amendment to renew RFQ-10-2018 – Continuing Professional Geotechnical & Environmental Consulting Services; As-needed basis.
4. Ovation Construction; Johnson-Laux Construction: Amendment to renew RFQ-11-2018 – Repair & Construction Services; Not to exceed \$2,000,000.
5. Winter Park Scenic Boat Tour: Lease and license agreement to replace the current franchise agreement expiring this year; The city shall maintain its 5% share of gross revenue derived from boat tour fees.
6. Florida Municipal Power Agency: Amended and restated power purchase agreement between FMPA and Nexterra's Pointsett Solar; The amended agreement shall result in a price reduction of approximately 14.6% from the previously agreed upon price, which will directly benefit the city.
7. Duke Energy Florida: Amended and restated network integration transmission services agreement; There shall be no fiscal impact to the city as a result of this amendment.

10. Action Items Requiring Discussion

a. I-4 Ultimate Art Endowment 20 minutes

The City of Winter Park has been granted \$150,000 for the acquisition and installation for a piece of public art to be installed by I-4.

11. Public Hearings

a. Request of Jacob Johnson: 10 minutes

- To individually designate the property and buildings at 1057 Minnesota Avenue on the Winter Park Register of Historic Places.

b. Request of William Keegan for: 20 minutes

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

c. Request of Hill/Grey Seven LLC for: 50 minutes

- Ordinance to amend the Comprehensive Plan Future Land Use Map from Medium Density Residential (R-3) to Parking Lot (PL) on the property at 472 Broadview Avenue. (1)

- Ordinance to amend the Official Zoning Map to change from Medium Density Residential (R-3) to Parking Lot (PL) on the property at 472 Broadview Avenue. (1)
- Conditional Use approval to construct 24,000 square feet of two-story commercial buildings on the properties at 415 S. Orlando Avenue and 336 and 434 Grove Avenue.

d. Request of Sydgan Corp. for:

1 minute

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

Postponed to March 9, 2020 at applicant's request.

e. Request of Benjamin Partners, Ltd. for:

5 minutes

- An Ordinance providing for the annexation of 1315 Loren Avenue and 322/312/308 & 304 Monroe Avenue, and portions of Bennett Avenue and Lewis Drive, measuring approximately 2.06 acres. (2)

f. Request of The City of Winter Park for:

10 minutes

- An Ordinance to amend the noise controls concerning outdoor music city-wide (2).

12. City Commission Reports

Appeals and Assistance

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

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



city commission **agenda item**

item type	Invocation	meeting date	2/24/2020
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

George Wiggins, Director of Building and Permitting Services

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	City Manager's Report	meeting date	2/24/2020
prepared by	Budget and Performance Measurement	approved by	
board approval	final vote		
strategic objective			

subject

City Manager's Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

City Manager's Report

Upload Date

2/18/2020

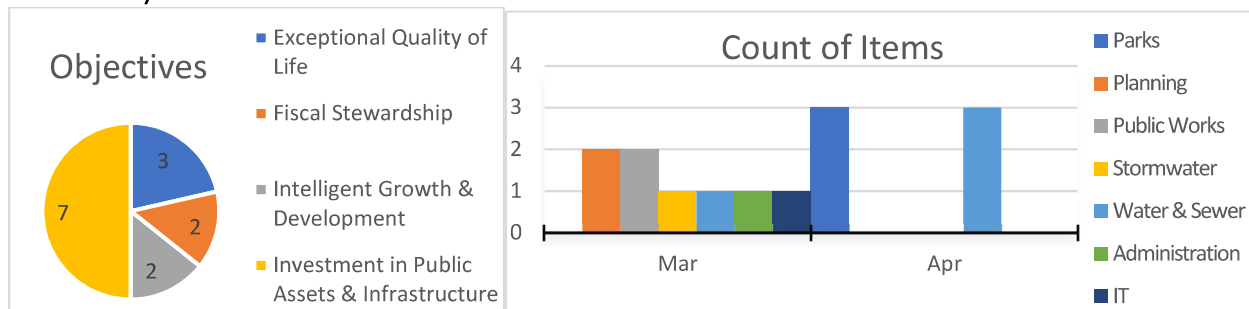
Type

Cover Memo



90-Day Report

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



Upcoming Commission Items

	Item Department	Item Date
Exceptional Quality of Life		
Phelps Park Playground Renovation		
Presentation of playground renovation and redesign at Phelps Park.	Parks	Apr
Tree Preservation Ordinance		
Ordinance was introduced to PRAB on November 22nd with no action taken and request for additional time to review and possible work session for detailed explanation by staff. Tree Ordinance will be presented to Planning and Zoning in March to be presented to commission in April.	Parks	Apr
Post Office Acquisition		
A counteroffer to the Letter of Intent was sent to the USPS on January 28, 2020. The USPS has sent a counter offer to that which City staff and City Attorney are evaluating. Will go to Commission for consideration in March.	Public Works	Mar
Fiscal Stewardship		
Charter Review Advisory Committee		
Information regarding the 11 ballot questions adopted in November are available on the City's website beginning in January. The voters will decide on the charter amendments on March 17th. City staff and City Attorney are preparing for transition.	Administration	Mar

Parks Maintenance & Swoope Site		
The Parks Master Plan includes the development of a central maintenance facility to serve the Golf Course, Cemetery, and Central Park of parks on the old Swoope Water Plant site. Staff will bring recommendations Economic Development, Parks, and Golf Course boards regarding staff suggestions for buildout of the site in cooperation with expansion of the cemetery and removal of shed in Central Park.	Parks	Apr
Intelligent Growth & Development		
Orange Avenue Overlay Steering Committee		
Commission approved project at first reading Jan 16th meeting. The second meeting is scheduled for March 9th.	Planning	Mar
Planning Public Hearings		
Hotel at Penn. Project continued to March 9th by applicant for full commission.		
Property 1390 Orange Ave current O-1 rezoning future land use to PR for open space and recreation.	Planning	Mar
Investment in Public Assets & Infrastructure		
Sewer Capacity		
Purchase of additional sewer capacity at Altamonte Springs.	Water & Sewer	Mar
City Fiber Network		
Contract for buildout of the City's private fiber network in response to ITN. Master design and inventory of existing assets is currently being finalized.	IT	Mar
Seminole County Ditch Drainage Improvement		
The hydraulic model has been updated. Seminole County is reviewing the improvement alternatives and will provide the City feedback regarding participation and phasing over a 5 year capital improvement plan. Attorneys are preparing interlocal agreement.	Stormwater	Mar
Wastewater Interlocal Capital Contribution Payment		
Finalize approval to the City of Orlando for waste water plants upgrades.	Water & Sewer	Apr
Wastewater Interlocal Contract		
Renewal of Conserv II sewer treatment contract with Orlando.	Water & Sewer	Apr
Consumptive Use Permit		
Request approval for a CUP 5 year analysis report	Water & Sewer	Apr
Ravadauge Development Agreement		
Developing agreement with master developer for design/construction of the alignment of Bennet Avenue and Executive drive as required by the Ravadauge Development Agreement. Anticipate this proposed agreement coming to the City commission the first meeting in March for consideration.	Public Works	Mar

As of 2/24/20, pg2

Additional Items of City Interest

	Item Department
Exceptional Quality of Life	
MLK Park Plan	
City has contracted professional services through Dix-Hite to conduct review of MLK master plan, assessment of neighborhood connectivity with MLK Park and Library/Event Center, and provide suitable options for replacement of Shady Park spray feature.	Parks
Investment in Public Assets & Infrastructure	
17/92 Corridor	
Staff is currently working with FDOT Arterial Team to assess needs and scope for model development and funding needs. CRA has reserved funds for this project. FDOT hopes to have 60% plans designed by Feb 2020. The city will work with FDOT on design and other associated improvements such as coordinating of utility undergrounding, landscaping, and water & sewer improvements, over the next couple months. The corridor traffic modeling effort is underway with data collection.	CRA
Electric Undergrounding	
Miles of Undergrounding performed Project G: 4.1 miles 82% complete. Project H: 2.5 miles 90% complete. Project I: has begun	
TOTAL so far for FY 2020: 1.5 miles	Electric
Fairbanks Transmission	
End of June 2020 is the estimated completion date for the Fairbanks project from Duke transmission contractors. Distribution and transmission work due to be complete by the end of March. Poles are scheduled to be removed 30 days after the completion by transmission contractors.	Electric
Lakemont Avenue	
Scope to be determined. Work to be tentatively performed by new transportation planner position in conjunction with the Public Works and Planning Departments.	Public Works
Lakes Health Analysis	
The Natural resources division of Parks (where lakes management now resides) along with Public Works are preparing a presentation detailing historic and existing lake water quality along with previously implemented improvement projects and proposed future projects for information and discussion. It will illustrate excellent, good and impaired water quality criteria and where the City lakes rank accordingly.	Parks
Parks and Recreation Bike Path and Green Spaces Plan	
Will be part of the overall Transportation Master Plan being performed by the Planning and Public Works Departments.	Public Works

As of 2/24/20, pg3



city commission agenda item

item type	Non-Action Items	meeting date	2/24/2020
prepared by	Planning	approved by	N/A
board approval	N/A final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development, Public Health and Safety		

subject

Discuss Micromobility Requests

Discussion of growing interest of Micromobility users and companies wanting to expand into Winter Park.

motion / recommendation

background

City staff has begun to receive a number of requests from Micro-Mobility companies that utilize scooters, bikes or other means of transportation to move into the Winter Park area. Typically, a company will want to bring in a "fleet" of vehicles, which are placed in areas around town for use by any person utilizing their app. There are a number of ways to utilize "geofencing" or creating defined areas of town where the units will not operate once they come into said defined area. Some of the companies use vehicles that can be used on roadways, but most scooter companies only allow their vehicles to operate on sidewalks. With changes in legislation each year, the ability for these vehicles to become more widespread is taking place.

Staff recently had a request for the deployment of 40 scooters that would specifically operate in our Central Business District and Park Ave. These scooters can travel from 5-20 mph and staff has serious concerns about introducing vehicles such as these into our pedestrian environment. Current legislation states that a municipality cannot restrict micro-mobility more than any restrictions on bicycles. There is an existing Ordinance that does not allow bikes on sidewalks in the Central Business District, but does not address this issue for any other part of town. Additionally, there has been a recent request for a multi-passenger "bar" that allows users to pedal around town at a bar table that is steered by a driver, manned by a bartender and powered by customers. These commercial operations have become popular in college towns and in tourist locations. Another issue experienced in other areas where these devices are in use are the accumulation of units at the edge of "geofenced" locations. Current ordinances restrict this type of business, but it shows the increased desire for new types of commercial mobility operations in Winter Park.

The City does not allow any commercial vendors to operate on the city streets other than taxi services or rideshare such as Uber or Lyft. Any business must have a

business license to operate within the city, but the ability to create new ordinances that would address micro-mobility are being preempted more by new state legislation each year.

Staff would ask for guidance from the Commission on how to proceed in taking steps to preserve the safety, walkability, aesthetics and character of our city.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description	Upload Date	Type
Micromobility State Law	2/17/2020	Backup Material
Lime Scooter/Bike Facts	2/17/2020	Backup Material
Pedal Bar	2/17/2020	Backup Material
Scooter Pile	2/18/2020	Backup Material

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 453 Micromobility Devices
SPONSOR(S): State Affairs Committee, Local, Federal & Veterans Affairs Subcommittee, Toledo
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 542

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	14 Y, 0 N	Roth	Vickers
2) Local, Federal & Veterans Affairs Subcommittee	11 Y, 1 N, As CS	Darden	Miller
3) State Affairs Committee	21 Y, 1 N, As CS	Roth	Williamson

SUMMARY ANALYSIS

Unless expressly authorized, it is unlawful for any local government to pass or attempt to enforce any ordinance on a matter that is addressed by state traffic control laws. State traffic control laws allow a county or municipality to regulate the operation of bicycles and enact an ordinance to permit, control, or regulate the operation of motorized scooters on sidewalks.

Bicycle and motorized scooter share programs allow users to rent and ride bicycles and motorized scooters on a short-term basis, for a fee, within designated geographical areas. Currently, local governments may contract with and regulate bicycle and motorized scooter share programs to the extent not otherwise prohibited by general law.

The bill provides regulations governing micromobility device share programs. The bill defines the terms "micromobility device" and "motorized bicycle", and amends the definition of "motorized scooter" to provide that such devices may not be capable of propelling the vehicle at a speed greater than 20 miles per hour. The bill authorizes a county or municipality to regulate the operation of micromobility devices as long as the regulation does not conflict with state or federal law and is not more restrictive than the county's or municipality's regulation of bicycles. The bill authorizes a county or municipality to restrict the use of micromobility devices, for limited periods, on certain sidewalks, and require companies offering micromobility devices to be licensed.

The bill specifies that except as provided in statute, state and federal law exclusively controls regulation of micromobility devices. The bill provides that the operator of a micromobility device has all the rights and duties applicable to the rider of a bicycle, and allows such vehicles to be operated on sidewalks. The bill specifies that a micromobility device is not required to be registered and insured like a motor vehicle and such an operator does not have to have a valid driver license. In addition, the bill provides that an operator may park a micromobility device on a sidewalk as long as it does not impede pedestrian traffic.

Finally, the bill removes motorized scooters from the requirements for sale of miniature motorcycles, and provides that micromobility devices are not required to display slow-moving vehicle emblems.

The bill has an indeterminate fiscal impact on local governments. See Fiscal Comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Florida Uniform Traffic Control Law

The Legislature has enacted a wide array of traffic control laws in order to standardize traffic regulation and enforcement across the state. This collection of laws is known as the "Florida Uniform Traffic Control Law" and is codified in Chapter 316, F.S. Unless expressly authorized, it is unlawful for any local government to pass or attempt to enforce any ordinance on a matter that is covered by state traffic control laws.¹

Bicycle Regulation

Section 316.003, F.S., defines a "bicycle" as:

Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.²

Under state traffic control laws, bicyclists are considered vehicle operators and are generally required to obey the same rules of the road as other vehicle operators, including traffic signs, signals, and lane markings.³ Section 316.2065, F.S., governs the operation of bicycles in Florida and provides for a number of bicycle-specific regulations, including:

- A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet.⁴
- A person may not knowingly rent or lease any bicycle to be ridden by a child who is under the age of 16 years unless:
 - The child possesses a bicycle helmet; or
 - The lessor provides a bicycle helmet for the child to wear.⁵
- Every bicycle in use between sunset and sunrise must be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear.⁶
- A person operating a bicycle on a sidewalk, or across a roadway on a crosswalk, must yield the right-of-way to any pedestrian and must give an audible signal before overtaking and passing the pedestrian.⁷

¹ Ss. 316.002 and 316.007, F.S.

² S. 316.003(4), F.S.

³ S. 316.2065(1), F.S.

⁴ S. 316.2065(3)(d), F.S.

⁵ S. 316.2065(15)(a), F.S.

⁶ S. 316.2065(7), F.S.

⁷ S. 316.2065(10), F.S.

A person operating a bicycle on a roadway must ride in the bicycle lane, but if there is no bicycle lane, the bicycle operator must ride as close to the right-hand curb as practicable. However, a bicycle operator may move to the center of the lane when:

- Overtaking and passing another bicycle or vehicle proceeding in the same direction;
- Preparing for a left turn at an intersection or into a private road or driveway; or
- Reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane,⁸ which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane.⁹

Bicycle operators operating a bicycle on a one-way highway with two or more marked traffic lanes may ride as near to the left-hand curb as practicable¹⁰ and bicycle operators may not ride more than two abreast on a roadway.¹¹

Local Traffic Control Authority

Although state traffic control laws broadly apply to traffic regulation across the state, state law authorizes local authorities to exercise police power to regulate a number of traffic-related activities within their jurisdictions, including:¹²

- The operation of bicycles;
- Restricting the use of streets;
- Establishing speed limits for vehicles in public parks;
- Regulating or prohibiting stopping, standing, or parking;
- Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
- Regulating, restricting, or monitoring traffic by security devices or personnel on public streets and highway;
- Designating and regulating traffic on play streets;
- Regulating, restricting, or prohibiting traffic within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision; and
- Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.

A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas under certain conditions.¹³

Share Programs

Bicycle and motorized scooter share programs allow users to rent and ride bicycles and motorized scooters on a short-term basis, for a fee, within designated geographical areas. Bicycle and motorized scooter share programs are not regulated by the state; therefore, local governments may regulate such share programs to the extent not otherwise prohibited by general law.¹⁴ As such, many local governments in Florida have entered into contracts with bicycle and motorized scooter share programs to facilitate the share programs in their jurisdiction.

⁸ A substandard width lane is any lane that is too narrow for a bicycle and another vehicle to travel safely side-by-side within the lane. S. 316.2065(5)(a), F.S.

⁹ *Id.*

¹⁰ S. 316.2065(5)(b), F.S.

¹¹ S. 316.2065(6), F.S.

¹² S. 316.008, F.S.

¹³ S. 316.008(7)(a), F.S.

¹⁴ See art. VIII, ss. 1(f), 1(g), 2(b), Fla. Const.

Bicycle Share Programs

Bicycle share programs are either “docked” or “dockless.” Companies offering “docked” bicycles require their bicycles to be rented from and returned to designated, unmanned docking stations.¹⁵ Some jurisdictions require the bicycle share program to apply for a permit to operate and pay a rental fee for the docking stations. Rental options vary by program, but generally allow some combination of a single use rate for a flat fee, or a weekly, monthly, or annual subscription allowing the user to rent a bicycle for either an unlimited number of rides or a certain number of minutes per day during the subscription period.¹⁶

Companies offering “dockless” bicycles do not have stations located at fixed positions where the bicycles must be rented and returned. Instead, the operator unlocks the bicycle, using information provided by or transmitted from the program’s mobile application on their mobile phone (to tell the user where to find the bicycle), and the bicycle is used according to the terms of the program agreement.¹⁷

Motorized Scooter Share Programs

In many of the business models, riders can use the motorized scooter share program’s app to locate and reserve a motorized scooter for a fee (typically \$1) plus a per-minute fare. Within the app, the rider can see the motorized scooters available in the surrounding area, as well as the battery charge and range of miles available on the motorized scooter. Once the motorized scooter is located, the rider can capture a barcode located on the motorized scooter via a cell phone camera to reserve and start the ride. The rider will end his or her ride by parking the motorized scooter and selecting to end the ride on the app. The rider will receive a summary of the ride with the total amount of the fare.¹⁸

These motorized scooter programs are dockless, and riders are able to leave the motorized scooters in a location of their choosing when they end their rides.¹⁹ The parking of motorized scooters has resulted in concerns including:

- Crowding and obstruction of sidewalks for pedestrians;
- Restricting the use of sidewalks for people with disabilities; and
- Motorized scooters being left in the travel lanes of roadways.²⁰

Effect of Proposed Changes

The bill defines the term “micromobility device” to mean any motorized transportation device, including a motorized bicycle or motorized scooter, made available for private use by reservation through an online application, website, or software for point-to-point trips, which is incapable of traveling at speeds greater than 20 miles per hour on level ground when powered solely by the motor.

The bill defines the term “motorized bicycle” to mean a vehicle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a motorized bicycle equipped with two front or two rear wheels. The term does not include a vehicle with a seat height of no more than 25 inches from the ground when the seat is fully adjusted or a scooter or similar device. The definition provides that a person under the age of 16 may not operate or ride upon a motorized bicycle.

¹⁵ See, e.g., Citibike, *How it Works*, <http://citibikemiami.com/how-it-works> (last visited Feb. 20, 2019).

¹⁶ See, e.g., Broward B-cycle, <https://broward.bcyle.com/>; Juice Orlando Bike Share, <https://juicebikeshare.com/#about> (last visited Feb. 20, 2019).

¹⁷ See, e.g., Lime, <https://www.lime/> (last visited Feb. 20, 2019).

¹⁸ American Association of Motor Vehicle Administrators, *Electric Dockless Scooters Whitepaper*, 2019, at 3.

¹⁹ *Id.*

²⁰ *Id.* at 4.

The bill amends the definition of “motorized scooter” to lower the allowable speed from no greater than 30 miles per hour to no greater than 20 miles per hour when powered solely by the motor. The bill also amends the definition of “bicycle” to remove references to motorized bicycle.

The bill authorizes a county or municipality to regulate the operation of micromobility devices as long as the regulation does not conflict with state or federal law and is not more restrictive than the county’s or municipality’s regulation of bicycles. Specifically, the bill authorizes a county or municipality to restrict the operation of micromobility devices, for limited periods, on sidewalks the county or municipality designates as a high pedestrian traffic area or that are 5 feet or less in width. However, the regulations may not prohibit the parking of micromobility devices. Additionally, a county or municipality may require companies offering micromobility devices to be licensed. The license must be granted if the applicant provides:

- Proof of commercial general liability insurance coverage with a limit of at least \$1 million per occurrence with a \$2 million aggregate limit; and
- Workers’ compensation insurance that meets minimum requirements under state law.

The bill allows counties and municipalities to designate locations where the operators of micromobility devices may not stage shared devices, provided that at least one location is available for staging on each side of each city block in commercial and business districts.

The bill specifies the regulation of micromobility devices is exclusively controlled by state and federal law, except as specifically provided.

The bill provides that an operator of a micromobility device has all the rights and duties applicable to the rider of a bicycle, and specifies that a micromobility device may be operated upon any bicycle path, sidewalk, sidewalk area, bicycle lane, or highway permissible for bicycle use.

The bill provides that a micromobility device is not required to be registered and insured like a motor vehicle. An operator of a micromobility device does not have to have a valid driver license to operate such device. In addition, the bill provides that an operator of a micromobility device may park it on a sidewalk as long as the micromobility device does not impede pedestrian traffic.

The bill provides that a person offering micromobility devices is responsible for securing the devices within an area where a tropical storm or hurricane warning has been issued by the National Weather Service.

The bill removes the requirement that commercial sellers of motorized scooters display and provide notice that motorized scooters may not be operated on public roads, may not be registered as motor vehicles, and may not be operated on sidewalks unless pursuant to local ordinance.

The bill provides that micromobility devices are not required to display slow-moving vehicle emblems.

B. SECTION DIRECTORY:

Section 1: Amends s. 316.003, F.S., relating to definitions.

Section 2: Amends s. 316.008, F.S., relating to powers of local authorities.

Section 3: Amends s. 316.1995, F.S., relating to driving upon sidewalk or bicycle path.

Section 4: Amends s. 316.2128, F.S., relating to operation of motorized scooters and miniature motorcycles; requirements for sale.

Section 5: Amends s. 316.2225, F.S., relating to additional equipment required on certain vehicles.

Section 6: Amends s. 320.08, F.S., relating to license taxes.

Section 7: Amends s. 655.960, F.S., relating to definitions.

Section 8: Provides that the act takes effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Public access to micromobility devices may increase if the bill results in additional local markets being opened to businesses offering these services.

D. FISCAL COMMENTS:

The bill may result in an indeterminate fiscal impact to local governments. Counties and municipalities may see an indeterminate positive fiscal impact from the licensure fees collected from companies offering micromobility devices. However, counties and municipalities may see an indeterminate negative fiscal impact associated with resources needed to regulate the operation of micromobility devices.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments: Regulatory Requirements

The bill creates regulatory requirements for motorized scooters and motorized bicycles operated as a micromobility device; however, these same regulatory requirements do not appear to apply to a motorized scooter or motorized bicycle owned and operated for personal use. For example, the bill allows micromobility devices to be operated on sidewalks but does not appear to authorize the same for personal use motorized scooters and motorized bicycles.

Other Comments: Department of Transportation

The Department of Transportation notes the bill allows micromobility devices to drive upon sidewalks and bicycle paths. This may impact pedestrian and bicycle safety due to the additional weight, speed differential, and momentum kinetic energy imposed by these vehicles.²¹

Similarly, the bill allows for parking a micromobility device on a sidewalk in a manner that does not impede normal pedestrian movement. However, leaving these vehicles on the sidewalk unattended may be problematic for pedestrians, particularly those that are visually impaired or wheelchair bound.²²

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 26, 2019, the Local, Federal & Veterans Affairs Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Clarified that the speed limit for a micromobility device or motorized scooter refers to the speed when powered solely by the motor;
- Authorized counties and municipalities to designate locations where operators of micromobility devices and motorized scooters may not stage shared devices, as long as at least one location on each side of each city block in commercial and business districts is available for staging;
- Reduced the minimum aggregate limit of required commercial general liability insurance coverage from \$5 million to \$2 million; and
- Required persons offering micromobility devices and motorized scooters for hire to secure their devices in any area of the state subject to a tropical storm or hurricane warning issued by the National Weather Service.

On April 10, 2019, the State Affairs Committee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Amended the definition of the terms “bicycle”, “micromobility device”, and “motorized scooter”.
- Defined the term “motorized bicycle”.
- Authorized counties and municipalities to restrict the use of micromobility devices on certain sidewalks for limited periods or on sidewalks 5 feet or less in width.
- Clarified locations where a micromobility device can be operated.
- Removed references to “for-hire motorized scooter” and “motorized scooter” when referring to a “micromobility device”.

This analysis is drafted to the committee substitute as approved by the State Affairs Committee.

²¹ Department of Transportation, Agency Analysis of House Bill 453, p. 5, (Jan. 22, 2019).

²² *Id.*

Courtney, ReThink; Jed Fluxman, Florida Lime

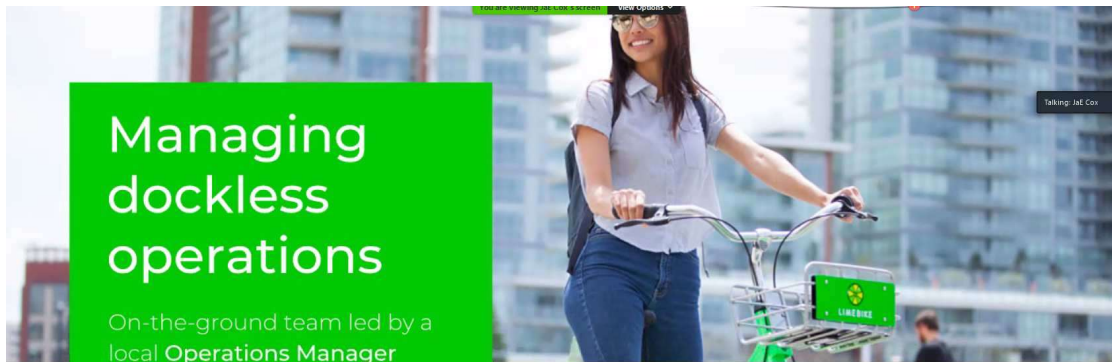
Jae Cox, Orlando and UCF Operations Manager



Lime-E Electric Assist Bikes - Reimagining smart mobility



Up to 15 mph



Operations Our operations team actively manages our bike fleet, rebalancing bikes and responding to any support calls.

Customer Service We maintain 24 hour customer service and respond to urgent issues within 2 hours during regular business hours.

Fleet management Our team will rebalance under-utilized bikes back into the fleet to meet higher demand and ensure distribution covers service area.

Maintenance We hire locally to cover all maintenance and routine checks of bikes.

Balancing the fleet We ensure unused or underused bikes are rebalance into the fleet.

We Invest in Your Community

Lime engages with local businesses, schools, officials and associations to nurture long-lasting partnerships. We leverage:

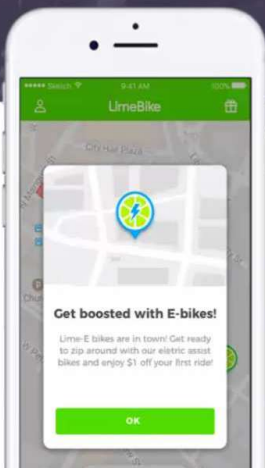
- business hubs
- local press
- street teams and events
- social media
- and online ads

to educate, promote and empower local champions and enable the change we all want to see.



Lime-E

Pedal Assist Electric Bikes



Why go electric?

Lime-E senses the torque being put on the pedals and adds just the right boost to help you get where you're going quickly and effortlessly.

No strain. No sweat. Just a simple, cost effective way to turn the last mile into the last several miles, even over the hilliest urban terrain.

MAX RANGE:
62 miles

MAX SPEED:
14.8 MPH

PRICE FOR USERS:
\$1 to unlock + \$0.15/min

Cyclingsavy.org

Avg speed 5mph

Time spent on the bike: 8min/per ride (average)

Length of service commitment?

72lbs, weight of e-bike

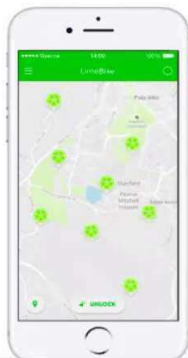
Lime-E

Pedal Assist Electric Bikes



Talking: JAE Cox

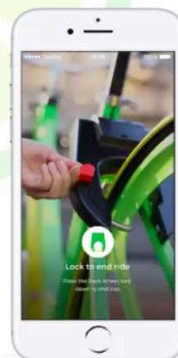
Step 1: Track & Locate
Lime-E



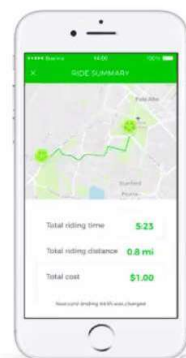
Step 2: Unlock via QR
Code or Text



Step 3: Lock to end the
ride



Step 4: Easily pay for the
ride.



Our approach to smart parking

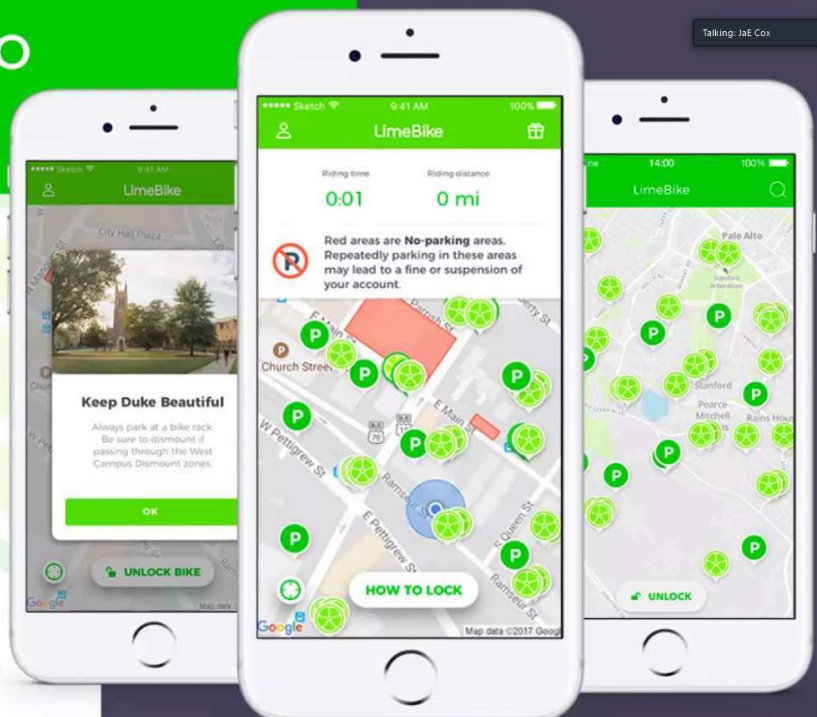
- Educate users on legal bike parking;
- In-app instructions on how & where best to park;
- Geo-fence existing legal parking area in our app;
- Partner with cities to develop more bike-friendly parking;
- Our operations team will respond to parking concerns;



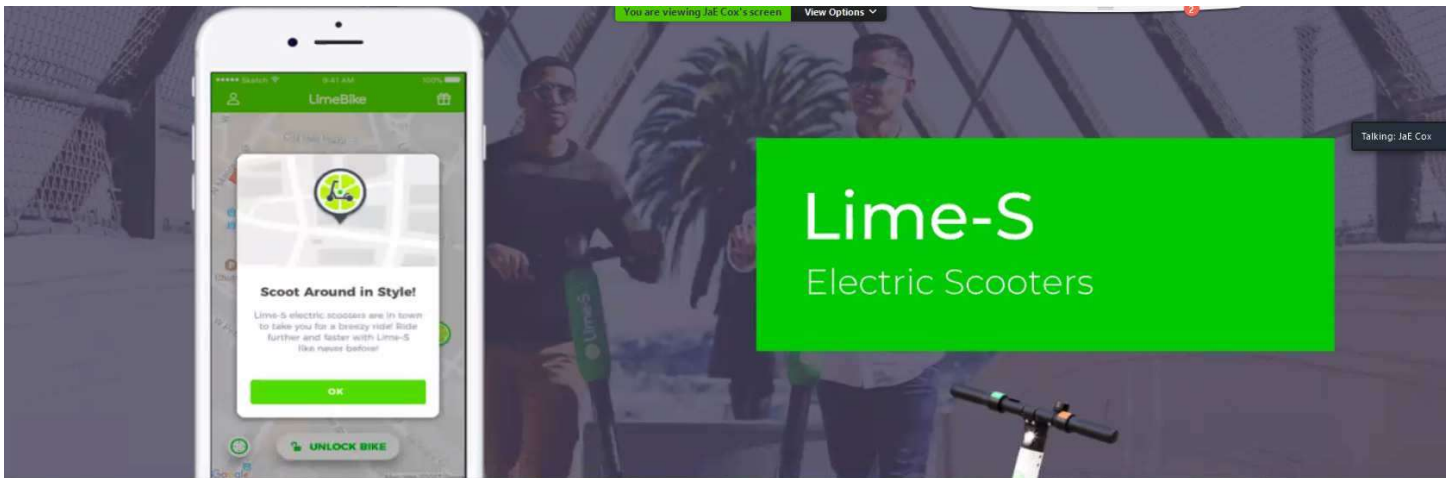
Available
Bikes



Recommended
Parking Spots



Talking: JAE Cox



Hop on and ride!

Smaller and more agile than a bike, Lime-S electric scooters are a convenient new mobility option that let you zip around the city pedal-free. They require minimal parking space and are incredibly fun to ride!

MAX RANGE:
37 miles

MAX SPEED:
14.8 MPH

PRICE FOR USERS:
\$1 unlocking fee
\$0.15/minute to ride

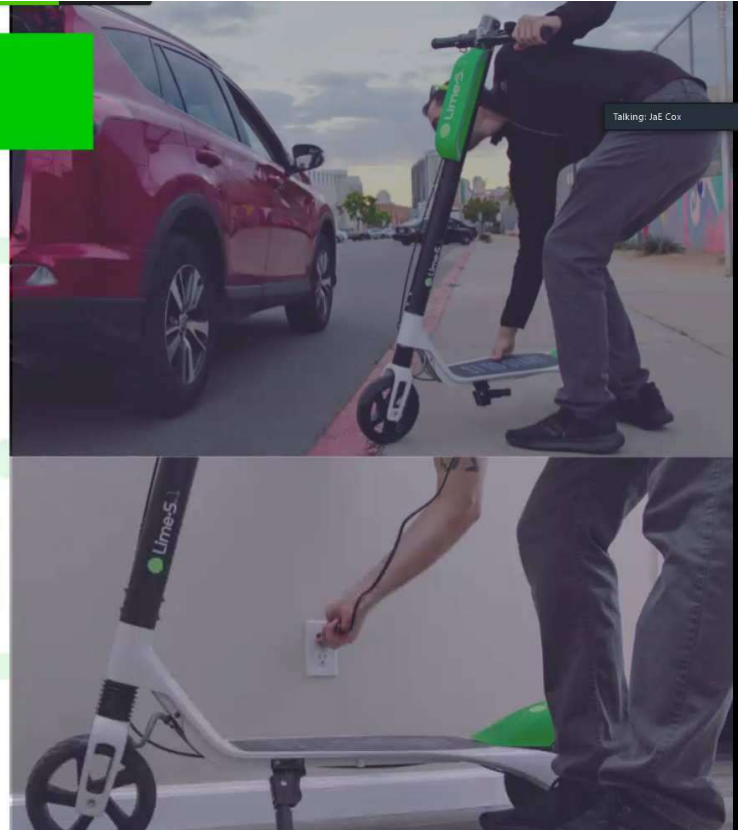


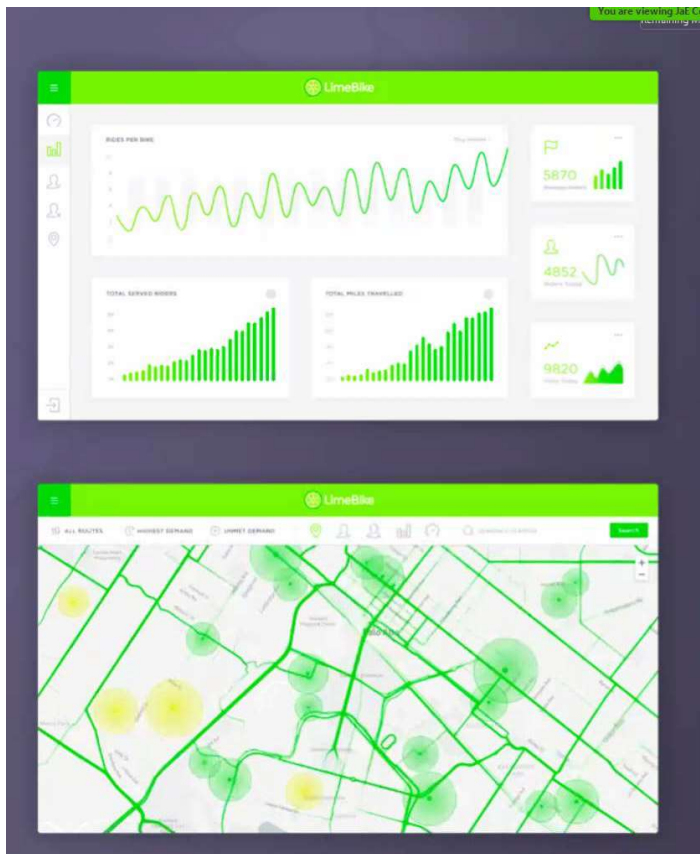
Cities that have these in FL: Ft. Lauderdale (500 units, 100K rides over a month)

Lime Juicers

Community members can earn money charging Lime scooters!

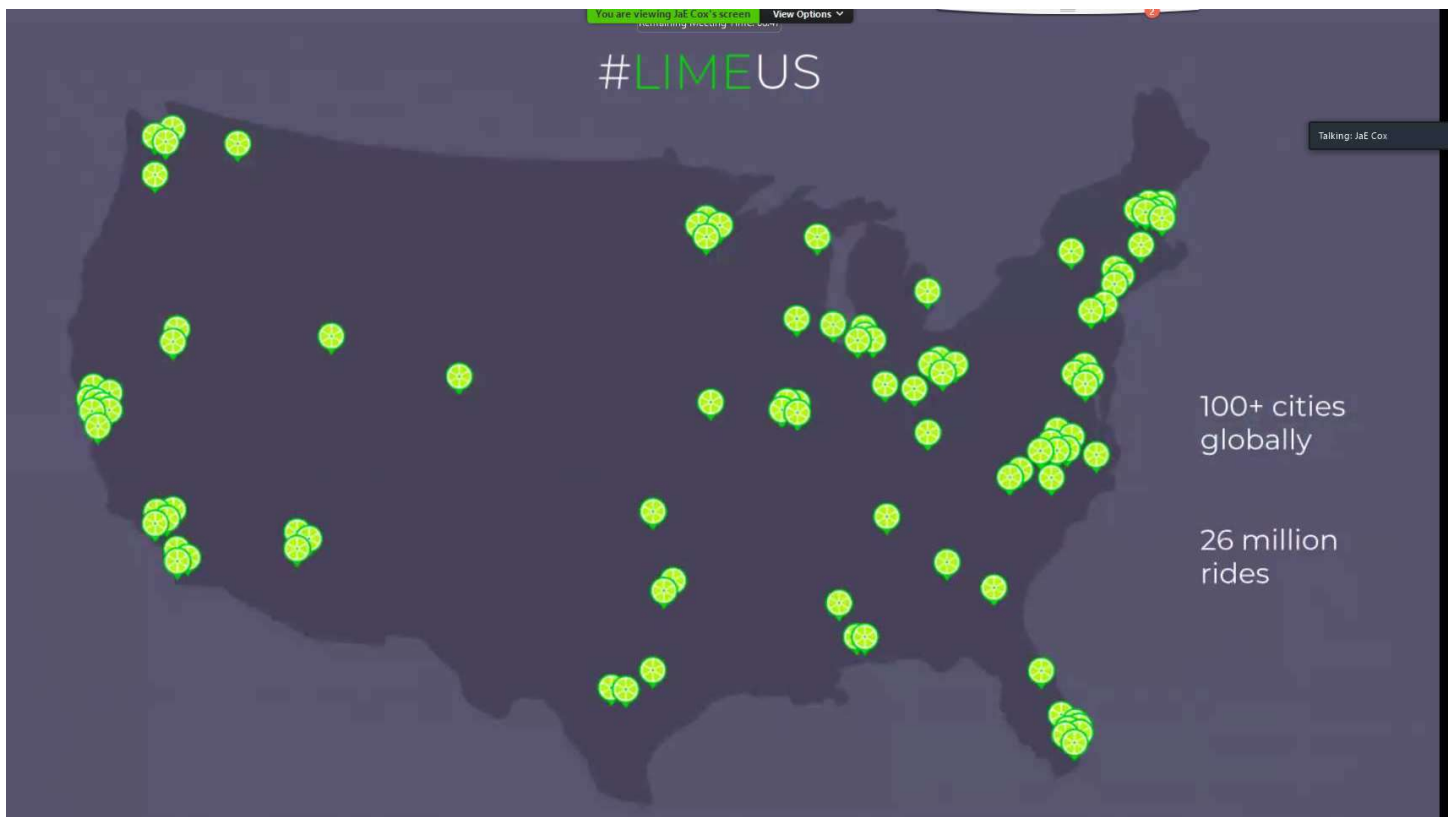
- 1) Juicers sign up through our app
- 2) Every evening, Juicers reserve scooters for charging
- 3) Juicers retrieve scooters and charge them overnight
- 4) Juicers return scooters to designated locations in the morning - and get \$\$!





We use **data** to make urban mobility **smarter**

- Free of docking stations, the optimal smart mobility program can be designed based on usage and actual rider demand data
- We share our data with cities for smarter mobility planning
- We support existing public transit, with 27% of our rides starting and finishing near transit stops



Advantages of dock-free bike sharing

No upfront capital investment required; translating to **more affordable** rides for users.

Devices **conveniently available**, allowing door-to-door trips.

Enhanced coverage and lower costs mean enough devices to equitably serve the public or be available to all sectors of the community.

Introducing New Markets



Why do Cities want dockless electric scooter and/or bikeshare programs?

- Reduce carbon emissions
- Improve traffic congestion
- Offer transportation alternatives
- Solve First & Last Mile problem

How do Cities launch new programs?

- Pass local ordinances
- Permit Applications
- MOU
- RFP

Florida Market



Scooters

- Ft. Lauderdale
- Miami (Ordinance Passed)
- Tampa (Ordinance Passed)

Ordinance Scheduled

- Gainesville

E-Bikes & Bikes

- UCF & City of Orlando
- Key Biscayne
- Miami Lakes
- Miami Shores/Barry University
- North Miami/ Johnson & Wales University
- North Bay Village
- St. Thomas University
- Unincorporated Miami Dade

400 Orlando



Lime and You

Thank You

We are eager to serve.

Jed Fluxman - General Manager
Jed@li.me

Vivian Myrtetus - Community
Affairs Manager
Vivian@li.me

JaE Cox - Local Operations
Manager
jayson@li.me

Every city has the ability to deem them legal; city can say whether it is legal in just sidewalks or roads; statewide only human powered on sidewalks, localities can govern motorized vehicles

FL Law have to have lights on bike, under certain age of helmet



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P: 1.888.600.2077

swampbikeflorida@gmail.com



Located: I-DRIVE near 360 at The Orlando Eye!





city commission **agenda item**

item type	Non-Action Items	meeting date	2/24/2020
prepared by	Communications	approved by	City Manager
board approval	N/A final vote		
strategic objective	Exceptional Quality of Life		

subject

Preview: Re-design of the city's official website, cityofwinterpark.org

motion / recommendation

No action needed - presentation only.

background

The city is in the process of making all city internet sites ADA compliant. As part of this requirement, a complete redesign of cityofwinterpark.org is in progress. The Communications and IT departments will preview the new design of the site that is expected to launch in early spring 2020.

alternatives / other considerations

N/A

fiscal impact

\$50,000 for Phase 1 & 2. Additional costs may be incurred depending on evolving ADA requirements and website needs.



city commission **agenda item**

item type	Consent Agenda	meeting date	2/24/2020
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

Approve the minutes of February 10, 2020

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Minutes of February 10, 2020

Upload Date

2/21/2020

Type

Backup Material



City Commission Regular Meeting Minutes

February 10, 2020 at 3:30 p.m.

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

Present

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

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

1. Meeting called to order

Mayor Leary called the meeting of the Winter Park City Commission to order at 3:36 p.m.

2. Invocation and Pledge of Allegiance

Reverend Alison Harrity, St. Richards Episcopal Church, provided the invocation followed by the Pledge of Allegiance.

3. Approval of Agenda

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

4. Mayor's Report

a. Presentation: Fallen Officers College Education Fund at Central Florida Foundation.

Mayor Leary introduced Mark Hagel who, with his wife, wanted to do something for fallen police officers. Mark Hagel stated that he and his wife have established, with the support of the Community Foundation of Central Florida, a college education fund in support of the children of fallen officers of the city. He explained that this provides families and children with the opportunity to get a college education. He introduced Desmond Locke, son of Lt. Stan Locke, the first recipient of these funds. He asked for the community's support of this fund in recognition of the police officers that protect the city. Sharon Hagle stated this is an opportunity to make a difference and continue to honor fallen officers.

In response to questions by Mayor Leary, Director of Communication Clarissa Howard confirmed that in addition to the press release, information on the Foundation and how to contribute is on the home page of the city's website.

b. Recognition of Winter Park Tigers International NFL Flag Football Championship

Mayor Leary announced that the Winter Park Tigers, a 12 and under coed flag football team, represented the United States and won the International NFL Flag Championship with a perfect record.

Head Coach Amos Vizer thanked the community, parents, and coaches for their continued support. He expressed his pride in these athletes for their dedication, positive character and representation of the United States. He congratulated the team members and presented the championship football to the Coach Bruce Powers and presented rings to each team member.

5. City Manager's Report

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

Mr. Knight advised that this work session was requested by the commission in December and asked for the Commission's availability before or after the election.

Mayor Leary suggested that the current commission should discuss the challenges and then talk about procedures and protocol and have a future discussion with the new commissioners.

Commissioner Cooper expressed her preference to wait until the new commissioners are sworn in so they can provide input. Commissioner Weaver agreed.

Commissioner Seidel said he feels it would be good to have a work session before the election to discuss past issues and invite the candidates to listen to the discussion and then have a follow-up discussion after the election. Commissioner Sprinkel agreed.

After discussion on potential dates, Mayor Leary asked staff to coordinate a date and time before the election.

6. City Attorney's Report

Attorney Ardaman commented on pending litigation in the case, City of Winter Park adv. Florida CIS WP, LLC and Palladio Condominium Owners Association, Inc. Based on discussion in the executive closed session, he requested authorization to file an affirmative defense and counter-claim to protect and advance the city's interest subject to comments received in coordination with the City Manager. Approved by consensus.

7. Non-Action Items

8. Citizen Comments

Taken after Public Hearing Item c

9. Consent Agenda

- a. Approve the minutes of January 13, 2020
- b. Approve the minutes of January 16, 2020 (Pulled by Commissioner Cooper)
- c. Approve the minutes of January 27, 2020 (Pulled by Commissioner Seidel)
- d. Approve the following contract items:
 - 1) Winter Park Housing Authority: Reorientation of the fence line at the tree farm for recreation and green space as well as assistance with an ADA pathway and the replacement of up to 3 picnic tables and 3 benches; not to exceed \$2,500.
 - 2) CenturyLink: Renewal of city's ISDN PRI telecommunications service agreements at City Hall and the Public Safety Complex; not to exceed \$52,000.

- 3) Kimley-Horn & Associates: Amendment to renew RFQ-6-2017 - Continuing Professional Transportation Planning & Engineering Services; Total expenditure to include \$150,000 for the 17-92 corridor analysis and contract shall be utilized for additional services on an as-needed basis. **(Pulled by Commissioner Seidel due to a Conflict of Interest - form attached)**
- e. Approve the following formal solicitation:
 - 1) Traffic Control Devices: IFB-4-2020 - Traffic Signal Installation & Maintenance; not to exceed \$1,000,000.
- f. Approve the following piggyback agreements:
 - 1) Hubbard Construction Co.: Seminole County contract #IFB-603616-19/BJC - Pavement Management Program Services; Not to exceed \$325,000.
 - 2) Axon Enterprise: Omnia Partners/City of Tucson cooperative contract #151089 - Body Worn Cameras; Not to exceed \$365,282.
 - 3) USA Services of Florida: Increase allowable spend under existing piggyback of City of Daytona Beach contract #13-159 - Mechanical Sweeping Services; not to exceed \$200,000.
 - 4) SunTrust Bank, now Truist Bank: Lee County contract #RFP147158BCN - Government Entity Commercial Card Agreement; Purchases shall be made in accordance with the approved budget.

Commissioner Seidel asked to remove Items 9c and 9.d.3.

Commissioner Cooper asked to remove Item 9b.

Motion made by Commissioner Sprinkel to approve the Consent Agenda except Items 9b 9c, 9.d.3; seconded by Commissioner Cooper. There were no public comments. Motion carried unanimously with a 5-0 vote.

Motion made by Commissioner Cooper to amend the minutes of January 16, 2020 on Page 11 to read “right-of-way may be considered;” seconded by Commissioner Weaver.

Motion made by Commissioner Cooper to amend the minutes of January 16, 2020 on Page 11, Amendment #19, delete the language after “maximum achievement FAR in current Zoning Code”; seconded by Commissioner Weaver

Motion made by Commissioner Cooper to amend the minutes of January 16, 2020 on Page 11, Amendment #20, delete the language after “Maximum Achievable FAR of 100%”; seconded by Commissioner Weaver.

Motion made by Commissioner Weaver to amend the minutes of January 16, 2020, Page 6, Amendment #3, to remove the bullet that reads “Keep maximum height at 4 stories to ensure parking structures could be built.” Discussion followed on the motion and inclusion in the revised ordinance. Commissioner Weaver withdrew his motion and will make an amendment to the ordinance at second reading.

Motion made by Mayor Leary to amend the minutes of January 13, 2020, under the Public Hearing on the Orange Avenue Overlay, to reflect Sheila DeCiccio and Bill Rosenfelt’s opposition, not support, and to reflect that Bob Bendick provided comments but was not in support or opposition; seconded by Commissioner Cooper.

Motion made by Commissioner Seidel to amend the minutes of January 27th to state under his report that he “Commended the Winter Park High School choir on their invitation to perform with the award-winning Aeolians of Oakwood University at the 5th Annual MLK concert at First United Methodist Church of Orlando; seconded by Commissioner Cooper.

Commissioner Seidel disclosed a conflict of interest on Item 9.d.3.

In response to questions by Commissioner Cooper, Commissioner Seidel stated this scope includes the 24 intersections and has been reviewed by staff. He explained that Kimley Horn will start this study now and they have some data from within the area to do this work. The intent is for Kimley Horn to have the study completed when FDOT has their Phase II plans for 17-92 and to look at both plans to determine funding.

There were no public comments.

Motion to approve items 9b and 9c carried unanimously

Motion to approve Item 9.d.3 carried with a 4-0 vote. Commissioner Seidel declared a conflict of interest.

10. Action Items Requiring Discussion

11. Public Hearings

a. Request of Samuel and Christine Hines for:

Subdivision approval to split the property at 1554 Harris Circle in order to allow the existing guesthouse at 1552 Harris Circle to become an independent lot with the ability to be sold separately. (Postponed from January 27, 2020 at applicant's request.)

Principal Planner Jeff Briggs reviewed this request to subdivide the property at 1554 Harris Circle with two buildings both having been on Register of Historical Places since 2001. The current owners intend to move into the cottage and sell the main house. Nothing is changing with respect to the neighborhood but a variance is needed for smaller lot sizes. Staff and the Planning and Zoning Board recommended approval. In response to questions by Commissioner Cooper, Mr. Briggs explained that the Historical Preservation Board did not review this request because nothing is changing that affects the historical integrity of the property.

Samuel Hines, owner/applicant, advised that neighbors are in support of this request. He provided the history of the property and house which was completed in 1887 and is the second oldest house in Winter Park but the oldest home on its original lot. He stated that, due to physical limitations, their intent is to move into the cottage and sell the main house and property.

Commissioner Sprinkel stated that this is in her neighborhood and she and the neighbors support this request.

Commissioner Seidel asked why one neighbor was opposed. Mr. Hines stated the neighbor who lives three blocks away was opposed to granting a variance for a garage apartment. He clarified that this is not a garage apartment and the cottage has its own utility meters.

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

b. Request of Benjamin Partners, Ltd. for:

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

Attorney Ardaman read the ordinance by title.

Planner Allison McGillis presented this request for voluntary annexation of approximately two acres. She explained that these properties were de-annexed by City of Maitland in order for the city to annex. The city provides water and sewer to these properties and annexation will provide a uniform city limit line along the right-of-way for Monroe Avenue and gives the city better control of the development. Staff and the Planning and Zoning Board recommended approval. She responded to questions stating Bennett Avenue and Lewis Drive are north/south connectors to Lee Road and that Monroe Avenue is within Maitland city limits.

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

c. Request of Rollins College for:

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

Simultaneous public hearings were held on these requests for rezoning and comp plan amendment. Attorney Ardaman read the ordinances by title.

Principal Planner Jeff Briggs explained these requests for a comprehensive plan amendment, rezoning, and conditional use. With these changes, these properties will have the same PQP zoning as Rollins College campus. He reviewed the site plan showing the location of buildings. The Lawrence Center will remain a 4-story leased for office space to generate revenue for the college and thus leaving the property on the tax rolls. A new museum is proposed along New England, largely replacing the existing parking lot and a new Crummer School of Business is proposed along Lyman Avenue with an adjacent small parking lot at the corner of Knowles and Lyman. He stated that the height and FAR are compatible with area. He explained that rezoning is necessary because in order to build the additional buildings, the institutional

designation allows, subject to Commission approval, an increase in the FAR from 45% up to 200% because of its proximity to downtown, although the actual FAR is 166%. Mr. Briggs reviewed the stormwater retention plan and floor plan layouts. He stated the elevations are preliminary and the applicant has agreed to provide final elevations and landscape plans which will be reviewed by the Planning and Zoning Board and City Commission. Parking is more than adequate with the Ollie garage on campus which students and staff now use instead of the SunTrust garage, thus increasing the available parking in the area.

Mr. Briggs stated that Rollins is requesting 5-year approval of the conditional use rather than the normal 2-year expiration due to the significant amount of fundraising and further design work needed. Rollins is offering the use of 25 parking spaces in the SunTrust parking garage to the City for its employees, to limit the use of the SunTrust garage to graduate school students and to limit further expansion of undergrad and dormitories. He stated that there are no entitlements.

Commissioners Seidel and Sprinkel disclosed that they spoke with college representatives and its attorneys.

Commissioners Cooper and Weaver stated that in addition to speaking Rollins representatives, he spoke with city staff and Rollins alumni.

Mayor Leary stated he spoke with the attorney representing the college and received comments from alumni.

Grant Cornwell, President of Rollins College, stated that these plans have been in the works for several years and includes a new museum which will be major cultural asset to city with larger displays. He stated there is a need for a contemporary graduate school of business for what is the number one MBA program in Florida. This project is part of their strategic plan for an innovation triangle,” with programs of the Alford Inn, museum and the business school that create a relationship of art and business.

Debra Crown, Dean of Crummer School, cited the values of the project including the shared attributes of the Crummer School and Winter Park, a new facility within the innovation triangle, and what this project brings to Winter Park. She explained that the current Crummer building does not meet technical or space needs and as a result it will be difficult to sustain the level of excellence. She reviewed the vision of expanding art into the Alford Inn and Crummer School and increasing the value Rollins brings to non-profit organizations and the entrepreneurial community. She recognized the Crummer School graduates in audience.

Ena Heller, Bruce A. Beal Director of Rollins Museum, explained the vision of the museum and the importance of the Alford Inn where art is shared with the community. She stated there is an incredible desire for art in Winter Park and the new museum could be a larger part of the overall Winter Park experience by providing better access to art collections.

Joseph Coriaty, architect, stated that he feels most would recognize that the Alford Inn is an important contributor to Winter Park, as will be their idea of an innovation triangle through connection of the campus and the Winter Park community and creating a sense of identity of the building and greenspace. He showed the layout of the buildings and greenspace which reflects the open space between the Alford Inn and Residences of Winter Park condominiums. He reviewed the space between buildings, setbacks and stepbacks.

In response to questions, Ms. Wilson reviewed the setbacks along Lyman Avenue. She stated she understands that a portion of Moody Way was vacated and explained that there are some easements that will have to be addressed as the plans are finalized.

Ms. Wilson commented on the developer's (benefit) agreement in which Rollins agrees not to request for 20 years permission to allow undergraduate classes or dormitories on any property north of Fairbanks zoned PQP. The agreement also includes a condition that Crummer Graduate School will be limited to graduate classes with no regularly scheduled undergraduate classes and the museum would not hold regularly scheduled classes.

Ms. Wilson stated that Rollins is offering the use of 25 parking spaces in the SunTrust parking garage for use by city employees as long as City Hall remains in its current location. She commented on the taxable properties stating that Rollins will create a new parcel for the existing Lawrence Center, currently available for third-party leasing, and related surface parking, new taxable lot to continue to pay ad valorem taxes for a minimum of 20 years. She summarized their request for a 200% FAR, building height and setbacks.

In response to questions by Commissioner Cooper, Ms. Wilson stated that they would like the FAR, building height and setbacks to be set in this meeting.

Mayor Leary asked whether final floor plans and elevations are part of the conditional use request. Mr. Briggs stated those plans, as well as landscape plan, will require review and approval by the Planning and Zoning Board and City Commission.

Motion made by Commissioner Sprinkel to approve all requests; seconded by Mayor Leary.

Commissioner Seidel stated he feels that Rollins is great asset to Winter Park. He expressed his concerns with the setbacks on Lyman and New England Avenues. In considering what is best for the city, he supports the increased FAR provided there are large setbacks to allow open space along streets.

Mayor Leary stated that he supports the ten-foot setback along New England due to the large setback of the First Congregational Church which he feels creates open space.

Commissioner Seidel suggested that if the approximately 75 city employees could park in the SunTrust parking garage, additional parking would be available at City Hall for visitors to City Hall and downtown businesses.

Commissioner Sprinkel stated that she is thrilled with museum and Crummer School in the area and has no objections to this project moving forward.

Commissioner Cooper stated that she feels it would be wonderful for museum to be in downtown Winter Park. She expressed her preference that the museum have taxable office space, 100% FAR for the project, and to maintain the Central Business District without more educational facilities.

Ms. Wilson clarified that their request for PQP zoning is consistent with surrounding properties such as City Hall, area churches that have educational uses, Women's Club, and the library.

Commissioner Weaver stated that he is thrilled with museum relocation and feels it and Rollins are assets to City. He expressed his concern regarding setbacks, greenspace and massing. He

said he could support the museum at 100% FAR but could not support the Crummer School as he feels there is not hardship to build a new school.

In response to questions by Commissioner Seidel, Ms. Wilson said the total ad valorem taxes paid to the City in 2019 for the Alford Inn were approximately \$1 million but the taxes of the Lawrence Center are significantly less. She stated they need a FAR of 166% for the three buildings.

Mayor Leary expressed his concern regarding the setbacks but only where the SunTrust parking garage is directly across from the Crummer School which reduces the open space between the buildings, but increases where the school is across from the Women's Club.

Mayor Leary asked what percentage of this property is on the tax rolls. Mr. Briggs stated that the Pioneer Building is not on the tax roll but the remaining 75% is on the tax rolls. Ms. Wilson explained that ad valorem taxes are based on the commercial use of the building and all of that will remain unchanged except the removal of the tellers in the existing parking lot.

Mayor Leary spoke in favor of the properties on the tax rolls in perpetuity as opposed to only 20 years as proposed unless a future commission votes to remove it.

Motion made by Mayor Leary to amend the main motion to require that 50 spaces be designated to the city for use at its discretion in perpetuity; second by Commissioner Cooper. (Not voted on as it applies to the Conditional Use request which will be addressed at second reading of the ordinances.)

Motion made by Mayor Leary to amend the main motion to require that the Lawrence Center and what may replace the Lawrence Center retain its ad valorem taxable status in perpetuity unless it is changed by future commission; seconded by Commissioner Sprinkel. (Not voted on as it applies to the Conditional Use request which will be addressed at second reading of the ordinances.)

Motion made by Commissioner Seidel to require a 50-foot setback on the area east of Lawrence Center on New England Avenue and along Lyman Avenue between Interlachen and Knowles; seconded by Commissioner Cooper. (Not voted on as it applies to the Conditional Use request which will be addressed at second reading of the ordinances.)

Motion made by Commissioner Sprinkel to require a 20-foot setback on Lyman Avenue setback. Failed for lack of second.

Motion made by Commissioner Cooper to limit the FAR to 100%; seconded by Commissioner Weaver.

Ms. Wilson pointed out the FAR in the Hannibal Square is 200% and that the proposed FAR of 166% is significantly lower than the area. She added that there will be no project if a 50-foot setback is required as it will cause the open space/courtyard to be eliminated.

The following spoke in favor of these requests:

- David Odahowski, Edyth Bush Charitable Fund, 199 E. Welbourne Avenue
- Ann Kelley 520 N. Phelps, Board of Overseers of Crummer College
- Bruce Blackwell, 1624 Roundelay Lane
- Warren Williams, 312 Wing Lane

- Robin Swann, 281 Salvador Square, representing the Chamber of Commerce
- Nancy Miles, 687 Penn Place,
- Margery Steinmetz,
- Patricia Lancaster, retired Rollins professor, 2827 Lake Baldwin Lane
- John Rigsby, 903 Cypress Drive, Orlando, member of Board of Overseers
- John Race, Chairman of Board of Overseers of Crummer Business School
- Victor Zollo, 715 Via Lugano
- Jim Barnes, 7 Isle of Sicily

Cecelia Bonifay, attorney representing The Residences of Winter Park Condominium Association, spoke in opposition to the conditional use but not the rezoning or comp plan amendment. She submitted an agreement and parking easement where Rollins agreed to provide ten parking spaces at the corner of Lyman and Interlachen. She said that no reference has been made to the recorded easement and asked that the rights under easement be protected.

Jim Fitch, 1829 Via Genoa, stated that he would support the project with a 100% FAR and more than a 10-foot setback on New England. He feels Lyman Avenue is not walkable and will not be inviting with new Crummer Business School. He favored looking at space on the campus south of Fairbanks.

Ms. Wilson stated the city and Rollins have had a long relationship and the decision to be made should continue to be in the long-term best interest of city and Rollins. She asked for a vote on ordinance on comp plan and rezoning. She added that, technically, the conditional use cannot be approved without passing the comp plan amendment and rezoning ordinances. She asked for additional time for the architect to work on design revisions to bring back at second reading of the comp plan and amendment and rezoning on March 9th.

Commissioner Sprinkel stated that her main motion was to approve all three requests and the motion should be for approval of the comp plan and amendment and rezoning on first reading.

Mayor Leary asked what amendments are tied to conditional use? Mr. Briggs clarified that the developer's agreement, as part of the conditional use, would include the amendments regarding the 50 spaces, taxable property status, and 50-foot setbacks. The FAR will be included as part of the ordinance.

Mayor Leary stated that the main motion will exclude the conditional request and the three amendments tied to the conditional use. Ms. Wilson agreed with the understanding that they would bring back a design responsive to the Commission's conditions.

Attorney Ardaman clarified that the motion as amended was to approve the comp plan and rezoning on first reading with an amendment to decrease the FAR to 100%. If the amendment is not approved, the maximum FAR would be a maximum of 200%. He pointed out that if these ordinances are denied on first reading, they would not come back for second reading.

Commissioner Weaver commented on the need for sustainable redevelopment and restated his position that the Crummer Business School should be renovated rather than demolished and rebuilt.

Upon a roll call vote on the amendment to establish the maximum FAR of 100%, Commissioners Cooper and Weaver voted yes and Mayor Leary and Commissioners Seidel and Sprinkel voted no. Motion failed with a 2-3 vote.

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

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

No vote on amendments as they are applicable to conditional use.

Mayor Leary declared a recess 6:44 and reconvened the meeting at 7:00 p.m.

8. Citizen Comments

None

11. Public Hearings (continued)

d. Request of the City of Winter Park for:

ORDINANCE NO. 3162-20 AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE VI SUBDIVISION REGULATIONS OF CHAPTER 58 OF THE LAND DEVELOPMENT CODE SUBSECTION 58-376 CONCERNING SUBDIVISIONS AND LOT SPLITS; TO ALLOW CONSIDERATION OF THE DESIGNATION AND PRESERVATION OF HISTORIC HOMES AND/OR HISTORIC SPECIMEN LIVE OAK TREES AS SPECIAL CONDITIONS AND CIRCUMSTANCES FOR MINIMUM LOT SIZE VARIANCES SUBJECT TO THE NORMAL PUBLIC NOTICE AND PUBLIC HEARING PROCESS. (Second Reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Cooper to adopt the ordinance on second reading; seconded by Commissioner Sprinkel.

Motion made by Commissioner Weaver to amend the ordinance to add other species of trees to include magnolias, red maples, cypress,

After discussion on the feasibility of identifying specific trees, Attorney Ardaman stated that this amendment would require the ordinance to go back to first reading.

Commissioner Weaver withdrew his motion but stated other trees should be added.

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

e. Request of the City of Winter Park for:

ORDINANCE NO. 3163-20 AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ARTICLE III "ZONING" AND ARTICLE IV "SUBDIVISION AND LOT CONSOLIDATION REGULATIONS OF CHAPTER 58 "LAND DEVELOPMENT CODE" TO CLARIFY THE PROCEDURES FOR APPLICANTS SEEKING TO TABLE, CONTINUE OR POSTPONE PUBLIC

HEARINGS AFTER SUCH PUBLIC HEARINGS HAVE BEEN DULY ADVERTISED FOR REZONING AND CONDITIONAL USE REQUESTS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (Second Reading)

Attorney Ardaman read the ordinance by title.

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

f. Request of The City of Winter Park for:

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

Attorney Ardaman read the ordinance by title.

Planning Manager Jeff Briggs explained that this ordinance provides the protection from noise by changing the end time from 11:00 p.m. to 10:00 p.m. for outdoor parties, amplified music or any other noise loud enough be heard inside an adjacent residence at least 50 feet away. The Police Department expects a slight increase calls and will ask that the event and music be moved inside until 11 p.m. He advised of a recent code enforcement situation that exists with the Federation of Garden Club building where the property is rented out every weekend with band outside causing a noise disturbance to the nearby neighbors. This ordinance will require the outdoor music and event to end at 10:00 p.m.

Mayor Leary said he is more concerned about the repeat offenders.

Commissioner Cooper expressed her desire to apply noise controls for the use of lawn equipment to prohibit use before 7:00 a.m.

Motion made by Commissioner Sprinkel to approve the ordinance on first reading; seconded by Commissioner Seidel.

Mikael Larsen, 197 Grover Avenue, commented on events held at Mead Garden on weekend nights which is disturbing. Music should not be permitted due to proximity to residential area.

In response to questions, Mr. Briggs explained that the city is aware of this violation and staff is reviewing the lease to determine whether any violations exists. Mayor Leary urged staff to take every step necessary to protect the citizens, particularly from repeat offenders.

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

12. City Commission Reports:

Commissioner Seidel

- Advised that he will not be at the February 24th meeting.

Mr. Knight advised that the March 9th meeting will be long due to the public hearings on the OAO, Rollins College requests and the hotel on Morse Blvd. Commissioner Seidel asked whether it would be appropriate to have an additional meeting on March 10th.

Mayor Leary stated he has received e-mails regarding the length of these meetings. He suggested that the Commission could help to reduce the length of meetings by preparing amendments in advance and not restating positions. He stated that three members of the commission can also vote to table an item to another meeting.

Commissioner Seidel suggested that Mr. Knight determine the need for a second meeting based on the agenda.

Commissioner Sprinkel

- Invited everyone to the Library fundraiser at Full Sail on February 14th.
- Announced that the St. Patrick's Day Parade is on March 1st.
- Announced that Be My Neighbor Day with Daniel Tiger will be in Central Park on Saturday.

Commissioner Cooper

- Stated she toured the Orlando Wetlands which she found impressive.
- Suggested consideration of changes to C2 zoning to require first floor businesses that allow encourage interaction with pedestrians and to the FAR for CBD.

Commissioner Weaver

- Stated that the International Electrical Code passed an electric vehicle readiness amendment. Assistant Director of Building and Permitting Services Kris Stenger advised that these changes are International Code and that typically, Florida code changes follow three years after; however, the State is not automatically adopting the base code.
- Announced that the Fiddler's 5-k is February 22nd.
- Stated the Indy-folk Festival is Saturday in downtown Orlando on Princeton Street.
- Advised he will be out of town next week.

Mayor Leary

- Reported on a water main break on Palmer Avenue on Saturday. He thanked John Skofield who came out and fixed it, which is a reminder of what makes the city special.

The meeting adjourned at 7:29 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis, CMC

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME SEIDER GREGORY STEPHEN		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY OF WINTER PARK CITY COMMISSION	
MAILING ADDRESS 1251 LAKEVIEW DRIVE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY WINTER PARK	COUNTY ORANGE	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 2/10/20		NAME OF POLITICAL SUBDIVISION: WINTER PARK	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, GREGORY S. SEIDER, hereby disclose that on FEBRUARY 10, 20 20:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

9, d. 30 KHA Contract

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2/10/20
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



city commission agenda item

item type	Consent Agenda	meeting date	2/24/2020
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following piggyback agreements:

1. CFE Corp.: Extension of Seminole County contract #CC-0559-15/RTB – Minor Construction Projects Less Than \$2,000,000; Not to exceed \$750,000.
2. Electric Supply of Tampa: Extension of Gainesville Regional Utilities contract #2015-002-A – Wire & Cable; Not to exceed \$675,000.
3. Flowers Chemical Laboratories: City of Naples contract #RFP 18-026 – Lab Testing Services; Not to exceed \$120,000.
4. Mechanical Services of Central Florida: Seminole County contract #RFP-603619-19/TLR – HVAC Repairs, Maintenance & Replacement Services; Not to exceed \$100,000 (FY20).

motion / recommendation

Commission approve items as presented.

background

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

alternatives / other considerations

N/A

fiscal impact

Item 1: Total expenditure under the extension (1 year) not to exceed \$750,000.

Item 2: Total expenditure under the extension (6 months) not to exceed \$675,000.

Item 3: Total expenditure under the initial contract term not to exceed \$120,000. The initial term of the contract shall be valid through 3/31/2021.

Item 4: Total FY20 expenditure under the contract not to exceed \$100,000. The initial term of the contract shall be valid through 1/15/2023.



city commission agenda item

item type	Consent Agenda	meeting date	2/24/2020
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following contract items:

1. Geosyntec Consultants; Singhofen & Associates: Amendment to renew RFQ-4-2017 – Continuing Professional Stormwater Management & Design Services; As-needed basis.
2. Comprehensive Engineering Services: Amendment to renew RFQ-6-2017 – Continuing Professional Transportation Planning & Engineering Services; As-needed basis.
3. Universal Engineering Sciences; Terracon Consultants: Amendment to renew RFQ-10-2018 – Continuing Professional Geotechnical & Environmental Consulting Services; As-needed basis.
4. Ovation Construction; Johnson-Laux Construction: Amendment to renew RFQ-11-2018 – Repair & Construction Services; Not to exceed \$2,000,000.
5. Winter Park Scenic Boat Tour: Lease and license agreement to replace the current franchise agreement expiring this year; The city shall maintain its 5% share of gross revenue derived from boat tour fees.
6. Florida Municipal Power Agency: Amended and restated power purchase agreement between FMPA and Nexterra's Pointsett Solar; The amended agreement shall result in a price reduction of approximately 14.6% from the previously agreed upon price, which will directly benefit the city.
7. Duke Energy Florida: Amended and restated network integration transmission services agreement; There shall be no fiscal impact to the city as a result of this amendment.

motion / recommendation

Commission approve items as presented.

background

Items 1-4: Formal solicitations were issued to award these contracts.

Item 5: The primary results of this agreement are that the city shall no longer be a franchise, there are additional insurance and certification protections in place for the city, and the vendor shall be required to accept electronic payments. This agreement allows for three 5-year terms beginning 10/1/2020.

Item 6: At its March 12, 2018 meeting, the City Commission approved a power purchase

agreement (PPA) with the Florida Municipal Power Agency to participate in solar project 1. Subsequently, the City Manager executed, on behalf of the City, the PPA with FMPA, effective May 16, 2018. That agreement provides for the City's purchase of solar power from that project (approximately 10 MW). Such power was scheduled to begin delivery by June 2020. Unexpected wetland issues on the proposed site caused major permitting delays and redesign considerations which made meeting the original project deadlines impossible. As a result, FMPA entered into negotiations with Nexterra to address the project delay. As a result of those negotiations, FMPA and Nexterra agreed to an amended and restated PPA that accomplished the following:

- A 3-year delay in the project (from June 2020 to June 2023,) which eliminated financial penalties to Nexterra/Poinsett for not meeting the required delivery dates in the original PPA.
- The elimination of two 5-year optional extensions at the end of the initial 20-year project term.
- As a result of the two above changes, Nexterra/Poinsett agreed to a price reduction of about 14.6% below the previous pricing. That price reduction will directly benefit the City of Winter Park.

The PPA between the City and FMPA is unchanged. The PPA between FMPA and Nexterra/Pointsett, (which is attached to the City's PPA with FMPA) has been amended and restated to reflect the above changes.

Item 7: The amendments to the existing NITS agreement are routine and the changes are mostly administrative. The rates charged to Winter Park for transmission services are not determined by the agreement but are included in Duke's Open Access Transmission Tariff. Open access transmission tariffs and the rates charged for such services are regulated by the Federal Energy Regulatory Commission. The amended and restated agreement accomplishes the following:

- Extends the agreement for five years. Winter Park has the right to "roll over" its transmission rights under the agreement every five (5) years. This amended agreement extends the City's Duke Energy transmission rights through March 1, 2025.
- Identification of Winter Park's power suppliers is updated.
- The 10-year transmission capacity forecast by season and by substation is updated.
- Reliability standards that govern the operation of Duke Energy's transmission system are a combination of the North American Electric Reliability Corporation (NERC), the SERC Reliability Corporation (SERC,) and the Florida Regional Reliability Coordinating Council (FRCC) requirements. The language has been broadened to make clear that those guidelines can come from all three of those agencies.
- Signature sheets have been updated.

Without the construction of additional transmission and/or substations to directly interconnect with other transmission providers such as OUC or Florida Power & Light Company (FPL), the City has no alternative to purchasing transmission services from Duke Energy for the delivery of power to Winter Park's electric system.

alternatives / other considerations

N/A

fiscal impact

Items 1-3: Contracts to be utilized on an as-needed basis. Total expenditures under the renewal terms not to exceed approved budgeted amount.

Item 4: Total expenditure under the renewal term not to exceed \$2,000,000.

Item 5: The city shall maintain its 5% share of gross revenue derived from boat tour fees. The city brings in approximately \$50,000 annually under the current franchise agreement.

Item 6: The amended agreement shall result in a price reduction of approximately 14.6% from the previously agreed upon price, which will directly benefit the city.

Item 7: There shall be no fiscal impact to the city as a result of this amendment.



city commission agenda item

item type	Action Items Requiring Discussion	meeting date	2/24/2020
prepared by	Communications	approved by	
board approval	yes	final vote	
strategic objective	Exceptional Quality of Life, Investment in Public Assets and Infrastructure		

subject

I-4 Ultimate Art Endowment

The City of Winter Park has been granted \$150,000 for the acquisition and installation for a piece of public art to be installed by I-4.

motion / recommendation

Recommend to approve RLF artwork and forward to FDOT.

background

The city has been granted \$150,000 for the acquisition and installation of artwork as part of the I-4 Ultimate project. Due to the lack of available easement or ROW at Lee Road, the Public Art Advisory Board (PAAB) is recommending a location at West Fairbanks Avenue where the city has an easement on the Clear Channel property located at the north side of West Fairbanks Avenue just east of I-4.

The board issued a call for artist proposals and received seven, which were reviewed on 12.09.19 when the RLF proposal was selected. RLF will present their proposal today for City Commission approval. FDOT will then review the city's selection.

The city has already received \$30,000 from FDOT and the balance of \$120,000 will be received once the artwork is selected and accepted by FDOT. Installation should be complete by February 2021.

alternatives / other considerations

N/A

fiscal impact

The city has received \$30,000 from FDOT and the balance of \$120,000 will be received once the artwork is selected and accepted by FDOT. The city may elect to pay for lighting and/or landscaping once the artwork is installed.

ATTACHMENTS:

Description

I-4 Art Endowment Letter from Art Endowment Committee

Upload Date

1/30/2020

Type

Cover Memo



Skanska-Granite-Lane, a Joint Venture

1551 Sandspur Road
Maitland, FL 32751
Phone: (407) 623 - 6300
Fax: (407) 236 - 6302

City of Winter Park
401 Park Ave, South
Winter Park, FL, 32789
Attention: Randy Knight, City Manager

June 20, 2019

Subject: I4 Ultimate Art Endowment Initiative

Dear Mr. Knight,

SGL Constructors, on behalf of the I-4 Ultimate Art Endowment Committee, is pleased to announce that the City of Winter Park is a grant recipient in the amount of \$150,000 to fund a creative and artistically rich art installation or installations that will either capture the distinct character or culture of your community, or visually enhance its public spaces.

An initial sum of 20 percent, the amount of \$30,000, will be payable on or around July 31, 2019. The sole purpose of this advance payment is to fund the initial stages of your installation concept and artist procurement.

The final amount, the sum of \$120,000 will be payable once your final art installation concept and location is accepted and based on the following timeline table. Both installments shall be payable to the City of Winter Park.

Art Endowment Timeline Table	
7/31/2019	Initial 20 percent of grant delivered
3/1/2020	Deadline for submitting up to three proposals for art concept, design, and location
5/1/2020	Final art selection approved and final grant installment delivered
2/1/2021	Final art installment complete and in place

This initial and final grant shall be inclusive of all related expenses pertaining to such art installations, including research and development, artist fee's, the infrastructure and building of the art installation and all future maintenance of such installments. I4 Mobility Partners, FDOT, and SGL shall have no further financial obligations beyond this final sum.

Any and all utilities, permits, and land agreements will be the sole responsibility of the grant recipient for the life of the art installation.



Skanska-Granite-Lane, a Joint Venture

1551 Sandspur Road
Maitland, FL 32751
Phone: (407) 623 - 6300
Fax: (407) 236 - 6302

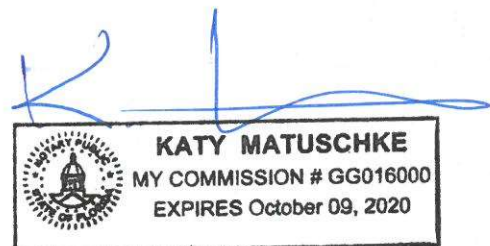
I-4 Mobility Partners and the I-4 Ultimate Art Endowment Committee consisting of representatives from I-4 Mobility Partners, FDOT and SGL Constructors will have final right of refusal over the design, placement, and content of such art installations to ensure that any proposed installations do not interfere with I-4 Ultimate project infrastructure or maintenance and that such concepts capture the spirit and character of the I-4 Ultimate Project and the community at large.

Although the I-4 Ultimate Art Endowment Committee is here to assist and provide a final right of refusal, the committee will not engage in the call for artists or review of the initial proposals. You as the grant recipient are responsible for bringing up to three final proposals to the I-4 Ultimate committee for review.

On behalf of the I-4 Ultimate Art Endowment Committee, I am pleased to that your municipality will be contributing to FDOT's vision for a signature corridor by supporting creative and artistically-rich art installations that will enhance the I-4 corridor and promote cultural and artistic expressions and community engagement.

Best Regards,

Russ Handler



Russ Handler

Project Communications Manager
SGL Constructors/Skanska USA Civil
russ.handler@skanska.com

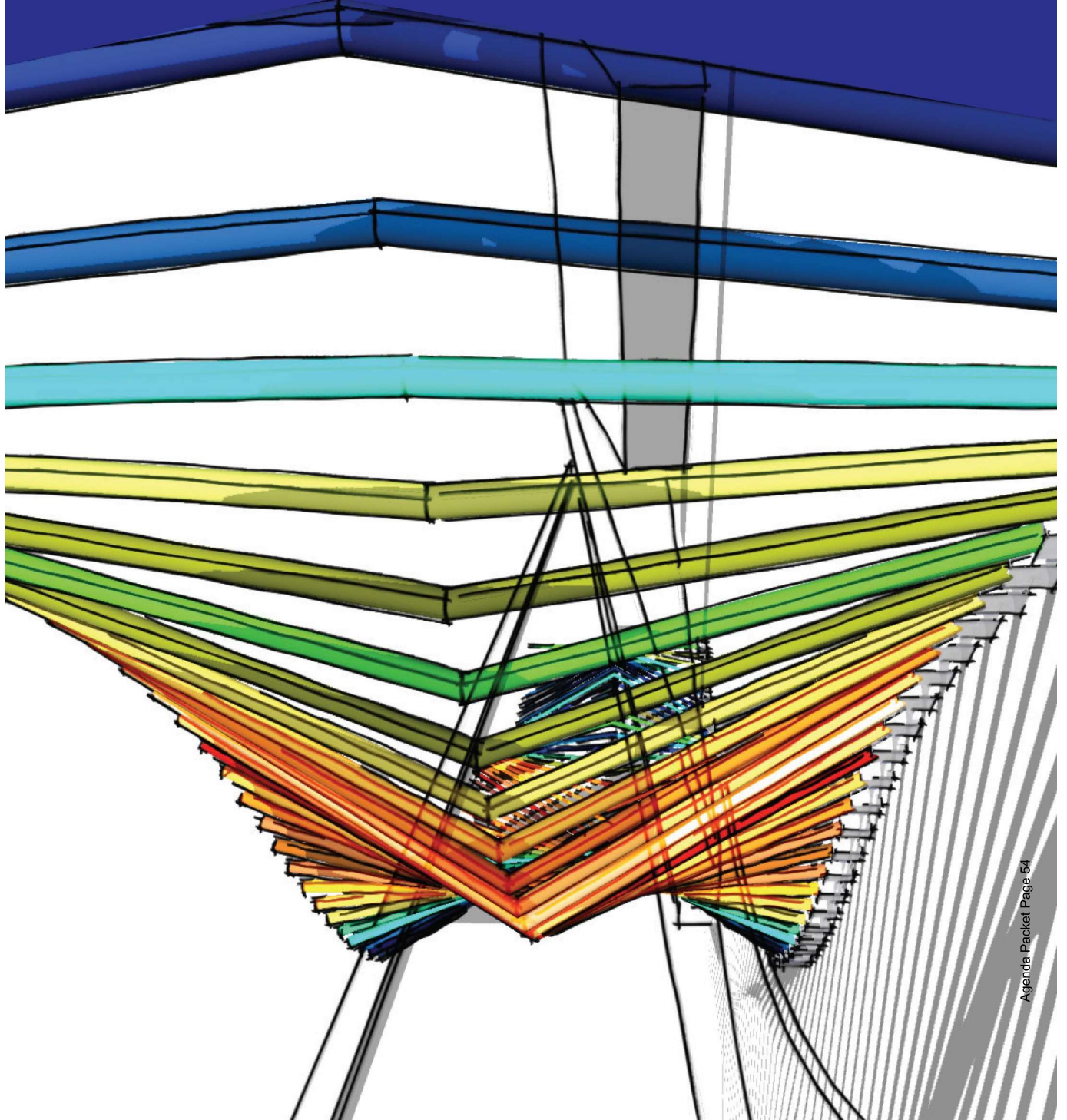
I-4 Ultimate Project

Art Endowment Committee Member

SGL Constructors
Skanska-Granite-Lane, a Joint Venture
1551 Sandspur Road, Suite 200
Maitland, FL 32751, United States

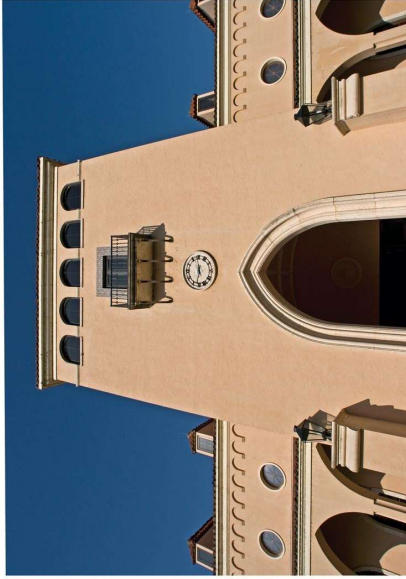
City of Winter Park I-4 Art Endowment

rogers
loyelock
+ fritz 

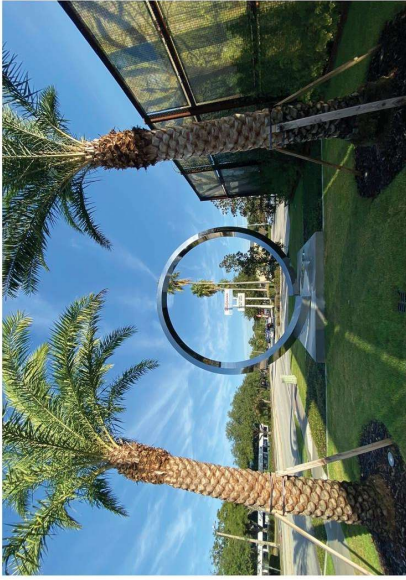




Founded in 1935, by James Gamble Rogers II, Rogers, Lovelock & Fritz, Inc.(RLF) has established roots within the City of Winter Park for close to 85 years. Some of our notable local work includes:



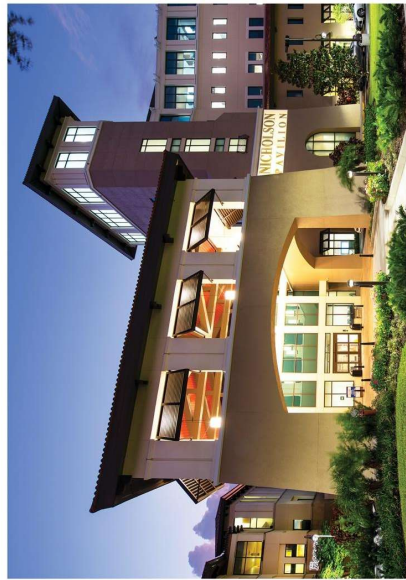
Rollins College



Lakemont Beautification Project



Casa Feliz



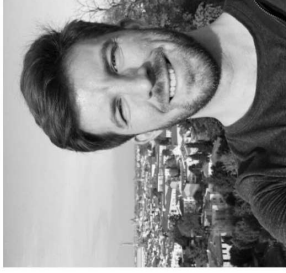
AdventHealth Winter Park



Steve Langston, AIA
LEED AP+BD
Design Director



Rob Bendixen, RA
LEED AP, GGP
Project Manager



Steve Purcell
Design Intern



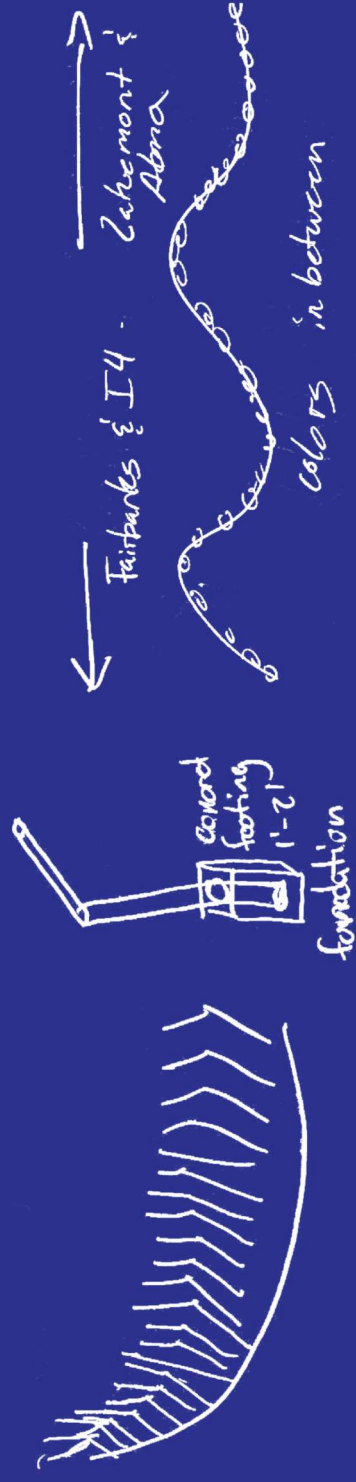
Jocelynn White
Graphic Designer
and Branding

We are a local, fully-integrated team of architects, engineers, interior designers and planners that share a passion for creating exceptional design. We are a collaborative group of thinkers and doers.

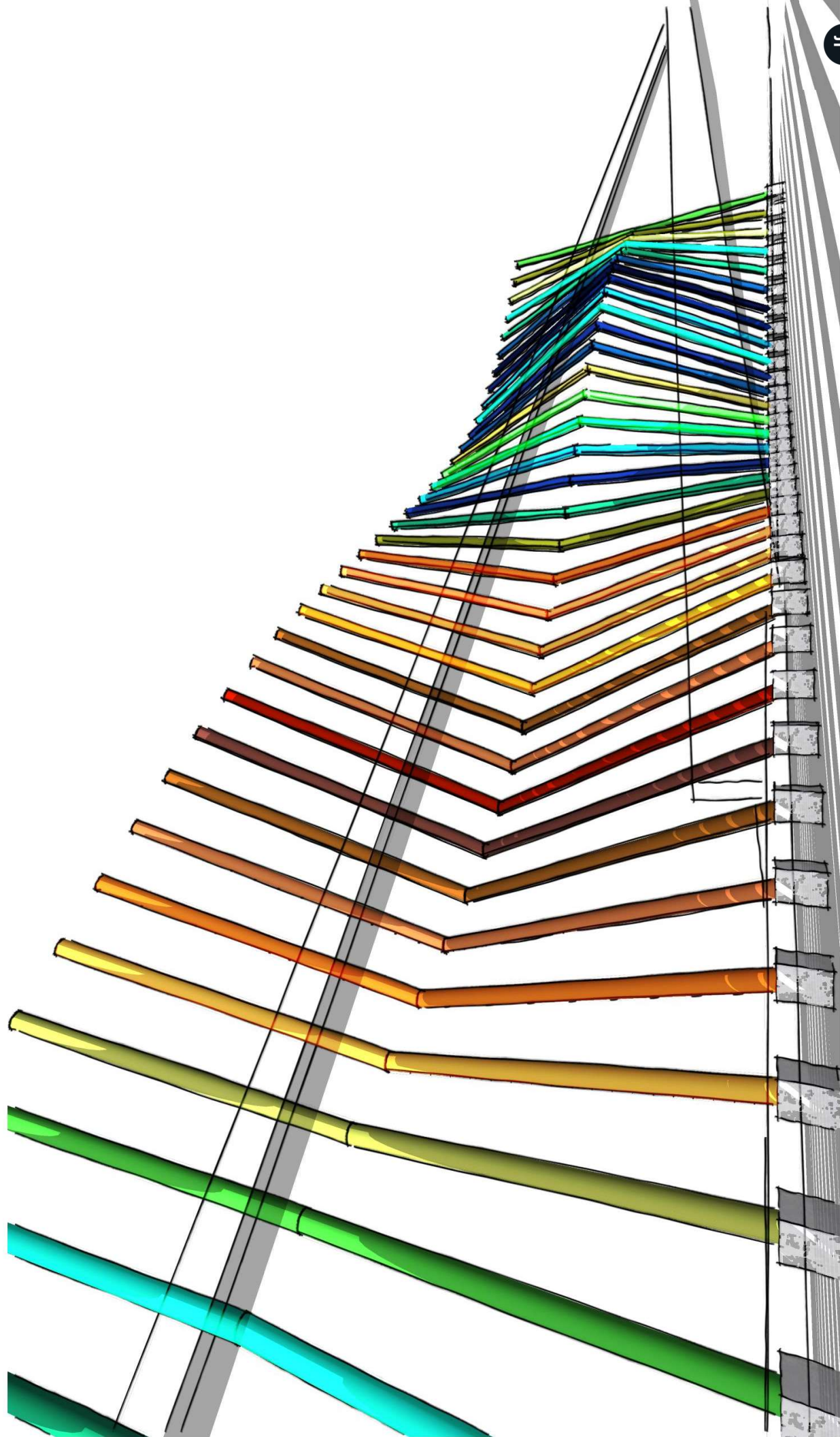
Team members listed to the right are part of the design concept team. If selected, a full team of engineers and architects will be available once final details of project are decided. Please direct any questions or comments regarding this submission to Jocelynn White, jmw@rlfae.com or 407.730.3645.

Abstract

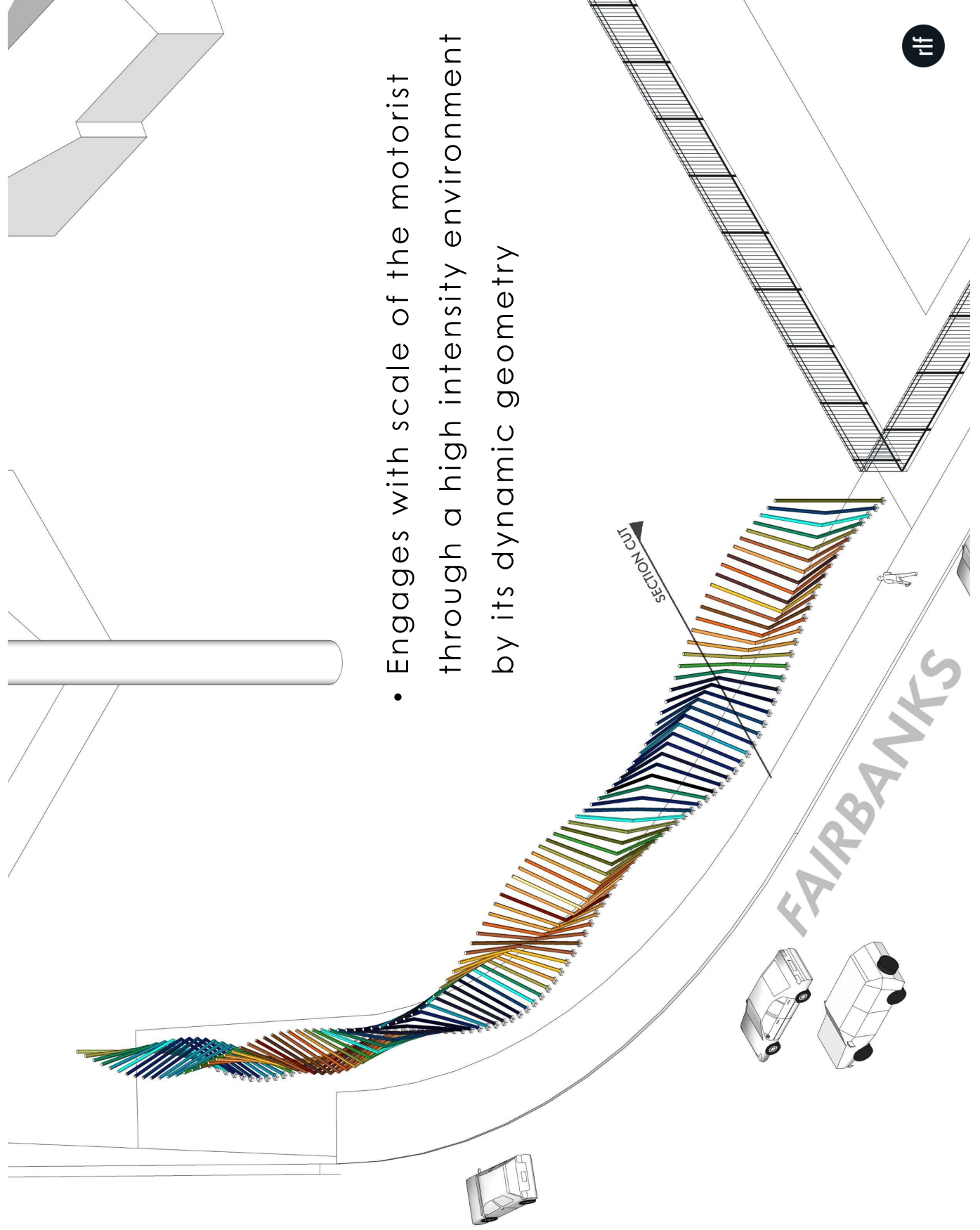
- Emphasize Rich Colors from Winter Park's **Timeless Elements**
- Create a **Rhythmic Character** of the city's past
- Mimics movement that resembles the high-intense environment







I-4 FB



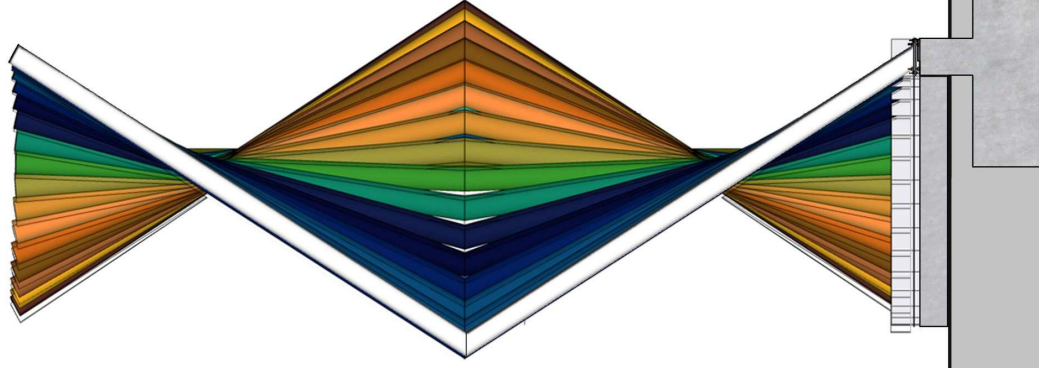
- Engages with scale of the motorist through a high intensity environment by its dynamic geometry

rlf

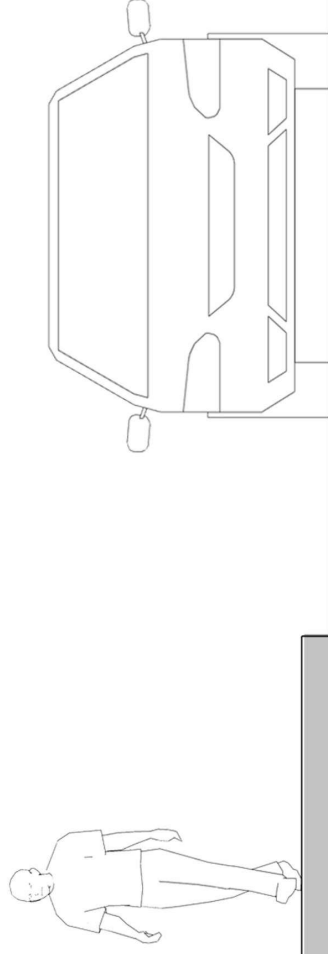
Section

- Between the scales of Ultimate I-4 and single-story shops along Fairbanks
- Enhancing vehicular and pedestrian experience

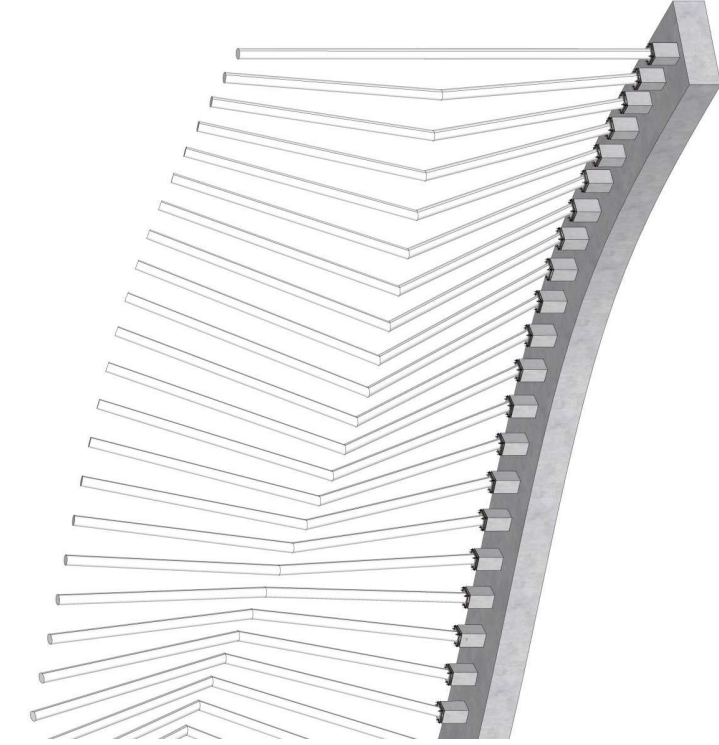
6' 6" WIDTH



18' HEIGHT



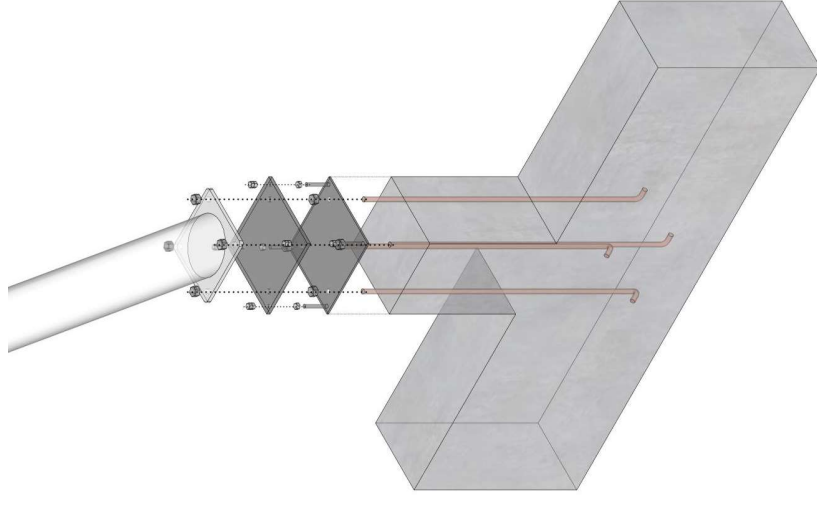
Foundation and Base



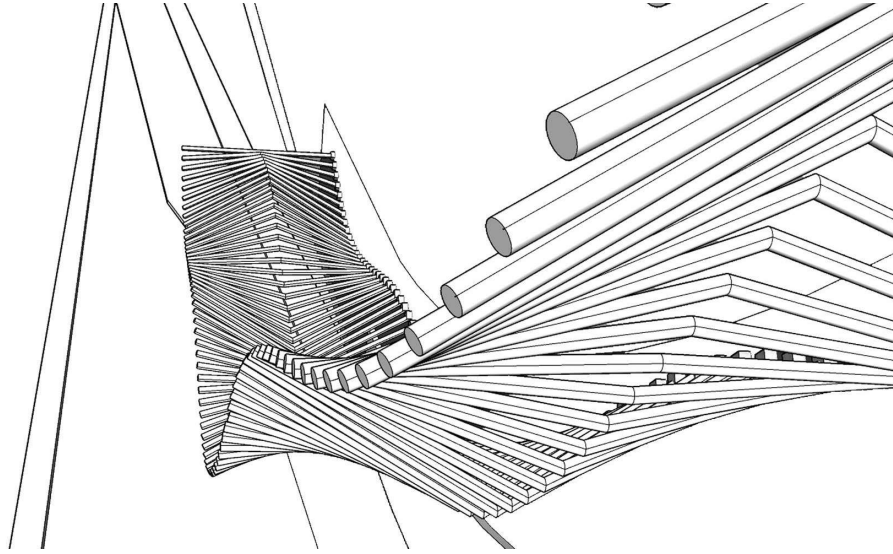
Continuous Foundation:
Improves stability, wind resistance

Adjustment Plate: Keeping poles in plumb, maintaining form

Pole Base: Sturdy from weather, but able to breakaway in a crash per FDOT Lightpole Standard



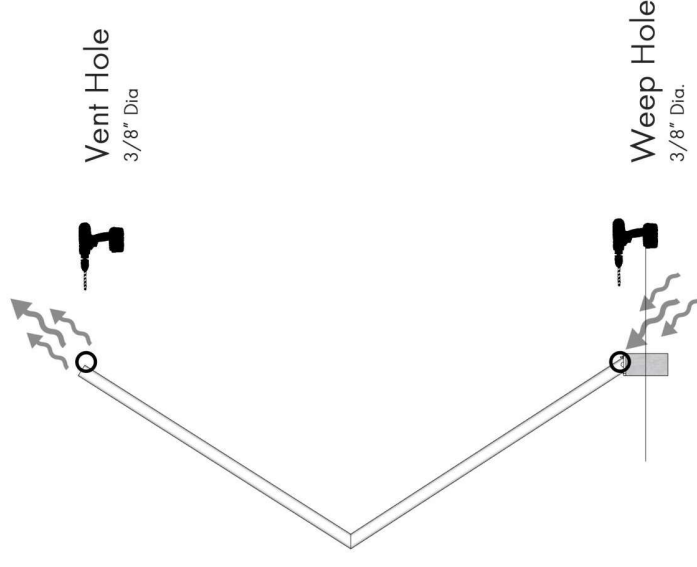
Steel Pipes



Steel: Raw, untreated steel. Possible option for recycled steel. Prone to corrosion but least expensive option for initial cost per foot.

Galvanized Steel: Treated for resisting corrosion, longer lifespan, mid-grade option for initial cost.

Stainless Steel/Aluminum: Resistant to corrosion, longest lifespan, highest option for initial cost.



Finishes

R: 68	R: 105	R: 152	R: 215	R: 96	R: 10	R: 1	R: 6	R: 4	R: 13	R: 12	R: 6	R: 5	R: 16	R: 28	R: 31	R: 15	R: 4	R: 10	R: 15	R: 14	R: 126	R: 216	R: 188	R: 143	R: 195	R: 183	R: 47	R: 81
G: 29	G: 60	G: 78	G: 158	G: 237	G: 225	G: 2	G: 7	G: 21	G: 133	G: 30	G: 9	G: 7	G: 21	G: 22	G: 34	G: 21	G: 9	G: 54	G: 244	G: 118	G: 134	G: 134	G: 82	G: 135	G: 133	G: 194	G: 136	G: 86
B: 24	B: 19	B: 43	B: 27	B: 97	B: 124	B: 22	B: 28	B: 73	B: 160	B: 92	B: 40	B: 28	B: 51	B: 48	B: 41	B: 37	B: 38	B: 99	B: 213	B: 81	B: 57	B: 60	B: 22	B: 54	B: 46	B: 98	B: 42	B: 19

Powder Coating: Spray on, adhering the best, most expensive. graffiti resistant coatings available. (approx. 20-year lifespan)

Enamel Coating: Rolled on, moderate expense, graffiti resistant coating available. (approx. 10-year lifespan)



Options for Ground Cover



Gravel: Option to use recycled concrete or other aggregate from I-4 Ultimate Project



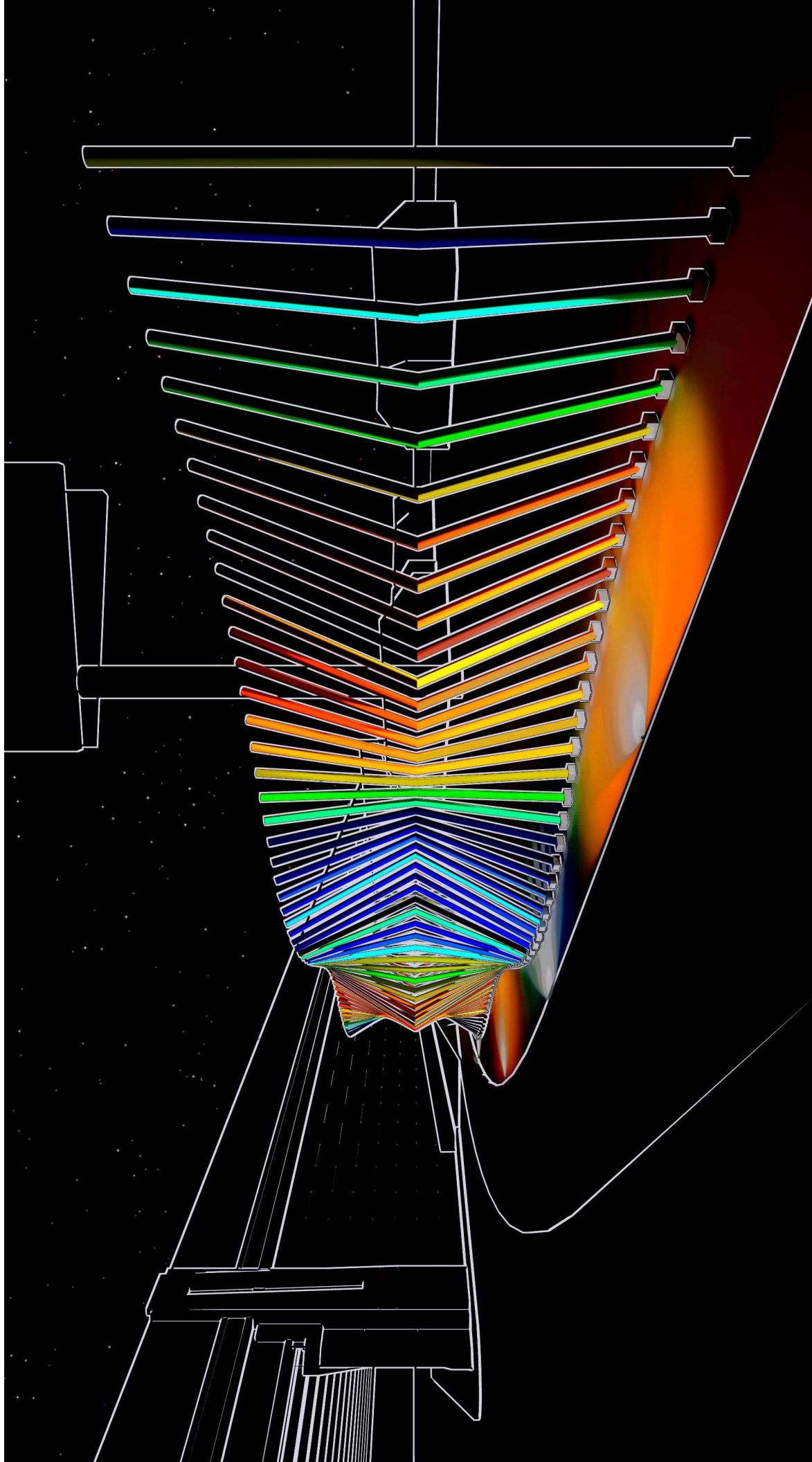
Mulch: Or similar option that is currently maintained by the City

Option for Lighting

Uplighting Diagram: Potential for a dramatic up-lighting design to distinguish how the entrance feature will appear in day vs. night.



Lighting Render: Due to the gloss of the paint, the reflections will oscillate between warm and cool colors throughout the feature.



Facts and Figures

100

TOTAL POLES USED IN INSTALLATION

30

TOTAL COLORS USED

6 in

DIAMETER OF POLES

1 1/2 ft

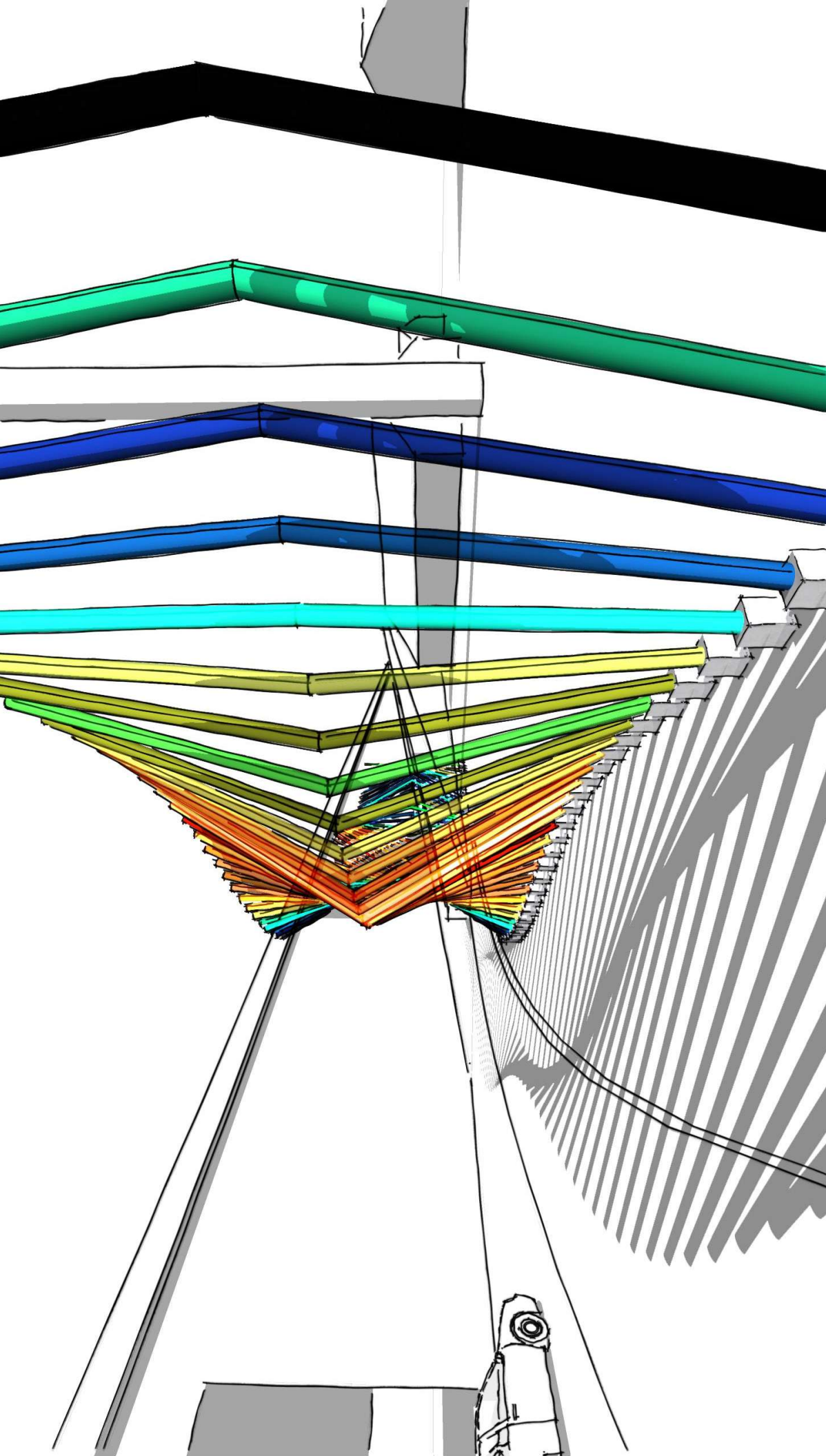
SPACE BETWEEN POLES

18 ft

HEIGHT FROM BASE

Cost Estimates

RLF is currently gathering this data and will have it ready for the council meeting on Feb. 24



Thank you.

Agenda Packet Page 71



city commission agenda item

item type	Public Hearings	meeting date	2/24/2020
prepared by	Planning	approved by	City Manager, City Attorney
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Request of Jacob Johnson:

- To individually designate the property and buildings at 1057 Minnesota Avenue on the Winter Park Register of Historic Places.

motion / recommendation

Recommendation from the Staff and the Historic Preservation Board is to approve the historic designation.

background

The new purchaser of 1057 Minnesota has agreed to the Historic Designation of this property, which holds a one-story Bungalow style home of 1,347 square feet in size on the Minnesota Avenue frontage and to the rear a small accessory cottage of 934 square feet in size. These structures were built in 1920 and are worthy of preservation and placement on the Winter Park Register of Historic Places. The Historic Preservation Board has recommended approval of this designation at their February 12th meeting.

The property at 1057 Minnesota Avenue consists of two platted lots that are zoned R-3 comprising 13,650 square feet of land. Under the R-3 zoning, a total of four living units could be built on this site. In most cases, a developer would demolish the existing structures and built 3-4 new townhouses (depending upon the living area desired) similar to many of the other R-3 properties in the surrounding area. However, the plans are to restore the existing one-story Bungalow style home at 1057 Minnesota Avenue and the accessory cottage to the rear on Miles Avenue. These would remain "as-is" with interior remodeling but no changes to the exterior facades.

On the vacant land on the western portion of the site, the plan is to build two new 2-story single family homes on this R-3 property fronting on Minnesota and Miles Avenues. As an R-3 property, a total of four dwelling units are permitted. However, due to the overall parcel size (less than 15,000 sq. ft.) the floor area ratio is limited to the maximum of 55% allowed in the R-2 zoning. This 55% FAR allows another 5,200 sq. ft. of new construction in addition to the existing structures.

The proposal is to build a new 2-story home of about 3,100 sq. ft. in size on the Minnesota Avenue frontage and the second new 2-story home of about 2,100 sq. ft. in size on the Miles Avenue frontage.

The plan attached is the preliminary outline of the building program and preliminary exterior elevations. These also have been approved by the Historic Preservation Board on February 12th, with more detailed exterior elevation drawings to be submitted, along with exterior materials for a future HPB review and approval.

alternatives / other considerations

N/A

fiscal impact

N/A

ATTACHMENTS:

Description	Upload Date	Type
Resolution	2/12/2020	Resolution Letter
Development Plans	2/12/2020	Backup Material
Front View	2/12/2020	Backup Material
East View	2/12/2020	Backup Material
Rear Cottage	2/12/2020	Backup Material
Map of 1057 Minnesota	2/13/2020	Cover Memo

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY AND BUILDINGS LOCATED AT 1057 MINNESOTA AVENUE AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES AND PROVIDING FOR ADDITIONAL BUILDINGS SUBJECT TO APPROVAL OF THE HISTORIC PRESERVATION BOARD.

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 a desire to foster awareness and civic pride in the accomplishments of the past; and

WHEREAS, the owner of the property and structures at 1057 Minnesota Avenue has voluntarily agreed to Historic Destination of this property based on the full terms and conditions of this Resolution; and

WHEREAS, the Winter Park Historic Preservation Board has determined that the existing Bungalow style home and accessory cottage built in 1920 meet the criterion for historic resource status through its architectural style and age, and

WHEREAS, there is agreement that this is an adaptive redevelopment opportunity given the R-3 zoning such that two new 2-story homes may be added to this site in conformance with the zoning and provided that they are architecturally compatible with the preservation and restoration of the existing Bungalow style home and cottage and are approved at public hearing by the Historic Preservation Board in order to encourage the designation and preservation of the existing buildings and property.

NOW, THEREFORE, be it resolved and approved 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 approves the historic designation of the existing Bungalow home and accessory cottage on the property located at 1057 Minnesota Avenue as a historic resource on the Winter Park Register of Historic Places. Such property is further identified by Property Tax ID#12-22-29-0340-00-300.

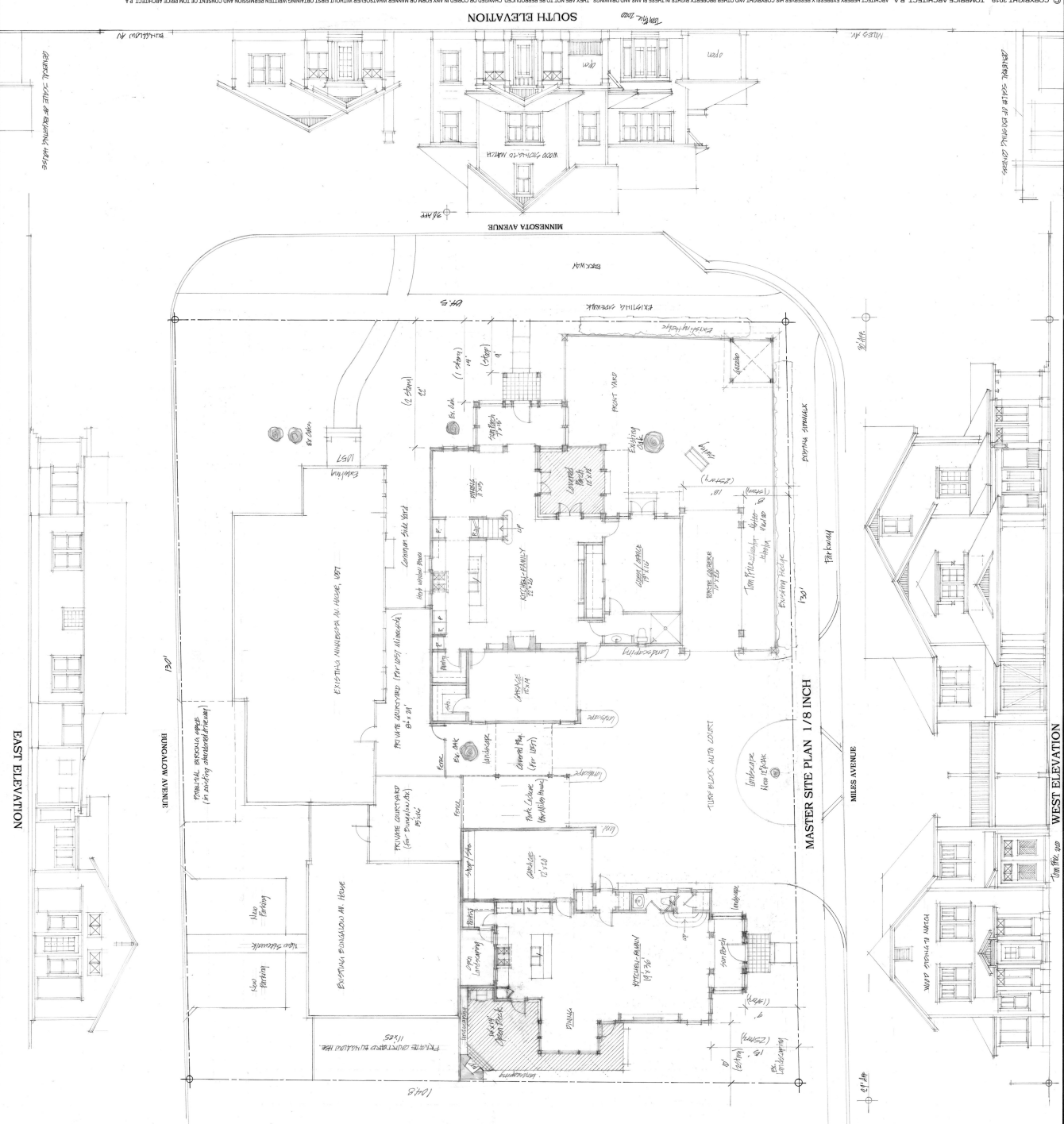
SECTION 2. That in order to facilitate this voluntary designation and to provide for an adaptive reuse of this property, the City Commission agrees that due to the existing R-3 zoning, which permits additional living units, that two new 2-story homes may be added to the site provided that they are approved at public hearing by the Historic Preservation Board and deemed architecturally compatible with the existing historic buildings.

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

Steve Leary, Mayor

ATTEST:

City Clerk



MASTER SITE PLAN 1/8" = 1'-0"

SITE and BUILDING AREA DATA:
 (Boundary Survey: Shannon Surveying Inc., Nov. 22, 2019)

TOTAL LAND AREA:	
Allowable total construction area (FAR 55% x 13,650 = 7,508 SF)	13,650 SF
Bungalow AV cottage building Area: (existing)	934 SF
Minnesota AV cottage building Area: (existing)	1,774 SF
New construction allowed: (including garages)	7,508 less 934 less 1,774 = 5,200 SF
Proposed new Minnesota AV house area: Not to exceed 1,108 SF	Not to exceed 1,108 SF
Proposed new Miles AV house area: Not to exceed 1,108 SF	Not to exceed 1,108 SF
Total existing plus new construction area: Not to exceed 7,508 SF	Not to exceed 7,508 SF
Maximum Impervious Surface Area: Not to exceed 65%; 8,872 SF	8,872 SF
Minimum Landscaping area of 25%; (to incorporate existing landscaping wherever possible)	Minimum of 3,412 SF

Tree cover to maintain Live Oaks along Minnesota AV and major Interior Live Oaks at center of site. New 12" caliper Live Oaks to be planted each side of driveway to replace the Laurel Oaks removed.

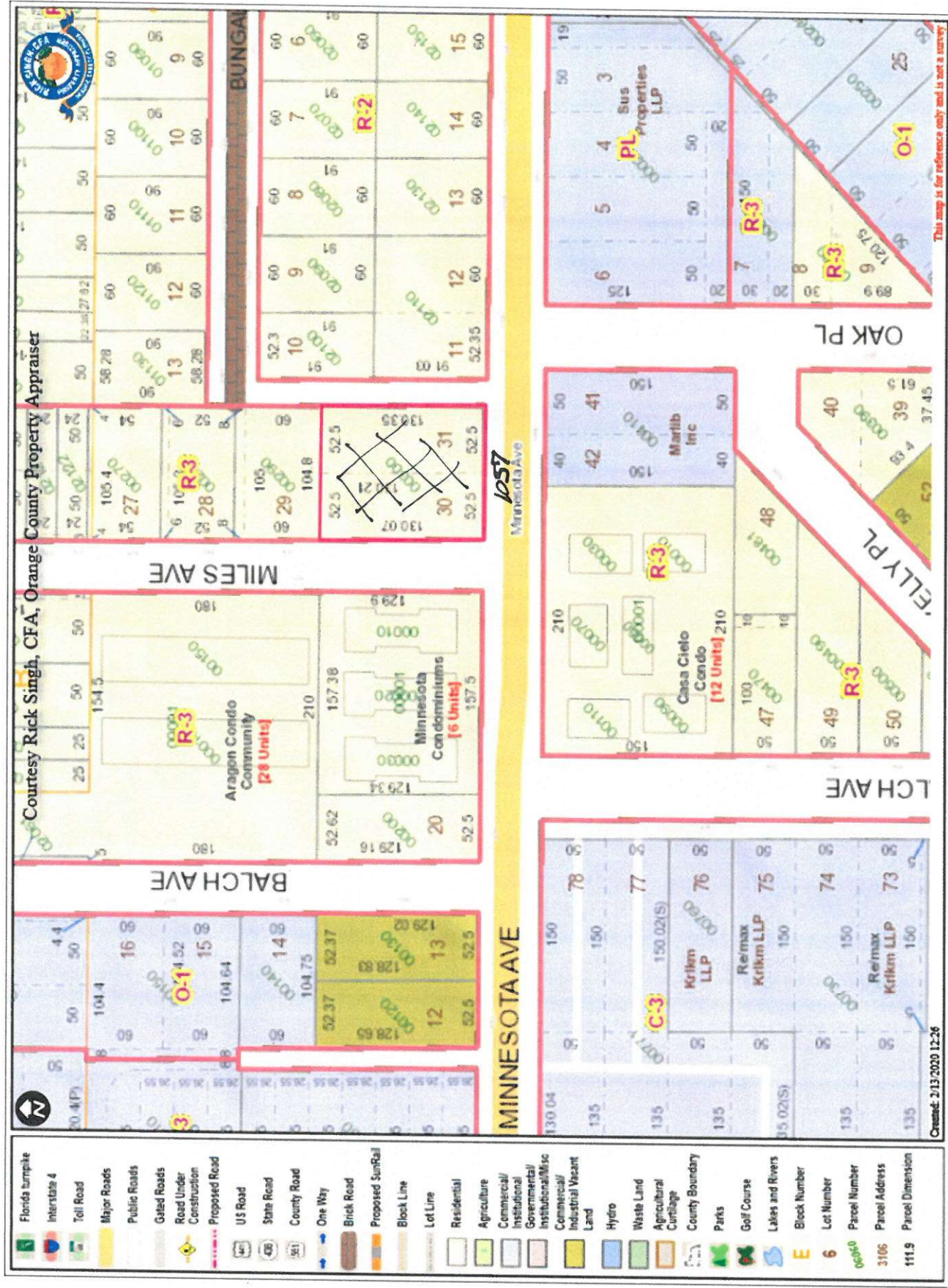


NOTICE of PUBLIC HEARING

applicant, HIGHTOWN HOLDINGS GROUP LLC, has requested the
Planning & Zoning Board ☒ Historic Preservation Board
for this application TO INDIVIDUALLY DESIGNATE THE
EXISTING BUILDINGS AT 1057 MINNESOTA AVENUE AS AN HISTORIC LANDMARK
AND BUILDINGS AT 1057 MINNESOTA AVENUE AND BUILDING COTTAGE TO THE REGIONAL
REGISTER OF HISTORIC PLACES AND CDR TO RESTORE THE
EXISTING BUILDINGS AT 1057 MINNESOTA AVENUE AND BUILDING COTTAGE TO THE REGIONAL
REGISTER OF HISTORIC PLACES AND BUILD TWO NEW SINGLE FAMILY
RESIDENTIAL PROPERTIES ON THE PROPERTY









city commission agenda item

item type	Public Hearings	meeting date	2/24/2020
prepared by	Planning	approved by	City Manager, City Attorney
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Request of William Keegan for:

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

motion / recommendation

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

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

background

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

During the City's review process of subdivisions or lot split requests, there are two criteria that are reviewed. First is the 'Zoning Test' as to conformance with the zoning criteria. The next is the 'Subdivision Code Test' which is conformance to the neighborhood character.

Zoning Test

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

Lot Conformance to Subdivision Code Test

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

Impact Upon Neighbors

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

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

Development Plans

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

Summary

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

Planning & Zoning Board Minutes from February 4, 2020:

- SUB #20-03 Request of William Keegan Homes for: Subdivision approval to split the properties at 1760 and 1780 Bryan Avenue into three single-family lots, zoned R-1A. Variances are requested from the R-1A dimension standards.

Principal Planner Jeff Briggs explained that the request was subdivision approval to split the lots at 1760 and 1780 Bryan Avenue, zoned R-1A, into three lots. Aerial views of the location were presented for reference. Both lots are 100 feet wide and the applicant proposes three lots, each with 67 feet of lot width and 8,466 square

feet of lot area. Mr. Briggs explained that the neighborhood is zoned R-1A and the minimum lot size for the area was 75 feet of lot width and 8,500 square feet of lot area. Thus, variances were requested.

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

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

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

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

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

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

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

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

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

Motion carried with a 6-0 vote.

alternatives / other considerations

N/A

fiscal impact

N/A

ATTACHMENTS:

Description

Backup Material

Upload Date

2/12/2020

Type

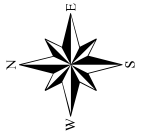
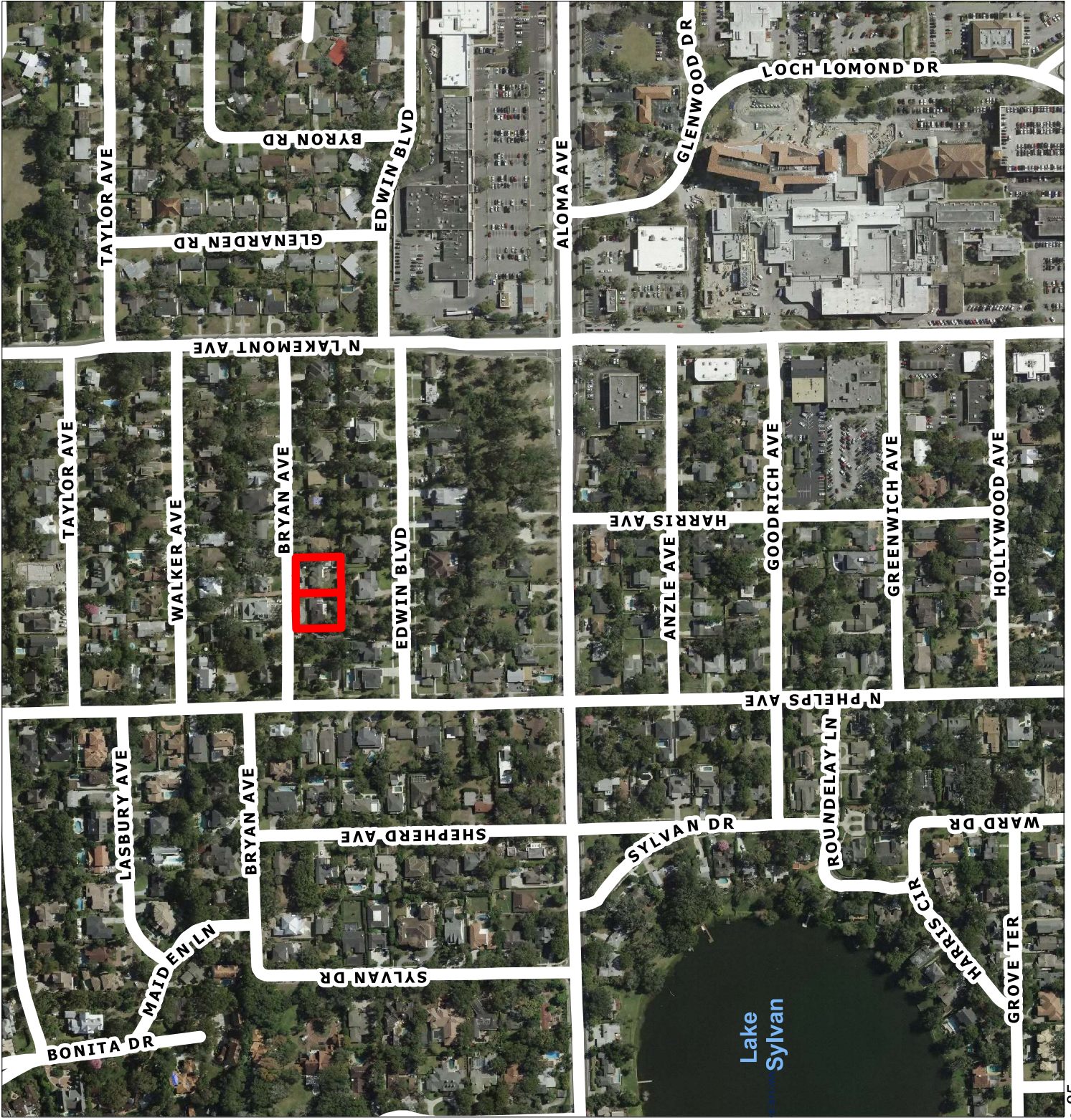
Backup Material



LOCATION MAP

1760 & 1780 Bryan Ave

City of Winter Park
Florida

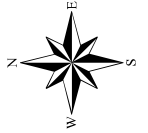




LOCATION MAP

1760 & 1780 Bryan Ave

City of Winter Park
Florida





LOT CONFORMANCE TO SUBDIVISION CODE TEST

1760 & 1780 Bryan Ave

City of Winter Park
Florida

LEGEND

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

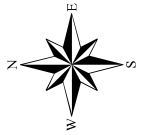
NOTES

Average Lot Width = 71.54 ft

Median Lot Width = 75 ft

Average Lot Size = 10129.01 sq ft

Median Lot Size = 9496.08 sq ft



REVISIONS :

PROPOSED CUSTOM HOMES

1760, 1770, 1780
BRYAN AVENUE



ELEVATION CONCEPTS

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

BRYAN AVENUE



EXISTING SITE PLAN

NTS



PROPOSED SITE PLAN

NTS

NOTES: DIMENSIONS SHALL HAVE PREFERENCE TO THE DIMENSIONS OF THE LOTS AND SHALL BE THE BASIS FOR THE DIMENSIONS OF THE PROPOSED HOMES. THE DIMENSIONS OF THE LOTS SHALL BE THE BASIS FOR THE DIMENSIONS OF THE PROPOSED HOMES. THE DIMENSIONS OF THE LOTS SHALL BE THE BASIS FOR THE DIMENSIONS OF THE PROPOSED HOMES. THE DIMENSIONS OF THE LOTS SHALL BE THE BASIS FOR THE DIMENSIONS OF THE PROPOSED HOMES.

CUSTOM HOMES
1760, 1770, 1780 BRYAN AVE.

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

ARACE DESIGNS
OF BUILDING DESIGN
AMERICAN INSTITUTE
OF ARCHITECTS
1760, 1770, 1780 BRYAN AVE.

DATE: 1/1/20
DRAWN: D.A.A.
SHEET: 1
OF 2 SHEETS

SITE PLAN



city commission agenda item

item type	Public Hearings	meeting date	2/24/2020
prepared by	Planning	approved by	City Manager, City Attorney
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Request of Hill/Grey Seven LLC for:

- Ordinance to amend the Comprehensive Plan Future Land Use Map from Medium Density Residential (R-3) to Parking Lot (PL) on the property at 472 Broadview Avenue. (1)
- Ordinance to amend the Official Zoning Map to change from Medium Density Residential (R-3) to Parking Lot (PL) on the property at 472 Broadview Avenue. (1)
- Conditional Use approval to construct 24,000 square feet of two-story commercial buildings on the properties at 415 S. Orlando Avenue and 336 and 434 Grove Avenue.

motion / recommendation

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

1. Extend 8-foot wall to the maximum degree that safety would allow with step-downs in height as the wall neared the curve just as necessary to shield headlights. At this point, a 42-inch tall wall shall be constructed.
2. Applicant to plant minimum 3-inch caliper shade trees and additional hedge row around the edges of the parking lot.
3. Per the City Attorney, to require a Development Agreement which provides for the consolidation of all of the parcels in a Unity of Title.
4. Implementation of a driveway configuration (pork chop) to preclude right turns out of the Broadview parking lot onto Grove Avenue in order to discourage cut-thru traffic.

background

The applicants own 1.8 acres (78,808 square feet) of properties at 415 N Orlando Avenue (17-92) and 336/434 Grove Avenue, and have under contract 0.73 acres (31,648 square feet) of land at 472 Broadview Avenue. The subject property at 415 N Orlando Avenue is the Ranch Mall commercial center, which a former motel that has been converted to individual businesses operating out of former motel rooms. Redevelopment of this property would be a welcomed improvement to the 17-92 commercial corridor in Winter Park. The other component of the application is an

existing 12-unit multi-family building located behind the Commercial property at 472 Broadview Avenue. The multi-family structure is located adjacent to single-family homes and the current condition of the property detracts from the aesthetic appeal of the neighborhood.

The applicants desire to redevelop the 1.8 acres of commercial/office properties (currently Ranch Mall) with a project involving two buildings at a total of 24,000 square feet, and to use the property at 472 Broadview (currently apartment complex) as off-site parking for that project.

The applicant has the following requests:

1. To change the Comprehensive Plan Future Land Use Map from Medium Density Residential to Parking Lot for 472 Broadview Avenue;
2. To change the Zoning Map from Medium Density (R-3) to Parking Lot (PL) for 472 Broadview Avenue; and
3. Conditional Use approval to build 24,000 square feet of commercial and office space.

Comprehensive Plan Future Land Use Map and Zoning Map Changes

The property at 472 Broadview Avenue is occupied by a two-story, 12-unit apartment complex. The proposal is to demolish the existing apartment building for the construction of a parking lot to serve the development. This property is located adjacent to the single-family neighbor of Killarney Estates to the north, west and south, and the commercial development along Orlando Avenue to the east. This proposal, with the conversion of the multi-family use to parking lot has the support of the single-family property owners immediately adjacent to 472 Broadview. When this property was rezoned to multi-family 1969, this was deemed to be a good transitional use in between commercial and single family land uses. Parking lots have also been used as transitional land uses in numerous areas of the City where commercial areas abut residential areas.

The reason why the City has a "Parking Lot" land use and zoning category is to ensure that this is the only use allowed and that no commercial buildings or uses can occur.

Comprehensive Plan

The Comprehensive Policy shown below specifically addresses the use of Parking Lot Zoning as an appropriate transitional land use. The guidance is again based upon the conclusion as to whether the proposed parking lot is compatible with the character of the surrounding area.

Policy 1-J-9: Protect Single-Family Residential Use in the Killarney Neighborhood from Non-Residential Land Use Encroachment. The City shall preserve and protect the single-family residential land use within the Killarney neighborhood from commercial and office encroachment, excluding parcels that have or obtain Parking Lot (PL) zoning designation along the edges where commercial, office and residential meet. All development should include appropriate landscape buffers, including walls if necessary, so as not to have a negative impact on the residential neighborhood.

Design Details for the Proposed Parking Lot

The proposed new parking lot at 472 Broadview Avenue would hold 70 parking spaces. In order to provide visual screening and privacy protections to the residential neighboring properties on Broadview, there is an 8-foot brick veneered wall proposed with landscape screening on the outside toward the residential homes. Because this property is a corner lot with dual frontages, the proposed wall would need a variance to allow the 8-foot height. Staff feels that a Variance creating additional buffering and screening is appropriate.

There are some minor design variances proposed that are 5 feet of landscape/wall buffer area adjacent to the Broadview and Grove Avenue streets (versus 8 feet per code) and 5 feet of landscape/wall buffer area against the two adjacent residential properties (versus 10 feet per code). However, since the overall impervious green landscape area of the parking lot is 25% versus the code minimum of 15% there is appropriate mitigation of open landscape area.

The other variance is the request to have 40 of the 70 spaces in the parking lot have an 8-foot width versus the code requirement for 9-foot width. This results in the gain of 4 additional parking spots which translates into the potential for 12 additional seats in the restaurant areas. The applicants have stated that the higher-end restaurant uses proposed will utilize valet parking. The types of variances permissible are limited via the Section 58-90 Conditional Use reviews. A variance request for the number of spaces is possible, but there is no allowance for a variance for the width of spaces. Because the limiting factor for every building project is parking, in terms of building size, number of units or restaurant seats. In limiting parking widths from the permissible variances, the City Commission simply did not want to have to make judgement calls on every project about how many spaces can be 8 feet wide versus 9 feet wide. However, in this case since we have an office use and retail/showroom use that are not active during the evening, staff feels that granting the 4 parking space/12 seat variance would not cause any adverse impact.

Design Details and Conditional Use Review for the Commercial Project

There are three types of businesses anticipated in this project. The northern 4,000 square foot building is proposed as a sales/showroom use. The southern 20,000 square foot building would have 15,000 square feet of retail/restaurant on the first floor and 5,000 square feet of office on the second floor. Based upon the 176 parking spaces shown, this would permit up to 441 restaurant seats which then is likely to be two restaurants of 220 seats.

The building elevations appear to depict two-story buildings. However, only the south 5,000 sq. ft. of the southern building is an actual two-stories with commercial restaurant space anticipated on the ground floor and office space on the second floor. The proposal for the higher single-story space is to provide tall interior floor to ceiling heights, preferable to the higher-end restaurant uses proposed for the site.

The applicant is asking for a variance to allow the buildings to be 35 feet in height to the roof and 40 feet visible height with parapet versus the Code limit of 30 feet and 35 feet respectively. The City's Floor Area Ratio (FAR) regulations are intended to control the visible size/mass of buildings and structures. A one-story building that has the appearance of two stories in height (30-35 feet tall) counts twice toward the

FAR, given the appearance of more massing. For this 78,900 square foot site, there is 37,856 square feet of FAR (versus usable floor space of 24,000 square feet). As that exceeds the permitted 45% FAR, some 2,850 square feet of the buildings in some fashion will need to be reduced in height to conform to the 45% FAR. The actual floor area being proposed is well under the allowable FAR, which will reduce traffic impacts.

Underground exfiltration beneath that parking lot areas will provide the required storm water retention for both the main building site and the off-site parking lot.

Traffic Generation

There are 25,202 square feet of existing retail/office buildings on these commercial properties. Per the ITE trip generation estimates, the existing traffic would be 1,117 trips per day. The 12 units of multi-family residential create an additional 79 trips per day, for a total of 1,196 average daily trips between the two uses. Based upon the proposed 4,000 square feet of retail, 5,000 square feet of office and 14,000 square feet of high-end restaurant uses anticipated, the expected traffic generation would be 1,492 trips per day, an addition of 296 trips per day.

Impact from the Loss of the Housing Stock

Policies of the Housing Element of the Comprehensive Plan require the City to assess the impact on the loss of housing whenever residential land is changed to a non-residential use. In this case, the City is losing 12 units of multi-family housing, but with a significant improvement to the appearance of the area on both of the properties considered in this proposal. The positive impact of this redevelopment to the existing single-family homes in the area should not be discounted.

Staff Evaluation and Recommendation

This application appears to create significant upgrades to an older commercial property and an older multi-family property, each with a number of non-conformities. The redevelopment proposed for both of these areas reduces the overall square footage of development between the two properties and does not propose to maximize the FAR of the sites. Because of the Comp Plan Policy that supports Parking Lots as an appropriate transitional land use, staff can support this rezoning. This project removes two uses that some may consider as blighted and replaces them with a development that has excellent architecture and site design that lessens the impact of what could be redeveloped on these properties under the current zoning designations.

Neighborhood traffic concerns from the residents of the Killarney Estates area have been present for many years, especially with the added stress of I-4 Construction and mapping apps that route traffic to cut through neighborhoods. Staff observed the traffic issues with residents on a number of occasions. The neighborhood was concerned about a new commercial user, despite the positive improvements that would be made to older, blighted properties. Staff held a neighborhood meeting, with notice sent to all affected residents. Numerous ideas were presented and a collective design was agreed upon that would address the traffic in the area, keeping the commercial traffic out of the residential areas and not allow cut through traffic. Staff has already begun the implementation of the design, which will be built in a temporary/removable fashion that will allow a test period of the new design to see if

any issues remain. Upon agreeing with the new improvements, the neighbors were very supportive of the subject development proposal and the developer has offered to help to fund and construct a portion of the improvements with the city.

Planning & Zoning Board Minutes from February 4, 2020:

- **CPA #20-03; RZ #20-03 & #20-04 Request of Hill/Gray Seven LLC for: (1) Ordinance to amend the Comprehensive Plan Future Land Use Map from Medium Density Residential (R-3) to Parking Lot (PL) on the property at 472 Broadview Avenue, (2) Ordinance to amend the Official Zoning Map to change from Medium Density Residential (R-3) to Parking Lot (PL) on the property at 472 Broadview Avenue, and (3) Conditional Use approval to construct 24,000 square feet of two-story commercial buildings on the properties at 415 S. Orlando Avenue and 336 and 434 Grove Avenue.**

Board member Laura Walda recused herself from this request as she is employed by the same law firm as counsel that represented the applicant.

Principal Planner Jeff Briggs explained that the request involved the properties at 415 S. Orlando Avenue, the old Mini Ranch Mall, two companion properties at 336 and 434 Grove Avenue and the property at 472 Broadview. He provided aerial and close up views of the properties and explained that the applicant has proposed to redevelop the property on Orlando Avenue with the request to allow companion parking across the street on the side of Grove and Broadview Avenues. He stated that approximately 24,000 square feet of development was proposed and there were three actions before the Board:

1. To change the Comprehensive Plan Future Land Use Map from Medium Density Residential to Parking Lot for 472 Broadview Avenue;
2. To change the Zoning Map from Medium Density (R-3) to Parking Lot (PL) for 472 Broadview Avenue; and
3. Conditional Use approval to build 24,000 square feet of commercial and office space.

He presented plans outlining the proposed development including commercial buildings on the Orlando Avenue frontage, parking area behind the commercial buildings that would extend back to Grove Avenue and the off-site parking area directly across the street on the 472 Broadview Avenue property. The proposal included 106 parking spaces behind the commercial buildings and 70 parking spaces across the street on the Broadview property which would allow enough parking to allow the applicant to build an approximately 4,000 square-foot retail/showroom use building on the north side of the Orlando Avenue frontage and the building on the south side of the Orlando Avenue frontage would have space for two restaurants on the ground floor, each with approximately 220 seats, and part of the second floor would be approximately 5,000 square-feet of office space. The remaining portion of the building would have high vaulted ceiling spaces. He noted that one of the benefits of the mix of uses proposed would be that the parking spaces allocated for retail and office spaces during the day would be available for use by restaurant patrons in the evening.

Mr. Briggs further explained that the applicant was asking for variances to allow for smaller 8-foot wide parking spaces on the rear parking lot, versus the 9-foot width required by code but there is not a variance allowed for the width of the spaces. He explained that the result was 4 additional parking spaces and given the mix of uses

and the fact that the offices would be empty in the evenings, Staff felt that allowing the 4-parking space/12-seat variance would have minimal impact on the project. There is a variance requested for an 8 foot tall wall screening the parking lot in order to screen the lot from neighbors. Mr. Briggs noted that there was a policy in the Comp Plan that allowed for rezoning of residential land for parking lot uses as the applicant had proposed.

Mr. Briggs showed elevations for the buildings and explained that the applicant intended for the restaurant spaces to have high floor to ceiling heights to create a specific interior look. The other variance requested is for 35 of interior height versus the Code allowed 30 feet of interior building height. He stated that Staff was unsure of the necessity for the variance and that the applicant would explain the reason for the request.

Staff recommendation was for approval.

Mr. Briggs answered questions from the Board regarding, landscaping and wall materials for the proposed parking lot wall, the wall height variance and the Comprehensive Plan policies related to rezoning the property from Residential (R-3) to Parking Lot (PL).

Attorney Rebecca Wilson of Lowndes, Drosdick, Doster, Kantor & Reed, P.A., 215 N. Eola Drive, Orlando, FL, represented the applicant. Mrs. Wilson stated that the original site was a 36-room hotel and presently each "hotel room" has its own tenant. She stated that the Ranch Mall is 1.8 acres located on 17-92 and provided images showing the location of the property. She stated that the applicant had hopes that the proposed development would begin to encourage other businesses in between and north of Fairbanks Avenue to redevelop. She stated that there were no significant trees that would need to be saved as the property was mostly asphalt. She showed images of the .73 acres at the rear of the property where the vacant 12-room apartment exists and explained that the area was considered a "down zone" going from 12 units to zero units resulting in zero FAR. Mrs. Wilson provided additional images showing the poor existing conditions of the area and explained that the project would be a significant improvement to the neighborhood.

With respect to site plan, Mrs. Wilson stated that the two separate buildings would have the appearance of being two stories in height. She noted that the height limit on 17-92 is 55-five feet and she explained how the code averages height requirements by story. She reiterated uses for both buildings, building one would have a retail/showroom use and building two would have restaurants on the ground floor and the applicant would use the second floor for their offices. She noted that the applicant was not using the property to increase any of the square footage or Floor Area Ratio (FAR) that is available on the site. She explained that the FAR that the applicant required already existed "by right" and the additional land was needed to provide ample parking for the restaurants, as restaurants have higher parking requirements. She noted that the project will provide bike and electric vehicle parking, the project would also reduce the five curb cuts along 17-92 to one curb cut, increase landscaping and add stormwater treatment for the site. She reviewed the materials and landscaping the applicant would be using for the 8-foot parking lot wall. She stated that at the request of the adjacent neighbor, the wall would have five feet of landscaping and hedges. The wall would run in between the two properties that continue to be zoned residential and run along Broadview Avenue and end right before the intersection of Broadview Avenue and Grove Avenue.

Mrs. Wilson presented renderings of the building and explained that the two story look of the building provided for a more urban look and would attract retailers who would want double volume space. She noted that the project would make for a more appealing pedestrian experience. She reiterated that the project was a three-part request, Future Land Use Map amendment from Medium Residential to Parking Lot, Rezoning from (R-3) to (PL) and Conditional Use approval. She noted that during Staff and Board comments, a question was raised with regard to converting medium density to parking lot, what would prevent the applicant from coming back to request something different at a later date. She explained that the Comprehensive Plan Policy 1.J.9 says, "Protect Single-Family Residential use in the Killarney neighborhood from non-residential land use encroachments." She added that the code also says, "Parcels are not to be taken to commercial or office, excluding parcels that have or obtain parking lot." She stated if the Board stays consistent with the policy allowing parking lot, it would not diminish Staff's ability to uphold the Comp Plan policy.

Mrs. Wilson closed by requesting permission to address any concerns raised by neighbors during public comment.

Mrs. Wilson answered questions from the Board regarding demolition of the apartment dwelling, outreach from the applicant to the neighborhood, provisions for ingress and egress for the parking lot and how lighting from the project would affect the adjacent neighborhood.

The Board heard public comment from:

Jennifer Rimbach, 429 Lakeview Avenue, Winter Park, FL; Marry Black, 1334 Dallas Avenue, Winter Park, FL; David Lundberg, 1971 Lee Road, Winter Park, FL; David Dickerson, 1300 Fairview Avenue, Winter Park, FL; Jennifer Haddad, 1300 Dallas Avenue, Winter Park, FL; Joe Lenartis (did not provide speaker form or state his address for the record); Julie Sutphin, 350 Killarney Drive, Winter Park, FL; David Rimbach, 429 Lake View Avenue, Winter Park, FL; Peggy Ramsey, 531 Dunraven Drive, Winter Park, FL; Jeffrey Karsch, 475 Lakeview Avenue, Winter park, FL; Jackie Thompson, 458 Lakeview Avenue, Winter park, FL.

The consensus of the public comment was that the residents felt the project would be a good use of the property and an improvement for the area. However, the majority of residents expressed concerns regarding increased "cut-through" traffic into the neighborhood. Additionally, residents expressed concerns related to the lights from the parking lot and how that would affect the Killarney Estates neighborhood.

No one else from the public wished to speak. The public hearing was closed. Before Mrs. Wilson responded to concerns from the residents, Planning Director Bronce Stephenson addressed the Board. An extensive conversation ensued regarding traffic concerns raised by the residents in the Killarney Estates neighborhood. Mr. Stephenson acknowledged the traffic issues plaguing the area stated that Staff felt the project would not be a great contributor to the existing issues. Mr. Stephenson stated to the Board that Staff and the City would work directly with the community to discuss and implement solutions to mitigate traffic issues in the area. The discussion moved on to what the applicant could do to the project to assist with traffic generation from the parking lot. Mr. Stephenson and the Board discussed adding a condition to have left turn only curb cuts in the parking lot

to mitigate traffic.

Mrs. Wilson stated that the applicant appreciated Mr. Stephenson's acknowledgment that the traffic issue was outside of the applicant's request and that the applicant agreed to have the "pork chop" for traffic to go out from Grove Avenue. She stated that while the applicant does not have the capacity to fix the long-standing traffic conditions in the area, the applicant was open to looking at options that would help the conditions, but asked that the request be considered without being linked to a requirement for the entire study area. She addressed residents' comments regarding sidewalks and on street parking. She stated that the applicant would continue the sidewalks on the properties that they were improving and that the project would not include on street parking. She closed by stating that the applicant did not want to negatively impact the neighborhood and asked that the project be moved forward with the conditions to finish working with staff prior to City Commission meeting to resolve traffic concerns.

Further discussion ensued between the applicant and the Board regarding extending the wall and sidewalk around the parking lot, storm water retention and the policies for converting residential zoning to parking lot zoning.

The Board conversed in depth the land use aspect of the request, line of sight issues, landscaping and extension of the proposed wall for the parking lot, Staff's role in solving traffic conditions plaguing the adjacent neighborhood and the parking lot use. The Board continued to discuss, at length deed restriction as a possibility to connect ownership of the project and the parking lot. City Attorney Dan Langley stated that a Unity in Title would be an option to connect ownership of the property. Further discussion ensued.

Motion made by Ray Waugh, seconded by Owen Beitsch, for an Ordinance to amend the Comprehensive Future Land Use Map from Medium Residential (R-3) to Parking Lot (PL) on the property at 472 Broadview Avenue.

Motion made by Ray Waugh, seconded by Owen Beitsch for an Ordinance to amend the Official Zoning Map to change the land use designations of Medium Density Residential (R-3) to Parking Lot (PL) on the property at 472 Broadview Avenue.

Motion carried with a 5-0 vote.

Motion made by Ray Waugh, seconded by Owen Beitsch, for Conditional Use Approval to construct 24,000 square feet of two-story commercial buildings on the properties at 415 S. Orlando Avenue and 336 and 434 Grove Avenue including all staff recommendations and variances proposed.

- 1. Extend 8-foot wall to the maximum degree that safety would allow with step-downs in height as the wall neared the curve just as necessary to shield headlights.**
- 2. Applicant to plant minimum 3-inch caliper shade trees and additional hedge row around the edges of the parking lot.**
- 3. Per the City Attorney, to require a Development Agreement which provides for the consolidation of all of the parcels in a Unity of Title.**
- 4. Implementation of a driveway configuration (pork chop) to preclude right turns out of the Broadview parking lot onto Grove Avenue in**

order to discourage cut-thru traffic.

Motion carried with a 5-0 vote.

alternatives / other considerations

N/A

fiscal impact

N/A

ATTACHMENTS:

Description	Upload Date	Type
Ordinance - FLU	2/12/2020	Ordinance
Ordinance - Zoning	2/12/2020	Ordinance
Backup Materials	2/12/2020	Backup Material
Sustainable Design	2/13/2020	Cover Memo

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE",
ARTICLE I "COMPREHENSIVE PLAN" TO AMEND THE
"COMPREHENSIVE PLAN" FUTURE LAND USE MAP TO CHANGE
FROM AN MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE
DESIGNATION TO A PARKING LOT FUTURE LAND USE
DESIGNATION ON THE PROPERTY AT 472 BROADVIEW
AVENUE, MORE PARTICULARLY DESCRIBED HEREIN
PROVIDING FOR CONFLICTS, SEVERABILITY AND AN
EFFECTIVE DATE.**

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

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

WHEREAS, the Winter Park Planning and Zoning Commission, acting as the designated Local Planning Agency, has reviewed and recommended adoption of the proposed Comprehensive Plan amendment, having held an advertised public hearing on February 4, 2020, provided for participation by the public in the process, and rendered its recommendations to the City Commission; and

WHEREAS, the Winter Park City Commission has reviewed the proposed Comprehensive Plan amendment and held advertised public hearings on February 24, 2020 and on March 9, 2020 and provided for public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to change the future land use map designation of Medium Density Residential to Parking Lot on the property at 472 Broadview Avenue, being more particularly described as follows:

Lots 1, 2, 14 and 15, Block 5, Killarney Estates Resurvey, as recorded in Plat Book "L", Page 9, Public Records of Orange County, Florida.

Property Tax ID's # 12-22-29-4172-05-010.

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

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

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

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

Mayor

Mayor Steve Leary

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" TO AMEND THE "OFFICIAL ZONING MAP" TO CHANGE FROM MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-3) DISTRICT ZONING TO PARKING LOT (PL) DISTRICT ZONING ON THE PROPERTY AT 472 BROADVIEW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owners of property at 472 Broadview Avenue have requested a zoning map amendment consistent with the amended Comprehensive Plan, and such municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their February 4, 2020 meeting; and

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

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

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

SECTION 1. Official Zoning Map Amendment. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to change the zoning designation of Medium Density Multiple Family Residential (R-3) District to Parking Lot (PL) District zoning on the property at 472 Broadview Avenue, more particularly described as follows:

Lots 1, 2, 14 and 15, Block 5, Killarney Estates Resurvey, as recorded in Plat Book "L", Page 9, Public Records of Orange County, Florida.

Property Tax ID's # 12-22-29-4172-05-010.

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

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

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

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

Mayor Steve Leary

Attest:

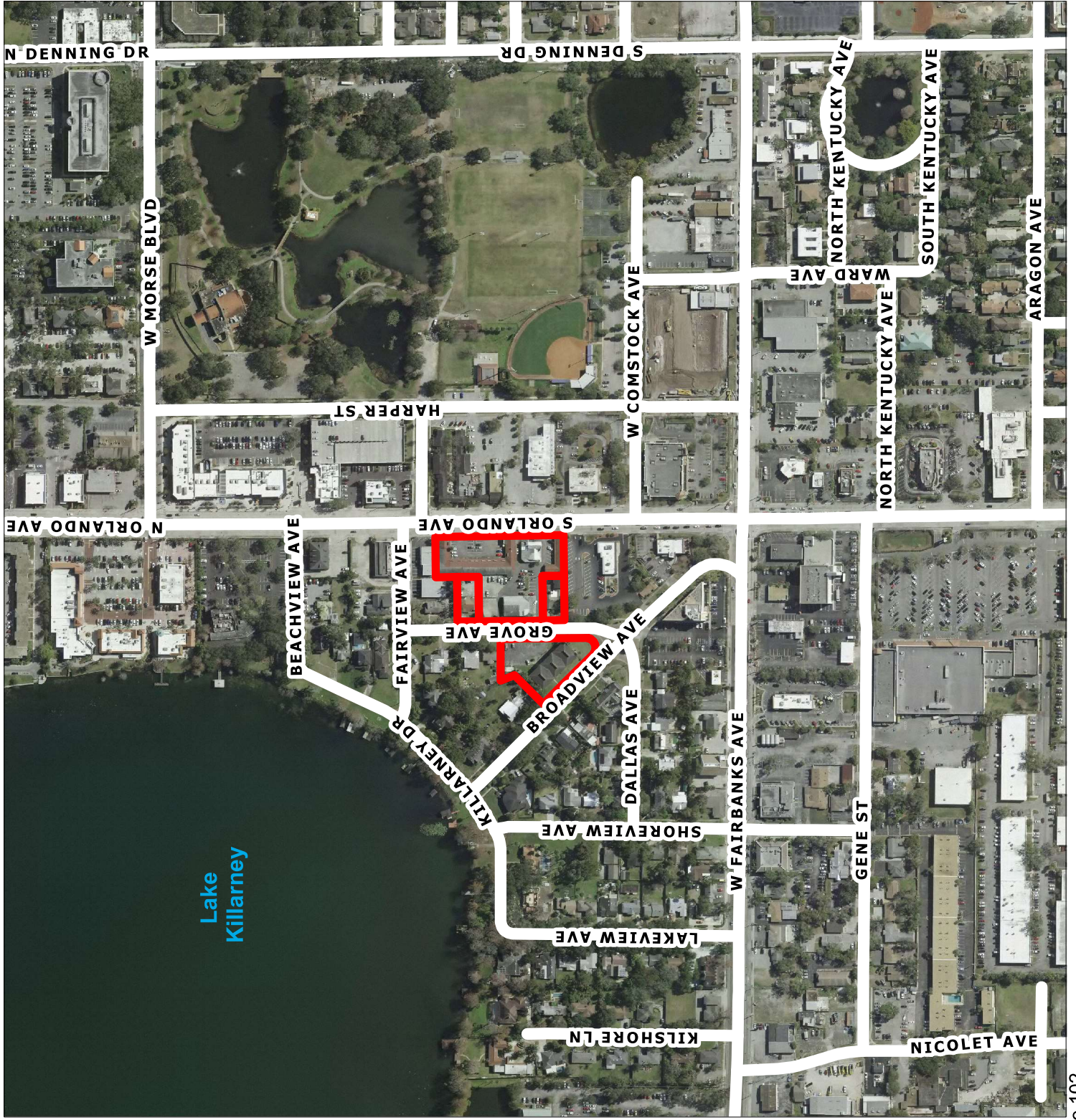
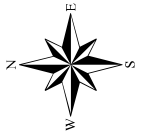
City Clerk



LOCATION MAP

**415 S Orlando Ave
336 & 434 Grove Ave
472 Broadview Ave**

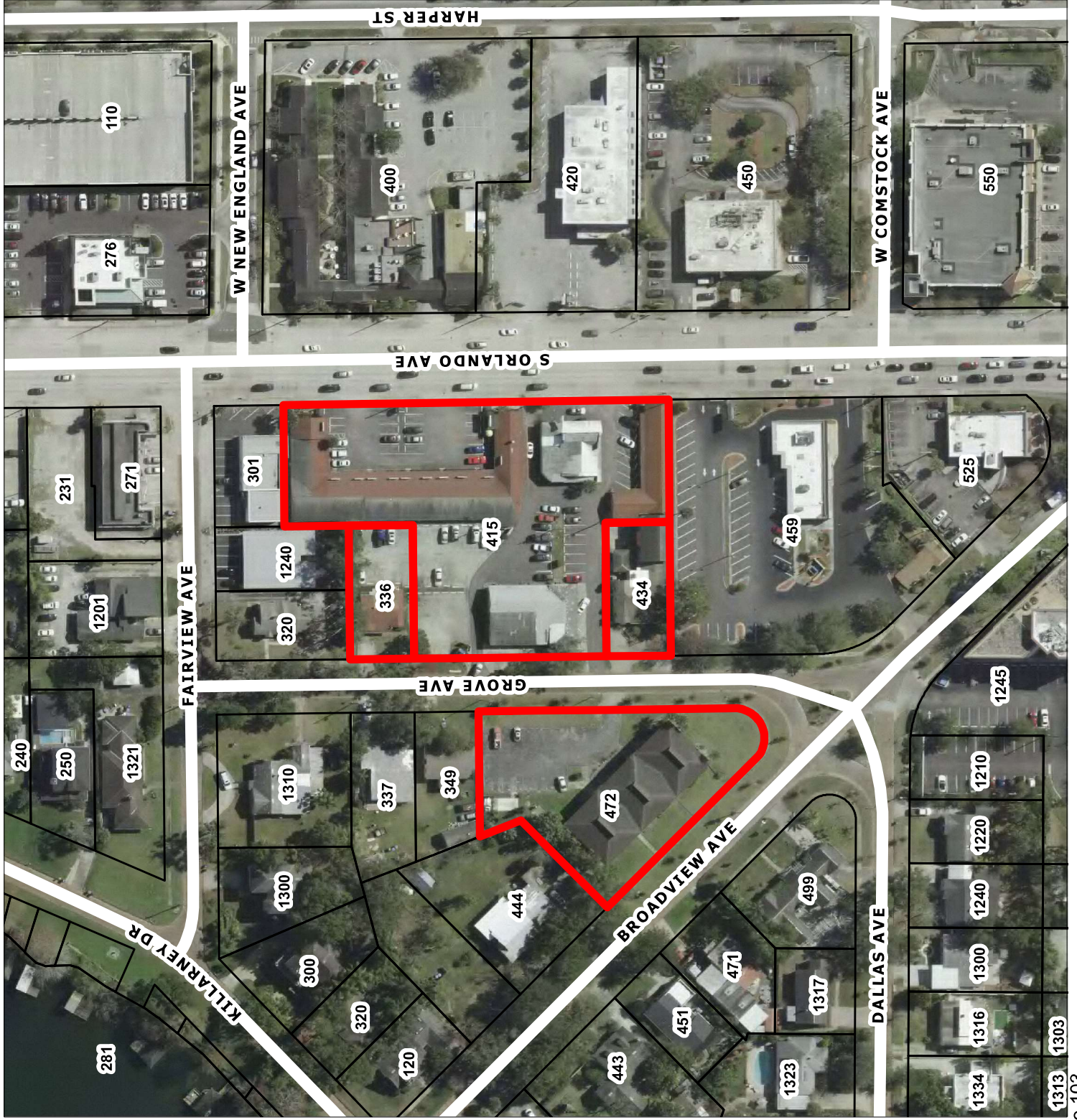
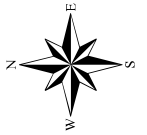
City of Winter Park
Florida





LOCATION MAP
415 S Orlando Ave
336 & 434 Grove Ave
472 Broadview Ave

City of Winter Park
Florida





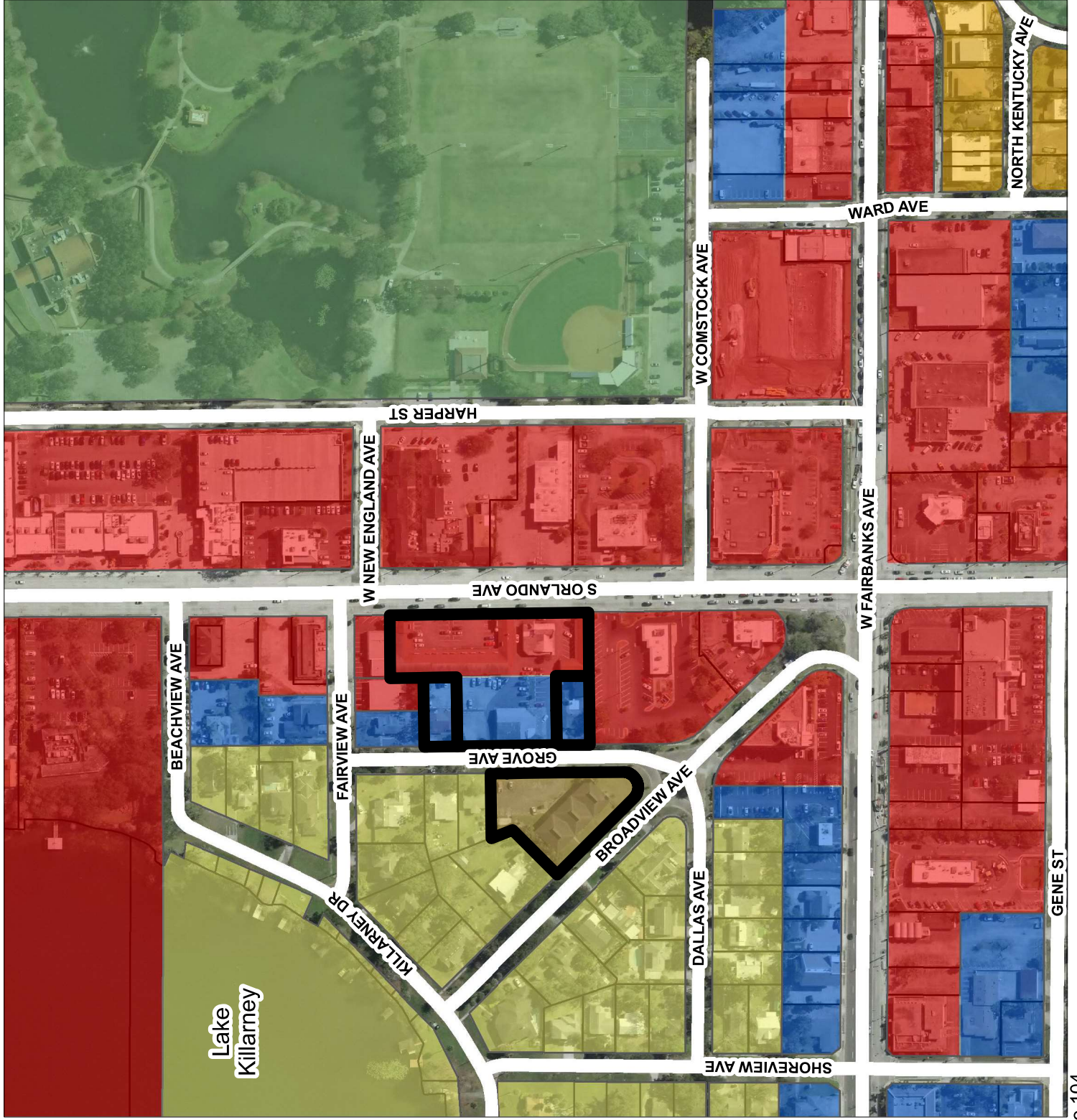
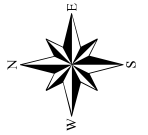
FUTURE LAND USE

**415 S Orlando Ave
336 & 434 Grove Ave
472 Broadview Ave**

City of Winter Park
Florida

Future Land Use

- Commerce
- Office Professional
- Medium Density Residential
- Low Density
- Single Family
- Open Space
- Recreation

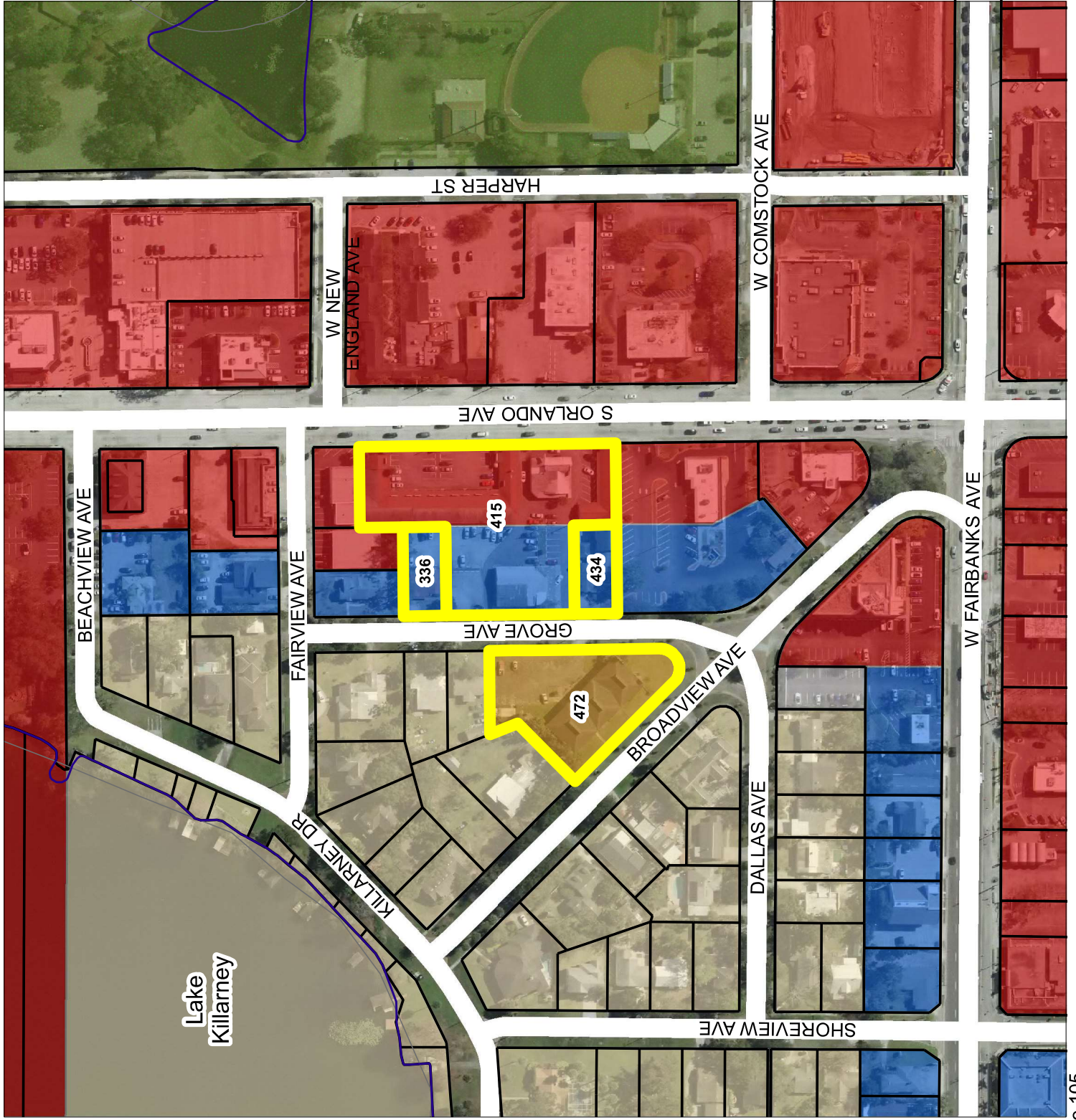
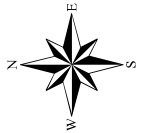




ZONING
415 S Orlando Ave
336 & 434 Grove Ave
472 Broadview Ave
 City of Winter Park
 Florida

Legend

 C-3
 O-1
 PL
 PR
 R-1A
 R-3

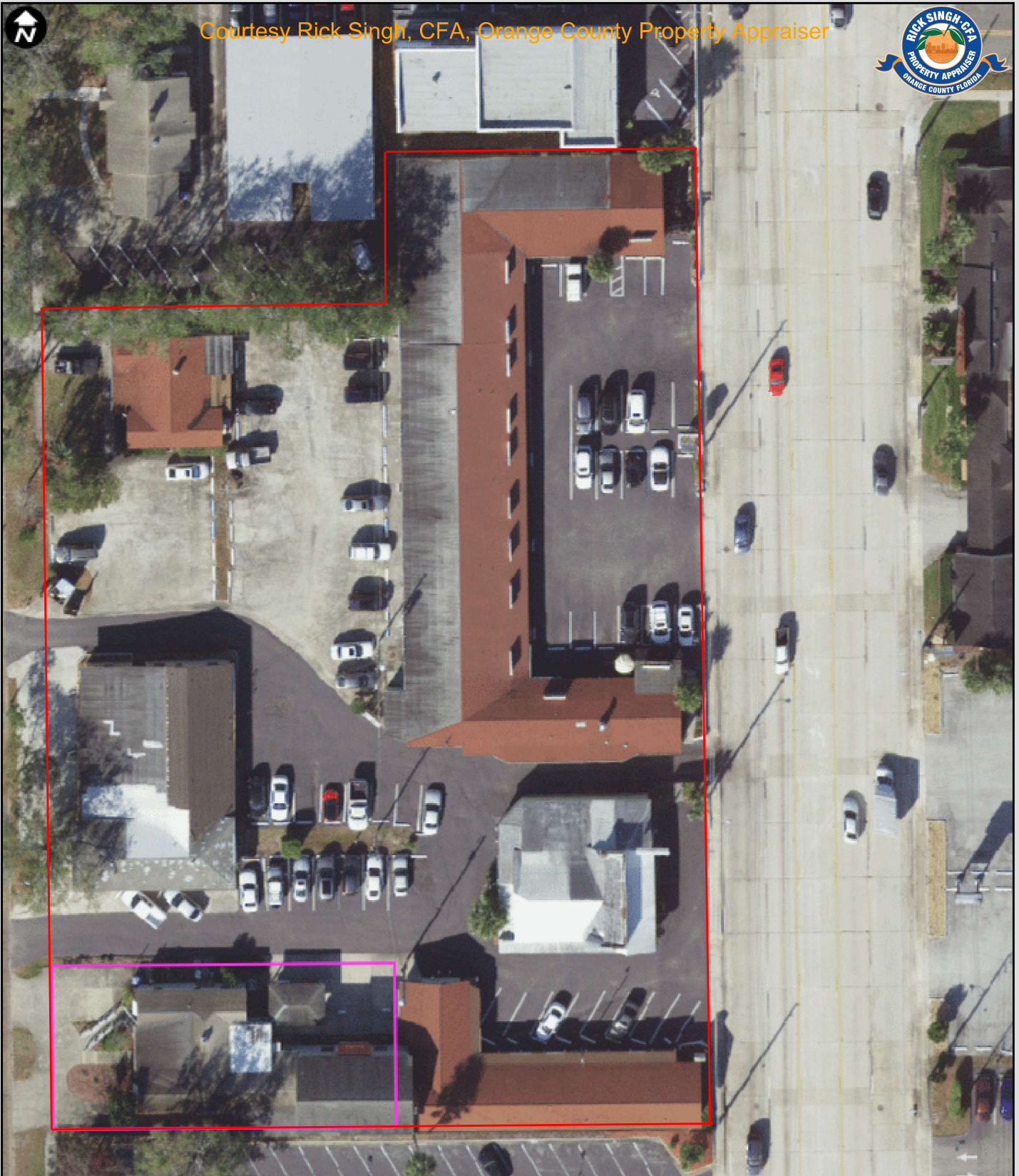




Project Location 1

OCPA Web Map

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



Created: 12/6/2019 14:1 Aerial 2018

This map is for reference only and is not a survey

OCPA Web Map

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



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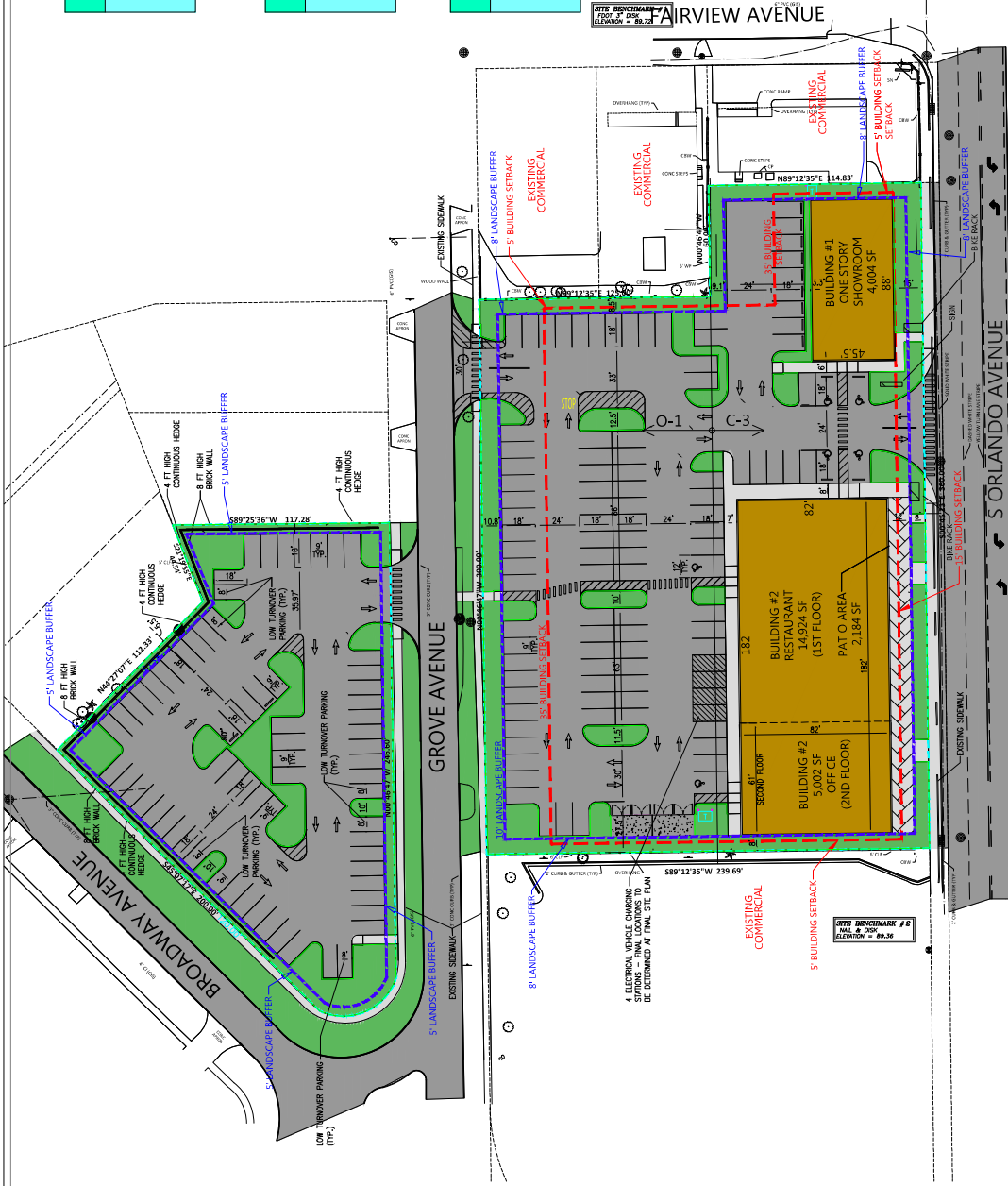
This map is for reference only and is not a survey

THE HILL CENTER – BUILDING #1			
SHOWROOM	BUILDING HEIGHT		GROSS BUILT AREA
	REQUIRED	PROVIDED	
	55'	35' + PARAPET*	4,004 GSF

THE HILL CENTER – BUILDING #2 (1ST FLOOR)			
RESTAURANT	BUILDING HEIGHT		GROSS BUILT AREA
	REQUIRED	PROVIDED	
	55'	35' + PARAPET*	14,924 GSF

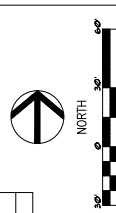
THE HILL CENTER – BUILDING #2 (2ND FLOOR)			
OFFICE	BUILDING HEIGHT		GROSS BUILT AREA
	REQUIRED	PROVIDED	
	55'	35' + PARAPET*	5,002 GSF

- * SEC. 58-76 ALLOWS UP TO FOUR-STORY 55' MAXIMUM HEIGHT. PROPOSING TWO-STORY WITH 35' HEIGHT DEVIATION FROM TWO-STORY HEIGHT LIMIT.
- * SEC. 58-80 MAXIMUM FENCE HEIGHT 6'.
- * PROPOSING 8' PER NEIGHBOR'S REQUEST.
- * SEC. 58-86 REDUCTION IS FOR SIZE OF SPACES FOR LOW TURNOVER PARKING.

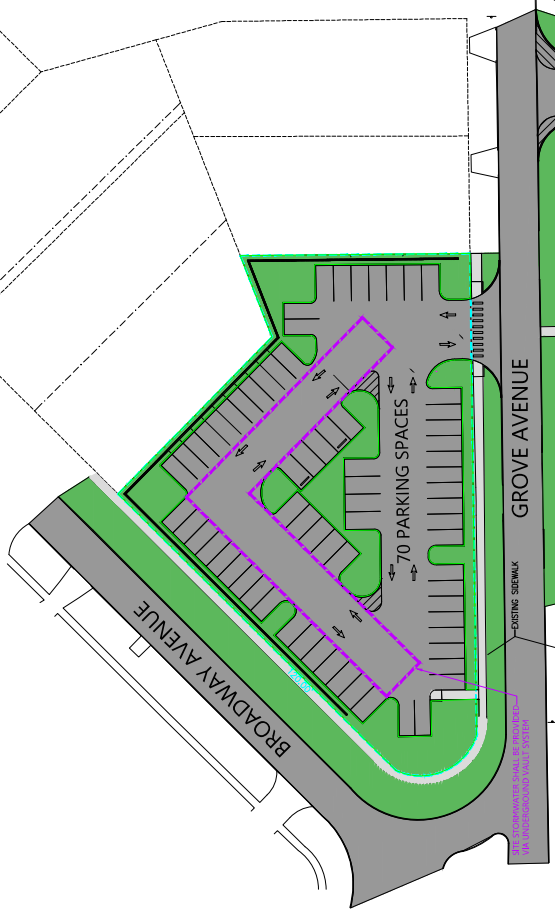


PL ZONING ANALYSIS (PARKING)					
SITE AREA	PROPOSED	REQUIRED	LANDSCAPE BUFFER	FRONT BUFFER (Grove Ave)	REQUIRED
F.A.R.	31.648	---	---	5'	5' MIN.
IMPERVIOUS SPACE	N/A	45%	---	5'	5' MIN.
PERVIOUS SPACE	23,687 SF (74.8%)	85% MAX.	---	5'	5' MIN.
PARKING TOTAL	7,961 SF (25.2%)	15% MIN.	---	5'	5' MIN.

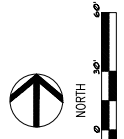
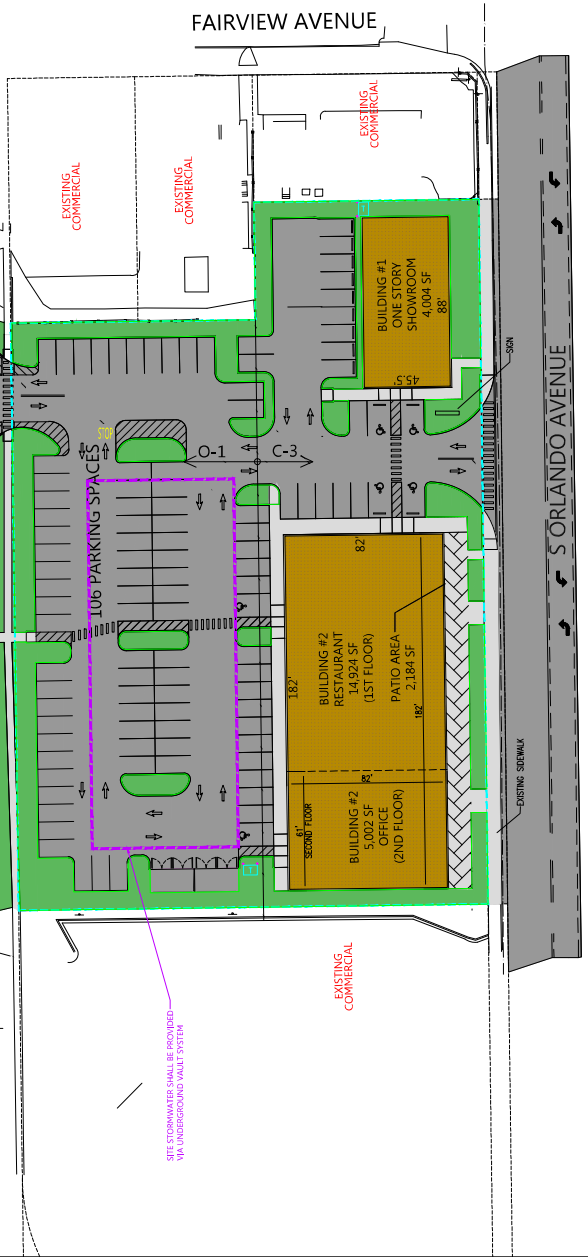
O-1 / C-3 ZONING ANALYSIS (THE SITE)					
SITE AREA	PROPOSED	REQUIRED	BUILDING SETBACKS	FRONT YARD (Orlando Ave)	REQUIRED
F.A.R.	78.808	45%	---	15'	15' MIN.
IMPERVIOUS SPACE	64,985 SF (82.5%)	85% MAX.	---	5'	5' MIN.
PERVIOUS SPACE	13,823 SF (17.5%)	15% MIN.	---	5'	5' MIN.
PARKING TOTAL	106	---	---	35'	35' MIN.



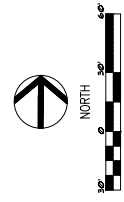
THE HILL CENTER WINTER PARK SETBACK DIAGRAM & PROJECT ANALYSIS



PARKING SUMMARY			
USE	PARKING CODE	PARKING FORMULA	PARKING PER USE
RESTAURANT REQUIRED	1 SPACE/3 SEATS	$441 / 3 = 147$	147
SHOWROOM REQUIRED	1 SPACE / 350 SF + 1 SPACE / 700 SF	$2,002 / 350 \text{ SF} +$ $2,002 / 700 \text{ SF}$	9
OFFICE REQUIRED	1 SPACE / 250 SF	$5,002 / 250 \text{ SF}$	20
TOTAL REQUIRED			176
TOTAL PROVIDED			176



THE HILL CENTER WINTER PARK PARKING / STORMWATER SUMMARY







01 - EAST ELEVATION BUILDING 01 (STREET)
SCALE 1/16"



02 - SOUTH ELEVATION BUILDING 01 (NEIGHBOR)
SCALE 1/16"



03 - WEST ELEVATION BUILDING 01 (REAR)
SCALE 1/16"



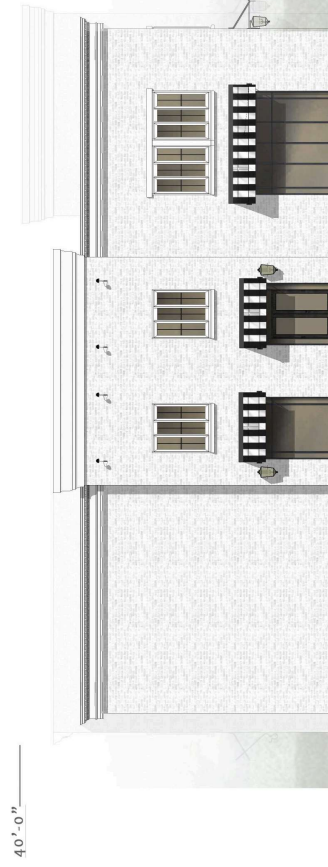
04 - NORTH ELEVATION BUILDING 01 (ACCESS)
SCALE 1/16"



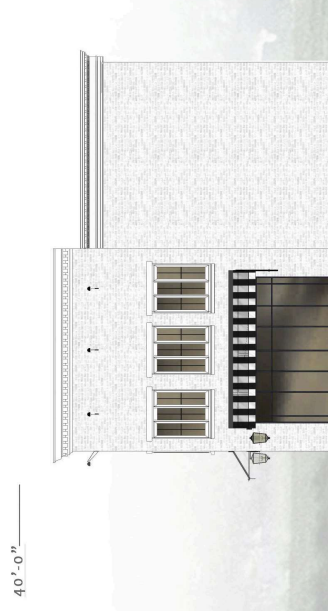
05 - EAST ELEVATION BUILDING 02 (STREET)
SCALE 1/16"



06 - SOUTH ELEVATION BUILDING 02 (ACCESS)
SCALE 1/16"



07 - WEST ELEVATION BUILDING 02 (REAR)
SCALE 1/16"

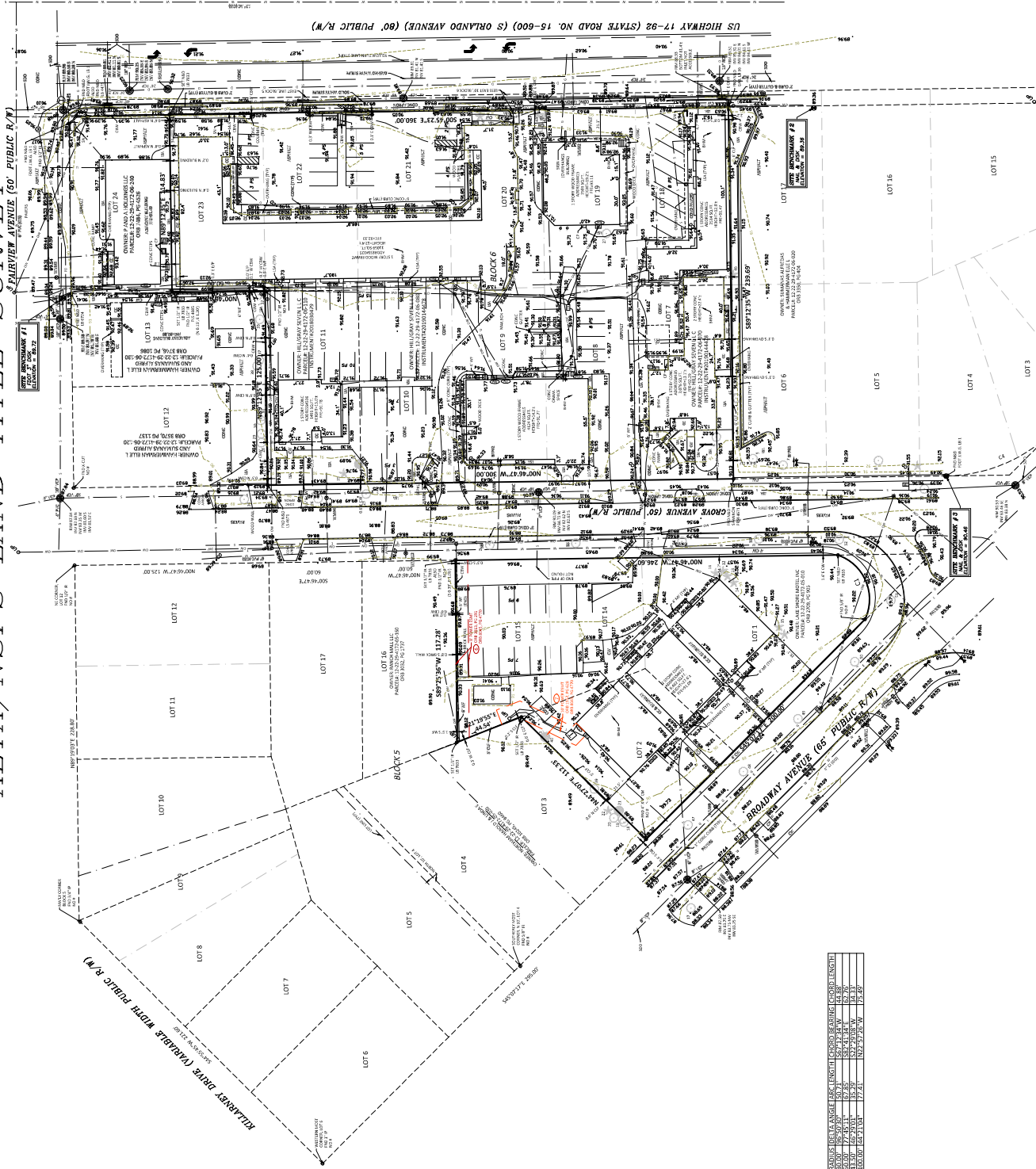


08 - NORTH ELEVATION BUILDING 02 (NEIGHBOR)
SCALE 1/16"









TREE CHAIN		Tree Type	
Tree ID	Tree Name	Tree Type	Tree Name
1	1A	1A	1A
2	2A	2A	2A
3	3A	3A	3A
4	4A	4A	4A
5	5A	5A	5A
6	6A	6A	6A
7	7A	7A	7A
8	8A	8A	8A
9	9A	9A	9A
10	10A	10A	10A
11	11A	11A	11A
12	12A	12A	12A
13	13A	13A	13A
14	14A	14A	14A
15	15A	15A	15A
16	16A	16A	16A
17	17A	17A	17A
18	18A	18A	18A
19	19A	19A	19A
20	20A	20A	20A
21	21A	21A	21A
22	22A	22A	22A
23	23A	23A	23A
24	24A	24A	24A
25	25A	25A	25A
26	26A	26A	26A
27	27A	27A	27A
28	28A	28A	28A
29	29A	29A	29A
30	30A	30A	30A
31	31A	31A	31A
32	32A	32A	32A
33	33A	33A	33A
34	34A	34A	34A
35	35A	35A	35A
36	36A	36A	36A
37	37A	37A	37A
38	38A	38A	38A
39	39A	39A	39A
40	40A	40A	40A
41	41A	41A	41A
42	42A	42A	42A
43	43A	43A	43A
44	44A	44A	44A
45	45A	45A	45A
46	46A	46A	46A
47	47A	47A	47A
48	48A	48A	48A
49	49A	49A	49A
50	50A	50A	50A
51	51A	51A	51A
52	52A	52A	52A
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55	55A	55A	55A
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94	94A	94A	94A
95	95A	95A	95A
96	96A	96A	96A
97	97A	97A	97A
98	98A	98A	98A
99	99A	99A	99A
100	100A	100A	100A

WATERLINE JUNE 2002
(MEASURED AT THE TALEO CONNECTIONS)

WM01 (5/8" PIP)	WM02 (5/8" PIP)
WM03 (5/8" PIP)	WM04 (5/8" PIP)
WM05 (5/8" PIP)	WM06 (5/8" PIP)
WM07 (5/8" PIP)	WM08 (1" PIP)
WM09 (1" PIP)	WM10 (1" PIP)
WM11 (1" PIP)	WM12 (1" PIP)
WM13 (1" PIP)	WM14 (1" PIP)
WM15 (1" PIP)	WM16 (1" PIP)
WM17 (1" PIP)	WM18 (1" PIP)
WM19 (1" PIP)	WM20 (1" PIP)
WM21 (1" PIP)	WM22 (1" PIP)
WM23 (1" PIP)	WM24 (1" PIP)
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WM31 (1" PIP)	WM32 (1" PIP)
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WM35 (1" PIP)	WM36 (1" PIP)
WM37 (1" PIP)	WM38 (1" PIP)
WM39 (1" PIP)	WM40 (1" PIP)
WM41 (1" PIP)	WM42 (1" PIP)
WM43 (1" PIP)	WM44 (1" PIP)
WM45 (1" PIP)	WM46 (1" PIP)
WM47 (1" PIP)	WM48 (1" PIP)
WM49 (1" PIP)	WM50 (1" PIP)
WM51 (1" PIP)	WM52 (1" PIP)
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WM55 (1" PIP)	WM56 (1" PIP)
WM57 (1" PIP)	WM58 (1" PIP)
WM59 (1" PIP)	WM60 (1" PIP)
WM61 (1" PIP)	WM62 (1" PIP)
WM63 (1" PIP)	WM64 (1" PIP)
WM65 (1" PIP)	WM66 (1" PIP)
WM67 (1" PIP)	WM68 (1" PIP)
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WM81 (1" PIP)	WM82 (1" PIP)
WM83 (1" PIP)	WM84 (1" PIP)
WM85 (1" PIP)	WM86 (1" PIP)
WM87 (1" PIP)	WM88 (1" PIP)
WM89 (1" PIP)	WM90 (1" PIP)
WM91 (1" PIP)	WM92 (1" PIP)
WM93 (1" PIP)	WM94 (1" PIP)
WM95 (1" PIP)	WM96 (1" PIP)
WM97 (1" PIP)	WM98 (1" PIP)
WM99 (1" PIP)	WM100 (1" PIP)

ADDRESS:
415 S ORLANDO AVENUE
336 & 434 GROVE AVENUE
472 BROADVIEW AVENUE

Job Information
JOB NO. 903166
OFF NO. ORG-L-9-LOTS7-23-BLK 6
FIELD DATE: 11-21-2019
SCALE: 1" = 30'
DRAWN BY: PJT

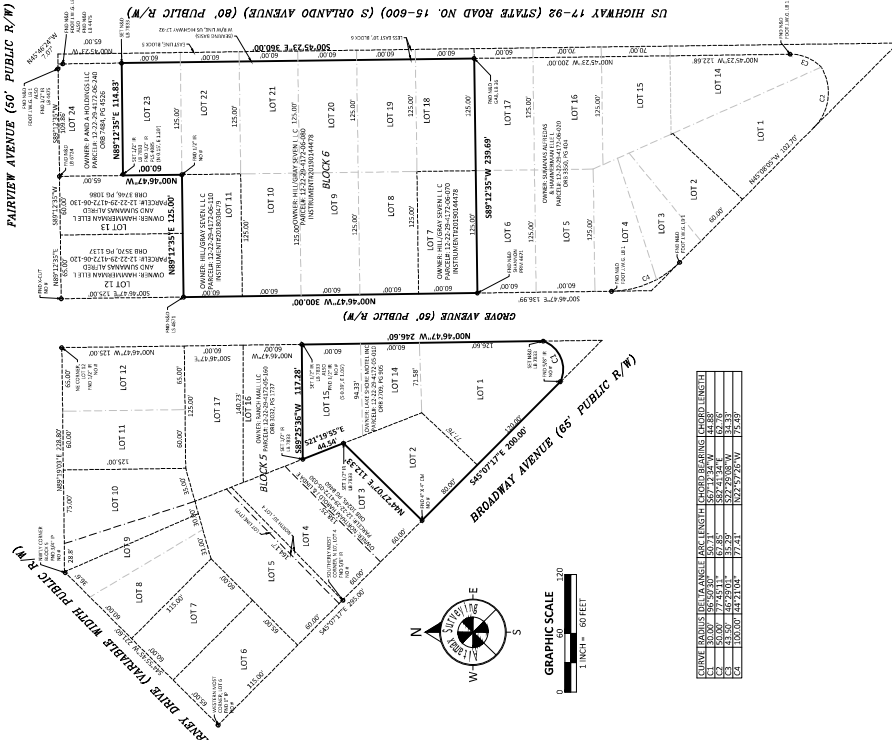
Altamax Surveying
910 Belle Avenue, Suite 1140
Casselberry, FL 32708
Phone: 407-677-0200
Licensed Business No. 7833
www.altamarsurveying.com



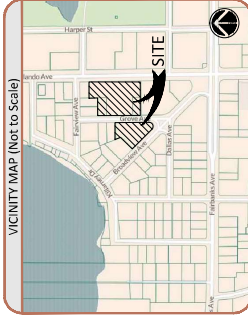
ALTA/NSPS LAND TITLE SURVEY

GENERAL SURVEY NOTES:

1. BEARING STRUCTURE BASED ON THE MONUMENTED WEST RIGHT OF WAY LINE OF US HIGHWAY 17-92, BEING 500'-0"± 2'-0"± FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP OF STATE ROAD NO. 17-92, SECTION 35042, DATED MAY 21, 2006.
2. THIS SURVEY REFLECTS ONLY MATTERS OF RECORD AS PROVIDED BY THE CLIENT OR CLIENTS.
3. THE SURVEY WAS MADE ONLY ON THE RECORDS. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN GUARANTEED BY THE CLIENT. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE AREA LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO WARRANTY THAT THE UNDERGROUND UTILITIES SHOWN COMPREHEND ALL SUCH UTILITIES IN THE AREA. UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE DECKS SHOWN ARE NOT PHYSICALLY LOCATED. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE AREA. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES SHOWN AND IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE AREA. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES SHOWN AND IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE AREA. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES SHOWN AND IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.
4. THIS SITE LIES IN ZONE "X", BASED ON FLOOD INSURANCE RATE MAP NO. 22085C0255F, DATED 09-25-2000. CITY OF WINTER PARK, FLORIDA AND HAVING AN EFFECTIVE DATE OF 09-25-2000.
5. ACCORDING TO FLORIDA STATUTES, CHAPTER 672.05, A LAND SURVEYOR SHALL NOT AFFIX HIS SEAL OR NAME TO ANY PLAN OR DRAWING WHICH DEPICTS WORK WHICH HE IS NOT LICENSED TO SURVEY. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE AREA. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES SHOWN AND IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.
6. THIS SURVEY WAS MADE WITH THE BENEFIT OF COMMITMENT FOR TITLE NO. 790805, EFFECTIVE OCTOBER 18, 2019, ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY (AS TO BLOCK 5 ONLY). THIS SURVEY WAS MADE WITH THE BENEFIT OF OWNERS POLICY OF TITLE INSURANCE, POLICY NO. 790805, EFFECTIVE OCTOBER 18, 2019, ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY (AS TO BLOCK 6 ONLY).
7. THERE ARE 61 STRIPPED PARKING SPACES INCLUDING WITH ZERO HANDICAP SPACES.
8. THIS "BOUNDARY AND TOPOGRAPHIC SURVEY" WAS MADE IN ACCORDANCE WITH LAWS AND STANDARDS OF PRACTICE FOR THE STATE OF FLORIDA.
9. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE AREA. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES SHOWN AND IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.
10. VISIBLE ABOVE GROUND EVIDENCE OF MUNICIPAL WATER, STORM SEWER FACILITIES AND TELEPHONE, GAS AND ELECTRIC SERVICES OF PUBLIC UTILITIES EXISTS IN THE LOCATIONS INDICATED HEREON.
11. THERE IS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADJUNCTION.
12. SURVEYOR IS NOT AWARE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES. NO CHANGES OF STREET RIGHT OF WAY LINES OR ADJUNCTIONS OF UTILITIES WERE OBSERVED.
13. THERE IS NO OBSERVED EVIDENCE OF USE AS A CEMETERY OR REFUSE OR SITE.
14. ELEVATIONS ARE BASED ON BENCHMARK DESIGNATION 7548010, BEING: 89.726FT, (NAVD 83), PUBLISHED BY FLORIDA DEPARTMENT OF TRANSPORTATION.



CHUNK	LENGTH	AREA	PERCENTAGE
LOT 1	100.00	100.00	100.00
LOT 2	100.00	100.00	100.00
LOT 3	100.00	100.00	100.00
LOT 4	100.00	100.00	100.00
LOT 5	100.00	100.00	100.00
LOT 6	100.00	100.00	100.00
LOT 7	100.00	100.00	100.00
LOT 8	100.00	100.00	100.00
LOT 9	100.00	100.00	100.00
LOT 10	100.00	100.00	100.00
LOT 11	100.00	100.00	100.00
LOT 12	100.00	100.00	100.00
LOT 13	100.00	100.00	100.00
LOT 14	100.00	100.00	100.00
LOT 15	100.00	100.00	100.00
LOT 16	100.00	100.00	100.00
LOT 17	100.00	100.00	100.00
LOT 18	100.00	100.00	100.00
LOT 19	100.00	100.00	100.00
LOT 20	100.00	100.00	100.00
LOT 21	100.00	100.00	100.00
LOT 22	100.00	100.00	100.00
LOT 23	100.00	100.00	100.00
LOT 24	100.00	100.00	100.00



DESCRIPTION:

LOTS 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 AND 23, LESS EAST 10 FEET OF LOTS 18, 19, 20, 21, 22 AND 23, BLOCK 6, VILLAGE ESTATES RESERVATION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK L, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

AND

LOTS 1, 2, 3, 4, AND 15, BLOCK 5, RESERVATION OF VILLAGE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK L, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

SCHEDULE B-2 EXCEPTIONS NOTES:

1. (For Block 6 only).
2. Reservations, easements and other matters contained on the Survey of Village Estates recorded in Plat Book L, Page 9, Public Records of Orange County, Florida. Effects subject property. Contains no encumbrances to depict.
3. (For Block 5 only).
4. 201, together with Trussell's Record of Title of Block 5, together with the Survey of Village Estates recorded in Plat Book L, Page 9, Public Records of Orange County, Florida. Effects subject property. Contains no encumbrances to depict.
5. 201, together with Trussell's Record of Title of Block 5, together with the Survey of Village Estates recorded in Plat Book L, Page 9, Public Records of Orange County, Florida. Effects subject property. Contains no encumbrances to depict.
6. 201, together with Trussell's Record of Title of Block 5, together with the Survey of Village Estates recorded in Plat Book L, Page 9, Public Records of Orange County, Florida. Effects subject property. Contains no encumbrances to depict.
7. Easement in favor of Florida Power Corporation, a Florida corporation organized and existing under the laws of the State of Florida, together with the Survey of Village Estates recorded in Plat Book L, Page 9, Public Records of Orange County, Florida. Effects subject property. Contains no encumbrances to depict.

ZONING INFORMATION:

NOT PROVIDED AT TIME OF SURVEY

LAND AREA:

110,465.50 FT.
OR 2.5358 ACRES

ALTA/NSPS Land Title Survey Certification

To: Hildreth, David L., L.L.C., a Florida limited liability company, located, 10000 S. US Highway 1, P.O. Box 10000, Tampa, FL 33611-1000.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2014 Minimum Standards and Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established by the American Land Title Association and the National Society of Professional Surveyors, dated May 17 and 18 of Table A thereof. The field work was completed on 11-22-2019.

Date: 11-22-2019

James D. Bray PSM 6507

This Survey is a "Net Value" without the signature and the original record of this Florida Limited Liability Company. The signature and the original record of this Florida Limited Liability Company are available for inspection at the office of the Surveyor. The seal appearing on this document is authorized by the signing Professional Surveyor and Mapper on the date of the electronic signature.

LEGEND
1. NORTH ARROW
2. EASEMENT
3. EASEMENT
4. EASEMENT
5. EASEMENT
6. EASEMENT
7. EASEMENT
8. EASEMENT
9. EASEMENT
10. EASEMENT
11. EASEMENT
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98. EASEMENT
99. EASEMENT
100. EASEMENT

ADDRESS
388 S. 4th Avenue
Winter Park, FL 32789
Job Information
2019 NO. 80386
CE NO. ONE-9-0157-2-BLK-6
FIELD DATE: 11-22-2019
DRAWN BY: PTT
Revisions
Date: 11-22-19
By: PTT
Address Comments:

Altamex Surveying
1410 Lakeview Ave. #200
Casselberry, FL 32708
Phone: 407-241-1111
www.altamexsurveying.com

EXHIBIT C

PROPERTY SUPPORT LETTER

City of Winter Park
401 South Park Avenue
Winter Park, FL 32789

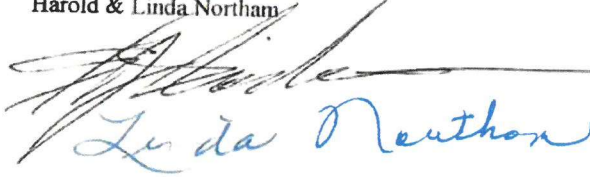
Commissioners, Planning and Zoning Board, and City Staff:

We currently live in the City of Winter Park, own the real property located at 444 BROADVIEW and have reviewed the future plans for the Lake Shore Motel and Ranch Mall redevelopment by Hill/Gray Seven, L.L.C., a copy of which are attached hereto. We are writing this letter to inform you that we are in **full support** of such redevelopment.

We appreciate the efforts of Hill/Gray Seven, L.L.C. to inject much needed improvements to the area. We urge you to support the project as advanced by Hill/Gray Seven, L.L.C.

Sincerely,

Harold & Linda Northam

The block contains two handwritten signatures in blue ink. The top signature is a stylized, cursive signature that appears to be 'Harold'. The bottom signature is also in cursive and clearly reads 'Linda Northam'.

From: drew@hillgrayseven.com
To: [Bronce Stephenson](#)
Cc: ["Wilson, Rebecca"](#)
Subject: [External] Hill Center
Date: Thursday, February 13, 2020 2:57:18 PM

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

Hi Bronce,

Here is a list of just a few of the items that we are planning on implementing on the Hill Center to help with sustainability. The highlight of course is the 20kW solar panel system.

Thanks

Drew

20 kW PV solar panel system installed on roof
LED parking lot lights
Electric Car Chargers and bike racks
Energy efficient TPO white roof-cool roof
R-30 roof insulation
Underground storm retention system
Increased landscaping and reduced impervious surfaces
Insulated glazing on windows
High efficiency Seer HVAC units

Drew Hill, CCIM
Hill/Gray Seven, LLC
1350 City View Center, Oviedo, Florida 32765
Office: 407 588 2124
Cell: 561 716 7800
Email: Drew@Hillgrayseven.com
Website: Hillgrayseven.com



city commission agenda item

item type	Public Hearings	meeting date	2/24/2020
prepared by	Planning	approved by	City Manager, City Attorney
board approval	yes final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Request of Sydgan Corp. for:

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

Postponed to March 9, 2020 at applicant's request.

motion / recommendation

background

alternatives / other considerations

N/A

fiscal impact

N/A



city commission agenda item

item type	Public Hearings	meeting date	2/24/2020
prepared by	Planning	approved by	City Manager, City Attorney
board approval	N/A final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development		

subject

Request of Benjamin Partners, Ltd. for:

- An Ordinance providing for the annexation of 1315 Loren Avenue and 322/312/308 & 304 Monroe Avenue, and portions of Bennett Avenue and Lewis Drive, measuring approximately 2.06 acres. (2)

motion / recommendation

Staff recommendation is for approval of the annexation Ordinance.

background

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

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

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

alternatives / other considerations

N/A

fiscal impact

N/A

ATTACHMENTS:

Description

Upload Date

Type

Ordinance

2/4/2020

Backup Material

Backup Materials

2/4/2020

Backup Material

ORDINANCE ____

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

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

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

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

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

WHEREAS, the City of Winter Park has provided adequate notice required by general law for the annexation of the Subject Property and Rights-of-Way and has

conducted the required public hearing prior to the adoption of this Ordinance.

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

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

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

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

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

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

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

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

FIRST READING AND PUBLIC HEARING: February 10 , 2020.

SECOND READING AND PUBLIC HEARING: February 24 , 2020.

ADOPTED this _____ day of _____, 2020, by the City Commission of the City of Winter Park, Florida.

APPROVED:

Steve Leary, Mayor

ATTEST:

Rene Cranis, City Clerk

EXHIBIT “A”

LEGAL DESCRIPTION

SUBJECT PROPERTY

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

Having Orange County Tax Parcel Identification numbers:

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

RIGHTS-OF-WAY

Bennett Avenue

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

Lewis Drive

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

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

SKETCH OF DESCRIPTION (THIS IS NOT A SURVEY)

DESCRIPTION:

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

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

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

SURVEYOR'S NOTES:

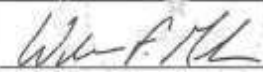
1. The lands as shown hereon lie within Section 01, Township 22 S., Range 29 E., Orange County, Florida.
2. This is not a survey.
3. Bearings shown hereon are assumed relative to the South right-of-way line of Monroe Avenue, said bearing being $N89^{\circ}59'35''E$ per plat.

SHEET 1 OF 2

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

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

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


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

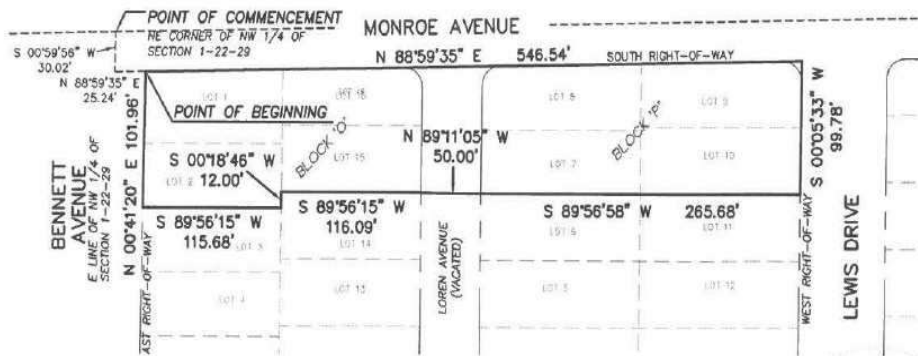
DESCRIPTION

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

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

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

SKETCH OF DESCRIPTION
(THIS IS NOT A SURVEY)



SURVEYOR'S NOTES:

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

Job No: J-222	Date: 04/25/19	Drawn By: WFM	Scale: 1" = 100'
HLSM, LLC Henrich-Luke-Swaggerty-Menard Professional Surveyors & Mappers Licensed Business No. 7276 302 Live Oaks Boulevard Casselberry, Florida 32707 P. (407) 647-7346 F. (407) 982-7166 Survey@HLSM.US			
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. William F. Menard Professional Surveyor & Mapper Florida Registration #5625			

SKETCH OF DESCRIPTION (THIS IS NOT A SURVEY)

DESCRIPTION:

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

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

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

SURVEYOR'S NOTES:

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

SHEET 1 OF 2

HLSM, LLC
Henrich-Luke-Swaggerty-Menard
Professional Surveyors & Mappers
Licensed Business No. 7276
794 Big Tree Drive, Suite 108
Longwood, Florida 32750
P. (407) 647-7346
F. (407) 982-7166
Survey@HLSM.US

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

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

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

EXHIBIT "B"





401 South Park Avenue • Winter Park, Florida 32789

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

January 30, 2020

VIA CERTIFIED MAIL

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

RE: Notice of Intent to Annex Property – Section 171.044(6), Fla. Stat.
Portions of Bennett Avenue and Lewis Drive and Orange County Tax Parcel Identification #s:
01-22-29-3712-15-010, 01-22-29-3712-16-072, 01-22-29-3712-16-092, 01-22-29-3712-16-091,
and 01-22-29-3712-16-070

Dear Board of County Commissioners:

In accordance with Section 171.044(6), Florida Statutes, this correspondence shall serve as the City of Winter Park's notice to the Orange County Board of County Commissioners of the City of Winter Park's intent to voluntarily annex those certain lands owned by the Winter Park Redevelopment Agency, Ltd., Benjamin Partners, Ltd., and GreenHouse Partnership, Ltd. generally described as approximately 1.22 +/- acres of land located having Orange County Tax Parcel Identification Numbers: 01-22-29-3712-15-010, 01-22-29-3712-16-072, 01-22-29-3712-16-092, 01-22-29-3712-16-091, and 01-22-29-3712-16-070. The City of Winter Park's intent is also to annex portions of the rights of way of Lewis Drive and Bennett Avenues (approximately 0.84 acres) that has been deannexed by the City of Maitland. A draft of the proposed annexation Ordinance along with a legal description and map of the areas subject to the proposed annexation is enclosed for your information.

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

Sincerely,


Randy Knight
City Manager

Enclosure:

cc: Chris Testerman, Assistant County Administrator



PUBLIC WORKS DEPARTMENT

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

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

407-836-7974 • Fax 407-836-8003

e-mail: diana.almodovar@ocfl.net

June 19, 2019

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

RE: De-Annexation Petition

Dear Mayor McDonald:

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

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

Sincerely,

A handwritten signature in blue ink that reads "Diana M. Almodovar".

Diana M. Almodovar, P.E.
County Engineer

Enclosure(s)
DMA/PLM/wsv

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

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



AGENDA REPORT

AGENDA
Section: Decisions
Item #: 5

Department/Office:

Administration

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

Summary Explanation & Background:

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

The private parcels owned by the entities are the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



city commission agenda item

item type	Public Hearings	meeting date	2/24/2020
prepared by	Planning	approved by	City Manager, City Attorney
board approval	N/A final vote		
strategic objective	Exceptional Quality of Life, Intelligent Growth and Development, Public Health and Safety		

subject

Request of The City of Winter Park for:

- An Ordinance to amend the noise controls concerning outdoor music city-wide (2).

motion / recommendation

Staff recommendation is for approval of the Ordinance.

background

Per City Commission direction, the ordinance has been modified to include controls on the frequency of outdoor parties and other noise disturbances. They are limited to one every two months unless approved by the City as part of a special event permit.

At the November 25, 2019 City Commission meeting, the City Commission amended the noise Ordinance to prohibit live music in Hannibal Square after 10:00 pm (if it can be heard from more than 50 feet away) similar to the restrictions in place on Park Avenue.

At the public hearing, a city-resident, Mr. Jim Barnes, asked that the same restrictions concerning outdoor music, parties or other noise-related nuisances after 10:00 pm be adopted to protect residential properties city-wide. The Commission directed staff to prepare an Ordinance for public hearing discussion.

This Ordinance would establish a violation if music from an outdoor party, outdoor amplified music system or other noise-related nuisance was loud enough to be heard inside an adjacent residence at least 50 feet away. It would change the current rules for 11:00 pm to be in violation to 10:00 pm. If the noise-related nuisance is from inside a house, then the current 11:00 pm cut-off does not change.

The Police Department expects a slight increase in calls with the change to 10:00 pm. The problem for the Police response is that they are often greeted by an event with many people, some of whom are very uncooperative. If the police can tell them first that they have to move the music inside, it will be helpful and then less of nuisance for the neighbors.

alternatives / other considerations

N/A

fiscal impact

N/A

ATTACHMENTS:

Description

Ordinance - Revised

Upload Date

2/19/2020

Type

Backup Material

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING CHAPTER 62, "OFFENSES AND
MISCELLANEOUS PROVISIONS" WITHIN DIVISION 2,
"NOISE AND DISTURBANCE CONTROL", SECTION 62-97,
PROVIDING FOR NOISE CONTROLS RELATED TO OUDOOR
LIVE MUSIC TO APPLY CITYWIDE; PROVIDING FOR
CONFLICTS, CODIFICATION, SEVERABILITY, AND AN
EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the hours of outdoor live music and other amplified sounds from residential house parties or from other venues located nearby residential homes and apartments can affect the livability and peaceful enjoyment of those residential neighbors; and

WHEREAS, the City recognizes that providing for uniform hours for certain types of audible live music and other noise and sounds for the control of noise in an equitable manner for the entire City as exists for both the Central Business District and the Hannibal Square Neighborhood Commercial District is in the best interests of the public and residents in order to protect the public health, safety and general welfare.

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

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

SECTION 2: Amendment. That Chapter 62 "Offenses and Miscellaneous Provisions", Division 2 "Noise and Disturbance Control, Section 62-97, Subsection (2) of the City of Winter Park Code of Ordinances is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

Chapter 62. Offenses and miscellaneous provisions.

DIVISION 2. - NOISE AND DISTURBANCE CONTROL

Sec. 62-97. - Specific prohibitions.

The following acts, among others (this enumeration shall not be deemed to be exclusive), are declared to be noise disturbances in violation of this division:

(2) *Radios, phonographs, television sets, musical instruments, etc.*

a. Using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner:

1. As to disturb the peace, quiet and comfort of neighboring inhabitants;
2. At any time with louder volume than is necessary for convenient hearing for the persons who are in the same dwelling unit of any multiple dwelling in which such machine or device is operated and who are voluntarily listeners thereto; or
3. As to create a noise disturbance.

b. It shall be a violation to commit any one of the enumerated acts listed in this section.

c. The operation of any such sound system, speakers, radio, television, turntable, amplifier, musical set, instrument, phonograph, machine or device between the hours of 10:00 pm and 8:00 am from outside any residential, office or commercial building or between from 11:00 p.m. and 8:00 a.m. from inside any residential, office or commercial building in such manner as to create a plainly audible sound either at a distance of 50 feet from the building, structure or vehicle in which it is located or so that a person inside a building which is across a residential property line from the source of the sound is able to hear the plainly audible sound or vibrations shall be prima facie evidence and create a presumption that a noise disturbance exists in violation of this division. In addition, it shall also be prima facie evidence and create a presumption that a noise disturbance exists in violation of this division when any non-commercially zoned property has outdoor or indoor parties, gatherings, music rehearsals or any other activity where music or other entertainment by sound system, amplifier, musical instruments, or other device is produced on more occasions that once every two (2) months, in such manner as to create a plainly audible sound or vibrations either at a distance of 50 feet from the building or property so that a person inside a building which is across a residential property line from the source of the sound is able to hear the plainly audible sound or vibrations, occurs after 8:00 pm, unless specifically approved by a special event permit issued by the City.

SECTION 3. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 5: CODIFICATION. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Code or Ordinances, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

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

Mayor Steve Leary

ATTEST:

Rene Cranis, City Clerk