



city commission agenda

Regular Meeting

3:30 p.m.
October 24, 2011
Commission Chambers

commissioners		mayor		commissioners	
seat 1	Steven Leary	seat 2	Sarah Sprinkel	seat 3	Carolyn Cooper
			Kenneth W. Bradley	seat 4	Tom McMacken

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 Web site at www.cityofwinterpark.org.

meeting procedures

Persons desiring to address the Commission MUST fill out and provide to 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.

Comments at the end of the meeting under New Business are limited to three (3) minutes. The yellow light indicator will remind you that you have one (1) minute left to sum up. Large groups are asked to name a spokesperson. This 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.

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1	Meeting Called to Order	
2	Invocation Pastor Samuel Dade Jr., Patmos Chapel Seventh Day Adventist Church Pledge of Allegiance	
3	Approval of Agenda	
4	Mayor's Report a. Presentation of City Hall Commission Chambers flags – Lakemont Elementary Student Council b. "Week of the Family" proclamation c. Check presentation – Friends of Fleet Peeples Park	Projected Time 20 minutes
5	City Manager's Report a. Pension study update	Projected Time 30 minutes

6	City Attorney's Report	Projected Time
7	Non-Action Items	Projected Time
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; not to exceed a total of 30 minutes for this portion of the meeting)	
9	Consent Agenda a. Approve the minutes of 10/10/11. b. Approve the following purchases and contracts: <ol style="list-style-type: none"> PR 147840 to Winter Park Historical Association for FY12 organizational support; \$70,000 Blanket Purchase Order to Lina (Cigna) for Lift, Accidental Death and Dismemberment and Long Term Disability Insurance (RFP-19-2008); \$113,134.28 Blanket Purchase Order to Aetna for Administrative Contract Service Fee for Medical Insurance (RFP-6-2007); \$262,810.99 Blanket Purchase Order to Aetna for Administrative Stop Loss for Medical Insurance (RFP-6-2007); \$415,516.37 Blanket Purchase Order to Metlife for Dental Insurance (RFP-18-2008); \$354,109.15 Blanket Purchase Order to GATSO USA for Red Light Safety Enforcement (RFP-13-2009); \$552,000 PR 147880 to Brown & Brown of Florida, Inc. for Risk Management Services; \$115,000 PR 147862 to Mobile Tec International, Inc. for Annual Support of Public Safety Computer Aided Dispatch and Records Management System; \$65,030 PR 147862 to Sungard Public Sector for Annual Support of ERP Software; \$86,629.80 After the fact Purchase Order 145616 to Winter Park Public Library for October 2011 Organizational Support; \$113,767.63 PR 147888 to Software House International for Annual Microsoft Enterprise Software Support; \$60,299 Blanket Purchase Order to William J. Peebles for State Lobbyist Services; \$52,000 Blanket Purchase Order to Brown, Garganese, Weiss & DeGresta for Attorney Services (RFP-21-2009); \$300,000 Blanket Purchase Order to Alcalde & Fay for Federal Lobbyist Services; \$62,000 Blanket Purchase Order to Shutts & Bowen for Labor Attorney Services; \$100,000 Authorize the Mayor to execute the Maintenance Agreement for Public Safety Computer Aided Dispatch and Records Management System 	5 minutes

17. Piggybacking GSA Schedule GS-07F-0350X with Interworld Highway, LLC and authorize the Mayor to execute the Piggyback Contract for Scientific Equipment and Services; \$3,000
- c. Authorize the City Manager, in consultation with the City Attorney, as needed, to sign purchase orders for payment of HIDTA personnel and operations, subject to the condition that the HIDTA grant funds will be the sole source of money to pay these obligations.
- d. Approve the use up to \$25K of FY 2012 budgeted Parks Department improvement fund to improve the golf bag storage area of the Starter's House to provide insulated/air conditioned space.

10 Action Items Requiring Discussion

Projected Time

- a. ~~Review and approval of the exchange agreement between the City of Winter Park and Progress Point LLC for the State Office Building property~~ **POSTPONED UNTIL NOVEMBER 14**
- b. Adoption of the official City of Winter Park Flag
- c. State legislative priorities

90 minutes

10 minutes

15 minutes

11 Public Hearings

Projected Time

- a. Requests of the City of Winter Park: To revise the public notice requirements for city-wide notices to streamline the zoning approval process:
 - **Ordinance** – Revising the application and approval procedures for zoning amendments and conditional uses, revising the submittal requirements for conditional uses and the extension or re-establishment of conditional uses (1)
 - **Ordinance** – Adopting new public notice and adoption procedures for amendments to the comprehensive plan, goals, objectives and policies document and substituting for the current amendment procedures (1)
- b. Request for 10 year Conditional Use approve extension for Mr. Felix Furst for the project at 170 S. Knowles Avenue.
- c. Request of Winter Park Investors LLC on behalf of WAWA, Inc.: **QUASI JUDICIAL PROCEEDING**
 - Conditional use approval to construct a convenience store and drive-in gas/fuel sales at 901 and 911 North Orlando Avenue
- d. **Ordinance** – Vacating and abandoning an existing utility easement located at 1500 Summerland Ave (2)

30 minutes

20 minutes

30 minutes

5 minutes

12 City Commission Reports

Projected Time

- a. Commissioner Leary
- b. Commissioner Sprinkel
- c. Commissioner Cooper
 1. Future election dates
- d. Commissioner McMacken
- e. Mayor Bradley

10 minutes each

appeals & 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 city manager's report

item type Non-Action Item

meeting date October 24, 2011

Below are issues of interest to the Commission and community that are currently being worked on by staff, but do not currently require action on the Commission agenda. These items are being tracked to provide the Commission and community the most up to date information regarding the status of the various issues. The City Manager will be happy to answer questions or provide additional updates at the meeting.

issue	update	date
Presentation on Flags in Commission Chambers	The Lakemont Elementary School Student Council is tentatively scheduled to give a presentation on the Commission Chamber flags on October 24 th .	October 24, 2011
Pensions	Information related to the Pension Report was received for discussion purposes on October 13 th . Staff has a conference call scheduled with the consultant and the City Manager will provide a report at the meeting on October 24 th .	October 24, 2011
Lee Road Median Update	Comments received from FDOT restrict planting of canopy trees over the vast majority of the islands due to sight distance & bill board restrictions. Only possibility is low shrubs and single trunk crepe myrtles. Currently scheduling a meeting with FDOT District V secretary to discuss this ultra restrictive determination.	
Pro Shop Renovation	Interior improvements continue.	Anticipate completion November 30 th .
Fairbanks Improvement Project	A revised lift station location is being evaluated that will allow standard construction techniques and provide a larger easement. There will be a slight delay in the bidding to accommodate the lift station redesign.	Project should be out to bid by the middle of November and construction should begin in January.

Hazardous Waste	Another round of comments has been forwarded to the County for review. We have requested and received permission to temporarily allow Winter Park residents to use the Orange County HHW disposal facility while the details of the Interlocal Agreement are being finalized.	Currently waiting on Orange County.
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Once projects have been resolved, they will remain on the list for one additional meeting to share the resolution with the public and then be removed.

REGULAR MEETING OF THE CITY COMMISSION
October 10, 2011

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:33 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was provided by Reverend Jim Govatos, Aloma United Methodist Church, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Steven Leary
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Tom McMacken

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Motion made by Mayor Bradley to approve the agenda with the addition of Item 4d– Creation of a task force for Martin Luther King recognition; seconded by Commissioner Sprinkel and approved by acclamation of the City Commission.

Mayor's Report

a. Employee of the Quarter presentation

Mayor Bradley recognized Mike Ruby, Aquatics Supervisor as the Employee of the Fourth Quarter in 2011. He thanked him for his dedication and outstanding performance in the Lakes and Stormwater Division.

b. Proclamation – 2012 Election

Mayor Bradley proclaimed a general election to be held on January 31, 2012 for the purpose of electing a Mayor. If a primary is necessary, it will be held on December 13, 2011. Qualifying will be held from noon, November 1, 2011 and will end at noon, November 8, 2011.

c. Board Appointment: Parks and Recreation Advisory Board

Parks and Recreation Advisory Board

Fred Jones (New, alternate 2011-2012)

For clarification purposes, Sam Stark resigned from the Parks and Recreation Advisory Board which resulted in an opening for the alternate position for this board as Mike Palumbo will move into the regular position replacing Mr. Stark. Fred Jones will be moving from the Code Enforcement board to the Parks and Recreation Advisory Board.

Motion made by Mayor Bradley that the above appointment is accepted as presented; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

d. Creation of Task Force for Martin Luther King

Mayor Bradley requested that a task force made up of seven members be created for Martin Luther King to recognize and acknowledge him for everything that he stood for. He explained that last year the Commission revised the advisory board rules and they are now allowed to create a task force for a limited time and limited issue. He believes that 6 months is a sufficient amount of time for this task force to provide recommendations of an appropriate acknowledgment and bring it back to the Commission.

Motion made by Mayor Bradley for the creation of a Task Force for Martin Luther King and to bring nominations forward at the next meeting for this board; seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Mayor Bradley directed staff to work with the task force.

e. Art Festival (not on agenda)

Commissioner McMacken mentioned that the Autumn Art Festival this year was a challenging one due to the enormous amount of rain. He acknowledged City staff, the Fire Department and Police Department for their outstanding efforts.

City Manager's Report

a. 90 Day Plan Update

City Manager Knight presented the 90 day plan and noted that the pension report will be finalized this week and anticipates presenting it to the Commission at the next meeting. The East Morse Boulevard community meeting is scheduled for November 2 and should resume back to the Commission shortly after that. City Manager Knight mentioned that the one-time per week garbage collection topic that was deferred from the last quarter has been added to the list. He asked for direction on the items presented or if they would like to add any additional items.

Commissioner Cooper suggested moving the Pedestrian Safety Plan up to a higher priority because of the valet/parking plan that is underway for the Alford Inn. She requested that a letter of support be sent out regarding the Interlachen Historic District and a resolution for support to move forward with the post office property acquisition. Commissioner Cooper also requested to have an open discussion regarding governance and to look at City ordinances that were combined in 2007. She suggested that a community forum be held regarding trees since they are considering asking the residents to maintain the trees in the right-of-way.

Commissioner Sprinkel said she has received a number of telephone calls from citizens who are interested in participating in the traffic study and requested that staff include the public in the discussions.

Mayor Bradley asked for a follow up on the status of the Fairbanks Avenue consultant report and the tree ordinance review and the fees associated with it. He requested that this information come forward so they can conclude it during this quarter if possible.

Commissioner Cooper mentioned that Waste Pro is on the agenda for approval tonight (this was a blanket purchase order) and asked if it will be a problem if they approve it and then later on reduce the pick-up to once a week. City Manager Knight noted when the contract comes up for approval that they will have to renegotiate that part of the contract and noted that Waste Pro has no objection to this change. Mayor Bradley recommended that the Environmental Review Board hold a community forum so they can listen to citizen comments on the pros and cons with the once a week garbage pick-up before it comes back to the Commission. City Manager Knight acknowledged the requests.

Commissioner McMacken asked if the Fairbanks Avenue design study is included in the Architectural Design Guidelines task item. City Manager Knight said 'yes' and that it also includes Orange Avenue.

City Attorney's Report

a. Ravaudage annexation update

Attorney Brown provided an update on the Ravaudage annexation. He explained that there are six parcels of land which are owned by citizens that do not voluntarily consent to be annexed so the statutory procedure is for the City to enter into an interlocal agreement with the County which will provide for annexation of those parcels.

Attorney Brown clarified that the City of Maitland is not part of this agreement because it is not necessary at this point in time. He explained that a separate agreement will come at a later date between the City of Winter Park and the City of Maitland regarding the 17 acres. Attorney Brown advised that he has prepared a draft interlocal agreement between the City and Orange County that will provide for annexation of the Ravaudage area but mentioned that there will be a separate pre-annexation agreement with the developer. The intention is to present all of the documents to the Commission at the same time so they can act on everything simultaneously. City Manager Knight clarified that this delay is not stopping the Ale House from being constructed since they separated that part of the agreement.

Non-Action Items

a. Financial Report – August 2011

Finance Director Wes Hamil summarized the August 2011 Financial Report and answered questions.

Motion made by Commissioner Sprinkel to approve the financial report as presented; seconded by Commissioner McMacken and approved by acclamation of the City Commission.

Consent Agenda

- a. Approve the minutes of 9/26/11. – PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**

- b. Approve the following purchases and contracts:
1. Change Order #1 to Purchase Order 144654 to Progress Energy Florida for FY11 transmission services; \$300,000
 2. Blanket Purchase Order to Stephen's Technology for FY12 Trenchless Repairs to Sanitary Sewer Mains; \$135,000
 3. Blanket Purchase Order to the City of Orlando for FY12 sanitary sewer charges; \$2,022,000
 4. Blanket Purchase Order to SSNOCWTA for FY12 Operation & Maintenance; Depreciation; \$625,000
 5. Blanket Purchase Order to Perma-Liner Industries, Inc. for FY12 Lateral Lining Materials for Sewer Repairs; \$100,000
 6. Blanket Purchase Order to Avanti International for FY12 purchases of AV-118 Chemical Grout; \$60,985
 7. Blanket Purchase Order to Air Liquide Industrial Co. for FY12 purchases of Liquid Oxygen for Water Treatment Facilities; \$182,500
 8. Blanket Purchase Order to Odyssey Manufacturing Company for FY12 purchases of 12.5% Sodium Hypochlorite; \$220,000
 9. Blanket Purchase Order to Waste Pro of Florida for FY12 Residential Garbage, Yard Waste & Recycle Services; \$1,912,155
 10. Blanket Purchase Order to City of Orlando for FY12 improvements at the Iron Bridge Regional Water Reclamation Facility; \$165,000
 11. Blanket Purchase Order to City of Altamonte Springs for FY12 Wholesale Sewer Treatment; \$115,000
 12. Blanket Purchase Order to ITT Flygt Water & Wastewater for FY12 purchase of Flygt Products, Service Repair & Warranty; \$50,000
 13. Blanket Purchase Order to Duval Asphalt Products, Inc. for FY12 purchases of E-Z Street Cold Asphalt; \$58,000
 14. Blanket Purchase Order to Winter Park Public Library for FY12 Organizational Support; \$1,251,444.37
 15. Blanket Purchase Order to ENCO Utility Services for FY12 Professional Services (Operations and Maintenance); \$3,000,000
 16. Blanket Purchase Order to Progress Energy for FY12 purchase of Bulk Power; \$17,000,000
 17. Blanket Purchase Order to Progress Energy for FY12 Transmission Services; \$1,200,000
 18. Blanket Purchase Order to Seminole Electric Cooperative, Inc. for FY12 purchase of Bulk Power; \$13,000,000
 19. Blanket Purchase Order to Burford's Tree, Inc. (RFP-9-2007) for October-November 2011 Tree Trimming of Electric Utility Lines; \$150,000
 20. Amendment #4 to Fire Services Billing contract with ADPI/Intermedix (RFP-16-2009) and authorize the Mayor to execute the Amendment document; no fiscal impact
 21. Renewal of Commercial Insurance package with Brown & Brown for period 10/1/2011-10/1/2012; authorize the Mayor to execute the renewal document and approve subsequent purchase order to be created October 3, 2011; \$584,085
 22. Piggybacking Citrus County contract ITB 064-09 with The Nidy Sports Construction Company for athletic court resurfacing and authorize the Mayor to execute the Piggyback Contract; contracted for as needed, within approved budget

23. Piggybacking Orlando Utilities Contract (895-QQ) with HD Supply Waterworks, Ltd. for Water/Wastewater Materials and authorize the Mayor to execute the Piggyback Contract;
- c. Approve the contract for pay cards with Global Cash Cards and authorize the Mayor to execute the three year contract.
 - d. Approve the updated Interlocal Agreement for Fire Rescue Services with the City of Casselberry
 - e. Award IFB-22-2011 Rebid Temple Drive Electric Underground Bond Project – Materials to:
Electric Supply Inc. - \$145,971.01 Purchase Requisition #147835
Gresco Utility Supply Inc. - \$31,498.69
HD Supply Utilities Ltd. - \$63,073.92 Purchase Requisition #147828
Stuart C. Irby Co. - \$22,678.24
Wesco Distribution - \$33,750 (For clarification purposes, Wesco Distribution was no longer being considered for IFB-22-2011 Rebid Temple Drive Electric Underground Project - Materials (Consent Agenda Item 'e') due to an error in pricing).
 - f. Approve the land swap of the City's lot at 509 S. Capen Avenue for the Habitat for Humanity lot at 507 S. Capen Avenue to allow Habitat to swap that lot to the New Warner Chapel Primitive Baptist Church to build a new fellowship hall on the property – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
 - g. Approve the co-sponsorship of a Veterans Day Program on November 11, 2011 at 11:00 a.m. in the Community Center.
 - h. Ratify the agreement between the City of Winter Park and Teamsters Local Union No. 385 (Police Department)

Motion made by Commissioner Sprinkel to approve Consent Agenda items 'b' through 'e', 'g' and 'h'; seconded by Commissioner Cooper and approved by acclamation of the City Commission.

Consent Agenda Item 'a' - Approve the minutes of 9/26/11.

Commissioner McMacken referenced page 4, last sentence in the 7th paragraph and requested to change the word "sense" to "cents".

Motion made by Commissioner McMacken to approve Consent Agenda Item 'a' (minutes) with the above change; seconded by Commissioner Sprinkel and approved by acclamation of the City Commission.

Consent Agenda Item 'f' - Approve the land swap of the City's lot at 509 S. Capen Avenue for the Habitat for Humanity lot at 507 S. Capen Avenue to allow Habitat to swap that lot to the New Warner Chapel Primitive Baptist Church to build a new fellowship hall on the property

Commissioner Leary mentioned that he did not see a statement of value or an appraisal for this land swap in the agenda packet and requested in the future that staff provide an opinion of value for all land swaps. Planning Director Jeff Briggs provided clarity and acknowledged the request.

Motion made by Commissioner Leary to approve Consent Agenda Item 'f'; seconded by Commissioner Cooper and approved by acclamation of the City Commission.

Action Items Requiring Discussion:

- a. Exchange and sales agreements with CNL/Progress Point for State Office Building Property located at 941 W. Morse Boulevard

CRA Director Dori DeBord provided a Powerpoint presentation which covered the timeline and background, proposed project terms and advantages, valuation breakdown for both buildings (941 W. Morse Boulevard and 1150 N. Orange Avenue), exchange agreement highlights and terms for consideration.

Ms. DeBord explained that the Commission directed staff to evaluate development configurations for 1150 N. Orange Avenue. Planning Director Jeff Briggs provided three possible development scenarios (office development, multi-family development or senior assisted living/memory care facility) and explained each scenario. He clarified that the scenarios were all under the assumption that the Palmetto Avenue right-of-way was vacated.

Ms. DeBord stated that staff recommends approval of the exchange agreement subject to due diligence findings and converting the variable CRA contributions to a fixed annual payment. Ms. DeBord answered questions regarding property values, potential revenue for the City, contract terms, the reverter clause and values for on-site retention of stormwater.

Attorney Brown mentioned that he reviewed the exchange agreement and wanted to add one additional item: the reverter clause needs to be something more than requiring CNL/Progress Point LLC to apply for a conditional use. He suggested that they clarify the agreement to make it clear that after the reverter period ends that they cannot sell the property or assign it.

Commissioner Cooper said this agreement does not protect the City from anything and there needs to be further negotiations before finalizing the deal. She asked that a clause be added to the exchange agreement that says "should the developer benefit from up-zoning within two years of Certificate of Occupancy that the City receives compensation." Ms. DeBord noted that they have not addressed this specific issue. Commissioner Cooper felt that these negotiations should not take place on the dais and suggested that a professional realtor assist staff with negotiating this deal so that a fair value is established and that it guarantees new jobs and a new building.

Paul Ellis, President of CNL Real Estate/Progress Point, summarized their original proposal with the swapping of the two sites. He addressed that it is an opportunity to bring new corporate citizens to the area, for the City to maintain land ownership and the potential opportunity to create more value in shared infrastructure and multi-use planning with Casto. He said it is also important to understand that they did not ask for development incentives, entitlement increases, economic incentives, impact fee credits or zoning changes.

Mr. Ellis spoke briefly about their proposal values. He explained that they averaged the two appraisals completed to date (\$5,771,850) and the total consideration value of their proposal is \$5,932,554. He noted that the land value for the Orange Avenue site is \$4,791,900, guaranteed CRA payment of \$420,000 (\$30,000 fixed payment over 14 years once the building is constructed and occupied), State Office Building demolition cost \$287,154, and the tree canopy easement valued at \$433,500. Mr. Ellis also advised that they will spend \$200,000 in preparing a conditional use permit so they will have significant dollars invested during the due diligence

period. He mentioned that the City will receive annual tax revenues and annual utility revenues and job creation. Mr. Ellis mentioned that the only item they will not agree on is the reverter clause since it is impossible to finance the building construction with a reverter clause in place so in order for them to execute the financing they have to remove the reverter clause. Mr. Ellis then answered questions.

Mayor Bradley said this is a very intriguing deal and they need to be considerate of it but questioned the values and appraisals of both properties.

Commissioner McMacken said it comes down to the differential between the appraisals and the property values associated with each property. He mentioned that in all of their previous conversations they talked about having a non-performing City asset so the thought of having a corporate headquarters occupy the site which would bring in or retain professional jobs into the City is a positive opportunity but he also wants to make sure that the City receives a fair price. He also mentioned that as negotiations continue they need to look at abandoning the portion of Palmetto Avenue that goes through the Progress Point parcel of land because he felt it will create additional value which could help the discrepancy in dollars.

There was a suggestion to hire a third party consultant to provide a third appraisal for consideration. Ms. DeBord said they would first have to make sure the appraiser is acceptable to both CNL and the City and would take approximately four weeks to complete. She let the Commission know that if they choose this option it will slow down the entire process and suggested shortening the due diligence timeframe and the closing timeframe which would help CNL meet their deadline.

Commissioner Cooper said she has heard from many citizens who think this is a bad deal and they would prefer to see the building leveled, the property sodded and for the City to retain the land until they have made decisions relative to their future civic venue needs. She mentioned that there are numerous ways to quantify the difference in values. She agreed that they need to get a third party appraisal but they also need to figure out what the jobs are worth, what the development is worth and further define how CNL is going to guarantee the City and if these things cannot be done then maybe now is not the right time. She felt that Winter Park does not have any financial need to liquidate their best asset. This discussion continued after the recess and public comments were taken.

A recess was taken from 5:43 p.m. to 6:07 p.m.

Public Comments

Bill Shallcross, 1450 Bonnie Burn Circle, spoke about recycling and garbage pickup. He mentioned that this week he will be riding behind one of the Waste Pro trucks so he can get a better handle on the recycling in Winter Park.

Patrick Chapin, Winter Park Chamber of Commerce, thanked city staff, police and fire for their extraordinary efforts during the rainy Art Festival this year.

State Office Building discussion continuation

Attorney Brown advised that currently the due diligence period in the contract states "if either party for any reason whatsoever can decide not to go forward at the end of the 60 days" which tells him that if they are working towards obtaining a third appraisal during the 60 day period, that could be a basis to not go forward.

Commissioner Leary said he understands CNL's position with the reverter clause and suggested using an acceleration clause because that would help guarantee that the City would receive the \$420,000 payment especially since the City cannot be guaranteed full occupancy of the building. He said this is the most valuable deal that has been presented to them and he likes that the City would be acquiring additional land.

Motion made by Commissioner Sprinkel that: #1) the City Manager, the City Attorney and the Director of Economic Development use whomever they need to come up with a value and determine what both properties are worth and how they reached that delta; #2) whatever reverter clause that they need along with their strong schedule as part of how this is going to move forward and; #3) a clarification that the property cannot be sold or flipped by someone very quickly after this is done and to bring this back to them in two weeks. Commissioner Sprinkel said it is fine with her if they need to move forward with another appraisal or if they can agree to this without doing the third appraisal. **Motion was seconded by Commissioner Leary for discussion.**

Motion amended by Commissioner Cooper that the exchange agreement clearly defines the new office project as at least 75,000 square feet of class "A" office; seconded by Commissioner McMacken for discussion.

Motion amended by Commissioner Cooper that the reverter clause be tied to a date certain by which vertical construction commences not by conditional use application; seconded by Commissioner McMacken for discussion.

Motion amended by Commissioner Cooper for staff to adjust in their value calculations to reflect a value for the off-site stormwater at Lake Island Park or delete from the exchange agreement. Motion failed for lack of a second.

Motion amended by Commissioner Cooper that a clause be added that requires additional compensation should the developer benefit from property up-zoning within 24 months of certificate of occupancy; seconded by Commissioner McMacken for discussion.

Mayor Bradley asked that Commissioner Sprinkel restate her motion. **That the City Manager, the City Attorney and the Director of Economic Development and CRA bring back to them in a two weeks period three things to make a decision on: #1) the value of the two properties; #2) strong schedule; and #3) clarification on the inability to sell the property.**

Commissioner Sprinkel explained that she was a little distressed by the number of citizens that wrote to her saying that they understand that the Commission is making a bad land swap. To hear this before their decision was even made was very disturbing to her because it seems as if citizens are working under one set of ideas or are being fed incorrect information. She said

what it really comes down to is people not seeing the big picture and being misinformed. She pointed out that as everyone can see during tonight's meeting the Commission is working really hard to come up with the best deal for everyone in the City.

Bill Shallcross, 1450 Bonnie Burn Circle, said he wants what is best for Winter Park.

Sally Flynn, 1400 Highland Road, stated that the exchange of these two properties is not equitable and not acceptable to numerous citizens in Winter Park. She then provided the Deputy City Clerk with petitions from numerous citizens who are against this deal.

Tom Shutts, 2010 Brandywine Drive, said this not an even land swap and shared his concern with the environmental issues on the Progress Point site specifically the PCB's and arsenic that is in the ground and need to be cleaned up.

Julie Zimmerman, 250 Carolina Avenue #402B, said the third appraisal should be done on both properties.

Gene Randall, 1285 Richmond Road, urged the Commission to re-evaluate their position and recalculate the value of the land.

John Rogers, Jr., 1002 Temple Grove, felt this is not a good deal for Winter Park taxpayers.

Richard Baldocchi, 2301 Forrest Road, said there is no urgent need to sell right now and cautioned the Commissioners from the selling the property.

Robert Hartnett, 401 Lakewood Drive, said he is concerned that the City is thinking about selling or trading this property especially when they really don't need to.

Pete Weldon, 700 Via Lombardy, thinks the level of flexibility that is being shown by CNL is inadequate and would like to see a lot more from them.

Nancy Shutts, 2010 Brandywine Drive, is excited and agreed with Commissioner Sprinkel's motion. She said the state office building is a prime piece of property and she felt that the City does not need to give a developer any incentives to purchase prime property in Winter Park.

Patricia McDonald, 2348 Summerfield Road, said both properties are not of equal value and it is not a fair deal for Winter Park residents. She commented that the Commission should wait until property sales and values improve and urged the Commission to keep the citizens informed on the details of this deal as they proceed.

Donna Colado, 327 Beloit Avenue, suggested that the Commission encourage CNL to build on their own property.

Joe Terranova, 700 Melrose Avenue, concurred with Commissioner Sprinkel's motion and urged the Commission to work out the details on the valuation because it is a good project.

Patrick Chapin, Winter Park Chamber of Commerce, said this is an exciting deal and urged the Commission to take their time while making their decision.

Eric Rosoff, 1247 Via Salerno, recommended that staff investigate the arsenic cleanup before making a final decision. He suggested that CNL sell their land and purchase the state office building outright from the City and then they can do whatever they want with the property.

Jim Moreland, 1618 Neola Trail, said there are numerous ways to address the issue regarding the reverter clause. He said a performance bond is controllable and suggested they look into this.

Paul Rutledge, 1911 Summerland Avenue, said he would love to see this property get developed.

David Winters, 1251 Palmer Avenue, urged the Commission to take their time in making their decision.

Paul Ellis, President of CNL, said the City controls the entire process and this is something that they fear because they have a timeline that they are trying to meet. If they cannot file their conditional use by a certain date a penalty is to be paid and they could lose their potential tenants and it is not fair. He said they are willing to put a timeline on the table but they feel the City cannot guarantee to meet their timeline because as of yet the City has not offered up a guarantee on their own process.

Upon a roll call vote on the amendment (that the exchange agreement clearly defines the new office project as at least 75,000 s.f. of class "A" office). Commissioner Cooper clarified that Class "A" office be defined as industry standards. **Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.**

Upon a roll call vote on the amendment (that the reverter clause be tied to a date certain by which vertical construction commences not by conditional use application), Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.

Upon a roll call vote on the amendment (that a clause be added that requires additional compensation should the developer benefit from property up-zoning within 24 months of certificate of occupancy). Commissioner Cooper added "or for 24 months after" when she restated her motion prior to roll call vote. **Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.**

Upon a roll call vote on the main motion that the City Manager, the City Attorney and the Director of Economic Development and CRA bring back to them in two weeks period three things to make a decision on: 1) the value of the two properties; 2) a strong schedule and 3) clarification on the inability to sell the property, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

A recess was taken from 7:31 p.m. to 7:44 p.m.

Public Hearings

- a. RESOLUTION NO. 2094-11: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE UNDERGROUNDING OF ELECTRIC/CATV FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING DIXIE PARKWAY AND WILLIAMS DRIVE; WHICH IMPROVEMENTS BE PAID IN PART BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES WITHIN THE ABOVE DESCRIBED AREA; PROVIDING AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. **Motion made by Commissioner Leary to adopt the resolution; seconded by Commissioner Sprinkel.** No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- b. ORDINANCE NO. 2858-11: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, REPEALING SECTIONS 62-51 AND 62-53 OF THE CITY CODE, AND AMENDING SECTION 62-52 OF THE CODE, AS REQUIRED BY CHAPTER 2011-109, LAWS OF FLORIDA; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner McMacken to adopt the ordinance; seconded by Commissioner Sprinkel.** No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 1500 SUMMERLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner Leary to accept the ordinance on first reading; seconded by Commissioner Sprinkel.** No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

City Commission Reports:

- a. Commissioner Leary

Commissioner Leary provided feedback to a public comment that was made during the State Office Building discussion regarding citizens not being informed on upcoming decisions. He disagreed and felt that the real issue is that many citizens are being misinformed as to where the Commission is headed particularly on the State Office Building topic since current negotiations are still being discussed. He believed that the newsletters/papers that are being sent out by Commissioner Cooper are misleading or misrepresenting the position of each Commissioner and where they stand on certain topics so it is not a matter of not being informed but rather being misinformed.

b. Commissioner Sprinkel

1. Commissioner Sprinkel announced that the Winter Park High School Homecoming is this week.
2. Commissioner Sprinkel mentioned that she received a letter from Representative David Simmons regarding an upcoming meeting next Friday on SunRail. She let City Manager Knight know that if they need someone to represent the Commission she would be more than happy to attend.
3. Commissioner Sprinkel mentioned she received an anonymous letter about cleaning up a property on Fairbanks. City Manager Knight advised that Code Enforcement is working with the property owner to get it cleaned up.
4. Commissioner Sprinkel shared her frustration with the misinformation that the citizens are receiving and said it is very misleading.

c. Commissioner Cooper

1. Commissioner Cooper said she would like to speak at the Veterans Program that is being held on November 11 at the Community Center.
2. Commissioner Cooper mentioned this week is the Regents reunion at the Mayflower and Full Sail Winter Park Regional.
3. Commissioner Cooper welcomed a new business to the area, US Sign Works, located at 8075 Orlando Avenue, Suite T.
4. Commissioner Cooper responded to the issue relative to being misinformed. She said it is troublesome to hear these comments and said if there is a specific item that needs to be addressed to let her know so she can fix it.

Mayor Bradley said he received several citizen comments stating that Commissioner Cooper sent out a newsletter saying she is in the minority on the State Office Building decision and asked how that could be when she voted in favor of it. Commissioner Cooper said she is generally in the minority these days with her being on the losing side of the 3-2 vote or when her motion fails. Mayor Bradley said for her to say that she is in the minority is very misleading and requested Attorney Brown to look at this specific topic of information that she sent out to see if there was a Sunshine Law violation. Commissioner Cooper said that would be fine. Mayor Bradley also recommended that she consult with Attorney Brown for guidance.

d. Commissioner McMacken

Commissioner McMacken requested that the City acknowledge the anonymous donor who provided the new landscaping at the post office. City Manager Knight acknowledged the request.

e. Mayor Bradley

1. Mayor Bradley stated that he takes the Sunshine Law very seriously and he is very concerned when someone suggests that they know in advance how someone is going to vote or what position they are taking prior to discussions.

2. Mayor Bradley reminded everyone that in two weeks there will be a football game at Rollins College and he is hoping that they can conclude the Commission meeting by 7 p.m. so they can attend the game.

The meeting adjourned at 8:04 p.m.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham



city commission agenda item

item type	Consent Agenda	meeting date	October 24, 2011
prepared by department division	Purchasing Division	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		
		final vote	

Purchases over \$50,000

	vendor	item background	fiscal impact	motion recommendation
1.	Winter Park Historical Association	PR 147840 for FY12 Organizational Support	Total expenditure included in approved FY12 budget. Amount: \$70,000	Commission approve PR 147840 to Winter Park Historical Association for FY12 organizational support
2.	Lina (Cigna)	Blanket Purchase Order for Life, Accidental Death and Dismemberment and Long Term Disability Insurance (RFP-19-2008)	Total expenditure included in approved FY12 budget. Amount: \$113,134.28	Commission approve Blanket Purchase Order to Lina (Cigna) for Life, Accidental Death and Dismemberment and Long Term Disability Insurance
The City of Winter Park utilized a competitive bidding process to award this contract. The contract was awarded on July 14, 2008. The current contract term expires September 30, 2012. Payment will be processed monthly against this Blanket Purchase Order.				
3.	Aetna	Blanket Purchase Order for Administrative Contract Service Fee for Medical Insurance (RFP-6-2007)	Total expenditure included in approved FY12 budget. Amount: \$262,810.99	Commission approve Blanket Purchase Order to Aetna for Administrative Contract Service Fee for Medical Insurance
The City of Winter Park utilized a competitive bidding process to award this contract. The contract was awarded on March 26, 2007. The current contract term expires September 30, 2012. Payment will be processed monthly against this Blanket Purchase Order.				
4.	Aetna	Blanket Purchase Order for Administrative Stop Loss for Medical Insurance (RFP-6-2007)	Total expenditure included in approved FY12 budget. Amount: \$415,516.37	Commission approve Blanket Purchase Order to Aetna for Administrative Stop Loss for Medical Insurance
The City of Winter Park utilized a competitive bidding process to award this contract. The contract was awarded on March 26, 2007. The current contract term expires September 30, 2012. Payment will be processed monthly against this Blanket Purchase Order.				
5.	Metlife	Blanket Purchase Order for Dental Insurance (RFP-18-2008)	Total expenditure included in approved FY12 budget. Amount: \$354,109.15	Commission approve Blanket Purchase Order to Metlife for Dental Insurance
The City of Winter Park utilized a competitive bidding process to award this contract. The contract was awarded on July 14, 2008. The current contract term expires September 30, 2012. Payment will be processed monthly against this Blanket Purchase Order.				
6.	GATSO USA	Blanket Purchase Order for Red Light Safety Enforcement (RFP-	Total expenditure included in	Commission approve Blanket Purchase Order to GATSO

		13-2009)	approved FY12 budget. Amount: \$552,000	USA for Red Light Safety Enforcement
The City of Winter Park utilized a competitive bidding process to award this contract. The contract was awarded on May 11, 2009. The current contract term expires January 22, 2014. This Blanket Purchase Order will expire on September 30, 2012. Payment will be processed monthly against this Blanket Purchase Order.				
7.	Brown & Brown of Florida, Inc.	PR 147880 for Agent Fee for Risk Management Services	Total expenditure included in approved FY12 budget. Amount: \$115,000	Commission approve PR 147880 to Brown & Brown of Florida, Inc.
8.	Mobile Tec International, Inc.	PR 147862 for Annual Support of Public Safety Computer Aided Dispatch and Records Management System	Total expenditure included in approved FY12 budget. Amount: \$65,030	Commission approve PR 147862 to Mobile Tec International, Inc.
There was no increase in the annual cost for support. See item 16 below.				
9.	Sungard Public Sector	PR 147852 for Annual Support of ERP Software	Total expenditure included in approved FY12 budget. Amount: \$86,629.80	Commission approve PR 147862 to Sungard Public Sector
Annual support period October 1, 2011 through September 30, 2012.				
10	Winter Park Public Library	After the fact Purchase Order 145616 for October 2011 Organizational Support	Total expenditure included in approved FY12 budget. Amount: \$113,767.63	Commission approve after the fact Purchase Order 145616 to Winter Park Public Library for October 2011 Organizational Support
The City Commission approved a Blanket Purchase Order to the Winter Park Public Library for organizational support (November 2011 – September 2012) on October 10, 2011.				
11	Software House International	PR 147888 for Annual Microsoft Enterprise Software Support	Total expenditure included in approved FY12 budget. Amount: \$60,299	Commission approve PR 147888 to Software House International
Pricing is established through the State of Florida contract 252-001-09-1. The City Commission authorized piggybacking this contract on October 25, 2010 and a piggyback contract has been fully executed.				
12	William J. Peebles	Blanket Purchase Order for State Lobbyist Services	Total expenditure is included in approved FY12 budget. Amount: \$52,000	Commission approve Blanket Purchase Order to William J. Peebles for State Lobbyist Services
This Blanket Purchase Order will expire on September 30, 2012. Payment will be processed monthly against this Blanket Purchase Order.				
13	Brown, Garganese, Weiss & DeGresta	Blanket Purchase Order for Attorney Services (RFP-21-2009)	Total expenditure included in approved FY12 budget. Amount: \$300,000	Commission approve Blanket Purchase Order to Brown, Garganese, Weiss & DeGresta for Attorney Services
The City of Winter Park utilized a competitive bidding process to award this contract. The contract was awarded on August 10, 2009. This Blanket Purchase Order will expire on September 30, 2012.				

Payment will be processed monthly against this Blanket Purchase Order.				
14	Alcalde & Fay	Blanket Purchase Order for Federal Lobbyist Services	Total expenditure included in FY12 budget. Amount: \$62,000	Commission approve Blanket Purchase Order to Alcalde & Fay for Federal Lobbyist Services
This Blanket Purchase Order will expire on September 30, 2012. Payment will be processed monthly against this Blanket Purchase Order.				
15	Shutts & Bowen	Blanket Purchase Order for Labor Attorney Services	Total expenditure included in approved FY12 budget. Amount: \$100,000	Commission approve Blanket Purchase Order to Shutts & Bowen for Labor Attorney Services
This Blanket Purchase Order will expire on September 30, 2012. Payment will be processed monthly against this Blanket Purchase Order.				

Contracts

	vendor	item background	fiscal impact	motion recommendation
16	Mobile Tec International, Inc.	Maintenance Agreement for Public Safety Computer Aided Dispatch and Records Management System		Commission authorize the Mayor to execute the Maintenance Agreement
The term of this agreement will be October 1, 2011 through September 30, 2012. See item 8 above				

Piggyback contracts

	vendor	item background	fiscal impact	motion recommendation
17	Interworld Highway, LLC	Piggybacking for Scientific Equipment and Services	Total projected expenditure included in approved FY12 budget. Amount: \$3,000	Commission approve piggybacking GSA Schedule GS-07F-0350X with Interworld Highway, LLC and authorize the Mayor to execute the Piggyback Contract
The General Services Administration established contract GS-07F-0350X on March 4, 2011. The current contract is valid through March 3, 2016.				



city commission agenda item

item type	Consent Agenda	meeting date	October 24, 2011
prepared by department division	Purchasing Division/Police Department	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		
		final vote	

subject

Purchases related to Central Florida HIDTA

motion | recommendation

Commission authorize the City Manager, in consultation with the City Attorney, as needed, to sign purchase orders for payment of HIDTA personnel and operations, subject to the condition that the HIDTA grant funds will be the sole source of money to pay these obligations.

Additionally, authorize purchase orders in the amounts of \$55,000, \$68,000, \$100,000 and \$150,000 for several independent contractors who provide specialized and confidential investigative services on behalf of HIDTA. Additionally, a purchase order is requested in the amount of \$93,000 for facility expenses of HIDTA.

background

The City participates in a joint task force identified as HIDTA (which stands for High Intensity Drug Trafficking Agency). Much of the activity of HIDTA is confidential and the information exempt pursuant to several provisions of Florida law, including Section 119.071(2), Florida Statutes, relating to information revealing surveillance techniques and procedures, personnel involved in surveillance techniques and procedures, and criminal investigative techniques and procedures. At this time, the City has on hand \$662,125 in HIDTA grant funds, and these funds are sufficient to cover all routine and normal operations of the HIDTA task force for the remainder of the federal grant year.

alternatives | other considerations

N/A

fiscal impact

No fiscal impact incurred by the City. All expenses related to HIDTA are paid by grant funding awarded to HIDTA received from the federal government.

strategic objective

Quality government services & financial security



city commission agenda item

item type	Consent Agenda		meeting date	October 24, 2011	
prepared by	Troy Attaway	John Holland	approved by	<input checked="" type="checkbox"/> City Manager	
department	Public Works	agrees with		<input type="checkbox"/> City Attorney	
division	Engineering	this request		<input type="checkbox"/> N/A	
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A				final vote

subject

Update on Golf Course Starter's House / Request to use FY 2012 Parks Department funding to augment project budget.

motion | recommendation

Use up to \$25K of FY 2012 budgeted Parks Department improvement fund to improve the golf bag storage area of the Starter's House to provide insulated/air conditioned space. This will provide increased revenue of \$5,000 to \$7,000 per year.

background

The City budgeted \$175,000 in FY 2011 to rehab/upgrade the existing Golf Course Starter's building to provide upgraded restrooms / changing facilities for patrons. The City engaged Frank Roark to be the project construction manager. The project scope developed included gutting the existing building, constructing new men's and women's restrooms with appropriate changing rooms and short term locker space. It also included an open space with vaulted ceiling to be used for refuge from heat and weather and rental space, replicating the old historic design of the building, providing a large upgraded patio to fully utilize the "million dollar" view and updating the bag storage area.

During demolition, the extent of termite and weather damage, as well as foundation settlement, was more than anticipated. Basically, every foundation, wall structure, floor structure, and exterior siding has been replaced causing the budget to over expend in this area. Through careful review of the entire project budget the project will be completed within budget, however, there is an opportunity to significantly enhance the golf bag storage area to insulate and air condition the space. This would allow the city to increase storage fees above their current nominal levels and provide approximately \$5,000 to \$7,000 more in revenue as well as increase the level of service provided beyond existing levels. In order to provide this upgraded level of service an estimated \$25,000, is necessary to remove all siding around the storage room, install proper sheathing, insulate walls and ceiling, finish with Gyp-board, and air condition the space. This level of rehab/improvement is not in the current budget.

The Parks Department feels these improvements will enhance the level of service of the Golf Course and provide additional revenue. It is an appropriate use of a portion of the FY 2012 Park Improvement funds with a relatively short payback period from increased revenue.

alternatives | other considerations

The alternative within the existing budget is perform limited improvement in the golf bag storage area to include; new concrete leveling course on the floor, paint, construct simple individual storage cubbies to provide defined storage spaces and upgrade exhaust ventilation, utilizing existing exterior siding.

fiscal impact

Utilize portion of budgeted funds for Park Improvements for this purpose, no impact to budget other than lost opportunity to perform another improvement.

long-term impact

The funds expended will be repaid within approximately 5 years through projected increase in revenue.

strategic objective

Quality facilities and infrastructure



city commission agenda item

item type	Action Item Requiring Discussion	meeting date	October 24, 2011
prepared by department division	Dori DeBord Economic Development/CRA	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A final vote		

subject

Review and approval of the Exchange Agreement between the City of Winter Park and Progress Point LLC.

motion | recommendation

At the time of this agenda package submittal, no recommendation is available due to on-going negotiations.

background

At the City Commission meeting on October 10, 2011, staff presented an Exchange Agreement between the City and Progress Point LLC. At that meeting, Planning staff also presented three concept plans for the property currently owned by Progress Point LLC at 1150 N. Orange Avenue. These are included in the agenda package.

By motion, the City Commission directed the City Manager, the City Attorney and the ED/CRA Director to continue negotiations on three specific points:

- Value
- Timing of development/property reversion
- Concerns regarding a quick property sale of 941 W. Morse immediately by Progress Point LLC following an exchange

Staff met with representatives of Progress Point LLC to address these three concerns.

Value – to address the issue of value between the two sites, City staff and the Progress Point LLC representatives agreed to jointly hire a third party appraiser that would evaluate all the current appraisals for both sites and offer an opinion. Ms. Angela Brown with Meridian Appraisal Group in Winter Springs Florida was retained to determine the compliance of the appraisals with Uniform Standards of Professional Appraisal Practices and develop an opinion based on the following:

- 1) The completeness of the material under review
- 2) The apparent adequacy and relevance of the data and propriety of any adjustments to the data
- 3) The appropriateness of the appraisal methods and techniques used
- 4) Develop the reasons for any disagreement and address whether the analyses, opinion and conclusions are appropriate and reasonable given the scope of the work applicable to the assignment

The appraisal review report is provided to aid both the City and Progress Point LLC with an objective opinion of value estimates reported in the respective reports and whether the analysis, opinions and conclusions are appropriate and reasonable and develop the reasons for any disagreement.

Ms. Brown did note in her scope that the appraisal review report will be prepared under the Uniform Standards of Professional Practice, Standards Rule 3-(4 through 6) and development under Standards Rule 3-(1 through 3). Additionally, the appraisal review report will comply with all regulations issued by the appropriate regulatory entities, enacting the enactment of Title XI of the FIRREA Act of 1989, and the appraisal reporting requirements of the Office of the Comptroller.

The purpose for this review is to provide a professional determination to the issue of value. Once this review is complete, staff will complete the analysis of the sites and provide the Commission with the information.

Staff is still working with the City Attorney and the Progress Point LLC representatives on language regarding the timing of the proposed office building and any reverter clause associated with it as well as the concerns raised about sales of the property following the exchange.

Staff anticipates having a revised Exchange Agreement by Friday, October 21, 2011 for Commission review.



OPTION 1					
Multifamily - 2.45 acres					
Bldg. Type					Total Units
	1 Bedr.	2 Bedr.	3 Bedr.		
CCBB		10	8		18
BABB	6	18			24
BAAA	18	6			24
Total	24	34	8		66
Offices/Retail - 2.0 acres 39,204 sq.ft allowed (45% F.A.R.)					
Bldg 1					18,000
Bldg 2					19,000
Total					37,000
Multifamily					
Proposed Parking:	1.5/1 bedr.	24			36
	2/2 bedr.	34			68
	2/3 bedr.	8			16
				Sub-Total	120
Office					
Proposed	1/250 sq. ft	37,000			148
			Total		268
Parking Shown:					242

1 LAND DEVELOPMENT PLAN - OPTION 1
SCALE: 1" = 40'-0"

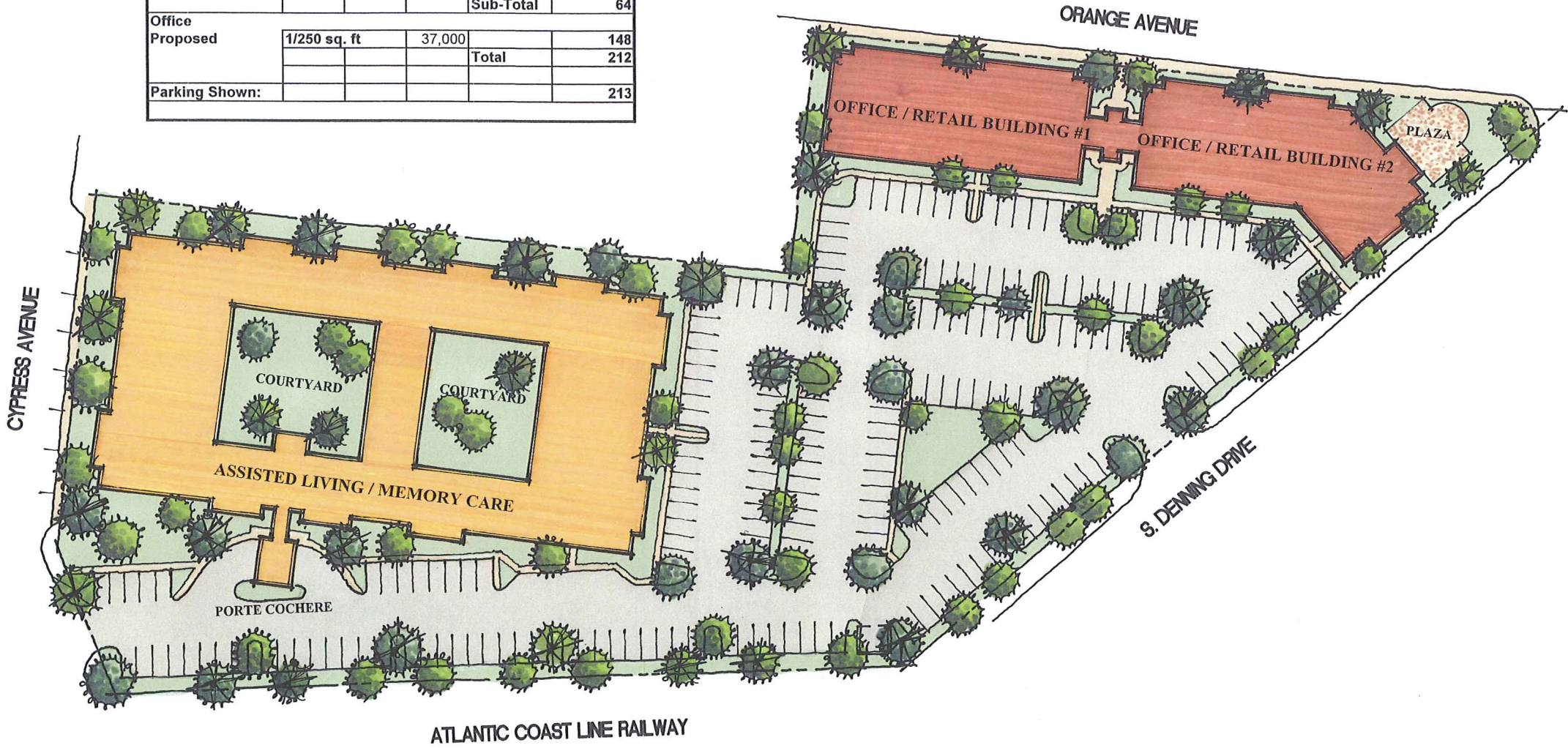


REVISIONS

LAND DEVELOPMENT PLAN - OPTION 1
PROGRESS ENERGY SITE
1150 ORANGE AVENUE
WINTER PARK, FLORIDA

DRAWN
CAD
CHECKED
WPP
DATE
SCALE
AS NOTED
JOB NO.
SHEET

OPTION 2					
Assisted Living and Memory Care - 2.45 acres					
Memory Care Units					30
Assisted Living Units					65
				Total	95
Offices/Retail - 2.0 acres 39,204 sq.ft allowed (45% F.A.R.)					
Bldg 1					18,000
Bldg 2					19,000
				Total	37,000
Assisted Living					
Proposed Parking: .75/Unit					49
Employees					15
				Sub-Total	64
Office					
Proposed	1/250 sq. ft	37,000			148
				Total	212
Parking Shown:					213



1 LAND DEVELOPMENT PLAN - OPTION 2
SCALE: 1" = 40'-0"



REVISIONS	

LAND DEVELOPMENT PLAN - OPTION 2

PROGRESS ENERGY SITE
1150 ORANGE AVENUE

WINTER PARK FLORIDA

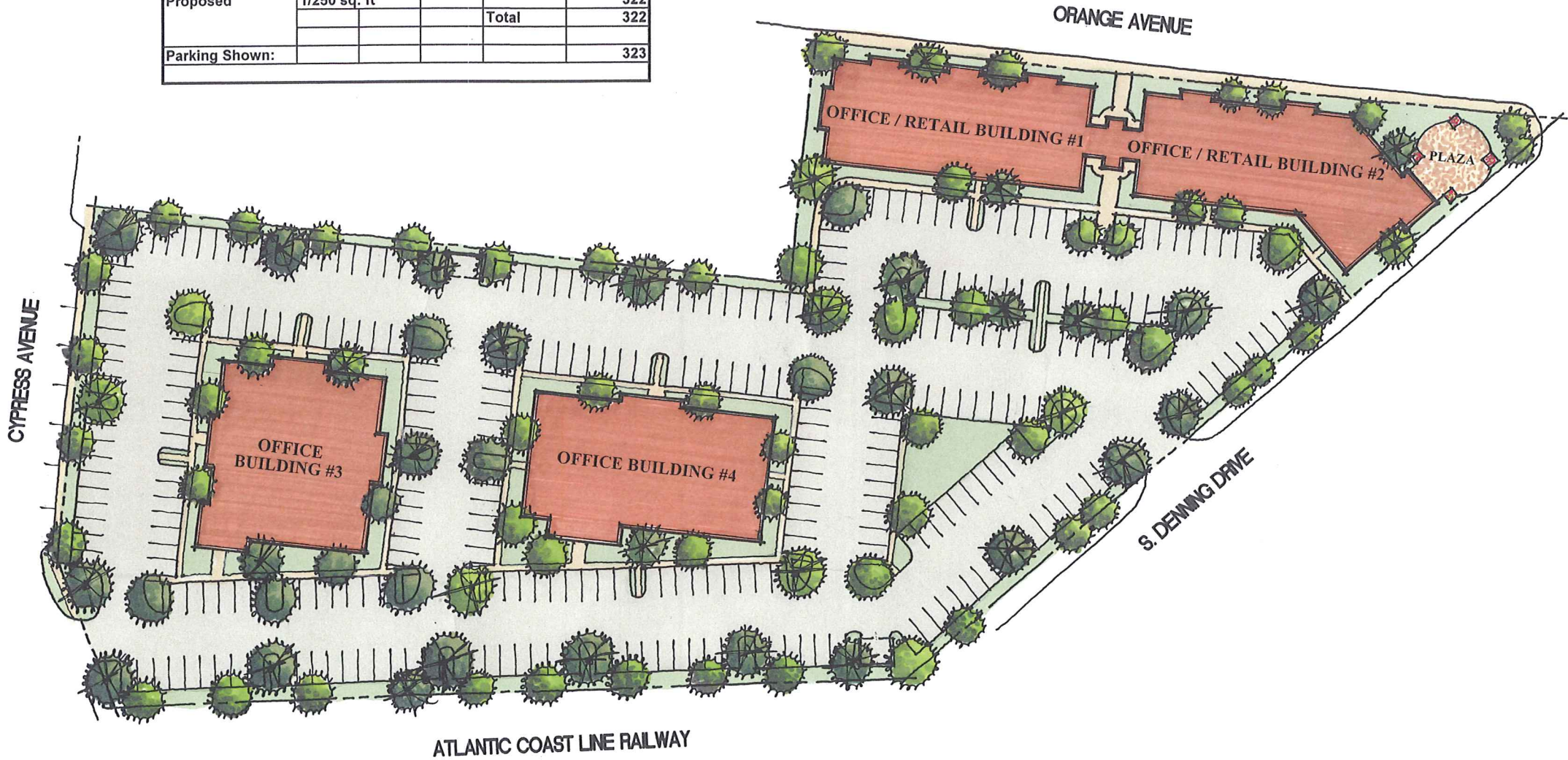
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SCALE
AS NOTED
JOB NO.

SHEET

REVISIONS

OPTION 3				
Offices/Retail - 4.45 acres 87,289 sq.ft allowed (45% F.A.R.)				
Bldg 1				18,000
Bldg 2				19,500
Bldg 3				21,000
Bldg 4				22,000
Total				80,500
Office				
Proposed	1/250 sq. ft			322
Total				322
Parking Shown:				323



1 LAND DEVELOPMENT PLAN - OPTION 3
 SCALE: 1" = 40'-0"

LAND DEVELOPMENT PLAN - OPTION 3
 PROGRESS ENERGY SITE
 1150 ORANGE AVENUE
 WINTER PARK FLORIDA

DRAWN
CAD
CHECKED
WFP
DATE
SCALE
AS NOTED
JOB NO.
SHEET



city commission agenda item

item type	Action Item Requiring Discussion	meeting date	October 24, 2011
prepared by department division	Communications Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	n/a	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote

subject

Adoption of the official City of Winter Park flag

motion | recommendation

Approval of staff recommendation for Design #1 to be adopted as the official city flag.

background

The City of Winter Park currently does not have an official flag flown in the city's honor.

Below is the timeline of the flag process to date:

- May 25: Presentation of three city generated flag designs. Commission directed staff to create a public participation process inviting community to submit designs.
- June 13: City Commission approved public participation process.
- June 14 thru July 4: Public invited to submit designs. 12 designs were submitted.
- July 26: Public Art Advisory Board (PAAB) reviewed submissions and ranked their top 4 designs.
- August 8: PAAB recommendations presented to City Commission. Commission directed staff to work with artists and refine three designs. Staff was asked to:
 1. Revise Design #1 to increase contrast between peacock and colored bars and to make the bars equal in size.
 2. Revise Design #2 by changing the word "Florida" to the year "1882."
 3. Revise Design #3 by working with the artist to tweak the original design and have staff convert it from a hand-drawn work to an electronic form.
- October 24: Staff to present refined designs to City Commission with the recommendation to approve Design #1.

Original submissions:



Original Design #1



Original Design #2



Original Design #3

Revised submissions based on City Commission suggestions:



Design #1



Design #2



Design #3

alternatives | other considerations

- Select another flag entry.
- Reopen the flag design process.
- Do not adopt a city flag.

fiscal impact

Approximately \$1,000 to print 25 (5' x 3') flags currently budgeted in the Communications Department's budget.

Additional funding will need to be budgeted on an ongoing basis to have flags printed and made for the following possible purposes:

- Available for city residents to purchase
- Commemorative keepsake given to distinguished city residents for their service to the city
- Replacement of flags as they have weathered
- Special occasions

long-term impact

Long-term visual representation and symbol of the city's valuable assets to our residents and visitors.

strategic objective

Quality facilities and infrastructure.

Original Flag Design #1



Revised Flag Design #1 – Staff Recommendation



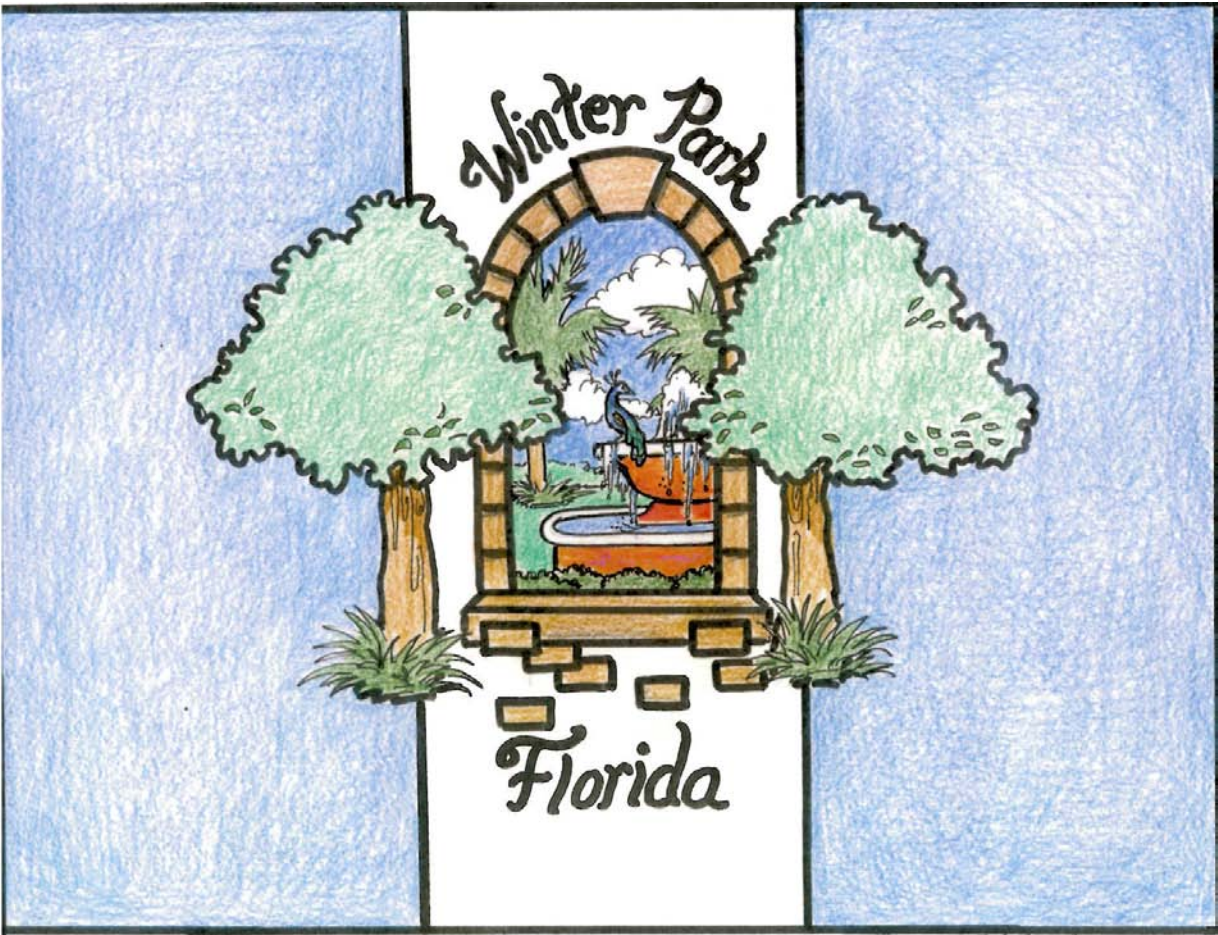
Original Flag Design #2



Revised Flag Design #2



Original Flag Design #3 - Hand Drawn



Revised Flag Design #3 - Electronic Format





Revised Flag Design #3 - Hand Drawn



city commission agenda item

item type	Action Item Requiring Discussion	meeting date	October 24, 2011
prepared by department division	Randy Knight City Manager n/a	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A final vote		

Subject

State legislative priorities.

motion | recommendation

Adopt the state legislative priorities for 2012.

background

The legislative session is beginning earlier this year because of redistricting.

Staff has prepared the attached draft of legislative issues. This draft list has already been discussed with our lobbyist. Many of the items are carried forward from the priorities of last year. The list is very long and all items would not be worked, but it gives the lobbyist our thoughts and as he works with various legislators and state departments he can keep his eyes open for opportunities.

Note: these are not necessarily in priority order however the top three "projects" and the top two "legislative matters" are already being worked by our lobbyist.

Upon adoption by the Commission the list will be provided to our lobbyist.

alternatives | other considerations

The City Commission remove items or add items to the list.

fiscal impact

None known at this time.

strategic objective

N/A

Draft List of State Legislative Priorities

Projects:

- Railroad Crossing Safety Enhancements and Quiet Zones
- Undergrounding of Fairbanks Transmission Lines
- Acquire W. Fairbanks from State
- Acquire excess CSX ROW from State once they have acquired
- Acquisition and development of linear park on North side of West Fairbanks
- Mead Garden Lake Lillian Restoration
- Acquisition of Howell Branch Creek Property for Open Space and Linear Parkland
- Funding for Florida Forever – Florida Communities Trust program
- Any Technology Funds? Disaster Recovery?
- Acquisition of post office property and expansion of Central Park
- Expansion of reuse water system

Legislative matters:

- Pension Reform
- Dedicated Funding Source for Commuter Rail
- Redistricting
- Protection of home rule authority including control of local planning issues, revenues and expenditures
- Oppose Public Service Commission regulation of municipal owned electric utilities
- Remove statutory requirements for public employees to provide subsidized health, hospitalization and other insurance coverage for retirees
- Ban on texting while driving
- Sun Rail liability



city commission public hearing

item type	Public Hearing	meeting date	October 24, 2011
prepared by department division	Jeff Briggs Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	5-0 final vote

Subject: Ordinances to Streamline the Zoning Approval Process – Round 2 - Revising the Threshold for City-Wide Notices (First Reading)

At the August 2nd Planning Board meeting, several initiatives were recommended to streamline the zoning approval process for new development. Those were adopted by the City Commission but the issue of increasing the threshold for city-wide notice was tabled at that time. Increasing the threshold for the city-wide notice requirements translates into a 30 day time savings for applicants that do not then need the city-wide notice.

Summary and Recommendation:

At the October 4th Planning Board meeting there was agreement (5-0 vote in favor) on the code changes outlined below to modify the threshold for the city-wide notice.

These two ordinances (Comp. Plan and Zoning changes) increase the threshold for a city-wide notice for conditional uses for building projects from 25,000 sq. ft. to 35,000 sq. ft. and for FLU/Rezoning from one acre to 80,000 square feet land. There are two ordinances since one changes the Zoning Code notice requirements and the second one amends the Comp. Plan.

The 80,000 sq. ft. was chosen because that is the threshold for a rezoning to the Planned Development zoning districts which would include parking garages. The typical maximum FAR of 45% on an 80,000 sq. ft. parcel would permit 35,000 sq. ft. of building, so that number then correlates to the land area threshold number.

Another minor change is also to eliminate the requirement for a city-wide notice to extend or re-establish an expired (already approved) conditional use and rely instead upon a quarter page advertisement notice rather than a city-wide notice. That was the situation we just encountered with the Furst Townhome project at 140 S. Knowles Avenue.



CITY OF WINTER PARK Planning & Zoning Board

Regular Meeting
Commission Chambers

October 4, 2011
7:00 p.m.

MINUTES

REQUEST OF THE CITY OF WINTER PARK TO: AMEND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SO AS TO REVISE THE PUBLIC NOTICE REQUIREMENTS FOR ZONING AMENDMENTS AND CONDITIONAL USES AND THE EXTENSION OR RE-ESTABLISHMENT OF CONDITIONAL USES.

REQUEST OF THE CITY OF WINTER PARK TO: AMEND CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT NEW PUBLIC NOTICE AND ADOPTION PROCEDURES FOR AMENDMENTS TO THE CITY OF WINTER PARK, COMPREHENSIVE PLAN.

Planning Director Jeffrey Briggs presented the staff report and explained that at the August 2nd Planning Board meeting several initiatives were reviewed outlining ways to streamline the zoning approval process for new development. The goal is to look for ways to shorten the process for applicants needing a zoning approval, such as a conditional use from the planning board and/or city commission. As part of this effort, the Planning Board in August approved ordinances to increase the threshold for small additions needing P&Z reviews, revamped the lakefront review process to allow for staff approval of swimming pool additions and eliminated the wait for the twice a year cycle for comprehensive plan amendments. This ordinance revises the threshold for the city-wide notice requirements which translates into a 30 day time savings for applicants that do not need the city-wide notice.

These ordinances increase the threshold for a city-wide notice for conditional uses from 25,000 sq. ft. to 35,000 sq. ft. and for FLU/Rezoning from one acre to 80,000 square feet land. There are two ordinances to accomplish this since one changes the Zoning Code notice requirements and the second one amends the Comp. Plan notice requirements. The 80,000 sq. ft. was chosen because that is the threshold for a rezoning to the Planned Development zoning districts which would include parking garages. The typical maximum FAR of 45% on an 80,000 sq. ft. parcel would permit 35,000 sq. ft. of building so that number then correlates to the land area threshold number. Another minor change is also to eliminate the requirement for a city-wide notice to extend or re-establish an expired (already approved) conditional use and rely instead upon a quarter page advertisement notice.

No one wished to speak concerning this issue. Public Hearing closed.

The Planning Board members concurred that these changes had been discussed at their September 28th work session and there was agreement to proceed.

Motion made by Mr. Sacha, seconded by Mr. Livingston to approve the ordinance amending public notice requirements for zoning amendments and conditional uses. Motion carried unanimously with a 5-0 vote.

Motion made by Mr. Sacha, seconded by Mr. Livingston to approve the ordinance amending the adoption of new public notice and adoption procedures for comprehensive plan amendments. Motion carried unanimously with a 5-0 vote.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA,
AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE"
ARTICLE III, "ZONING" SO AS TO REVISE THE PUBLIC
NOTICE REQUIREMENTS FOR ZONING AMENDMENTS AND
CONDITIONAL USES AND THE EXTENSION OR RE-
ESTABLISHMENT OF CONDITIONAL USES, PROVIDING FOR
SEVERABILITY, CODIFICATION, CONFLICTS AND AN
EFFECTIVE DATE.**

WHEREAS, the Planning and Zoning Commission of the City of Winter Park has recommended approval of this Ordinance at its October 4, 2011 meeting; and

WHEREAS, the City Commission of the City of Winter Park held duly noticed public hearings on the proposed zoning text change set forth hereunder and considered 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's Comprehensive Plan; and

WHEREAS, the City Commission hereby find 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 OF WINTER PARK:

SECTION 1. That Chapter 58 "Land Development Code", Article III "Zoning" Section 58-89 "Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses", within subsection within 58-89 (c) "Requirements for public notification and hearings", subsection (c) (2) "Public notice requirements" paragraphs (a) (b) and (c) are amended to read as follows:

Sec. 58-89. Zoning changes and amendments, public notice requirements and procedures for zoning amendments and conditional uses.

(c) *Requirements for public notification and hearings.*

(2) *Public notice requirements.*

- a. In addition to notice required by state law, for any proposed conditional uses involving drive-in business components, two-story buildings in the O-2 district of less than 10,000 gross square feet above grade, residential projects of three units or less, conditional use for restaurant or liquor licenses, new or used car sales, vehicle repair or service, parking lots or recreational facilities, said notice of the hearing shall be published in a newspaper of general circulation within the city at least fifteen (15) days in advance of the hearing; written notice of the time and place of such meeting and the proposed action to be taken

shall be posted upon the property and mailed to all owners of record of property within 500 feet of the property requested for rezoning at least fifteen (15) days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each street side of said land and shall be erected by the applicant.

- b. In addition to notice required by state law, for any amendment to the official zoning map for land of less than one acre and for conditional uses involving church expansions, residential projects of four to twenty-five units, buildings over 10,000 gross square feet and less than 35,000 ~~25,000~~ gross square feet above grade, day care, nursing homes and assisted living complexes said notice of the hearing shall be published in a newspaper of general circulation within the city at least fifteen (15) days in advance of the hearing; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property and mailed to all owners of property of record within 1,500 feet of the property requested for rezoning at least fifteen (15) days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each street side of said land and shall be erected by the applicant.
- c. In addition to notice required by state law, for any proposed amendment to the official zoning map for land of more than 80,000 square feet ~~one-acre~~ and for conditional uses involving residential projects with over twenty-five units, buildings over 35,000 ~~25,000~~ gross square feet above grade and third floor projects in the central business district, said notice of the hearing shall be published in a newspaper of general circulation within the city at least thirty (30) days in advance of the hearing; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property ~~and mailed to all owners of record of property within 1,500 feet of the property,~~ and mailed to all households as determined from the listing of utility billing addresses within the entire city limits at least thirty (30) days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each street side of said land and shall be erected by the applicant. Said postings of properties shall remain in place through the public hearing process. The city shall monitor this posting and provide replacements for any postings lost due to weather, vandalism, etc. However, the absence of a posting due to these conditions beyond the control of the city or the applicant shall not constitute a breach of this requirement provided a good faith effort is made to comply.

SECTION 2. That Chapter 58 "Land Development Code", Article III "Zoning" Section 58-90 "Conditional uses", within subsection 58-90 (d) "Expiration and re-establishment of conditional uses", subsection (d) (2) is amended to read as follows:

Sec. 58-90. Conditional uses.

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

(2) The city commission may extend conditional uses or re-establish conditional use approvals that have expired at the discretion of the city commission. The advertisement and notification requirements shall not apply to the re-establishment of expired conditional uses except that for conditional uses approvals involving buildings over 10,000 square feet or involving three story buildings within the central business district geographic area as defined in this code, the advertisement and notification requirements shall apply the same as for the initial approval of

the conditional use in order for the city commission to extend or re-establish such conditional use approvals that have expired. For projects requiring city-wide notice, ~~the city commission may, at their discretion, consent to~~ the alternative use of a quarter page display advertisement in a newspaper of general circulation shall substitute.

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. Codification. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

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

SECTION 6. Effective Date. This ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2011.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO ADOPT NEW PUBLIC NOTICE AND ADOPTION PROCEDURES FOR AMENDMENTS TO THE CITY OF WINTER PARK, COMPREHENSIVE PLAN, SUBSTITUTING FOR THE CURRENT AMENDMENT PROCEDURES, PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Winter Park City Commission desires to revise the public notice and amendment procedures in the City Code regarding comprehensive plan amendments to conform to the new Growth Management Act and to simplify the process; and

WHEREAS, the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at its October 4, 2011 meeting; and

WHEREAS, the City Commission of the City of Winter Park held duly noticed public hearings on the proposed zoning change set forth hereunder and considered 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's Comprehensive Plan; and

WHEREAS, the City Commission hereby find 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 OF WINTER PARK:

SECTION 1. That Chapter 58 "Land Development Code", Article I "Comprehensive Plan" of the Code of Ordinances is hereby amended within Section 58-6 "Amendments to the comprehensive plan" subsections (a) (3) and (a) (5) to read as follows:

Sec. 58-6. Amendments to the comprehensive plan.

(a) Amendments to the comprehensive plan shall at a minimum conform to the requirements as specified within Florida Statutes Chapter 163, Part II.

(3) No recommendation for transmittal or adoption of any amendment to the comprehensive plan shall be made by the planning and zoning commission until and unless a public hearing has been held. In addition to the public notice requirements of Florida Statutes Chapter 163, Part II, the city shall also conform to the following notice requirements. Notice shall be provided based upon the type and size of the request as detailed below. In cases where requests are not specifically indicated in this section, the planning director shall determine the most appropriate level of public notice.

a. For any proposed map amendment to the comprehensive plan involving land of less than 80,000 square feet ~~one-acre~~, notice of the public hearings for transmittal in the case of large scale amendments or for adoption in the case of small scale amendments shall be published in a newspaper of general circulation within the city at least 15 days in advance of the public hearing; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property and mailed to all owners of record of property within 1,500 feet of the property requested for map amendment at least 15 days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each street side of said land and shall be erected by the applicant.

b. For any proposed map amendment to the comprehensive plan involving land of 80,000 square feet ~~one-acre~~ or more or for any comprehensive plan text amendment to the goals, objectives and policies of the comprehensive plan affecting more than 80,000 square feet of land shall require notice of the public hearings for transmittal in the case of large scale amendments or for adoption in the case of small scale amendments, to be published in a newspaper of general circulation within the city at least 30 days in advance of the public hearings; written notice of the time and place of such meeting and the proposed action to be taken shall be posted upon the property affected by the map amendment and mailed to all ~~owners of record of property within 1,500 feet of the property requested for map amendment as well as~~ mailed to all households as determined from the listing of utility billing addresses within the entire city limits at least 30 days prior to the public hearing. The public notice posted on the property shall be erected to be in full view of the general public on each street side of said land and shall be erected by the applicant. Any public notice required after the initial public hearing for which a city-wide notice has already been mailed by the planning and zoning board or city commission due to tabling, continuance, postponement or any other action by the planning ~~board commission~~ shall revert to the 15 day notice so as to allow for requests to be heard at the next regular or special meeting of the planning and zoning board or city commission. This city-wide notice mailing requirement shall not apply to any comprehensive plan text amendment that changes the City's five year capital improvements plan or narrative thereto or other portions of the capital improvements element required to be adopted annually in order to coincide with the annual adoption of the city's budget and capital improvements program and shall also not apply to any comprehensive plan map amendment related to annexations that have been previously approved pursuant to Chapter 171, Florida Statutes, as may be necessary to update the city boundaries or to establish existing or future land use designations for annexed properties as long as there is no change to the existing and future land use designations in the Orange County Comprehensive Plan.

(5) Upon the filing of the recommendations report by the planning and zoning board commission, or upon failure to do so with respect to any proposed comprehensive plan text or map amendment, the city commission shall hold the first public hearing on the ordinance to transmit and adopt the comprehensive plan amendment, and ~~following the receipt and response to the objections, recommendations and comments report (ORC) from the State of Florida,~~ in a timely fashion in accordance with Florida law, the city commission will hold a second public hearing on the ordinance to adopt such comprehensive plan amendment, with such notice and hearings to be conducted in the manner prescribed by law. With respect to small-scale amendments that do not require transmittal to the State of Florida ~~for issuance of an ORC~~, there shall be two public hearings on the ordinance for adoption of such small-scale amendments, giving at least 15 days' notice of time and place of such hearings, which notice shall first be published in a newspaper having a general circulation in the City of Winter Park, Florida.

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. CODIFICATION. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

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 immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2011.

Mayor

ATTEST:

City Clerk



city commission agenda item

item type	Public Hearing	meeting date	October 24, 2011
prepared by department division	Jeff Briggs Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	N/A	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	final vote

Subject: Request for 10 year Conditional Use approval extension.

The City Commission on Sept. 12th directed staff to advertise (via quarter page ad) the public hearing necessary for Mr. Felix Furst to request a ten year extension to their conditional use zoning approval for the four unit townhouse project at 170 S. Knowles Avenue that was originally approved on October 22, 2007. Conditional uses expire after two years if a project has not begun construction. The City Commission provided a previous extension on April 13, 2009. Then on April 10, 2010 the City Commission provided a five year extension until October 22, 2016. (five years less than requested). This extension would add another five years and the conditional use would be effective until October 24, 2021.

Background

On October 22, 2007 the City Commission approved the original conditional use for the redevelopment of the existing two story office building at 170 S. Knowles Ave. (corner of Knowles and Morse Blvd.) into four, three story residences. The site plan and elevations are attached. While some allowances were made for the height of architectural features, there were no variances. The project meets the policies of the both the 1991 and 2009 Comprehensive Plans.

This project was well received at the time and did not negatively impact any surrounding property owners. The owner has expended significant money in planning and permitting for this property. No one realized the downturn in the residential and financial markets would occur and desires to retain that original approval. Staff is recommending approval of the ten year extension, as requested.

alternatives | other considerations

The rationale for expiration of conditional uses is to not give indefinite approvals in case the zoning rules or comprehensive plan policies were to change. This project complies with the recently adopted Comprehensive Plan and new Land Development (Zoning) Code. The code allows the City Commission to extend conditional use approvals for any length of time period.

FURST REALTIES, INC.

City of Winter Park
Mayor Kenneth Bradley
Commissioner Steven Leary
Commissioner Sarah Sprinkle
Commissioner Carolyn Cooper
Commissioner Thomas McMacken
Winter Park City Hall
401 South Park Avenue
Winter Park, Florida 32789

RE: Extension of the Conditional Use approval for the Residences @ Morse and Knowles (170 East Morse Boulevard)

Dear Mayor Bradley and the Winter Park City Commission:

Mr. Felix Furst, his development team and I have been very pleased with the assistance and responsiveness of the City of Winter Park and its staff as it relates to Mr. Furst's property on Morse Boulevard.

The street improvements undertaken last year by the City and the CRA to Morse Boulevard have enhanced the neighborhood and created a more comfortable and safe pedestrian environment. Subsequent coordination with the CRA and Public Works resulted in an attractive and functional integration of the new sidewalks with our existing 3 retail entrances on Morse. The assistance of the Planning Department staff has been instrumental in assuring that we have been well prepared in our collaboration with the City review boards and the City Commission during the review and approval process for our intended development of 4 residential homes (not condominiums) at Morse and Knowles in Winter Park's downtown.

As some of the Commission may be aware, the genesis of the Residences at Morse and Knowles began in 2006 with the preliminary discussions with City staff. After owning the property at 170 East Morse for 11 years Mr. Furst and his team recognized that, while the residential market at that time was becoming overloaded with condominiums, there was a latent demand for something different. A portion of the residential market still wanted to maintain a fee simple ownership but still wanted attractive downtown residence with compact but lushly landscaped yards that would allow the homeowner to walk to the Farmer's Market, Park Avenue shops and restaurants or lock the door, go on vacation and feel secure. The result became the Residences at Morse and Knowles, 4 individual, fee simple, city residences that are sited and designed to enhance a transitional block, and highly visible intersection along one of the most important streets of downtown Winter Park.

Designed to be in compliance with both the 2007 and the proposed, and now current, development requirements for downtown Winter Park, the project was submitted for Planning and Zoning review and subsequent City Commission approval in the summer of 2007. While the project was subject to a city wide notice mailing, the development team orchestrated an independent neighborhood presentation, inviting the residents, businesses and property owners within 500 feet to view an on-site presentation and reception prior to the P&Z Commission hearing. We believe that the community benefitted by the team's research, outreach, listening, planning and hard work. At the October 7, 2007 P&Z public hearing the overall presentation, including the staff recommendations and a 3-D computer generated architectural fly-over, was supplemented by unanimously kind and favorable words by the neighboring property owners, residents and businesses. The record shows that the full P&Z commission voted unanimously to recommend approval to the City Commission.

On October 22, 2007 the City Commission held their public hearing concerning the project and thanks to the favorable P&Z Commission recommendation and additional favorable public comments, the Residences at Morse and Knowles were approved by a unanimous City Commission vote.

Upon the City Commission approval we completed the construction documents and began discussions with a contractor in anticipation of the project moving forward. As our discussions continued into 2008 the market conditions for all residential real estate in Central Florida began to deteriorate.

FURST REALTIES, INC.

Mr. Furst and his team have stayed together and since the initial Conditional Use approval have been consistently observing and analyzing the local residential market conditions. Continuing economic obstacles have resulted in what we are projecting to be a longer term residential market pause than had been initially anticipated in 2008 and 2009. These external conditions necessitated our review of and a revision to the timeframe for the construction of the Residences at Morse and Knowles. The team has developed an interim strategy for the continued commercial use of the existing building in order to maintain the quality and vibrancy of the neighborhood and the economic viability of the existing property. To that end, in March 2010 Furst Realities requested an extension of the then current October, 22 2011 approval deadline for an additional 10 years, or until October 22, 2021. At that time, City Staff indicated that the approved plans were compliant with the updated development regulations including the Comprehensive Plan and the Land Development Code.

The City Commission, after discussion at their April 12 2010 meeting, chose to extend the Conditional Use approval 5 years to October 22, 2016.

Our original March 2010 request was initiated due to several factors including the previously stated market analysis as well as an attractive opportunity to secure a quality tenant for the entire building under favorable lease terms. That lease would ensure the continued commercial viability of the building during the interim, generate beneficial street activity and provide the necessary flexibility for the approved redevelopment when the residential market became viable. As is the case in most commercial real estate transactions, confidentiality was key, and any public disclosure or discussion at that time would have been sure to place the potential arrangement at risk. Unfortunately the 5 year extension that was approved by the Commission, while appreciated in concept, did not provide the proposed tenant with a sufficient term length to justify the investment in tenant improvements that would be required in a move to Winter Park. With that lease lost, Furst Realities redoubled their efforts to find tenants that could fit in and thrive in downtown Winter Park by offering a mix of products and services that could enhance the neighborhood.

While over the last year there has been success in leasing the 1st floor, Furst Realities can currently offer just over 5 years on a commercial lease, an impediment in attracting many potential quality tenants. As a result, Mr. Furst and Furst Realities are renewing their request for an extension of the Conditional Use approval till October 22, 2021. The team currently has maintained "shovel ready" construction documents for the approved project in anticipation of the market condition's improvement.

Again, Mr. Furst and I want to thank you, the Commissioners, City Staff and the Community for the positive response that our team has encountered to date. We look forward to providing the city with a wonderful project that will enhance Winter Park's "City Home" experience.

Sincerely,

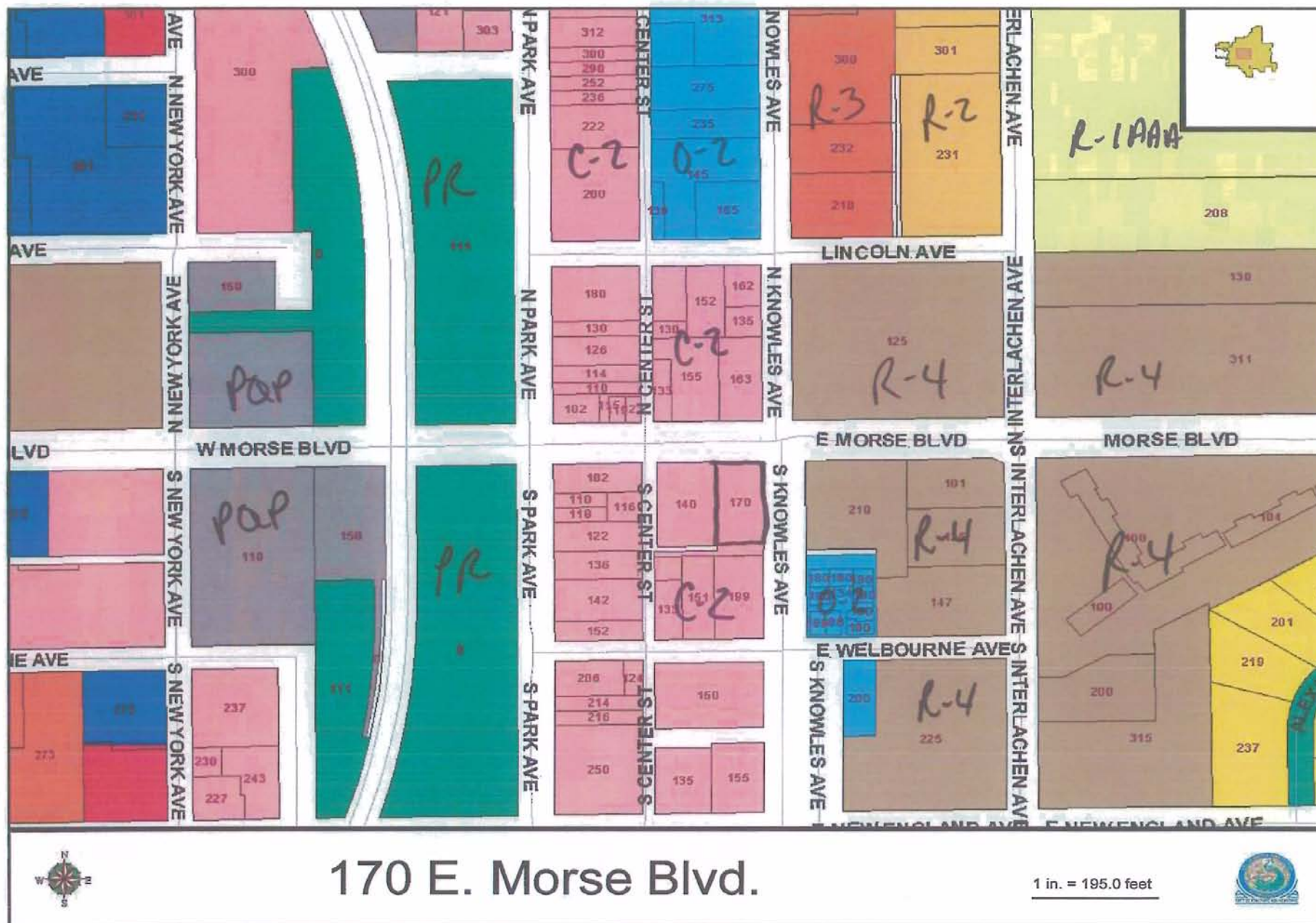


Margret M. Connor
IRG Commercial, Inc.

Representing
Felix Furst
Furst Realities, Inc.
Owner

Cc: Larry Adams/Randall Glidden, ACi Development Manager/Architects

Attachments: Residences @ Morse and Knowles Video and Images



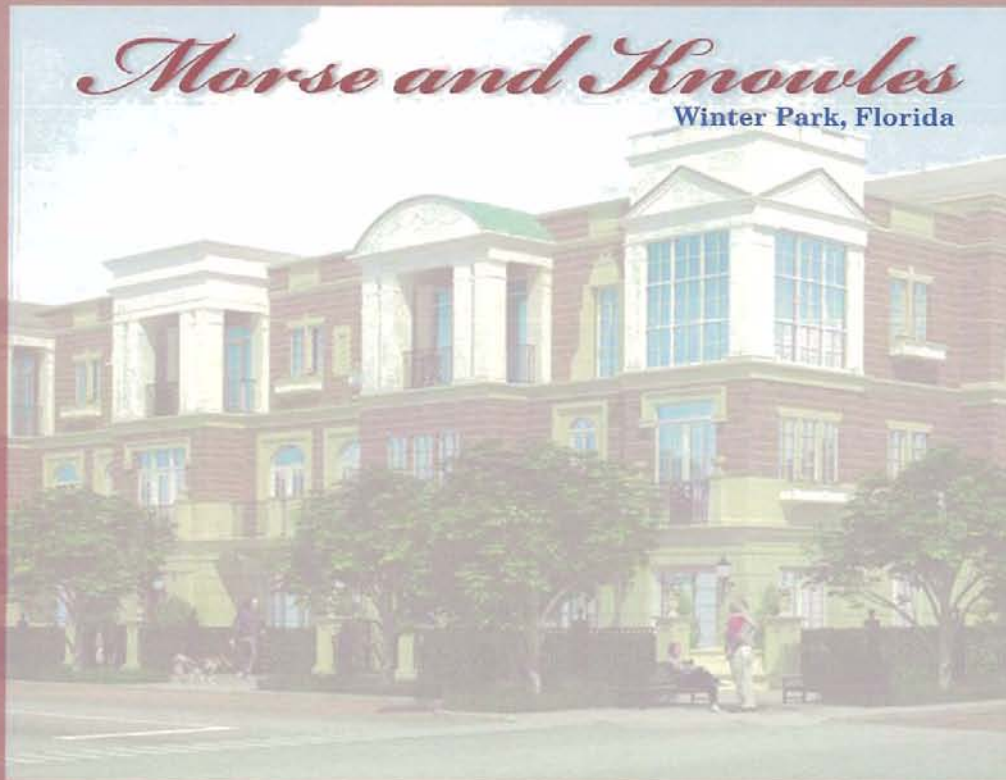
170 E. Morse Blvd.

1 in. = 195.0 feet



The Residences at

Morse and Knowles
Winter Park, Florida



ANIMATION

The Residences at Morse and Knowles
Winter Park, Florida

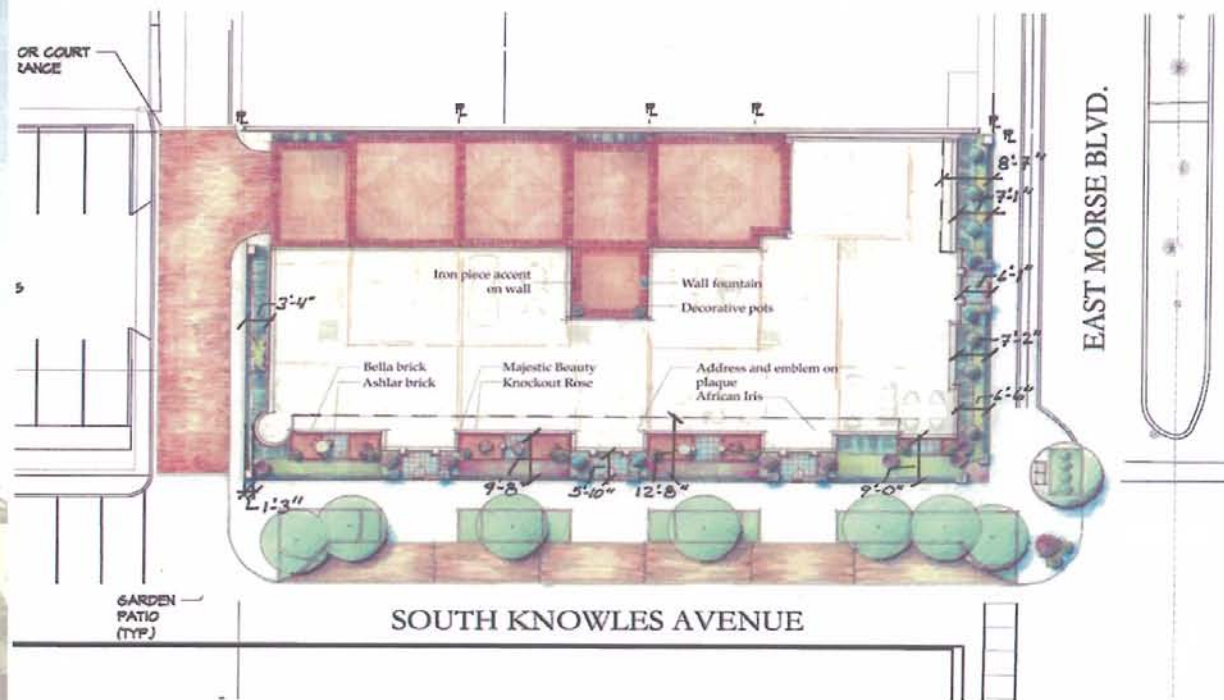


Furst Realities, Inc.

SITE DESIGN

The Residences at Morse and Knowles

Winter Park, Florida



EXISTING BUILDING

The Residences at Morse and Knowles
Winter Park, Florida



The Residences at Morse and Knowles

Winter Park, Florida

• ZONING

<u>BUILDING CRITERIA</u>	<u>W.P. LDC</u>	<u>PROJECT AS PROPOSED</u>
• BUILDING HEIGHT		
1. ROOF HEIGHT	3 STORIES 40'	3 STORIES 37'
2. PARAPETS, MANSARD AND GABLE ROOF APPENDAGES	AN ADDITIONAL 10' FOR 3 AND 4 STORY BUILDINGS	2'-7" to 6'-6"
• BUILDING SETBACK		
1. FRONT	0' OR AVERAGE OF BLOCK	Morse – 5'-1" to 7'-2" Knowles – 5'-10 to 9'-8"
2. SIDE	0'	0'
3. REAR	10'	N.A. - no rear yard
• F.A.R.	<u>W.P. COMP. PLAN</u>	<u>PROJECT</u>
FLOOR AREA RATIO	FAR 2.0	FAR 1.77 with garages FAR 1.62 without garages

Winter Park Land Development Code § 58-74 (e)

- **ZONING (CONTINUED)**
PARKING

W.P. LDC

COMMERCIAL 1/250 SQ.FT.

RESIDENTIAL 2.5/UNIT

EXISTING

**7,500 SQ. FT.
30 SPACES REQUIRED
14 SPACES PROVIDED
16 SPACES ON STREET**

PROJECT

**4 RESIDENTIAL UNITS
10 SPACES REQUIRED
8 SPACES PROVIDED
2 SPACES ON STREET**

**THERE IS LESS IMPACT TO PUBLIC ON-STREET PARKING BY 14 SPACES
(16-2)**

Winter Park Land Development Code § 58-84 (3)



city commission **public hearing**

item type	Public Hearing	meeting date	October 24, 2011
prepared by department division	Jeff Briggs Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	4-1 final vote

Subject: Request to build a Wawa gas/convenience store at 901/911 N. Orlando Ave.

This is a request for "final" conditional use approval for a Wawa convenience store and gas station on the property at 901/911 N. Orlando Avenue, zoned C-3. This is the vacant 2.0 acres that was the old Quality Inn property, just south of Flemings. Gas/Convenience stores are conditional use to allow the City control over their location since there are commercial areas like Orange Avenue where the City would not desire a new gas station redevelopment and in order for the City to encourage aesthetic and functional improvements as redevelopment occurs.

Recommendation:

The Planning and Zoning Board voted 4-1 to approve this conditional use.

Summary:

The proposed layout will be for the gas station canopy operations on the Orlando Avenue frontage of the site and then to the rear/west a 6,119 square foot Wawa convenience store. The site has access to Orlando Avenue as well as to Webster Avenue to the rear/west. Additionally, the site is being interconnected with the adjacent (Flemings steakhouse) property to the north, which will benefit both properties.

The site plan arrangement proposed is the customary 'suburban' layout that has the gas pumps/canopy up on the street frontage and the convenience store building in the rear. The 'urban' form based code pattern would require the project to reverse the site plan layout. An 'urban' form would have the more attractive convenience store building on the principle street frontage of Orlando Avenue with customer access to the store both internally from the inside parking lot and from the street, as well. Then the gas pumps/canopy would be in the rear where they are less visible. Wawa however, is not open to such a re-design. They believe their plans contain significant upgrades of architecture and landscaping that "fit" into the context of this location at the crossroads of two major State roads. The Planning Board (with one dissenting vote) agreed with the applicant, that while the urban form may be more attractive, there is no compelling reason at this location and context to force that design solution upon the applicants.

In terms of Zoning Code compliance all other factors meet or exceed code:

Parking: The required parking for this 6,119 sq. ft. building, based on one space for each 250 square feet, is 25 spaces. The proposal shows 59 spaces including the three handicap spaces required by code.

Traffic Circulation and Stacking: The access from Orlando Avenue is right turn in/right turn out only as the median on Orlando Avenue prohibits left turns. Access also exists in the rear/west to Webster Avenue where traffic can then get to the traffic light at Webster and Orlando for the full range of turning movements. This almost two acres site (1.95 acres) is really larger than they need (thus the excess parking) so there is ample room for any lines of cars waiting at a peak period at the gas pumps.

Tree Preservation and Landscaping: There are a small cluster of nice trees at the western corner of the Flemings property that are being preserved. No other trees exist on site. The site plan shows a significant 30-40 foot wide landscape island area at the frontage of this site on Orlando Avenue. The applicant has submitted a landscape plan that goes far beyond the minimum code requirements. The key element is a grouping of eight palm trees that will help to buffer the view of the gas pump canopy and soften the image from Orlando Avenue.

Architecture: The preliminary architectural elevations are provided and a color palette will be shown at the meeting. The applicant will explain the architectural upgrades from a typical store and color matches (to Flemings) at the meeting.



CITY OF WINTER PARK Planning & Zoning Board

Regular Meeting
Commission Chambers

October 4, 2011
7:00 p.m.

MINUTES

Mr. Briggs called the meeting to order at 7:00 p.m. in the Commission Chambers of City Hall. He explained that both the Chairman and Vice-Chairman would not be present at the meeting and opened the floor for nominations to select an Interim Chairman.

Motion made by Mr. Livingston, seconded by Mr. Hahn nominating Mr. Johnston as the Interim Chairman. Motion carried unanimously with a 5-0 vote.

Present: George Livingston, James Johnston, Randall Slocum, Tom Sacha and Robert Hahn. Absent: Chairman Drew Krecicki, Sarah Whiting, Peter Gottfried. Staff: Planning Director Jeffrey Briggs, Planning Technician Caleena Shirley and Recording Secretary Lisa Smith.

Approval of minutes – September 13, 2011

Motion made by Mr. Livingston, seconded by Mr. Hahn to approve the September 13, 2011, meeting minutes. Motion carried unanimously with a 5-0 vote.

PUBLIC HEARINGS:

**REQUEST OF WINTER PARK INVESTORS LLC ON BEHALF OF WAWA, INC. FOR:
CONDITIONAL USE APPROVAL TO CONSTRUCT A CONVENIENCE STORE AND DRIVE-IN
GAS/FUEL SALES ON THE PROPERTY AT 901 AND 911 NORTH ORLANDO AVENUE,
ZONED C-3.**

Planning Director Jeffrey Briggs presented the staff report. He explained that the applicant Winter Park Investors LLC is requesting conditional use approval on behalf of WAWA Inc., for a convenience store and gas station on the property at 901/911 N. Orlando Avenue, currently zoned C-3. He noted that this is the property just south of the Flemings, the former Quality Inn which is now vacant. He presented an overview of the site, the urban design aspect, parking, traffic circulation, tree preservation, landscaping, and architecture. Mr. Briggs also provided the Board members with an overview of the proposed redevelopment plans for the Lee Road/17-92 corridor neighborhood. Staff related that the only issue, but major issue, is whether to follow the form based code template for "urban" development or keep to the old style "suburban" development pattern. In summary the "urban" form is to place the building on the street frontage and the parking behind. In this case by 'flipping' or 'reversing' the site plan, the more attractive convenience store building would be on the Orlando Avenue frontage and the less attractive gas pump canopy would be in the rear. Staff presented a revised site plan that depicted this switch of locations. Staff recommended denial of the conditional use pursuant to resubmission based on an "urban" site plan form with the building on the Orlando Avenue street frontage and the gas pump canopy in the rear (west). However, if the Planning Commission decides to recommend approval then staff suggests the following conditions:

1. That the preliminary conditional use approval does not include approval of the architectural elevations. The architectural designs shall be approved by the City coincident with the final conditional use approval.

2. That the preliminary conditional use approval does not include the landscape plan or sign plans. The landscape and sign plans shall be approved by the City coincident with the final conditional use approval.

Mr. Briggs responded to Board member questions and concerns.

Todd Souders, Director of Store Operations for WAWA, Florida provided the Board members with a detailed overview of the project, history of the company and how the company will integrate into the surrounding community. He also introduced the members of the WAWA development team that were present to address any questions and concerns the Board members may have.

Ryan Stahl, Equinox Development Group, 425 West New England Avenue, also provided the Board members with insight of the proposed project. He explained that their development company was one that was selected to assist in establishing the Florida market. He explained that the subject property has not been developed because it is bank owned and has contamination on the site. Wawa is the only one willing to work with these issues and address the contamination situation. He noted that the company is committed to working through both processes to make the proposed project successful. With regard to architectural design, he explained the upgrades for this building in terms of materials and presented color boards to demonstrate that the colors were selected to match the existing Flemings Steak House and Mitchell's Fish House. He said that they feel strongly that the colors are in line with other developments along the corridor. Mr. Stahl also addressed the issues of the form based code, landscaping, parking and safety. He presented an outline of the reasons why the company cannot "flip" the site plan and must have the gas canopy on the frontage. He explained that Wawa will not build on this site if the City imposes this requirement to "flip" the site plan. He also explained how the landscape buffer was 'over and above' the typical store location and would buffer the view from Orlando Avenue. The representatives of WAWA responded to Board member questions and concerns.

The following people spoke in favor of the request: Jenelle Ferrer, 519 Country Club Drive, Winter Park; Diane Patzke, 534 Country Club Drive; and Grant Morrell, 534 Country Club Drive, Winter Park.

No one else wished to speak concerning the request. Public Hearing closed.

Mr. Johnston commented that given this location at Lee Road and Orlando Avenue, he did not see a compelling reason to force the applicant to redesign the project from the customary orientation. He also indicated that he agreed with the applicant's safety concerns. Mr. Livingston indicated that he was satisfied with the design as presented and felt the landscaping along Orlando Avenue would be a sufficient buffer. Mr. Sacha agreed that the landscaping along the frontage is the key to the public image of the project and that the additional effort in design and plantings by the applicant was satisfactory. Mr. Hahn stated that he applauded the staff efforts to try to set a precedent and improve the aesthetics of the project. However, he felt that in this location and context, the design of the applicants was acceptable provided again that the key is signature landscape buffering along the frontage. Mr. Slocum stated that he agreed with staff that the only visual impression one would see from Orlando Avenue is the gas pumps and canopy which together conceal the view of the convenience store building. He felt there were better design orientations for this project, perhaps side by side, that should be explored.

Further discussion ensued amongst the Board members. The consensus that evolved was that while the urban form arrangement had its merits, in this location and context there was not a compelling reason to alter the site plan arrangement presented.

Motion made by Mr. Livingston, seconded by Mr. Sacha to recommend approval of the 'final' conditional use as presented by the applicant with the provision that the palm trees be spread out evenly across the length of the front landscape area. Motion carried by a 4-1 vote with Mr. Slocum dissenting.



wawa

Corporate Offices
260 West Baltimore Pike
Wawa, Pennsylvania 19063
www.wawa.com



Site Plans

Issued for: Site Plan/Conditional Use Application

Date Issued: Septemeber 20, 2011

Latest Issue: Septemeber 20, 2011

Sheet Index

Number	Drawing Title	Latest Issue
C-1	Cover Sheet	9/20/2011
C-2	Existing Conditions Plan	9/20/2011
C-3	Development Plan	9/20/2011
C-4	Grading, Drainage and Utility Plan	9/20/2011
L-1	Landscape Plan	9/20/2011
L-2	Lighting Plan	9/20/2011

Reference Drawings

Number	Drawing Title	Latest Issue
EL-1	Building Elevations	9/20/2011
EL-2	Canopy Elevation	9/20/2011
EL-3	Signage Plan Details	9/20/2011

LEGAL DESCRIPTION

LORDS SUB P/89 FROM NE COR LOT 2 RUN S 01 DEG W ALONG E LINE 231.50 FT TH N 88 DEG W 166.17 FT FOR POS TH CONT N 88 DEG W 191.83 FT TO A POINT ON E R/W OF WEBSTER AV TH S 01 DEG W 250 FT S 88 DEG E 148 FT N 01 DEG W 30 FT S 88 DEG E 210 FT TO WLY R/W ST RD & E LINE OF LOT 2 TH N 01 DEG E 71.61 FT N 06 DEG W 38.74 FT N 88 DEG W 160.09 FT TH N 01 DEG E 120 FT TO PCB

LORDS SUB P/89 COMM NE COR LOT 2 RUN S 1 DEG W ALONG E LINE SAID LOT 231.50 FT TH N 88 DEG W 22.37 FT TO WLY R/W ST RD & PCB CONTINUE N 88 DEG W 143.80 FT TH S 1 DEG W 120 FT S 88 DEG E 160.09 FT TO WLY R/W ST RD TH N 6 DEG W ALONG R/W 121.10 FT TO PCB

ZONING: C-3 (GENERAL COMMERCIAL)

FUTURE LAND USE: COMMERCIAL



Wawa, Inc.

901 N. Orlando Avenue
Winter Park, Florida



Site Location Map

Property Owners

Owner:

Fairwinds Credit Union
135 West Central Blvd.
Orlando, FL 32801
Phone (407) 647 8252

Applicant:

Equinox Development Properties, Inc.
425 W. New England Avenue, Suite 300
Winter Park, FL 32789
Phone (407) 628-0077 · Fax (407) 342-0277

Lot Area: 1.95 Ac.

Engineer/Surveyor:
VHB Miller Sellen
225 East Robinson Street, Suite 300
Orlando, Florida 32801
Phone (407) 839-4006 · Fax (407) 839-4008
Contact: Joe Kolb, P.E.



Planning and Design
Transportation
Land Engineering

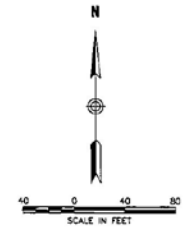
Vannesse Hengen Brustlin, Inc.
225 E. Robinson Street, Suite 300
Orlando, Florida 32801
407.839.4006 • FAX 407.839.4008
Certificate of Authorization Number FL #3932





COMMON NAME / BOTANICAL NAME	COUNT	SIZE	SPACING
WILLOW SHRUBS			
Black Willow	7 sp	24" dia, 24" tall	30" x 0"
Green Willow	7 sp	30" dia, 24" tall	30" x 0"
Phytolacca	3 sp	18" dia, 24" tall	30" x 0"
MEDICINAL SHRUBS			
Black Indian Honeysuckle	3 sp	15" dia, 14" tall	30" x 0"
Cornus	3 sp	12" dia, 12" tall	24" x 0"
Great Swamp Holly	1 sp	15" dia, 18" tall	30" x 0"
Lonicera	3 sp	15" dia, 18" tall	30" x 0"
COMMON NAME / BOTANICAL NAME	COUNT	SIZE	
Blue Prince Juniper / Japanese Cedar "Blue Prince"	1 sp	8" dia, 24" spk	24" x 0"
Blue Juniper / Trichosperma salsoloides	1 sp	12" flowers	24" x 0"
MO			
Dr. Augustin (Larson)	300		

Transportation
Land Development
Environmental Services
Vance Hagen Bruffin, Inc.
225 E. Robinson Street, Suite 300
Orlando, Florida 32801
407.839.4008 • FAX: 407.839.4608
Certificate of Authorization Number FL 87932

[illegible]

Wawa, Inc.
US 17-92 and
Lee Road
Winter Park, Orange County, Florida
Submitted for
Site Plan/Conditional use
Application

Drawing file _____

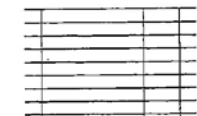
Landscape
Plan

L-1

Part of

Project Number
61643.00

Transportation
Land Development
Environmental Services
Vanasse Hangen Brustlin, Inc.
225 E. Robinson Street, Suite 300
Orlando, Florida 32801
407.839.4006 • FAX 407.839.4008
Certificate of Authorization Number FL 60932



Wawa, Inc.
US 17-92 and
Lee Road

• [Download the PDF](#)

Project Number
61643.00

Figure 1

CBX
T 212 404 7970
F 212 404 7941
www.cbx.com

The CSX Workplace Partnership HHC

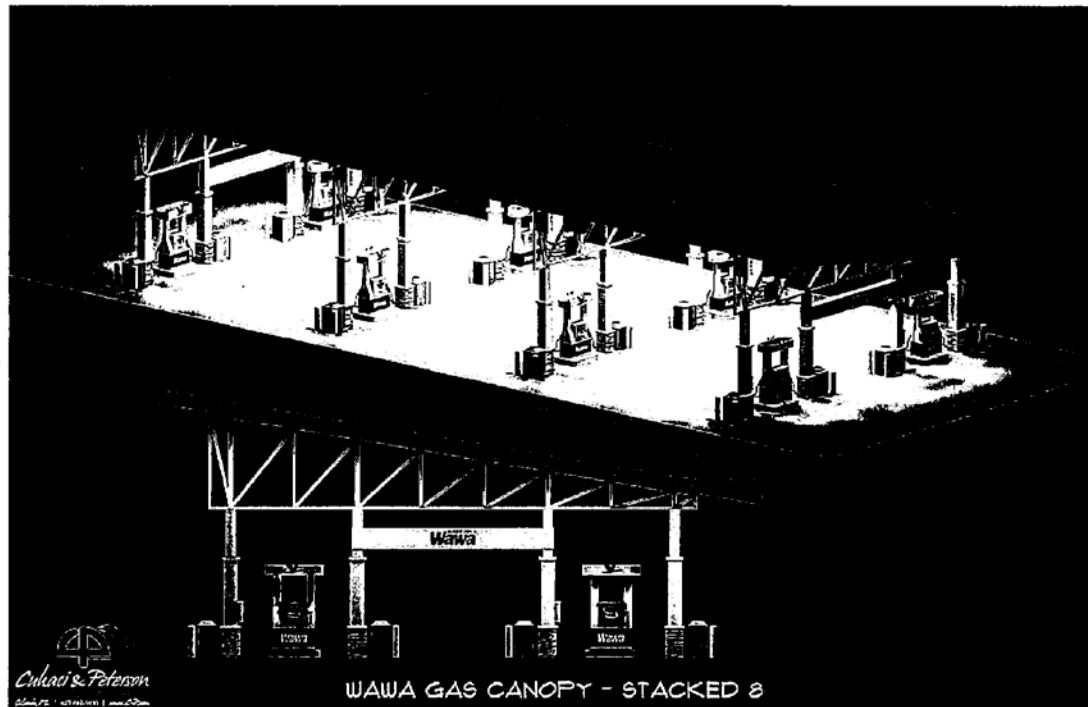




Vanasse Hangen Brustlin, Inc.

Transportation
Land Development
Environmental Services

Vanasse Hangen Brustlin, Inc.
233 E. Robinson Street, Suite 200
Orlando, Florida 32801
407.839.4206 • FAX: 407.839.4208
Certificate of Authorization Number FL #3932



WAWA GAS CANOPY - STACKED 8

NO.	REVISION	DATE	BY
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Wawa, Inc.
US 17-92 and
Lee Road

Winter Park, Orange County, Florida

Site Plan/Conditional use
Application

Drawing Title

Canopy
Elevations

EL-2

Sheet

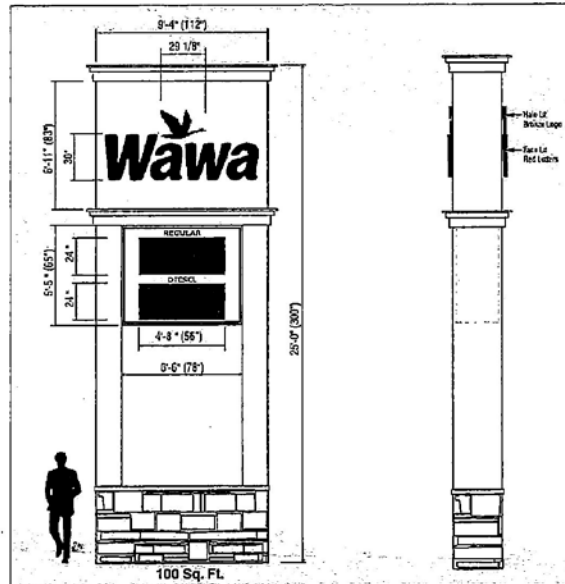
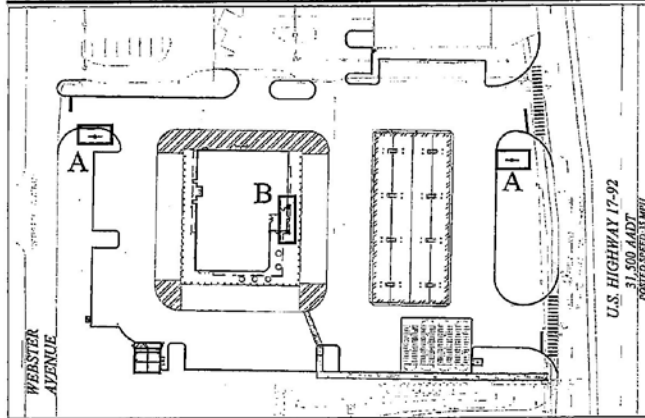
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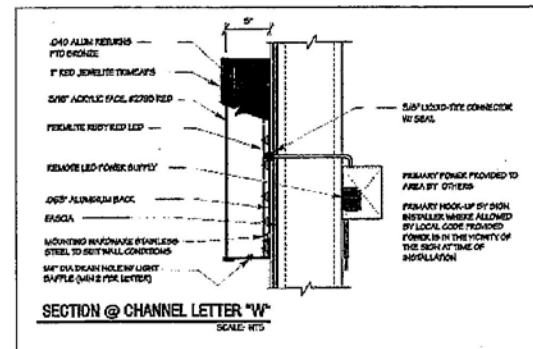
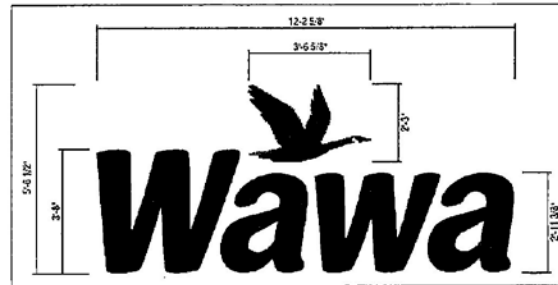
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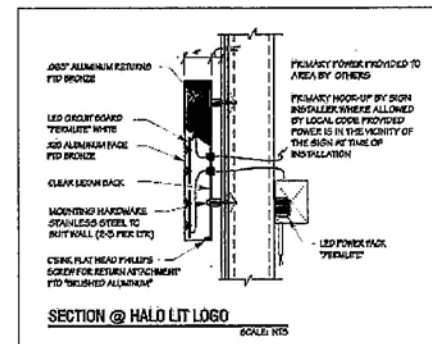
UNIVERSITY OF FLORIDA



SIGN 'A' DETAIL



SECTION @ CHANNEL LETTER "W"
SCALE: NTS



SECTION @ HALO LIT LOGO
SCALE: NTS



Vannese Hungen Brustlin, Inc.
Transportation
Land Development
Environmental Services
Vannese Hungen Brustlin, Inc.
235 S. Robinson Street, Suite 300
Orlando, Florida 32801
407.539.4006 • FAX 407.539.4008
Civil Service of Architecture Number FL 49502

Rev.	Revised	By	Date
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Project No. _____
Wawa, Inc.
US 17-92 and
Lee Road
Winter Park, Orange County, Florida
Site Plan/Conditional use
Application

Drawing No. _____

Signage Plan
Details

EL-3

Sheet of _____

Project Number
6144230

6/24/2010



city commission public hearing

item type	Public Hearing	meeting date	October 24, 2011
prepared by department division	Don Marcotte Public Works Stormwater	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A final vote		

subject

Request to vacate an existing 10 feet wide utility easement located along the northern property line of the property located at 1500 Summerland Ave., Winter Park, Florida. This is the second reading of the ordinance and public hearing.

motion | recommendation

Approve the Ordinance vacating and abandoning an existing utility easement as described.

summary

This is the first reading of the ordinance. Michael and Hali Poteshman currently own and are in the process of redeveloping their house located at 1500 Summerland Ave.

April 28, 2011 – Letter was received from Michael Poteshman, 4947 Keeneland Circle, Orlando FL, 32819, requesting the vacation of an existing 10 feet wide utility easement located along the northern property line at 1500 Summerland Ave. This request included letters of no objection received from local utility companies serving the neighborhood. (See Attached)

Staff has reviewed this request and the letters of no objection from the local utility companies including the City's water, wastewater, electric, and stormwater utilities. There is no current or future need to maintain the 10 feet wide utility easement along the northern property line of the subject property.

board comments

N/A

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 1500 SUMMERLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE.

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

Section 1. The City Commission of the City of Winter Park, Florida hereby vacates and abandons that certain utility easement located at 1500 SUMMERLAND AVE.

THE NORTH 10.00 FEET, OF LOT 1, BLOCK A, CAMWOOD SUBDIVISION, SITUATE WEST OF LAKE MAITLAND, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "R", PAGE 61, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Section 2. The legal description is in reliance on the survey performed by American Surveying and Mapping on September 12, 2010. The City Manager is authorized to execute such curative documents and to record the same as may be necessary to conform the vacation to the accurate legal description of the easement being vacated.

A subsequently recorded vacation of this easement, if any, which is in the nature of a curative document necessary to confirm the vacation of the easement to the accurate legal description of the easement being vacated, shall take precedence over the legal description provided for herein, and any subsequently recorded curative document shall control with respect to the legal description of the easement being vacated. An accurate legal description of the easement being vacated is a condition of this vacation of the easement.

Section 3. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

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

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the 10 day of October , 2011.

Mayor Kenneth Bradley

ATTEST:

City Clerk Cynthia S. Bonham

April 28, 2011

Michael and Hali Poteshman
4947 Keeneland Circle
Orlando, FL 32819

Mr. Donald J. Marcotte, P.E.
City Engineer
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

Re: Easement Release for 1500 Summerland Avenue

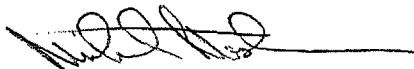
Dear Mr. Marcotte:

We are the owners of the property at 1500 Summerland Avenue in Winter Park and through this letter, we are requesting that the City of Winter Park release the utility easement that runs along the north side of our property. It is marked on the survey copies attached to several of the letters that are being submitted with this letter. We make this request as this easement is not in use and we would prefer that the property therefore not be encumbered by the easement.

We have attached copies of the letters from the six utilities that would potentially take exception to this easement being released, and as you can see, none of them object to the course of action we are requesting.

We appreciate your and the City's attention to this matter. Should you need further information or wish to contact us you may use the address above, or contact Mike at 407-826-8899 or mikepoteshman@tupperware.com

Sincerely,



Michael Poteshman

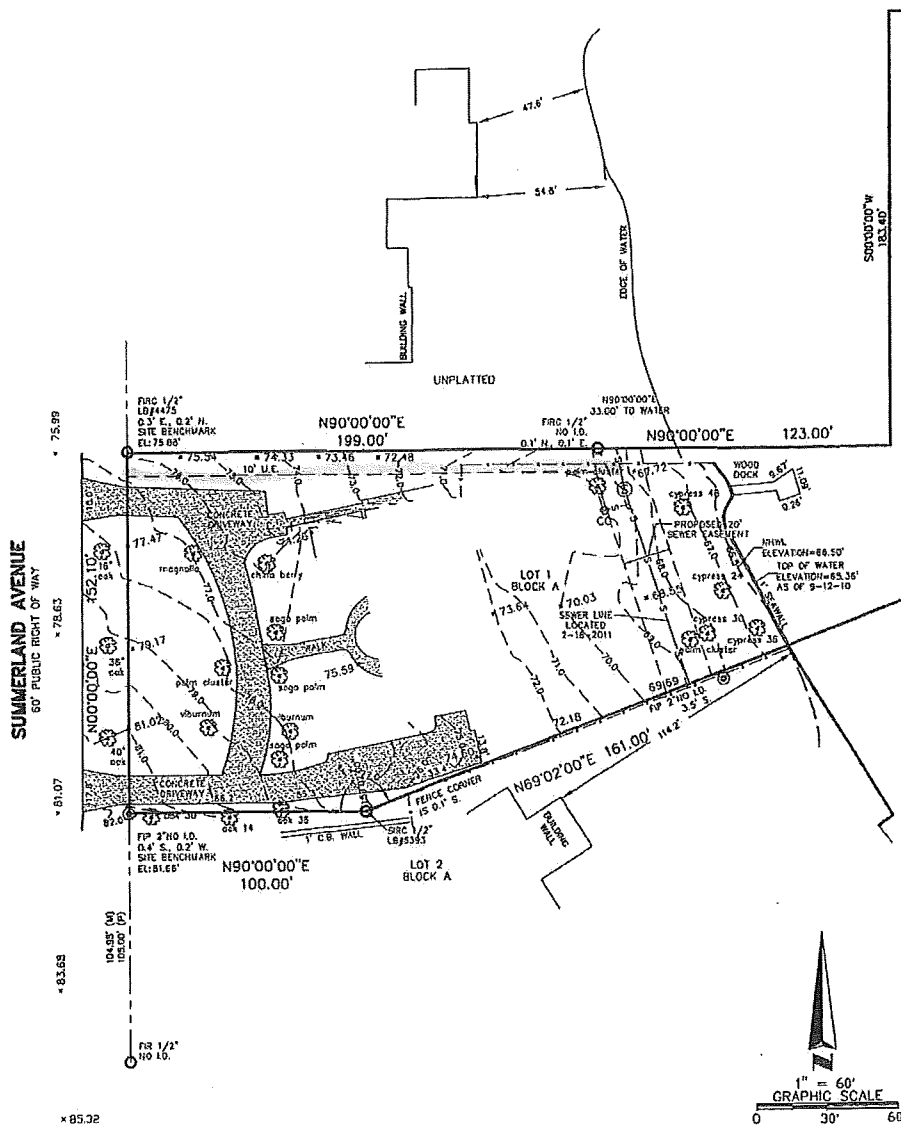
Hali Poteshman

Hand Delivered
to Phil Daniels
4/29/11

BOUNDARY & TOPOGRAPHY SURVEY

DESCRIPTION: (AS FURNISHED)

LOT 1, BLOCK A, CAMWOOD SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK R, PAGE 61,
OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



LAKE MATTLAND

ADDRESS
1500 SUMMERLAND AVENUE
WINTER PARK, FLORIDA 32789

FOR THE EXCLUSIVE USE OF:
WINDERWEEDLE, HAINES, WARD & WOODMAN, PA
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
MICHAEL S. POTESHMAN AND HALI N. POTESHMAN
CLOYDE L. FAUSHAUGH

TOTAL AREA
104,101 Sq Ft 2.39 Ac.

LEGEND

S	SET IRON ROD & CAP	ORB	OFFICIAL RECORDS BOOK
FIRC	FOUND IRON PIPE	PG	PAGE
F	FOUND IRON ROD	F.I.R.M.	FLOOD INSURANCE RATE MAP
(S)	SANITARY MANHOLE	LS	LICENSED BUSINESS
X.X.X	EXISTING ELEVATION	LS	LAND SURVEYOR
U.E.	UTILITY EASEMENT	PI	POINT OF INTERSECTION
CO (P)	SEWER CLEAN OUT	PT	POINT OF TANGENCY
(P)	PER PLAT	CLF	POINT OF CURVATURE
(C)	CALCULATED	A/C	CHAIN LINK FENCE
		Sq Ft	AIR CONDITIONER
	CONCRETE	Ac.	SQUARE FEET
NWHL	NORMAL HIGH WATER LINE		ACRES
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY		

— S — S — SEWER LINE FIELD LOCATION 2-18-2011

NOTES:

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE.
2. UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND STRUCTURES, FOUNDATIONS AND/OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED BY THIS SURVEY, EXCEPT AS SHOWN.
3. THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.
4. THIS BOUNDARY SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. ELEVATIONS SHOWN HEREON ARE BASED ON ORANGE COUNTY BENCHMARK WP-1, (OBJECTID7434) HAVING AN ELEVATION OF 77.428 FEET (NGVD 29 DATUM).
6. SEWER LINE LOCATED BY THIS SURVEYOR AS FLAGGED BY CITY OF VINIER PARK UTILITIES.
7. THE SURVEYOR UNDERSTANDS THAT THE HOUSE HAS BEEN RAZED SOMETIME IN LATE DECEMBER 2010.

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD TWO ZONES; ZONE "X", AREA OUTSIDE THE 100 YEAR FLOOD PLAIN, AND ZONE "AE", AREAS OF SPECIAL FLOOD HAZARD WITH BASE FLOOD ELEVATION DETERMINED TO BE 68.9 FEET, PER F.I.R.M. PANEL NUMBER 120188 0255 F (MAP NO. 12095C0255F). LAST REVISION DATE 9-25-2009 THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

DAVID M. DEFILIPPO PSM #5038

BEARINGS SHOWN HEREON ARE BASED ON THE EAST
RIGHT OF WAY LINE OF SUMMERLAND AVENUE, HAVING AN
ASSUMED BEARING OF N00°00'00"E.

FIELD DATE: <u>9-12-10</u>	REVISED:
SCALE: <u>1" = 60 FEET</u>	ADDED SEWER LINE & TREES IN R/W 2-18-1
APPROVED BY: <u>DMD</u>	
JOB NO. <u>0090205</u>	
DRAWN BY: <u>GHF</u>	

REVISED:
ADDED SEWER LINE &
TREES IN R/W 2-18-1

ASM
AMERICAN
SURVEYING
& MAPPING INC.

CERTIFICATION OF AUTHORIZATION NUMBER LB#6393
1030 N. ORLANDO AVE, SUITE B
WINTER PARK, FLORIDA 32789
(407) 426-7979
WWW.AMERICANSURVEYINGANDMAPPING.COM

March 21, 2011

Mr. Bruce A. Stout
Sr Engineer Tech
TECO/Peoples Gas
P.O. Box 2433
Orlando, FL 32802-2433

Dear Mr. Stout:

I am in the process of requesting the City of Winter Park vacate an easement as shown on the copy of the enclosed survey. The site is located at 1500 Summerland Avenue in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at 4947 Keeneland Circle, Orlando, Florida 32819. If you have any questions, please contact me during the day at 407-826-8899 or via e-mail, mikepoteshman@tupperware.com.

Sincerely



Michael Poteshman
4947 Keeneland Circle
Orlando, Florida 32819

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

Additional comments: _____

Signature: Debbi Frazier
Print Name: Debbi Frazier
Title: Sr. Admin Engineering
Date: 3/24/11

March 21, 2011


Mr. Terry Hotard
Electric Director
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789-4386

Dear Mr. Hotard:

I am in the process of requesting the City of Winter Park vacate an easement as shown on the copy of the enclosed survey. The site is located at 1500 Summerland Avenue in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at 4947 Keeneland Circle, Orlando, Florida 32819. If you have any questions, please contact me during the day at 407-826-8899 or via e-mail, mikepoteshman@tupperware.com.

Sincerely



Michael Poteshman
4947 Keeneland Circle
Orlando, Florida 32819

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

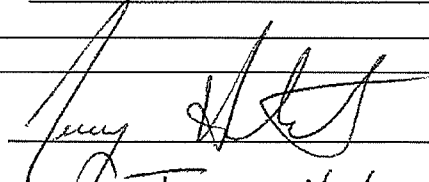
Additional comments: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____


TERRY HOTARD
Winter Park Electric Utility / Assist. Dir.
3/29/2011

March 21, 2011

Ms. Lori L Herring
Easement Specialist
Progress Energy Florida Inc.
3300 Exchange Place
Lake Mary, FL 32746

Dear Ms. Herring:

I am in the process of requesting the City of Winter Park vacate an easement as shown on the copy of the enclosed survey. The site is located at 1500 Summerland Avenue in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at 4947 Keeneland Circle, Orlando, Florida 32819. If you have any questions, please contact me during the day at 407-826-8899 or via e-mail, mikepoteshman@tupperware.com.

Sincerely



Michael Poteshman
4947 Keeneland Circle
Orlando, Florida 32819

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

Additional comments: Progress Energy no longer serves this address.

Signature:

Lori L. Herring

Print Name:

Lori L. Herring

Title:

Land Agent

Date:

3/23/11

March 21, 2011

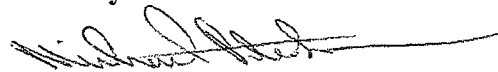
Mr. Phil Daniels
Water/Wastewater Asst. Utility Director
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789-4386

Dear Mr. Daniels:

I am in the process of requesting the City of Winter Park vacate an easement as shown on the copy of the enclosed survey. The site is located at 1500 Summerland Avenue in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at 4947 Keeneland Circle, Orlando, Florida 32819. If you have any questions, please contact me during the day at 407-826-8899 or via e-mail, mikepoteshman@tupperware.com.

Sincerely



Michael Poteshman
4947 Keeneland Circle
Orlando, Florida 32819

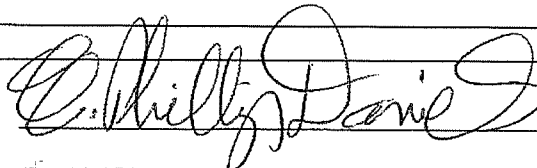
_____ The subject parcel is not within our service area.

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

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

Additional comments: _____

Signature: _____



Print Name: E. Phillip Daniels

Title: Assistant Utility Director -Water & Wastewater Department.

Date: March 23, 2011

March 21, 2011


Mr. Marvin Usry
Bright House Networks Inc
3767 All American Blvd.
Orlando, FL 32810

Dear Mr. Usry:

I am in the process of requesting the City of Winter Park vacate an easement as shown on the copy of the enclosed survey. The site is located at 1500 Summerland Avenue in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

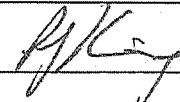
Please review your records, complete the form, below, and return this letter to me at 4947 Keeneland Circle, Orlando, Florida 32819. If you have any questions, please contact me during the day at 407-826-8899 or via e-mail, mikepoteshman@tupperware.com.

Sincerely


Michael Poteshman
4947 Keeneland Circle
Orlando, Florida 32819

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

Additional comments: _____

Signature: 
Print Name: P.J. KING
Title: SR. CONST. MGR.
Date: 3-23-11

31, 21, 30


3/23/11

FLALTH0101
Box 153000
Altamonte Springs, FL 32715



April 11, 2011

Michael Poteshman
4947 Keeneland Circle
Orlando FL 32819

Attn: Michael:

Ref: Request for vacating utility easement
1500 Summerland Ave

Mr. Poteshman

I have reviewed the plat for the above referenced property and have determined that Centurylink does provide service to this area and this amendment will not encroach unreasonably on our ability to provide service to this area. Centurylink Corporation has no objections to abandonment of the above referenced Utility Easement.

Note : This in no way affects the utility easement along the front of the above referenced property as it is , and will remain "in use ".

If I can be of any further assistance please contact me at 407/830-3279.

Steve O'Brien
Network Engineer
Centurylink